



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.14. moved to New Business J.6

5/9/2023

### Subject:

Amendments to BCC-97, Board Meeting Rules and Procedures, to Provide for the Recording and Broadcast of Board of County Commissioners Meetings and for Public Comment to Follow Board Reports

### Fiscal Impact:

None

### Dept/Office:

County Attorney's Office

### Requested Action:

It is requested that the Board approve amendments to Board policy BCC-97, Board Meeting Rules and Procedures, ~~to provide for the recording and broadcast of meetings of the Board of County Commissioners,~~ and to revise the meeting order of business so that public comment follows Board reports.

### Summary Explanation and Background:

The proposed amendments to BCC-97, Board Meeting Rules and Procedures, were recommended by the Chair in order to streamline meetings and prioritize the broadcast of official business of the Board of County Commissioners as published on the agenda.

The proposed amendments establish by policy the existing practice that the SCGTV / Communications Office records meetings of the Board of County Commissioners, and broadcasts the meetings on Space Coast Government Television. The amendments further formalize in policy that the Brevard County Government website hosts live Board meetings and an archive of previously recorded meetings. The amendments provide for SCGTV to record and broadcast Board meetings from the beginning of each meeting until the conclusion of Board reports.

The proposed amendments modify the order of business on Board meeting agendas to provide that public comment shall follow Board reports.

### Clerk to the Board Instructions:

Please forward signed original to the County Manager's Office.



May 10, 2023

**M E M O R A N D U M**

**TO:** Frank Abbate, County Manager

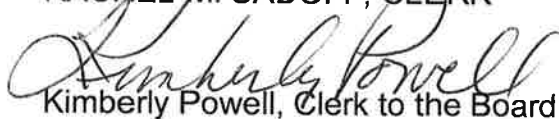
**RE:** Item J.6., Amendment to BCC-97 Board Meeting Rules and Procedures to Provide for the Recording and Broadcast of Board of County Commissioners (BOCC) Meeting and for Public Comment to follow Board Reports

The Board of County Commissioners, in regular session on May 9, 2023, approved amendments to Board Policy BCC-97 Board Meeting Rules and Procedures to revise the meeting order of business so that public comment follows Board reports; and approved passing the gavel to the Vice Chair Commissioner Goodson, and absent the Vice Chair wanting to take that up, he can pass the gavel to Commissioner Tobia to conduct that portion of the meeting. Enclosed is the fully-executed policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)



BOARD OF COUNTY COMMISSIONERS

## POLICY

Number: BCC-97

Approved: March 21, 2023

Amended: May 9, 2023

Originator: County Attorney's Office

Review: March 21, 2026

### TITLE: Board Meeting Rules and Procedures

#### I. Objective

Provide operating rules and procedures for the Board of County Commissioners to govern the meetings and authority of the Board and its members.

#### II. Authority

These rules are enacted and adopted under the authority of Section 125.01(1)(a), Florida Statutes. These rules shall be construed in a manner which is consistent with applicable state and federal law and to the extent of any conflict, applicable state or federal law shall prevail.

This BCC policy is intended to supersede Resolution 17-231 of the Board of County Commissioners. This policy shall control over any conflicting provision of BCC-55.

#### III. Rules and Procedures

##### A. ***Robert's Rules of Order and Quorum Requirements***

1. The Board of County Commissioners hereby adopts The Scott, Foresman *Robert's Rules of Order*, Newly Revised, 1990 Edition and any future editions of the same, as a guideline for conducting its meetings.
2. No action taken by the Board of County Commissioners shall be deemed invalid or otherwise unlawful for failure to strictly comply with *Robert's Rules of Order*.
3. To the extent of any conflict between rules or policies adopted by the Board of County Commissioners and *Robert's Rules of Order*, the adopted rules or policies of the Board of County Commissioners shall govern.
4. These rules and *Robert's Rules of Order* are subordinate to and governed by any applicable state or federal laws governing quorums, voting, abstention, conflicts of interest, disclosure, public meetings or any other subject matter addressed in *Robert's Rules* or these rules.

5. For the purposes of meeting the requirements of *Robert's Rules of Order*, the Board of County Commissioners hereby establishes the presence of three members as a quorum for any meeting.

6. A motion to table takes priority over other pending motions.

**B. Calling and Cancellation of Meetings**

1. The time and place of regular meetings of the Board of County Commissioners shall be established by the Board under the authority of Section 125.01(1)(a), Florida Statutes, and Brevard County Code, Section 2-26 through 2-28 and, after January 1, 1995, Section 2.8 of the Brevard County Charter with the following exceptions

a) Zoning Board meetings shall commence no earlier than at 5:00 pm, unless altered by the Board.

b) Any regular or special meetings shall adjourn no later than 11:00 p.m., unless extended by the Board.

2. Special meetings may be called by the Chair or two or more Commissioners. Special meetings may also be called by the Chair or Vice Chair of the Board of County Commissioners in the event of a bona fide emergency or when necessary, upon advice of counsel, in order to comply with state or federal law.

3. Notice of any regular or special meeting of the Board of County Commissioners shall be provided in accordance with applicable state law and adopted county ordinances. In the event of emergency meetings, the Board shall provide as much notice as is reasonable under the circumstances which shall include, at a minimum, a posting of notice of the meeting as much in advance of the meeting as is possible under the circumstances.

4. Any regular or special meetings may be cancelled by majority vote of the Board of County Commissioners. A special or emergency meeting may be cancelled by the Chair of the Board only under extraordinary circumstances as follows:

a) In the case of an emergency meeting, when the emergency no longer exists as determined by the Chair and the County Manager;

b) When the purpose of the special meeting cannot be fulfilled as determined by the Chair and the County Manager;

c) When holding of the special or emergency meeting would violate state or federal law, as determined by the Chair upon advice from the County Attorney.

