

RESOLUTION 2025-18

A RESOLUTION OF THE CITY OF WAUCHULA, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS, PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA:

SECTION 1. FINDINGS; DECLARATION OF PUBLIC POLICY. The City Commission makes the following findings and declares the following legislative intent:

- (1) The City has traditionally permitted public participation in its public meetings.
- (2) Many Florida local governments allow public participation but have adopted rules to govern its conduct.
- (3) Public participation in government business is the bedrock of American local government and should be protected, permitted, and not discouraged consistent with principles of common and statutory law.
- (4) In 2013, the Florida Legislature adopted Section 286.0114, Florida Statutes, that requires municipal boards and commissions to provide members of the public a reasonable opportunity to be heard before official action is taken.
- (5) The City Commission previously adopted a resolution in 2013, Resolution 2013-21, setting forth rules and policies governing public comment and addressing the conduct of public meetings, including the requirement of board and commission members to maintain decorum during public meetings, which resolution was amended in 2014 by Resolution 2014-13.
- (6) The City Commission finds it is necessary to further amend Resolution 2013-21, as amended by Resolution 2014-13, to address changes in the law referenced in those resolutions since their adoption in order to comply with the letter and the spirit of section 286.0114, Florida Statutes, and for purposes of clarity, restates the entirety of Sections 2 through 7 of Resolution 2013-21, as previously amended by Resolution 2014-13, and as further amended below.

SECTION 2. AMENDMENT TO RESOLUTION 2013-21. Sections 2 through 7 of Resolution 2013-21, as previously amended by Resolution 2014-13, are hereby further amended to read as follows:

“SECTION 2. DEFINITIONS. For the purpose of these rules, the following definitions shall prevail:

(1) A "meeting" is a gathering of a quorum of the membership of the Commission, or any board or commission or the City or its agencies or authorities for the purpose of receiving information relating to public business, or for discussion of public business, or for official action upon a proposition related to public business.

(2) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by a board or commission to enact ordinances and resolutions, conduct public hearings, or otherwise discuss or act upon matters of public interest.

(3) A "special meeting" is any meeting other than a regular meeting held by a board or commission. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of a board or commission or for the purpose of addressing matters which the board or commission has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or presiding officer of the board or commission shall specifically state the purpose of the meeting and the board or commission shall address only those matters for which the meeting was called.

(4) A "board or commission" shall refer to the City Commission of the City of Wauchula, the Airport Authority Board, the Historic Preservation Board, the Planning and Zoning Board, the Community Redevelopment Agency, and any other board or commission created in the future by the City Commission .

(5) "City Commissioner" shall refer to the Mayor and members of the City Commission of the City of Wauchula.

(6) The “presiding officer” shall mean, in the case of the City Commission and the Community Redevelopment Agency, the Mayor, and in all other cases shall be the chairman of a particular city board or commission.

(7) A “workshop meeting” is a meeting held by the City Commission on the first Monday of each month unless changed due to the observance of a holiday during which the Commission meets pursuant to the Sunshine Laws for the sole purpose of receiving staff comments and discussing amongst themselves matters that may, at some future indeterminate time, come before the Board.”

SECTION 3. MEETINGS.

(1) Location. All meetings of the City Commission shall be held in City Hall, unless the Commission indicates another location, and shall be open to the public as required by law. All meetings of any other city board or commission shall

be held in a suitable location, and shall be open to the public as required by law. The only exception to the requirement that meetings be open to the public shall be any executive session scheduled for those purposes expressly recognized by law.

(2) Regular Meetings. The City Commission and the city's other boards and commissions shall hold regular monthly meetings as designated by the City Commission or the city's other boards and Commissions.

(3) Public Notice. The City shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City Hall. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice.

SECTION 4. CONDUCT OF MEETINGS.

(1) The presiding officer shall preserve order and decorum at all meetings.

(2) When considering matters noticed for a public hearing of the City Commission, the applicable ordinances shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public.

(3) During any board or commission meeting, board members and commissioners shall maintain order and decorum.

