International Municipal Lawyers Association's

89th Annual Conference

~FLORIDA LAW DAY~

PUBLIC MEETINGS AND PUBLIC PARTICIPATION:

BEST PRACTICES FOR KEEPING THINGS CIVIL AND COLLEGIAL

KEITH W. DAVIS, ESQ.

DAVIS & ASSOCIATES, P.A.

(561) 586-7116

Keith@DavisLawTeam.com

- THE ORIGINS OF RIGHT TO PUBLIC PARTICIPATION IN LOCAL GOVERNMENT MEETINGS
- CONSTITUTIONAL AND STATUTORY OPEN MEETING LAWS
- A LOCAL GOVERNMENT CASE STUDY
- SOCIAL MEDIA AS A PUBLIC FORUM
- MISCELLANEOUS RELATED TOPICS

THE ORIGINS OF RIGHT TO PUBLIC PARTICIPATION IN LOCAL GOVERNMENT MEETINGS

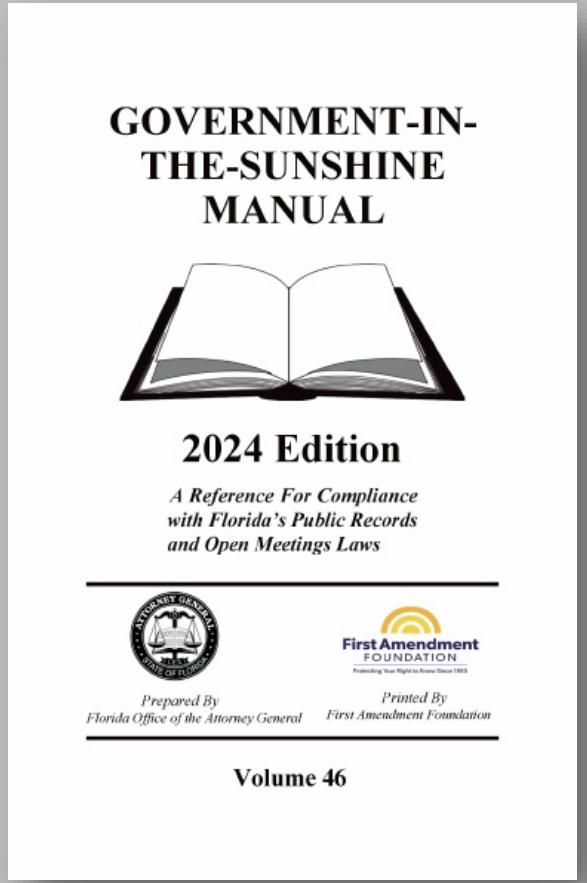
- No common law right to public participation in government meetings

- The "Public Forum"
  - Open "traditional" public forum
  - Closed public forum
  - Limited public forum



