



Meeting Name: Town Council Meeting
Meeting Date: November 13, 2024
Prepared By: L. Rubin, Town Attorney
Item Title: Resolution 2024-21 (Amending the Public Participation Rules and Policies and General Meeting Procedures to adopt Rules of Decorum)

DISCUSSION:

At its last Council meeting, this office presented the Council with draft rules of decorum for members of the public and a draft Code of Conduct for the Town Council. At the request of Council, this item was separated into two separate agenda items.

The Town Council adopted the current Public Participation Rules and Policies and General Meeting Procedures (“Public Participation Rules and Procedures”) on December 14, 2022, through the adoption of Resolution 2022-12. At the time, the Council decided not to include rules of decorum for members of the public. However, a majority of the current Councilmembers expressed a desire to amend the Public Participation Rules and Procedures to address decorum. As previously discussed, Section 286.0114(2), Florida Statutes, specifically authorizes a municipal board or commission to maintain orderly conduct or proper decorum in a public meeting.

Numerous court decisions have upheld the right of legislative bodies to regulate decorum at public meetings. Such meetings are limited public forums, thereby allowing the body to enact content-based restrictions on free speech so long as they are reasonable and viewpoint neutral. However, a recent decision from the Eleventh Circuit Court of Appeals cautioned that such rules must be adequately defined and consistently enforced. To that end, the attached Resolution proposes to amend the Public Participation Rules and Procedures to add the following language:

D. Decorum Rules

1. All Town meetings shall be conducted in an orderly and businesslike manner. All participants and attendees shall be treated with respect.
2. The Town shall adhere to the following norms of civility:
 - a. A person who has the floor shall be permitted to speak without interruption, whether by other participants or attendees, unless interrupted by the presiding officer pursuant to subsection E below.

- b. Speakers shall refrain from impertinent or slanderous comments, defined as comments that are immaterial to official Town business and which tend to impugn the reputation of the person about whom the comment is made.
- c. A speaker's tone of voice and word choice shall be appropriate for a formal, civic meeting. The use of gratuitous profanity or the making of abusive or threatening comments shall not be tolerated.
- d. No person shall engage in disruptive behavior, such as calling out from the audience, clapping, booing, or whistling.

If adopted, these rules will be enforced by the presiding officer in accordance with the current procedures. Any person violating the rules will be given a warning. If the person again violates the rules, the presiding officer may request that the violator leave the meeting. If the violator refuses, the presiding officer may recess the meeting and request the assistance of law enforcement personnel.

RECOMMENDATION:

Town Staff requests Town Council consideration of Resolution 2024-21, amending the Public Participation Rules and Procedures and General Meeting Procedures to adopt rules of decorum.