

F. Consent Agenda - Public Works Department
ITEM 4.



AGENDA REPORT
May 30, 2019

Approval RE: BCC-54 Solicitation, Picketing, Petitioning on County Property

SUBJECT:

Approval to continue Policy BCC-54.

FISCAL IMPACT:

None.

DEPT/OFFICE:

Public Works

REQUESTED ACTION:

It is requested that the Board of County Commissioners continue Policy BCC-54 with no changes.

SUMMARY EXPLANATION and BACKGROUND:

Policy BCC-54 authorizes non-commercial solicitation, picketing and petitioning to ensure that all citizens are fully able to enjoy their constitutional rights to petition their government, and express their rights to freedom of speech in an orderly fashion without impairing or hampering County functions and services.

No changes are requested at this time.

ATTACHMENTS:

Description

- ▣ **BCC-54 Redline**
- ▣ **BCC-54 Clean**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

May 31, 2019

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item F.4., Approval of Policy BCC-54 Solicitation, Picketing, Petitioning on County Property

The Board of County Commissioners, in regular session on May 30, 2019, continued Policy BCC-54 Solicitation, Picketing, Petitioning on County Property, with no changes. Enclosed is a fully-executed Policy.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Interim Public Works Director

TITLE: Solicitation, Picketing, Petitioning on County Property

NUMBER: BCC-54

CANCELS 11/03/2018

APPROVED: 05/30/2019

ORIGINATOR: Public Works/Facilities

REVIEW: 05/30/2022

I. Objective

Authorize non-commercial solicitation, picketing, and petitioning which does not impair or hamper County functions and services to ensure that all citizens are fully able to enjoy their constitutional rights to petition their government and express their rights to freedom of speech.

II. References

- A. Ordinance 71-7, Section 1-(6) – Establishes the authority to the County Manager for the control and use of County buildings and property.
- B. Chapter 125.01(1)(c), Florida Statutes – Vests power to the Board to provide and maintain County buildings.
- C. Brevard County Code, Chapter 62, Article 9, Section 62-3301, Signs.

III. Definitions

- A. “County property” is real property owned or leased by the County and under the operational control of the County.
- B. “Solicitation” means seeking support for a particular cause or point of view.
- C. “Petitioning” means the written or verbal solicitation or expression of a political, social, or religious viewpoint.
- D. “Picketing” means the display of placards or signs accompanied by vocal or pedestrian demonstrations but does not include individuals holding hand-held signs.
- E. “Property Manager” means that person designated by the County Manager to manage the control and use of (all or the respective) County-owned property, i.e., the Facilities Department for multi-use facilities, and the “tenant” for single-use facilities.

IV. Directives

- A. Restrictions
 - 1. Commercial solicitation is prohibited on County property.
 - 2. Specific areas of County property shall be designated by the Property Manager for solicitation, picketing and petitioning purposes. These areas

will be available for expression to all individuals or groups. Only the Rules of Conduct set forth in Subsection (B)(2) of this policy shall apply to such activity on this property.

3. Nothing in this policy shall be construed to prohibit displaying signs (in a non-destructive manner) of a reasonable size at County property, except as outlined in Policy # BCC-55.
4. Political candidates may walk through County buildings without disrupting the delivery of services to meet their constituents. However, per Florida Statute Chapter 106.15, no soliciting for campaign contributions is permitted in a building owned by a governmental entity.
5. Signage or other items may not be left unattended on the site (see Sign Ordinance). Unique signage in support of fund drives (United Way, etc.) may be approved on a case-by-case basis by the County Manager for the period of the drive.

B. Standards and Procedures

1. Eligibility: Citizens, including not-for-profit groups and organizations, may solicit, picket, or petition on County-owned property for non-commercial purposes in areas designated by the Property Manager.
2. Rules of Conduct: Solicitors, picketers and petitioners must:
 - A. Keep the solicitation, picketing, or petitioning activity on designated areas and outside of buildings and parking lots, except for Commission meetings as outlined in Policy BCC-55.
 - B. Maintain their assigned area in an acceptable condition of orderliness and cleanliness, returning it to original condition when finished.
 - C. Conduct their activity in an orderly and peaceable manner which does not interfere with the normal activities of County government or other citizen's rights.
 - D. Conduct all activity during normal business hours or at such times as the County property is open to the public.
 - E. Remove all items after they are done, being sensitive that unattended items could be considered suspicious, and cause a potential security threat. Brevard County accepts no responsibility for items left on County property.

V. Reservation of Authority

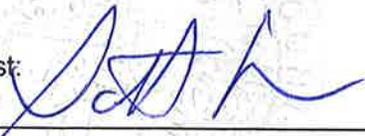
The authority to issue and/or revise Policies is reserved to the Board of County Commissioners.



Kristine Isnardi, Chair
Board of County Commissioners
Brevard County, Florida

As approved by the Board on 5/30/19

Attest:



Scott Ellis, Clerk

Strike-through



POLICY

TITLE: Solicitation, Picketing, Petitioning on County Property

NUMBER: BCC-54
CANCELS: ~~07/29/2008~~
11/03/2018
APPROVED: ~~11/03/2015~~
05/30/2018
ORIGINATOR: Public Works/Facilities
REVIEW: ~~11/03/2018~~
05/30/2022

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 Kristine Isnardi, Chair
 Board of County Commissioners
 Brevard County, Florida

As approved by the Board on _____

Attest:

Scott Ellis, Clerk