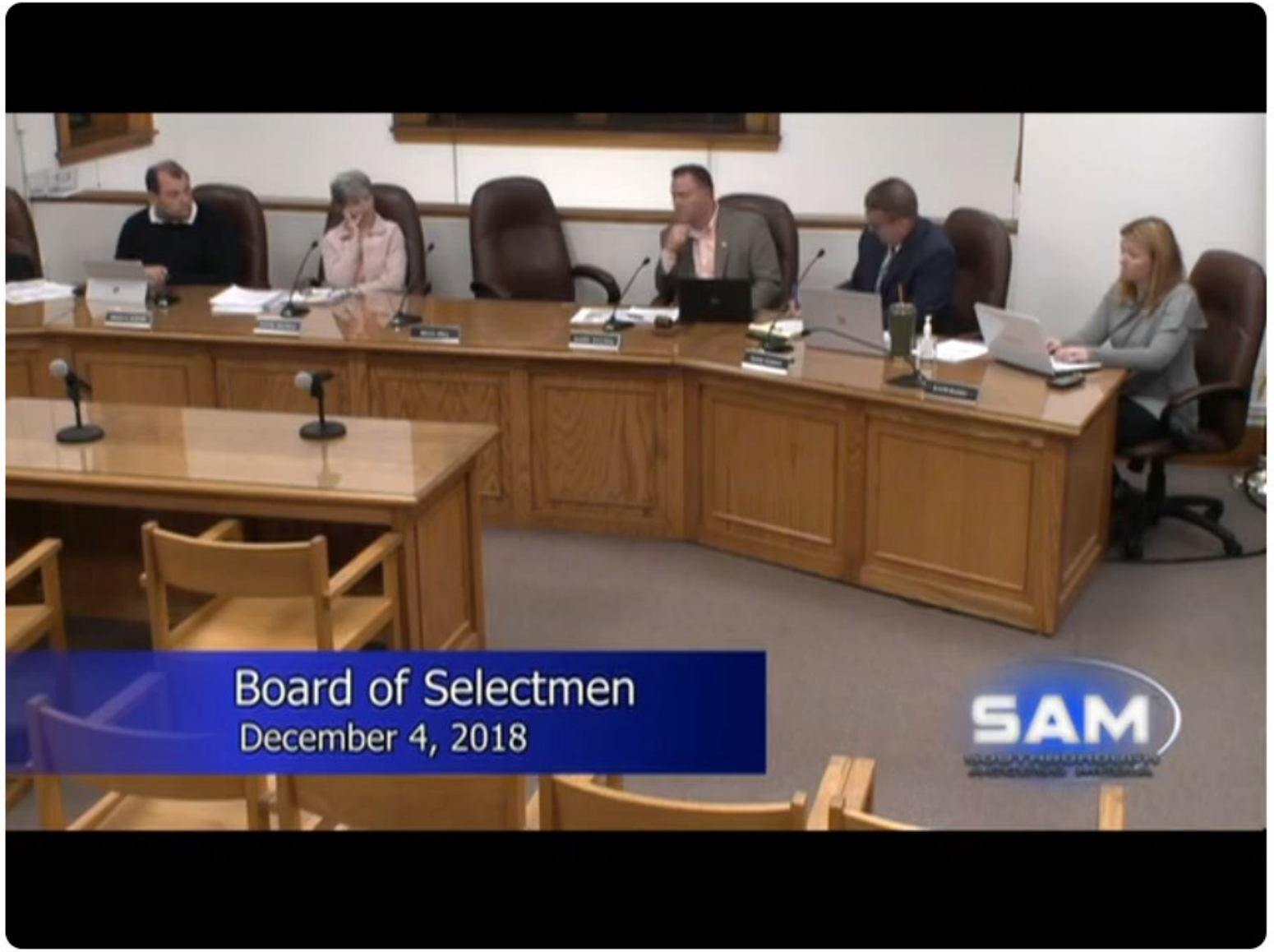
CONSTITUTIONAL AND STATUTORY OPEN MEETING LAWS

- Florida Government in the Sunshine Law
  - Florida Constitution
  - Florida Statutes
  - Sunshine Law Requirement for public participation
    - Statutory requirements
    - Statutory exceptions
    - Rules of procedure and decorum are permitted



CONSTITUTIONAL AND STATUTORY OPEN MEETING LAWS

An alternative point of view: *Barron v. Kolenda*, 203 N.E.3d 1125 (Mass. 2023)

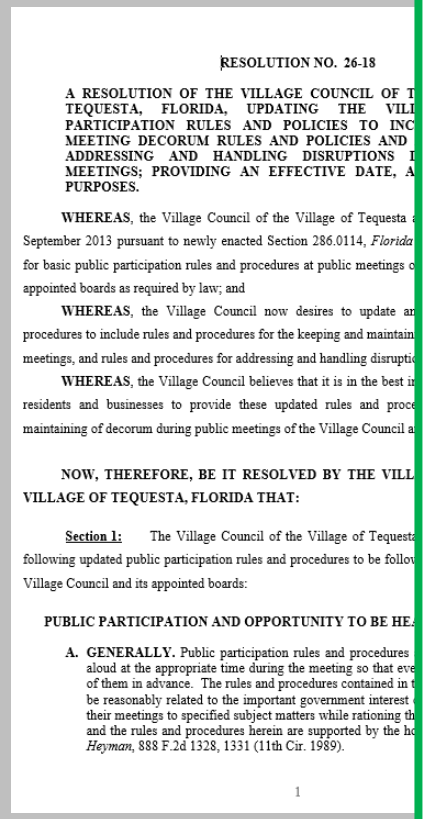


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December 4, 2018

A LOCAL GOVERNMENT CASE STUDY – TEQUESTA, FL

Adopted Rules of Public Participation and Decorum



RESOLUTION NO. 26-18

A RESOLUTION OF THE VILLAGE COUNCIL OF T
TEQUESTA, FLORIDA, UPDATING THE VILL
PARTICIPATION RULES AND POLICIES TO INC
MEETING DECORUM RULES AND POLICIES AND
ADDRESSING AND HANDLING DISRUPTIONS I
MEETINGS; PROVIDING AN EFFECTIVE DATE, A
PURPOSES.

