



AGENDA REPORT  
July 23, 2019

Civility Ordinance and Policy, District 3

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**SUBJECT:**

Civility Ordinance

**DEPT/OFFICE:**

District 3

**REQUESTED ACTION:**

Board discussion, permission to advertise

**SUMMARY EXPLANATION and BACKGROUND:**

On July 9th, Major Mel Martin introduced a citizen request asking for the Board to consider adopting a policy which addresses civility and decorum. The attached ordinance is meant to address these concerns.

**ATTACHMENTS:**

**Description**

- **Updated Draft Civility Ordinance D3**



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July 24, 2019

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

**TO:** Commissioner John Tobia, District 3

**RE:** Item I.1., Civility Ordinance and Policy

The Board of County Commissioners, in regular session on July 23, 2019, considered and discussed legislative intent and permission to advertise a civility ordinance and a policy which addresses civility and decorum, but took no formal action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

**cc:** Each Commissioner  
County Manager  
County Attorney

**ORDINANCE NO. 2019-\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING CHAPTER 2, ARTICLE II OF THE BREVARD COUNTY CODE OF ORDINANCES ENTITLED “BOARD OF COUNTY COMMISSIONERS”; CREATING A NEW SECTION, SECTION 2-30, ENTITLED “CIVILITY AND DECORUM DURING BOARD MEETINGS”; PROVIDING FOR FINDINGS AND INTENT; ESTABLISHING RULES OF CIVILITY AND DECORUM FOR BOARD MEETINGS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, the Board of County Commissioners of Brevard County, Florida (hereinafter referred to as the “Board”) is authorized to establish ordinances that are not inconsistent with general law; and

**WHEREAS**, Section 125.01(1)(a), Florida Statutes, provides that the Board has the authority to adopt its own rules of procedure; and

**WHEREAS**, the Board finds that any pre-established and adopted policies, including BCC-55 and Resolution 17-231, related to County Commission meetings shall remain in full force and effect unless there is a conflict with the provisions of this Ordinance, in which case the provisions of this Ordinance shall govern; and

**WHEREAS**, the Board has a significant interest in ensuring the efficient conduct of County business, as well as maximizing citizen participation in the governmental decision-making process; and

**WHEREAS**, the Board is committed to the principles of civility, honor, and dignity, and those who appear before the Board are requested to observe the same principles when addressing the Board; and

**WHEREAS**, the Board finds it has the authority to impose reasonable restrictions on the topics of discussion to preserve the civility and decorum necessary to further the forum’s purpose of conducting public business, as long as the restrictions do not discriminate on the basis of the speaker’s viewpoint.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:**

**Section 1. Findings and Intent.** The foregoing recitals are incorporated into this Ordinance as findings of the Board.

**Section 2. Creation.** Section 2-30 of the Brevard County Code of Ordinances is hereby created to read as follows:

**Section 2-30. Civility and Decorum during County Commission Meetings.**

(a) Rules of Decorum for Board Members.

1. While a County Commission meeting is in session, members of the Board of County Commissioners must observe the following principles in order to maintain civility and decorum:

A. Members of the Board shall not make statements intended to intimidate, threaten, or defame a member of the public or chill their speech if it serves no legitimate public purpose.

1. Indicia of the requisite intent includes, but is not limited to:

a. Attacking the personal character of any individual including, but not limited to, calling into question their integrity or honor except that, in the event someone has been convicted of a crime, such crime can be noted.

b. Labeling another individual pejoratively in a manner that does not directly relate to County business at hand, especially when done in retaliation to the viewpoint or content of a speaker's comments.

2. "Legitimate public purpose" is defined to include issues of public concern such as those listed on meeting agendas, ethics, fraud, waste, or abuse of authority or government resources.

2. The Chair, or any other member of the Board so designated, is responsible for maintaining and enforcing strict order and decorum.

3. Enforcement and Penalties

A. First violation: Notwithstanding the provisions of Robert's Rules of Order, if the Board member fails to come to order, the Board shall hold a contemporaneous vote as to whether to censure the Board member for his/her conduct. This vote shall require a majority vote of the Board.

1. Prior to the vote, the Board member in question shall have a reasonable amount of time to rebut or otherwise make a statement for the record. For purposes of this

subsection, a “reasonable amount of time” shall not exceed ten (10) minutes.

2. No Board member so censured shall be eligible to be elected Chair of the Brevard County Board of County Commissioners for a period of one (1) year

B. Second violation: if the Board member fails to come to order or if the Board member has been censured under this section within the past one (1) year, the Board shall hold a contemporaneous vote as to whether a petition shall be sent to the Governor, in accordance with Art. IV, Sec. 7(a) of the Florida Constitution, requesting the Board member be suspended from office for malfeasance, misfeasance, or neglect of duty. This vote shall require four fifths (4/5) vote of the Board.

**Section 3. Authority.** Pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, the Board is permitted to adopt rules and regulations not inconsistent with general law.

**Section 4. Conflict.** Unless preempted by State or Federal law, to the extent that the provisions of this Ordinance are more stringent than those of State law, this Ordinance shall apply. In the case of a direct conflict between any provision of this Ordinance and a provision of any Federal, State, or County law, rule, or regulation, the more restrictive shall apply.

**Section 5. Inclusion in Code.** It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and that the word “Ordinance” may be changed to “Chapter,” “Section,” “Article,” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6. Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption. A certified copy of this Ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten (10) days of enactment.