5. All meetings must comply with Section 286.011, Florida Statutes, and all other applicable open-government laws, unless otherwise exempt under those laws.

6. Action by the Board of County Commissioners at a special meeting shall be limited to the purpose for which the special meeting was called.

7. Action by the Board of County Commissioners at a Zoning board meeting shall be limited to those purposes related to land-use, unless the Board finds by a supermajority vote that delaying action until a regular meeting would be detrimental to the interests of the public.

**C. Authority of the Chair and Vice-Chair**

1. The Chair shall have the authority to conduct the meetings in the manner prescribed by *Robert's Rules of Order*, by this policy and by applicable state or federal law.

2. The Chair shall have the authority to execute such documents, agreements or ordinances as may be authorized by the Board or under applicable state or federal law.

3. The Chair shall have such other authority as may be prescribed by these rules and as may be incidental to the exercise of that authority.

4. The Vice-Chair, upon the out-of-county absence or incapacitation of the Chair, shall have and exercise the authority afforded the Chair. In the event both the Chair and Vice-Chair are absent from the County at a time when a meeting of the County Commission is necessary, due to emergency or otherwise, or in the event that it is necessary for someone to act in behalf of the absent Chair and Vice-Chair, the Chair Pro Tem is hereby declared to be the Commissioner with the lowest district number who is present in the County. In such circumstances, the temporary acting Chair shall have all authority that would otherwise have been vested in the Chair. A Chair Pro Tem can also be elected by the Commission for the purpose of exercising one or more specific functions that cannot be performed by the Chair or Vice-Chair.

**D. Agenda**

1. The rules governing the preparation, addition to and omissions from the agenda for any regular or special meeting shall be those established by Board of

County Commissioners, Agenda Report Procedure Administrative Order Number AO-23, which is incorporated herein by reference.

2. The Chair of the Board shall have the authority to move agenda items in order to expedite the progression of a meeting, or to schedule items for a time certain.

3. The Board may approve, by single motion and a majority vote, all items included on a consent agenda. Any item removed from the consent agenda must be approved by separate motion and majority vote. Items may be removed from the consent agenda for full discussion. Removal of a consent agenda item may be requested at the Board meeting by any Board member, the County Manager, the County Attorney, or an individual filling a card seeking to speak on a specific matter at any time prior to the approval of the entire consent agenda. County Commissioners, the County Manager, and the County Attorney should make an effort, if possible, to communicate the intent to remove an item from the consent agenda before 12:00 noon on the Friday before the meeting at which the item is to be considered. Those items removed from the consent agenda shall be addressed after approval of the consent agenda.

4. Board action on matters requested by a Commissioner, individuals, groups and organizations shall be placed under New Business and identified by the specific action being requested. Citizen requests are items presented by individuals, groups or organizations, and sponsored by a county commissioner or items placed on the agenda after Public Comment and a vote by the Board to place the item on the agenda.

5. Special presentations to the Board by other governmental officials can be scheduled under New Business, or brief presentations not requiring lengthy discussion can be scheduled as a Guest Appearance under Resolutions and Awards.

6. Board meetings may begin with a moment of silence.

**E. Public Meetings**

1. The procedure and content for conducting all public meetings shall be governed by applicable provisions of state or federal law.

2. Public hearings on items which required advertisement prior to the public meeting may be continued to a date and time certain upon majority vote approving a motion to that effect. For public hearings related to the enactment of a proposed ordinance, including, but not limited to, code amendments, comprehensive plan amendments, and rezoning ordinances, the continued

hearing shall be advertised in the same manner that was required of the initial hearing.

3. All persons wishing to address the Board of County Commissioners regarding an agenda item or public comment at a public meeting shall address the commission by abiding by the following requirements:

- a) Each person shall fill out a card indicating his/her desire to appear on a specified agenda item or public comment and present the card to the person designated by the Board to collect those cards, prior to the discussion of the item.
- b) Every person addressing the Board shall have three minutes to complete his/her remarks on public comment or each agenda item for which he/she has filled out a card. The Chair has the discretion to determine or alter time limits on any item which is not a quasi-judicial public hearing. The Board may vote to amend time limits on public meeting items which are legislative in nature and not quasi-judicial zoning procedures. The time limit shall include any time allocated for video, Power Point or other electronic presentation as described in the section entitled Video, Power Point and other Electronic Presentations.
- c) No person may share or transfer his/her allotted time period on any agenda item to any other person.
- d) All remarks shall be made to the Board as a body. Any questions raised shall be addressed to the Chair and no speaker shall address any individual Commissioner without obtaining the permission of the Chair. All questions directed to members of the Board shall be addressed through the chair, unless the speaker has been asked a direct question by a particular Commissioner.
- e) Personal, obscene or slanderous remarks shall not be permitted.
- f) Any speaker may supplement his/her presentation by presenting written comments to the Board.
- g) All new evidence or documentation which is not presented to the Planning & Zoning Board shall be submitted to the County staff at least two weeks prior to the date of the public hearing at which the Board of County Commissioners will consider the matter. In the event new materials are submitted at the public hearing, the new materials shall

constitute grounds for the Board of County Commissioners to continue the item to the next zoning meeting or for a minimum of thirty (30) days to consider the new evidence submitted.

h) In cases of appeals of administrative interpretations and vested rights determinations and zoning cases, as determined by the Board, where it is apparent that a particular issue is controversial and subject to objections or opposing evidence, or is denied, the Board of County Commissioners may adopt a resolution stating its determination. The resolution shall be drafted upon the vote of the Board of County Commissioners after the close of the public hearing and returned to the Board of County Commissioners for final adoption at a publicly advertised meeting as a consent item. Any party affected by the Board of County Commissioners decision on an appeal of an administrative interpretation, vested rights determination, or zoning case shall have 30 days from the date the resolution is executed to file an appeal in the circuit court.