WHEREAS, the Village Council of the Village of Tequesta
September 2013 pursuant to newly enacted Section 286.0114, *Florida*
for basic public participation rules and procedures at public meetings o
appointed boards as required by law; and

WHEREAS, the Village Council now desires to update an
procedures to include rules and procedures for the keeping and maintain
meetings, and rules and procedures for addressing and handling disruptio

WHEREAS, the Village Council believes that it is in the best in
residents and businesses to provide these updated rules and proce
maintaining of decorum during public meetings of the Village Council a

**NOW, THEREFORE, BE IT RESOLVED BY THE VILL
VILLAGE OF TEQUESTA, FLORIDA THAT:**

Section 1: The Village Council of the Village of Tequesta
following updated public participation rules and procedures to be follow
Village Council and its appointed boards:

PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEA

A. GENERALLY. Public participation rules and procedures
aloud at the appropriate time during the meeting so that eve
of them in advance. The rules and procedures contained in t
be reasonably related to the important government interest
their meetings to specified subject matters while rationing th
and the rules and procedures herein are supported by the hc
Heyman, 888 F.2d 1328, 1331 (11th Cir. 1989).

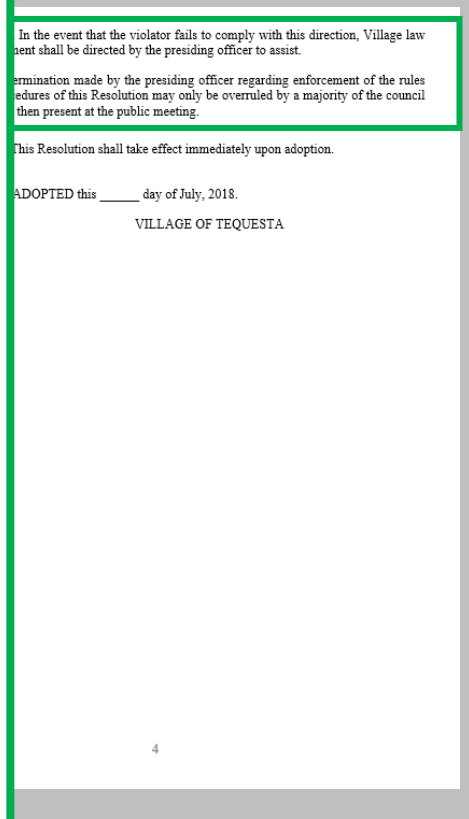
1

D. ENFORCEMENT OF RULES AND PROCEDURES. The presiding officer shall be responsible for determining whether a rule of procedure or decorum has been violated, and for enforcement of the procedures and rules set forth in this Resolution:

1. Should the presiding officer make a determination that a rule of procedure or decorum has been violated, the presiding officer shall interrupt the meeting and the violator shall be given a verbal warning to immediately cease and desist from any further violations. The presiding officer shall warn the violator that any subsequent violation shall result in their being removed from the meeting. The meeting shall then resume and proceed.

2. Following the issuance of a verbal warning, should the presiding officer make a determination that a rule of procedure or decorum has subsequently been violated by the same person at the same meeting, the violator shall be directed to leave the meeting. In the event that the violator fails to comply with this direction, Village law enforcement shall be directed by the presiding officer to assist.

3. Any determination made by the presiding officer regarding enforcement of the rules and procedures of this Resolution may only be overruled by a majority of the council or board then present at the public meeting.



In the event that the violator fails to comply with this direction, Village law
nent shall be directed by the presiding officer to assist.

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edures of this Resolution may only be overruled by a majority of the council
then present at the public meeting.