(4) City staff and citizens must be recognized by the presiding officer before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(5) All comments must be made from the podium which is located at the front of the City Commission Chambers or by other reasonable accommodations in any other location in which a board or commission meeting is held, and shall address the subject of the agenda item. Individuals that appear before any city board or commission are required to state their legal name and their actual address for the public record. The purpose of this requirement is so that they are properly reflected in any board or commission minutes and are available for future reference.

(6) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official

action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. Members of the public shall be limited to three (3) minutes per person on all items that are not of a quasi-judicial nature.

(7) At the discretion of the presiding officer, public comments to be offered for an item during which the board or commission is acting in a quasi-judicial capacity will be limited to three (3) minutes per person so that all may be heard on the matter and the presiding officer, or his designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The presiding officer may, at his discretion, or at the direction of a majority of the board or commission, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the Commission. One participant's allotted time for addressing the board or commission may not be donated to another participant.

~~(8) — Those persons wanting to express his or her opinion on an agenda item noticed for public hearing without addressing the board or commission may do so on the appropriate color-coded participation card which the clerk shall make available, and when completed and returned to the clerk shall be made part of the public record of the proceedings. Individuals may express on the card that they are "FOR", "AGAINST", or "UNDECIDED" regarding the agenda item they reference on the card.~~

(98) As a board or commission considers consent agenda items, emergency items, items involving official acts that involve no more than a ministerial act, approval of minutes, ceremonial proclamations and other similar items, the presiding officer may, at his discretion, or at the direction of a majority of the board or commission, accept comments from those in attendance.

~~(10) — When considering the first or second reading of an ordinance, the City Commission shall accept comments from those members of the public who have indicated their desire to address the Commission concerning such ordinance by signing up at the commencement of the meeting on participation cards provided by the City Clerk.~~

(944) Notwithstanding anything to the contrary set forth in this Resolution, nothing in these rules shall be construed as requiring the City Commission to permit public comment during workshop meetings.

SECTION 5. PUBLIC PARTICIPATION AND COMMENT. The City of Wauchula has a long-standing policy which encourages its citizens to contact the

City Manager's office to redress issues which involve the City. In cases where a city board or commission's involvement is required, these matters are typically taken before that city board or commission as an agenda item. The City Commission continues to believe that this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical. In order to comply with Section 286.0114, Florida Statutes, the Wauchula City Commission hereby establishes a Public Comment Policy applicable to all city boards and commissions to allow members of the public an additional opportunity to address city boards and commissions. In addition to public hearings, a special time is hereby set aside at all city board and commission meetings for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The City Commission allocates up to 30 minutes at each city board or commission meeting except workshop meetings for citizens who wish to appear before that city board or commission to make a request of that board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The presiding officer will divide the time equally between all who ~~wish have signed up~~ to speak; but in no case may a citizen speak longer than three (3) minutes. A Public Comment period not to exceed thirty minutes will be held during any board or commission meeting. The presiding officer may permit additional time to a given speaker and/or permit additional time for Public Comment on a case-by-case basis.

(2) In the event that the number of members of the public Persons who wish to speak exceeds the number of speakers that may be accommodated during the 30 minute Public Comment period, in order to provide order and efficiency, the Commission reserves the right to require those wishing to speak to will register on a sign-up sheet prior to making a statement and further reserves the right to limit each speaker to two (2) minutes to ensure all who wish have an opportunity to speak. Speakers will be acknowledged by the presiding officer in the order in which their names appear on the sign-up sheet. The sign-up sheet will be available 30 minutes before the start of the meeting. No one will be allowed to have his or her name placed on the list by telephone request to city staff.

(3) Each person who ~~wishes signed up~~ to speak will have up to 3 minutes to make his or her statement. ~~Speakers will be acknowledged by the presiding officer in the order in which their names appear on the sign-up sheet.~~ Speakers shall address that city board or commission from the podium, and not approach that city board or commission or staff. Speakers will begin their statement by first stating their legal name and actual address.

(4) Statements are to be directed to the city board or commission as a whole, and not to individuals. Public comment is not intended to require a city

board or commission to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(5) Speakers will be courteous in their language and presentation.