4. Quasi-judicial Hearings, or public hearings at which applications for rezoning, site-specific land use amendments or other site-specific development orders are considered shall be governed by the procedures set forth above under Public meetings and as supplemented by the following procedures. The time limits provided for quasi-judicial hearings are in lieu of the time limits provided under Section E (3) (b) above. Video, Power Point and electronic presentations shall be included within the time limits provided below.

a) The administrative staff shall present a summary of the application.

b) The applicant shall have a choice of being given a total of 15 minutes to present its application or dividing the 15 minutes between multiple persons. If the applicant chooses the 15 minutes option, the applicant may, in any manner it deems appropriate, divide the 15 minutes between its initial application and any rebuttal it may wish to present. The applicant shall be allowed to cross examine other speakers at the end of the speaker's presentation on material and relevant issues. The time required for the cross examination shall be deducted from the total amount of time allotted to the applicant. If the applicant chooses to use the entire 15 minutes for the initial presentation, the applicant will be deemed to have waived any right or opportunity for cross examination of other speakers. In addition to, or in lieu of cross examination, the applicant may request an additional seven (7) days beyond the date of the hearing to submit evidence in rebuttal of testimony presented by persons presenting evidence in opposition to the applicants and tabling



of the item to allow consideration of the submission. The Board has the discretion to allow additional time for cross examination or tabling.

c) Any person who has filled out a card, as provided for above, and who is interested in addressing the Board of County Commissioners on the matter under consideration, shall be given five minutes within which to make his/her presentation.

d) At the conclusion of the five-minute presentations by all persons filling out cards, the applicant shall be given whatever time period has been reserved within which to rebut any arguments, facts or positions presented during the public hearing.

e) At the conclusion of the presentations made by the staff, the applicant and any speakers, the Board of County Commissioners shall submit the matter under consideration to discussion among the Board members. Any Board member may ask any question of the applicant or staff or any other person. At the conclusion of the discussion of the matter, the applicant shall be given an additional two minutes to rebut any facts, positions or information presented in response to questions posed during the discussion.

f) Any documentary or physical evidence presented to the Board of County Commissioners in support of, or in opposition to, an application shall be offered into the record by submitting a copy of the same to the Clerk to the Board, who shall keep such documentary and physical evidence as part of the record of the proceeding. It shall be the responsibility of the party offering the evidence to make sure that it is received by the Clerk to the Board as part of the record. The staff report presented on any application and all applicable Brevard County codes and ordinances shall be deemed part of the record in all applications considered by the Board.

g) In cases of appeals of administrative interpretations and vested rights determinations and zoning cases as determined by the Board, the Board of County Commissioners may adopt a resolution stating its determination. The resolution shall be drafted upon the vote of the Board of County Commissioners after the close of the public hearing and returned to the Board of County Commissioners for final adoption at a continuation of the public hearing. Any party affected by the Board of County Commissioners decision on an appeal of an administrative interpretation shall have 30 days from the date the resolution is executed to file an appeal in the circuit court.

h) It shall be the responsibility of any person deciding to appeal any decision made by the Board of County Commissioners with respect to any matter considered at a public hearing under this section, to ensure that a verbatim record of the proceedings is made, which record shall include the testimony and evidence upon which any such appeal is to be based. It shall further be the responsibility of any such person to ensure that the Clerk to the Board receives copies of any such transcript or evidence.

5. Any person, not otherwise prohibited by statute, Charter provision, or ordinance, may discuss, with any Board member, any matter on which action may be taken by the Board of County Commissioners whether the matter is quasi-judicial in nature or not. If the matter is quasi-judicial (rezoning, site specific plan amendment, development of regional impact or appeal of administrative interpretation) the following procedures must be complied with in order to remove any presumption of prejudice which may arise from the ex parte communication with the County Commission member. In addition, as to appeals of administrative interpretations, staff conferences shall be disclosed as described below.

a) the subject of the communication and the identity of the person, group, or entity with whom the communication took place, must be disclosed and made a part of the record before the final action on the matter.

b) written communications must be made a part of the record before final action on the matter;

c) the existence of investigations, site visits, or expert opinions obtained on a particular matter must be made a part of the record before final action on the matter;

d) the law requires the disclosures made pursuant to paragraphs (a), (b), and (c) to be made before or during the public meeting at which the vote is taken on such matters so that persons who have opinions contrary to those expressed in the ex parte communications are given reasonable opportunity to refute or respond to the communication. The Board chooses to use a uniform system for reporting and disclosing such contacts. Prior to the meeting, all commissioners shall provide a written summary of any ex parte contact with any applicants or citizens on any item on the agenda. The summary shall contain the names of the people who met with the commissioner, the location of the meeting and the topics discussed in the meetings. The written summary shall be sent to the Zoning Director to be placed in the official zoning file. In the event

such disclosure is not provided prior to the meeting, the disclosure may be made at the public hearing immediately before the item is heard by the Board of County Commissioners.

**F. Resolutions, Awards and Presentations**

1. Requests for presentation of resolutions and/or awards must be made with a Commission Office or the County Manager and scheduled as part of the agenda under the heading of Resolutions, Awards and Presentations. Requests should be directed to a Commission Office or County Manager. A written summary, with appropriate supporting or background material, is required to be included.
2. A Guest Appearance may be scheduled for an individual to make a brief presentation under Resolutions, Awards and Presentations by a Commissioner, County Manager or County Attorney.

**G. Public Comments**

1. The agenda shall provide a section for public comment at the end of each regular County Commission meeting following Board reports. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report.

**H. Rules of Decorum for Members of the Public Addressing the Board.**

1. **Addressing the Board/Subject Matter.** Speakers who wish to address the Board, whether on an agenda item or under public comment, shall fill out a card specifying the agenda item or subject they wish to address.
  - a) Any person addressing the Board on an agenda item shall limit his or her comments to the agenda item that has been specified in the card filled out by the speaker.
  - b) A speaker shall limit comments made during public comment to matters that are within the control, authority and jurisdiction of the County Commission and to those items where the Board has traditionally expressed a position for the betterment of the community interest.