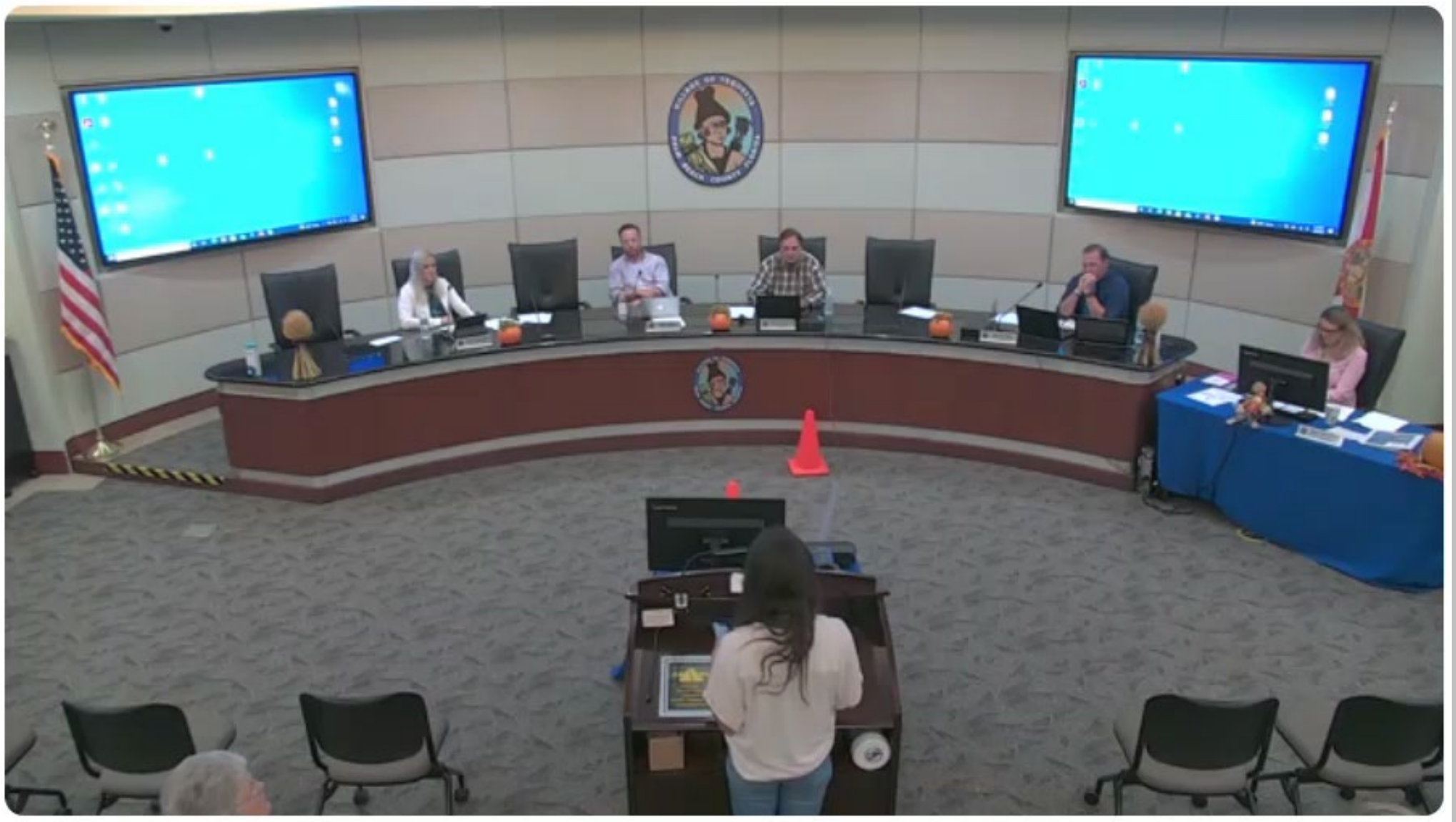
This Resolution shall take effect immediately upon adoption.

ADOPTED this _____ day of July, 2018.

VILLAGE OF TEQUESTA

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A LOCAL GOVERNMENT CASE STUDY – TEQUESTA, FL