**DONE AND ADOPTED** in Regular Session, this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
By: Scott Ellis, Clerk of Court

\_\_\_\_\_  
By: Kristine Isnardi, Chair  
(as approved by the Board on \_\_\_\_\_)

D3 DRAFT 2019

I(1) Civility Ordinance  
BCC Policy 55  
Proposed Amendment  
7/23/19

# POLICY

NUMBER: BCC-55  
TITLE: Public Meetings at Brevard County Government Buildings/Facilities  
CANCELS: May 8, 2018  
APPROVED:  
ORIGINATOR: Public Works/Facilities  
REVIEW:

**I. Objective**

To ensure orderly, safe and informative proceedings for all members of the public who attend public meetings in the meeting rooms at the Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

**II. Definitions and References**

- a. Weapons and Firearms, Florida State Statute 790
- ~~b. Resolution 97-62-A Board Operating Procedures~~
- b. Resolution 17-231 Board Operating Procedures

**III. Directives**

- a. Smoking shall be prohibited inside all Government. Persons smoking tobacco or other products shall be in violation of State law and County Ordinance.
- b. Possession, consuming, serving or imbibing or being under the influence of alcoholic beverages on any portion of the public property, either within or outside of the Government buildings, shall be prohibited. Any exceptions to the serving, consuming, or possession of alcoholic beverages for a public event must be authorized by the County Manager.
- c. It shall be unlawful for any person, other than a sworn police officer or deputy sheriff with jurisdiction in Brevard County, to have in his or her possession a firearm or other weapon defined in Chapter 790, Florida Statutes, which includes any meeting of a governing body of a County, public school district, municipality or special district.
- d. Suitable attire shall be required to be worn at all public meetings at the Brevard County Government Center.
- e. Any signs to be displayed at public meetings at the Brevard County Government Center shall be of a size that they can be easily held and controlled by one person, and are not mounted on posts, poles or other devices or extensions that could constitute a health or safety hazard to other attendees in the event that they were dropped, waived, turned or

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fell. In the alternative, signs may be displayed on a tripod in an area established for such display as part of a presentation to the Board of County Commissioners or other public meeting room. NO signs shall be mounted or adhered to any wall, window, door, pillar, support, post or part of any building or structures in the Government Center without the permission of the County Manager or his/her designee. Signs, boxes, attaché cases, etc., may not be left unattended on the site. Unattended packages may be treated as suspicious and removed.

- f. If seating in the public meeting rooms is available, meeting attendees should be encouraged to utilize available seating and not to stand and/or converse in rear areas or in aisles so as to avoid distracting from or disrupting the conducting of public business at public meetings.

#### IV. Public Comment

Public comment and presentations to the Board of County Commissioners shall be in accordance with the following rules and guidelines which shall be enforced by the Chairman of the Board of County Commissioners or other presiding officer.

- a. Written communication shall be received by the presiding officer and entered into the record of the meeting.
- b. Speakers shall come to the podium and clearly state their name and address for the record.
- c. Groups are encouraged to select a representative to conserve time and avoid repetition. No person will be denied the privilege of speaking, as long as they meet the requirements of this policy.
- d. It shall be the prerogative of the Board to utilize a five ~~three~~ minute limit on all speakers to ensure that all speakers receive an equal opportunity to be heard. This includes any time for video, PowerPoint or other electronic presentation as more fully described in Section IV(l) below. The Board reserves the right to lengthen or shorten a speaker's time. This time limitation is not to be applied to any matter considered a quasi-judicial proceeding; rather the specific procedures provided in Resolution 17-231 as amended shall apply to quasi-judicial proceedings.
- e. All speakers shall address the Board as a body, not an individual member of the Board or the audience.
- f. All questions or comments from members of the public directed to members of the Board shall be addressed through the presiding officer. Members of the public shall not speak directly to an individual Commissioner, staff member, County Manager or County Attorney without first obtaining permission from the Chair. The failure to follow this procedural rule will be considered an action out of order.
- f.g. No Commissioner shall engage in discussion or question a member of the public, without first obtaining permission from the Chair. The failure to follow this procedural rule will be considered an action out of order.
- g-h. Personal, obscene, or slanderous remarks shall not be permitted.
- h-i. All speakers are asked to secure and complete a speaker's card so that an orderly coordination of speakers can be assured.
- i. ~~Public comment shall be limited to items NOT appearing on the printed Board meeting agenda.~~

The Chairman is authorized to implement other rules of procedure to assure fair hearing to all who are present as speakers and as members of the audience.

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Video, PowerPoint or other Electronic presentations to be made to the Board of County Commissioners are to be limited to no longer than five-three (53) minutes and must be reviewed by Production Staff and the County Manager no later than thirty-minutestwenty-four (24) hours prior to the meeting to ensure that the Board, live and broadcast audiences are not subjected to unsuitable videos-presentations which could contain material considered in conflict with accepted community standards regarding obscenity and pornography. Commissioners shall not present any video, PowerPoint or other Electronic presentations during public comment.

V. Conflict

The rules set forth in this Policy are intended to be cumulative to any other Board Policy Resolution or Ordinance that pertains to public meetings.

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V.VI. Reservation of Authority

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

ATTEST:

Scott Ellis, Clerk of Court

Robin-FisherKristine Isnardi, Chairman  
Board of County Commissioners  
Brevard County, Florida

As approved by the Board on: \_\_\_\_\_