2. Rules of Decorum

a) The County Commission declares it to be Board policy to promote the maximum participation in County affairs by affected or interested citizens in accordance with the First Amendment protections guaranteed under the United States Constitution. However, it is also the Board policy, to the fullest extent possible, to protect individuals from comments that assault their character. In furtherance of that policy, no person who addresses the County Commission shall make slanderous, profane or other remarks that are not protected by the First Amendment, with full recognition that public figures are not subject to the same degree of protection from critical comments as other individuals.

b) In the event serious allegations of misconduct or incompetence are alleged against any County employee, the Board may abate the matter and request the County Manager to investigate the allegations. The Board shall also offer the employee, at the employee's discretion, the opportunity to be present during the proceeding in order to address the allegations. The County Manager may offer the County employee administrative leave to allow the employee the opportunity to investigate the allegation and appear at a subsequent meeting to address such allegations.

c) Persons speaking under the public comment portion of the agenda may address topics or issues under the jurisdiction or control of the County Commission or that are relevant to business of the County Commission.

d) It is the policy of the Board of County Commissioners to respect minority views as well as differing opinions, conclusions, backgrounds and beliefs. The Board finds that input from differing perspectives enriches public discussion and helps to build a better consensus. It is therefore the objective of the Board to conduct business in a manner that facilitates and encourages the presentation of diverse views while maintaining civility during all Board proceedings.

e) Since the County Commission has no jurisdiction or authority over the charging or prosecution of criminal violations, any allegation of criminal behavior against a person or organization should be presented to the State Attorney, Sheriff or other law enforcement agency with jurisdiction. The foregoing sentence shall not be construed to restrict, prohibit or affect the ability of any person to bring to the attention of the

County Commission possible violations of the Code of Ethics for Public Officers and Employees, the Florida Sunshine Law, the Florida Public Records Law, other laws relating to county business, or violations of other laws over which the Commission has jurisdiction or authority to take corrective action.

**I. Video, Power Point and other Electronic Presentations**

Video, Power Point and other electronic presentations are to be limited to no longer than three minutes, and must be reviewed by County production staff, the Chair and the County Manager no less than twenty-four (24) hours prior to the meeting to ensure that the Board, live and broadcast audiences are not subjected to unsuitable videos which could contain material considered in conflict with accepted community standards regarding obscenity and pornography.

1. Only a separately stored video, Power Point or electronic presentation, of no more than three (3) minutes in length, will be accepted. Lengthy presentations for more than one presenter that require stopping and starting the same tape will not be accepted.
2. A person presenting a video, Power Point or other electronic presentation must state so on the speaker's card. The presenter must be familiar with the content of the presentation or video and be able to address any questions relating to the presentation or video that may be raised by the Board, staff, or other citizens.
3. Any video, Power Point or other presentation that contains news footage, broadcast or organization/ agency/ commercial programming will not be shown unless presenter provides a written waiver for re-broadcast use from the entity holding the copyright.
4. No video, Power Point, or other electronic presentation promoting a commercial enterprise will be shown unless related to relevant agenda items.

**J. Ordinances and Resolutions**

1. All ordinances and resolutions shall be adopted in the manner prescribed by law.
2. All notices required to be published for re-zonings or site-specific land use amendments shall state the specific action being requested of the Board. Such notice shall also indicate that the Board may grant "such other less intense zoning or land use classification as may be deemed appropriate."

**K. Suspension of Rules**

1. Any provision of these rules, including the provisions of Robert's Rules of Order as incorporated by these rules, may be suspended by majority vote of the Board of County Commissioners to the extent that such a suspension would not be inconsistent with applicable law.

**L. By-Laws**

These procedures shall be considered by-laws for the purposes of Robert's Rules of Order.

**M. Reservation of Authority**

The authority to issue and/or to revise or waive this policy is reserved to the Board of County Commissioners.

ATTEST:

  
Rachel Sadoff, Clerk

  
Rita Pritchett, Chair

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board on: May 9, 2023

## Kimberly Powell

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**From:** Jessica Simpkins  
**Sent:** Monday, May 8, 2023 8:07 AM  
**To:** Kristin Lortie  
**Cc:** Kimberly Powell  
**Subject:** RE: Public comment on Commissioner Pritchett's Anti-Sunshine - Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures

Good morning, Kristin:

I will send this to Kim!

Thank you,

*Jessica Simpkins*

Administrative Assistant to Rachel M. Sadoff  
Brevard Clerk of Court & Comptroller  
(321)633-7785  
or ext. 59300

*Rachel M. Sadoff*

Clerk of the Circuit Court & Comptroller  
Brevard County, Florida  
Post Office Box 999  
Titusville, Florida 32781-0999  
321-633-7776  
Fax: 321-633-7783



**RACHEL M. SADOFF**  
CLERK OF THE CIRCUIT COURT & COMPTROLLER  
BREVARD COUNTY, FLORIDA

**From:** Kristin Lortie <kristin.lortie@gmail.com>  
**Sent:** Saturday, May 6, 2023 5:34 PM  
**To:** Jessica Simpkins <Jessica.Simpkins@brevardclerk.us>  
**Subject:** Fwd: Public comment on Commissioner Pritchett's Anti-Sunshine - Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Hi Jessica,

I am trying to have a public comment submitted for Tuesday's meeting, and received a boundback from Kim Powell who is the Clerk for the Commission meetings. Can you help me get this to the correct clerk?