(6) Only one speaker will be acknowledged at a time. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson shall be designated to express the group's concerns. Likewise, in the event the number of persons wishing to attend the hearing exceeds the capacity of the meeting place, one or more delegates shall be selected to speak on behalf of each group. If the time periods expires before all persons who have signed up get to speak, those names will be carried over to the next Public Comment period, or if the presiding officer consents, these comments can be heard at that meeting.

(7) Any action on items brought up during the Public Comment period will be at the discretion of that city board or commission. No city board or commission will likely take any action on subject matter for which it has not had the opportunity to fully investigate and gather complete information.

(8) These same rules shall apply to all city boards and commissions but shall not apply to workshop meetings.

SECTION 6. DECORUM. The presiding officer shall preserve strict order and decorum at all meetings.

(1) In conducting the public's business, city boards and commissions are committed to the principles of civility, honor, and dignity. Individuals appearing before city boards and commission are requested to observe the same principles when making comments on items and issues presented to a given city board or commission for its consideration.

(2) Staff members, board and commission members, and citizens are required to use ~~proper~~ appropriate language when addressing a city board or commission, staff, or the audience. Staff members, board members, and citizens shall not use profanity or cursing, aggressive, or threatening behavior when addressing the city board or commission, staff, audience members, or other participants. ~~All comments are directed to the presiding officer and not to individual members of the city board or commission or to the audience.~~ No personal verbal attacks toward any individual will be allowed during the conduct of a city board or commission meeting. ~~The presiding officer may have individual(s) removed from the podium and/or meeting chambers if such conduct persists after a warning has been issued.~~

(3) All members of a city board or commission shall maintain decorum, and shall accord the utmost courtesy to each other, the City employees, and the

public members appearing before the board or commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. During city board or commission meetings, cell phones are to be turned off or silenced. Use of cell phones by board or commission members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications, research, or during breaks.

(4) In addition to the prohibitions in (3), above, Section 871.01, Florida Statutes, declares that any person who willfully and maliciously interrupts or disturbs any assembly of people meeting for any lawful purpose commits ~~shall be guilty of a misdemeanor of the first second-degree, and may be subject to arrest. arrested by police officers present. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.~~

~~(5) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the meeting chambers, the following steps shall be taken:~~

~~_____ (i) The presiding officer shall declare a recess.~~

~~_____ (ii) The person shall be approached by a police officer and advised that he has been ordered expelled.~~

~~_____ (iii) In case the person does not remove himself from the area he may be placed under arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.~~

~~_____ (iv) In the event any person who is ordered expelled leaves the meeting chambers voluntarily and then returns to the same meeting, he is subject to arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.~~

The City Manager shall, during all City Commission meetings, have a uniformed certified law enforcement officer present.”

SECTION 7. WAIVER OF RULES. The city board or commission may, at any time, waive all or a portion of these rules of procedure during the course of a meeting. ~~Provided, however, that any such waiver shall only be done upon a motion and majority approval of the waiver by members of the board or commission present and voting. Such waivers shall only be granted to ensure the protection of the right of members of the public to be given a reasonable opportunity to be heard before a city board or commission takes official action on a proposition.”~~

SECTION 3. SEVERABILITY. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT RESOLUTIONS. All resolutions and portions of resolutions in conflict herewith are hereby repealed, including but not limited to Resolution 2013-21 and Resolution 2014-13.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

DULY PASSED, AND ADOPTED this _____ day of November, 2025, at a _____ meeting of the City Commission of the City of Wauchula, Florida.

ATTEST:

APPROVED:

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

**APPROVED AS TO FORM &
CORRECTNESS:**

**Kristie Hatcher-Bolin, Esquire
City Attorney**

STATE OF FLORIDA
COUNTY OF HARDEE

I, the undersigned duly appointed City Clerk of the City of Wauchula, Florida, HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2025-18, as shown in the records of the City on file in the office of the City Clerk.

WITNESS my hand and the seal of the City of Wauchula, Florida, this ____ day of November, 2025.

Stephanie Camacho, City Clerk