

SEP 24 2013 KH/JM

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

**AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE
HEARD BEFORE COUNTY ADVISORY BOARDS,
COMMISSIONS, AND COMMITTEES**

Resolution No. 2013-M-41

WHEREAS, in 2013 the Florida Legislature passed and the Governor signed Chapter 2013-227, Laws of Florida, which, effective October 1, 2013, requires that members of the public be given a reasonable opportunity to be heard on a proposition before a Sunshine board or commission; and

WHEREAS, Chapter 2013-227, Laws of Florida, codified at section 286.0114, Florida Statutes, provides that the opportunity to be heard on such a proposition shall be subject to certain rules and policies adopted by the board or commission; and

WHEREAS, the Orange County Board of County Commissioners (“Board”) finds it is advisable to adopt its own rules and policies applicable to County advisory boards, commissions and committees in conformity with the scope and limitations allowed in Section 286.0114, Florida Statutes, to be used by all boards, commissions, and committees under its authority (hereafter called “Sunshine Boards”).

BE IT RESOLVED BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Proposition. For purposes of the rules and policies provided in section 2, herein, the term “proposition” shall have the same meaning as a proposition described under section 286.0114, Florida Statutes, but shall not include any of the enumerated items set forth in subsection 286.0114(3), Florida Statutes.

Section 2. Opportunity to be Heard. As provided in subsection 286.0114(5), Florida Statutes, the Board does hereby adopt the following rules and policies governing the opportunity

36 for members of the public to be heard on a proposition before all Sunshine Boards that are under
the Board's authority:

38 (a) Each published agenda for a Sunshine Board meeting shall include a period at the
beginning of each meeting for public comment to afford citizens the opportunity to speak before
40 the Sunshine Board on a proposition before the board.

(b) Pursuant to subsection 286.0114(3), Florida Statutes, the requirements of
42 subsection 2(a), above, do not apply to:

1. an official act that must be taken to deal with an emergency situation
44 affecting the public health, welfare, or safety, if compliance with the public comment
requirement would cause an unreasonable delay in the ability of the board or commission
46 to act;

2. an official act involving no more than a ministerial act, including but not
48 limited to, approval of minutes and ceremonial proclamations;

3. a meeting that is exempt from section 286.011, Florida Statutes; or

50 4. a meeting during which the Sunshine Board is acting in a quasi-judicial
capacity. This paragraph does not affect the right of a person to be heard as otherwise
52 provided by law.

(c) Prior to speaking, each individual desiring to address the Sunshine Board on a
54 proposition shall fill out a speaker's card provided by staff for this purpose.

(d) Each individual desiring to address the Sunshine Board on a proposition may have
56 up to three minutes to speak.

(e) An individual desiring to address the Sunshine Board on a proposition may
58 designate a representative to speak for the individual on the speaker's card.

(f) When an individual is present and designates a representative to speak for
60 him/her, the representative speaker will be allowed an additional one minute of time in
which to speak for each person present for whom he/she is speaking.

62 **Section 3. Nonagenda Item.** A nonagenda item shall be defined as any item that
is not on the printed agenda or any printed supplemental agenda. Nonagenda items shall
64 be introduced only when deemed by the Sunshine Board Chairperson or another Sunshine
Board member to require urgent attention.

66 (a) Adequate information shall be given to all Sunshine Board members on
nonagenda items that are being requested.

68 (b) The procedures for the public's right to be heard, described in Section 2,
above, shall be followed prior to the Sunshine Board taking action on a nonagenda item,
70 unless compliance with Section 2, above, would cause an unreasonable delay in the
ability of the Sunshine Board to act in a situation affecting the public health, welfare or
72 safety.

(c) A vote of a supermajority of Sunshine Board members shall be required to
74 pass a nonagenda item. (For example, a supermajority of a seven member Sunshine
Board is five members, and a supermajority of a nine member Sunshine Board is six
76 members.)

Section 4. The rules and procedures provided in this resolution are supplemental
78 to the rules and procedures adopted by each Sunshine Board for the conduct of its
meetings, as required by subsection 2-208(4)d, Orange County Code.

80 **Section 5.** This resolution shall take effect on October 1, 2013.

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ADOPTED THIS 24th DAY OF SEPTEMBER, 2013.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs, County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Kelli Smith*
Deputy Clerk