Kristin

----- Forwarded message -----

From: **Kristin Lortie** <kristin.lortie@gmail.com>

Date: Sat, May 6, 2023 at 5:29 PM

Subject: Public comment on Commissioner Pritchett's Anti-Sunshine - Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures

To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>, Commissioner, D2

<d2.commissioner@brevardfl.gov>, Commissioner, D3 <d3.commissioner@brevardfl.gov>,

<d4.commissioner@brevardfl.gov>, Commissioner, D5 <D5.commissioner@brevardfl.gov>

Cc: Abbate, Frank B <frank.abbate@brevardfl.gov>, <kim.powell@brevardclerk.us>

**Commissioners Pritchett, Goodson, Tobia, and Feltner,**

I am submitting this public comment regarding the above-noted agenda item for the May 9th Commissioner meeting. To tell you the truth I was **sickened** when I came across a report of this agenda item on social media, and **further sickened** to find it is being presented under the Consent Agenda, which is often mis-used by the commission to pass numerous business items that should be voted on during the meetings so that residents hear the items, the scope, and the dollar values being approved. I was hoping that something was amiss on social media when I was alerted to this **anti-citizen policy amendment**, only to find that the agenda item is real and exactly as described on social media.

The **3rd sickening surprise** was to find out that the anti-citizen changes were "**recommended by the Chair**", and who is not identified in the agenda item **for the benefit of history**, but who is **none other than my very own District 1 Commissioner Rita Prichett**. My guess on social media when I saw it was that it was Commissioner Tobia, but on my guess I stand corrected for jumping to conclusions. ***Why isn't Commissioner Pritchett publicly acknowledged in the agenda by name for her anti-citizen policy amendments being passed under the Consent Agenda and where no discussion is slated to take place?***

Why is the proposed agenda item with anti-citizen setbacks **sickening** to me? It is because of the following:

1. **The commission currently offers 2 opportunities for public comment (at the beginning and ending of a commission meeting) which is a benefit to Brevard residents**, who may need to leave early and wish to make their comments at the beginning of the meeting, but do not have time to stay for the entire meeting. Since residents can only speak during one of these times anyway there is no additional listening time for the commissioners to continue providing this convenience for Brevard residents.
2. **Not recording public comments at the end of the meeting adds suspicion to the commissioners and commission meetings, whose commissioner actions by passing this proposal reflect they do not wish to have public comment easily available to the public**. All Brevard residents should be suspicious of how readily our commissioners are willing to remove sunshine from the current practices, and by passing it on a **Consent Agenda item** where it will not even be discussed by commissioners prior to a vote.

**Shame, shame, shame commissioners who vote for this! Please remove it from the Consent Agenda in order to vote NO on it!** Brevard residents will not forget and I will be advising them myself of your anti-citizen vote on this policy amendment. The commission should be embarrassed for even considering this measure. I was hoping for good things from new Commissioners Feltner and Goodson that were helpful to citizens. This is NOT helpful to citizens at all and is simply a power play to reduce the impact of citizen comments at commission meetings. I personally learn a lot from my fellow citizens during their public comments, and I do not have time to attend each of your meetings to hear what the public comments are. **Not recording the citizen comments from the public comment period and allowing comments at the beginning**



**of the meeting reduce (2) avenues of convenient access to being an informed and participatory Brevard resident.**

These changes are unacceptable for anyone who believes that the public should have convenient access to address commissioners at meetings, and that non-attendees should have the opportunity to hear the comments that are made by other residents in the same recording as the rest of the meeting.

**In contrast to these citizen setbacks at the commission meeting, I recently made my first remote (and recorded) public comment to address the City of Cape Canaveral at their April Meeting via their live broadcast. This is the direction that Brevard County should be headed in - making citizen access easier for citizens not adding unnecessary barriers. I look forward to adding the commission's anti-citizen action to an upcoming edition of *Sunshine and Shade in Brevard County* (see attached).**

I request confirmation from the County Clerk's office that my comment has been received and will be included in the meeting minutes for the May 9th meeting along with the attachment.

***Kristin Lortie, Brevard Citizen Advocate that is Sickened at Commissioner Pritchett's anti-citizen abuse of power agenda item presented under the Consent Agenda***

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This email was scanned by Bitdefender

## BREVARD COUNTY "SUNSHINE AND SHADE" CITIZEN AWARDS

Week of April 9, 2023 by Kristin Lortie

In reviewing local meetings and public records access, the following "awards" are based on observations I have made over the week that add to or detract from public engagement, citizen inclusion and access to public information.

### Citizen "Sunshine" Best Practice Awards

- ✓ Cape Canaveral 4/18 board packet includes an email from Mayor Wes Morrison initiating the reading of an email from a concerned resident into the public record at the meeting.
  - *This is the only Mayor example I know of in Brevard County of the Mayor providing assistance in remote public participation by reading a resident's statement into the meeting record;*
- ✓ City of Cocoa 4/11 city mtg minute approvals include emailed citizen comments for the 2/23 city workshop.
  - *This is a more inclusive practice that allows greater public remote participation;*
- ✓ City of Cocoa and Cape Canaveral both make their meeting materials available online prior to the meeting.
  - *This helps residents to get informed without having to make special requests to city staff.*