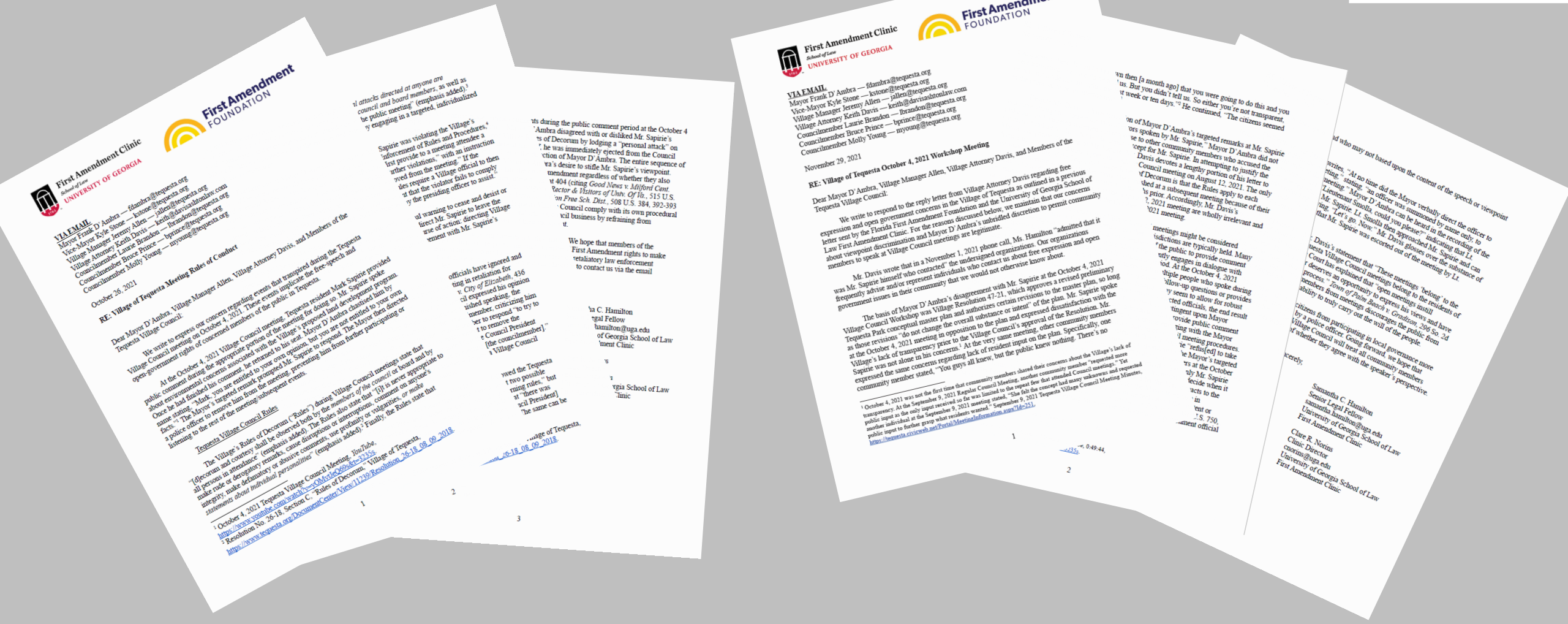


1:40:15 – 1:44:00
1:50:30 – 1:51:17
1:54:28 – 1:56:14
August 12, 2021

53:57 – 58:20
October 4, 2021

A LOCAL GOVERNMENT CASE STUDY – TEQUESTA, FL

University of Georgia School of Law First Amendment Clinic Response



SOCIAL MEDIA AS A PUBLIC FORUM



‘Drop the "the." Just "Facebook." It's cleaner.’

~Sean Parker to Mark Zuckerberg, *The Social Network*

MISCELLANEOUS RELATED TOPICS

- Recording of meetings by the public

- Speech vs. non-speech conduct

- Penalties for Violating Public Participation Requirements
  - 286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.
  - Criminal Arrests of Disruptive Citizens
  - Immunity for presiding officer in enforcing rules of decorum

MISCELLANEOUS RELATED TOPICS

Disruptive Board Members; Overbroad Rules

The Coastal Star

Boynton Beach: Commission ends meeting abruptly as tempers flare after mayor silences speakers

Posted by The Coastal Star on July 3, 2024 at 11:02

By Larry Barszewski

Fireworks went off early in Boynton Beach as order broke down at the City Commission meeting held two days before the Fourth of July. Commissioners and the public argued over what could and could not be discussed during the public comment period — leading commissioners to abruptly end the meeting before conducting any city business.

Mayor Ty Penserga cut off a speaker who tried to talk about the "stolen" 2020 election. He referred to rules written in the agenda that say comments are only allowed for "any matter within the scope of the jurisdiction of the commission."

But Commissioner Thomas Turkin was upset when the mayor let the next speaker — resident David Merker — talk about an item that was on the agenda after stopping the previous speaker. "You're playing God. You're dictating who can and cannot speak," Turkin said. "The taxpayer has a right to speak."

Commissioners took a five-minute recess, but it wasn't long after they returned that the meeting devolved again. After Merker got to finish his comments, Candace Rojas was next and started talking about Jesus overturning the money-changer's table, then about the need "to defend the Constitution and restore the Republic." She also was cut off by the mayor — and ordered escorted out by the police when she refused to stop talking.

Rojas said "Don't touch me" as the officer approached and Turkin told the mayor, "You've got to let them talk."

Vice Mayor Aimee Kelley then moved to adjourn the meeting. The motion passed unanimously.



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