### Citizen "Shade" Awards - Opportunities for Improvement

- City of Cocoa 4/11 Council Mtg: Mayor Mike Blake and City Manager Whitten publicly scolded a resident (Riggs) during public comment. Mr. Riggs brought up concerns of the appearance that the city is doing expensive roadway mitigation work on Indian River Drive that benefits the developer, and using city funding.
  - *While the city vehemently denied this possibility, and explained the circumstances, the Mayor and City Manager should not be shaming residents that take the time to bring their concerns to the city.*
  - *This sends the message to residents that we will be treated poorly should we bring up a concern that disturbs city officials. Citizens not approaching the city directly also increases the possibility of the very "false narratives" that Mayor Blake is often heard denouncing during city meetings.*
- City of Titusville - Continues to decline citizen requests for the city to broadcast the monthly Titusville Environmental Commission (TEC) meetings, despite being petitioned for at least a year by multiple residents.
  - *This is the "Gateway to Nature" city's only monthly city meeting dedicated to environmental issues, yet the city continually refuses to broadcast it like they do most other city meetings, and despite public petitioning. Why doesn't the city make their only environmental mtg. easily available?*
  - *On January 11<sup>th</sup> after a citizen requested a TEC vote, the TEC unanimously voted to recommend to city council to broadcast these meetings, yet no further action has been taken on this unanimous vote. Where is the city action and why does it take so long to respond to public requests?*
  - *Due to the ongoing stonewalling, a citizen recorded the 4/12 meeting and uploaded it to YouTube.*
    - Here is a link to the Mtg: <https://youtu.be/5yD3a8ZPmNc>
- City of Titusville - inconvenient meeting records access and lack of inclusion in meeting records.
  - Residents must contact the city clerk in order to obtain the board packet.
    - *Other cities provide their materials online. Why not Titusville?*
    - Citizen hack: The website <https://talkoftitusville.com/> publishes the monthly board packet!
  - Presentations and attachments that are submitted by residents are not included in the minutes.
    - *Residents that take the time to provide attachments to the city should have the presentations and written statements included in the city's meeting minute documentation.*
    - *At the 4/12 TEC meeting, significant meeting time was taken to deliberate the exact wording that staff required the TEC members to summarize a citizen presentation for the meeting minutes. Staff declined the TEC motion to simply place the entire citizen presentation in the meeting minutes, and which would have benefitted any interested persons plus reduced staff and meeting time in deliberating the word-choice for summarizing the citizen presentation.*

These Awards are intended to help local residents understand how easy or difficult it is to access and engage with our cities, and how inclusive or exclusive current city practices are for accessing public information.

Have an idea for a future edition of "Sunshine and Shade"? Send it to [cocoacarescitizens@gmail.com](mailto:cocoacarescitizens@gmail.com)!

## Kimberly Powell

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**From:** Toni <tonibizness@aol.com>  
**Sent:** Monday, May 8, 2023 12:54 PM  
**To:** D1.Commissioner@brevardfl.gov; d2.commissioner@brevardfl.gov;  
d3.commissioner@brevardfl.gov; d4.commissioner@brevardfl.gov;  
D5.commissioner@brevardfl.gov; frank.abbate@brevardfl.gov; Kimberly Powell  
**Subject:** NO on Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures.

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

**Commissioners, please vote NO on Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures.**

These amendments are not in the best interests of Brevard residents who want access to the entire broadcast and recorded meeting, and want 2 available opportunities to address the commission at the beginning and end of the meeting.

Brevard residents care about meetings including public comments and being able to present them during the 2 different opportunities. Please reinstate BOTH opportunities for public comment during the meeting and continue recording and broadcasting all public comments.

I was shocked to find out that the anti-citizen changes were "**recommended by the Chair**", and who is not identified in the agenda item but who is none other than my very own District 1 Commissioner Rita Prichett.

Shame on Prichett and shame on you for even considering this as a **consent agenda** item. Citizens deserve to be heard on this issue.

I request confirmation from the County Clerk's office that my comment has been received and will be included in the meeting minutes for the May 9th meeting.

Toni Shifalo  
715 Tropic St  
Titusville

---

This email was scanned by Bitdefender

## Kimberly Powell

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**From:** Thomas Gmail <tntsservice@gmail.com>  
**Sent:** Tuesday, May 9, 2023 8:58 AM  
**To:** Kimberly Powell  
**Subject:** Fwd: Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Ms Powell,

I request confirmation from the County Clerk's office that my comment has been received and will be included in the meeting minutes for the May 9th meeting.

Thank you,  
Tom  
Thomas H. Perez  
240-285-6189  
[TNTsservice@gmail.com](mailto:TNTsservice@gmail.com)

Begin forwarded message:

**From:** Thomas Gmail <[tntsservice@gmail.com](mailto:tntsservice@gmail.com)>  
**Subject:** Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures  
**Date:** May 8, 2023 at 9:17:54 PM EDT  
**To:** [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov), [d2.commissioner@brevardfl.gov](mailto:d2.commissioner@brevardfl.gov),  
[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov), [d4.commissioner@brevardfl.gov](mailto:d4.commissioner@brevardfl.gov),  
[D5.commissioner@brevardfl.gov](mailto:D5.commissioner@brevardfl.gov), [frank.abbate@brevardfl.gov](mailto:frank.abbate@brevardfl.gov)

*Commissioners, please vote NO on Agenda Item F.14 File #5752 - Amendments to BCC-97, Board Meeting Rules and Procedures. These amendments are not in the best interests of Brevard residents who want access to the entire broadcast and recorded meeting, and want 2 available opportunities to address the commission at the beginning and end of the meeting. Brevard residents care about meetings including our comments and being able to present them during the 2 different opportunities. Please reinstate BOTH opportunities for public comment during the meeting and continue recording and broadcasting all public comments.*

I request confirmation from the County Clerk's office that my comment has been received and will be included in the meeting minutes for the May 9th meeting

Thank you,  
Tom

Thomas H. Perez  
240-285-6189

TNTsservice@gmail.com

It's not what you look at that matters, it's what you see. - Henry David Thoreau

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This email was scanned by Bitdefender

# Public comment at End of Agenda

J.6.

## BOARD OF COUNTY COMMISSIONERS

### GULF COUNTY, FLORIDA

## Seminole County

Board of County Commissioners

Meeting Agenda

May 9, 2023

AGENDA	APRIL 25, 2023	TIME / PAGE NO.
1. Meeting Called to Order		9:00 a.m.
2. Pledge and Invocation		
3. Consent Agenda		1-57
4. County Staff Business		
5. Board Business		
6. Bid Opening: #2223-21 * Sell Lots 9 & 10 Wimico Place Subdivision		58
7. Public Hearings:		
- Unsolicited Proposal #2223-12 - Plan, Design, Construction & Operation Gulf County Regional Airport Facility		59-61
- Ordinance - Comp Plan Amendment for Parcel ID #02734-012R, #02734-020R, #02734-021R, #03324-000R, #03343-005R, #03362-000R, #03362-050R, #03363-050R, & #03368-050R		62
- Ordinance - Comp Plan Amendment Chapter 13 Property Rights Element		62
- Ordinance - Adopt Land Development Regulations		63
8. Administrative Report & Update		
9. Public Comment		

## COUNTY MANAGER'S REPORT

## COUNTY ATTORNEY'S REPORT

## DISTRICT COMMISSIONER REPORTS 5, 1, 2, 3 and 4

## CHAIRMAN'S REPORT

## FUTURE AGENDA ITEM REQUEST - Hanson Sustainability Report (Commissioner Zembower)

23. Items for Future Agenda Request - Hanson Sustainability Report (Commissioner Zembower) **2023-459**

## PUBLIC COMMENT (Items not Related to the Agenda)

## ADJOURN BCC MEETING

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES, ADA COORDINATOR 48 HOURS IN ADVANCE OF THE MEETING AT 407-665-7940.

FOR ADDITIONAL INFORMATION REGARDING THIS NOTICE, PLEASE CONTACT THE COUNTY MANAGER'S OFFICE, AT 407-665-7219. PERSONS ARE ADVISED THAT, IF THEY DECIDE TO APPEAL DECISIONS MADE AT THESE MEETINGS/HEARINGS, THEY WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, THEY MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, PER SECTION 286.0105, FLORIDA STATUTES.

## Lee County

## ORDER OF BUSINESS BOARD OF COUNTY COMMISSIONERS BOARD MEETING PALM BEACH COUNTY, FLORIDA

MAY 2, 2023

TUESDAY  
9:30 A.M.

COMMISSION  
CHAMBERS

## 1. CALL TO ORDER

- Roll Call
- Invocation
- Pledge of Allegiance

## 2. AGENDA APPROVAL

- Additions, Deletions, Substitutions
- Adoption

## 3. CONSENT AGENDA (Pages 8 - 37)

## 4. SPECIAL PRESENTATIONS (Page 38)

## 5. REGULAR AGENDA (Pages 39 - 40)

## 6. BOARD APPOINTMENTS (Page 41)

## 7. STAFF COMMENTS (Page 42)

## 8. BCC COMMENTS (Page 43)

## 9. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 44)

## 10. ADJOURNMENT (Page 45)

Invocation: Alberita Johnson, Universalist Unitarian Church of Fort Myers

Pledge of Allegiance

Ceremonial Presentations

Recap

Consent Agenda

- Items to be pulled for discussion by the Board
  - Public comment on balance of items
- Motion to approve balance of items
- Consideration of items pulled for discussion
  - Public comment taken on each pulled item as it is considered

Convene as The Board of Port Commissioners of the Lee County Port Authority

Administrative Agenda

Walk-ons and Carry-overs

Commissioners' Items/Committee Appointments

County Manager Items

County Attorney Items

## Public Presentation of Matters by Citizens

Workshop Update

- Public Comment on Workshop

Adjourn

# Pre-Registration

## INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSION REQUEST TO BE SCHEDULED FOR PUBLIC DISCUSSION

Any organization or individual wishing to address the Board of County Commission shall complete this form and submit it to the Indian River County Administrator's Office.

### PUBLIC DISCUSSION INFORMATION

Indian River County Code Section 102.04(10)(b): as a general rule, public discussion items should be limited to matters on which the commission may take action

Indian River County Code Section 102.11(3): limit remarks to three minutes unless additional time is granted by the commission

### Public Discussion Items

A form has been approved by the Board of County Commission for use when any individual or organization wishes to speak under Public Discussion Items on the Commission Agenda. Generally, a request to speak should be received by the County Administrator's Office no later than noon on the Wednesday immediately preceding the meeting. This deadline may be changed for a specific meeting, without advance notice, if a press deadline changes, a Holiday falls between the regular deadline and the scheduled meeting, or if other time constraints apply.

You may contact the County Administrator's Office, at 772/226-1408, for deadline information related to a specific meeting.

Please complete the request to speak form and submit it in one of the following ways:

[Download and print the Request to Speak Form](#)

## AGENDA

Board of County Commission Chambers  
Collier County Government Center  
3299 Tamiami Trail East, 3rd Floor  
Naples, FL 34112

May 09, 2023

9:00 AM

**Commissioner Rick LoCastro, District 1; – Chair**  
**Commissioner Chris Hall, District 2; – Vice Chair**  
**Commissioner Burt Saunders, District 3**  
**Commissioner Dan Kowal, District 4; – CRAB Co-Chair**  
**Commissioner William L. McDaniel, Jr., District 5; – CRAB Co-Chair**

**NOTICE:** All persons wishing to speak on Agenda items must register *prior* to presentation of the Agenda item to be addressed. All registered speakers will receive up to three minutes unless the time is adjusted by the chairman. Additional minutes may be ceded to an in-person speaker by other registered speakers who must be present at the time the speaker is heard. No public speakers will be heard for Proclamations, Presentations and Public Petitions. Speakers on Presentations are limited to 10 minutes, unless extended by the chairman. All persons wishing to speak on a Consent Item must register prior to the Board's Approval of the day's Consent Agenda, which is heard at the beginning of the meeting following the Pledge of Allegiance.

Anyone wishing to address the Board on Public Petition must submit the request in writing to the County Manager at least 13 days prior to the date of the meeting. The request shall provide detailed information as to the nature of the Petition. The Public Petition may not involve a matter on a future Board agenda, and must concern a matter in which the Board can take action. Public petitions are limited to a single presenter, with a maximum time of ten minutes, unless extended by the chairman. Should the petition be granted, the item will be placed on a future agenda for a public hearing.

Anyone wishing to address the Board on general topics not on this agenda or a future agenda must register to speak prior to the Public Comment portion of the agenda being called by the chairman. Speakers will be limited to three minutes, and no additional minutes may be ceded to the speaker. At the chairman's discretion, the number of public speakers may be limited to 5 for that meeting.

Any person who decides to appeal a decision of this Board will need a record of the proceeding pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Collier County Ordinance No. 2003-53 as amended by ordinance 2004-05 and 2007-24, requires that all lobbyists shall, before engaging in any lobbying activities (including but not limited to, addressing the Board of County Commissioners), register with the Clerk to the Board at the Board Minutes and Records Department.

## Osceola County

**SECTION 2. HEAR THE AUDIENCE.** Each meeting agenda in which decisions will be made will have a "Hear the Audience" section at the beginning of a meeting. The Board will not vote on any item during this portion of the meeting. Rather, this portion of the meeting is to allow for public comments to be heard on items that are on the agenda for that meeting. Comments will be limited to three minutes. Each speaker may only speak once during Hear the Audience unless the Board requests additional clarification. Donation of speaker time may be provided to a single representative up to a total maximum of 12 minutes of speaking time. Donation of time waives the opportunity to speak individually.

**SECTION 3. REQUEST TO SPEAK.** The Request to Speak Form will include the name, address and Agenda Item Number(s) the individual would like to address. The Form is available online via the County's website and in-person for Public Hearing items. Handwritten forms need to be legible in order to assist the Chair in recognizing the individual wishing to speak. The deadline for registering depends on the Agenda item type.

**A. Consent/Public Hearing and Public Hearing Items (includes quasi-judicial items):** "Request to Speak" forms shall be submitted, online by 5:00 p.m. the day before the meeting, or in-person 15 minutes prior to the start of the meeting. The Chair may have the registered speaker address the Board under Hear the Audience or during the Public Hearing when the Board will address the item.

**B. All Remaining Agenda Items included on the Published Agenda:** "Request to Speak" forms shall be submitted online, or if the citizen does not have access to a computer a message may be left on a dedicated voice mail line (407) 742-TALK (8255), by 5:00 p.m. the day before the meeting.

**SECTION 5. PUBLIC COMMENT MEETINGS.** Public Comment Meetings are designed to allow for public comment on any topic other than pending or scheduled quasi-judicial items. Comments will be limited to three minutes. Each speaker may only speak once and there will be no donation of speaker time permitted. "Public Comment Request" forms are available via the County's website, or if the citizen does not have access to a computer a message may be left on a dedicated voice mail line (407) 742-TALK (8255), and must be submitted online by 5:00 p.m. the day before the meeting. In addition, the Public Comment Request form shall include the name, address and the topic the individual would like to address. In the event that there are no registered speakers by 5:00 p.m. the day before the meeting, the Public Comment Meeting will be canceled.



# **No Public Comment Section for Items Not on Agenda**

## **Public Participation**

Anyone wishing to speak at a Broward County Commission meeting must appear in person.

Members of the public wishing to be heard on any agenda item can register one of two ways: fill out the online registration form, or scan the QR code posted in various locations inside and just outside the Commission Chambers to register on your mobile device.

- A separate form must be completed for each item you wish to speak on.
- Items that may not be pulled (e.g. Delegation Requests, motions to set for public hearing, Mayor's Report and County Administrator's Report) will not appear in the list of agenda items that residents may choose to speak on.
- No speaker sign-ups will be accepted after an item has been called.

Anyone having trouble registering digitally can visit County Administration on the 4th floor for assistance.

\*Broward County Registration form only allows for speakers to select items on the agenda to address

## **Pasco County**

## **Public Comment**

Citizens are given an opportunity to comment on items listed on the Agenda by participating via WebEx during the meeting or attending in person. A WebEx pre-registration process can be found on the Public Comment Options page and must be completed to participate. Citizens may also comment on items listed on the Agenda in person inside the Board Room. The Board will take Public Comment on items on this agenda. It is requested that when you address the Board, that comments are not directed personally against a commissioner or team member, but rather directed at the issues. This provides mutual respect between the board members and the public.





LP BREVARD  
LAUNCHING LIBERTY

Libertarian Party of Brevard County - PO Box 237454, Cocoa, FL 32923-7454

### Resolution #1 05-2023

Whereas government transparency is one of the key problems the Libertarian Party of Brevard works to improve, and it remains as one of our top pillars of our platform, and

Whereas we strive to ensure community involvement is not limited, and instead the government is, and

Whereas we find this motion, as written, to be unfair to the citizens of Brevard County Florida, thus increasing the power of government over its citizens,

We resolve to stand against this proposal as written and provide solutions to correct the motion to ensure the community and its citizens are ensured the ability to hear the grievances of other citizens through technology the taxpayers have already purchased.

- Solution #1: Withdraw the motion. End this ordeal and keep the citizens' public comment section where it is.
- Solution #2: Amend the motion altering the word 'after' and changing it to 'before'. Thus placing the public comments before the board reports.
- Solution #3: Amend the proposed language for the cameras to read 'until the adjournment of the meeting' instead of 'after board reports'.

We believe there is no adequate nor acceptable reason to turn the cameras off before the adjournment of a meeting. The Brevard County citizens paid for these cameras through tax dollars taken from them without their consent. Failure of the government to use equipment for the purpose which it was paid for is both negligent and continues to degrade the little trust the electorate has in our Brevard County government.

Signed by the Chair,

Nathan Slusher

Libertarian Party of Brevard County Executive Committee

05-09-2023