

1 **Summary of Ordinance**

2 The purpose of this ordinance is to create Section 2-2, Article I, Chapter 2, Lake County Code,
3 entitled Public Participation. The new section will set forth provisions for public participation at
4 various board and committee meetings, including the Board of County Commissioners'
5 meetings, pursuant to Section 286.0114, Florida Statutes.

6
7 **ORDINANCE NO. 2013-54**

8 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
9 **COUNTY, FLORIDA; CREATING SECTION 2-2, ARTICLE I, CHAPTER 2, LAKE**
10 **COUNTY CODE, ENTITLED PUBLIC PARTICIPATION; PROVIDING THE PUBLIC**
11 **A REASONABLE OPPORTUNITY TO BE HEARD IN ACCORDANCE WITH**
12 **SECTION 286.0114, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE**
13 **CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE**
14 **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**
15

16 **WHEREAS**, during the 2013 Legislative Session, the Florida Legislature did enact
17 Chapter 2013-227, *Laws of Florida*, which created Section 286.0114, Florida Statutes, regarding
18 the public's right to participate at public meetings; and

19 **WHEREAS**, Section 286.0114, Florida Statutes, becomes effective on October 1, 2013
20 and requires that every board or commission of any county provide a reasonable opportunity to
21 be heard on a proposition coming before that board or commission; and

22 **WHEREAS**, Section 286.0114, Florida Statutes, allows, but does not require, local
23 governments to enact rules or policies to ensure the public's right to participate; and

24 **WHEREAS**, the Board of County Commissioners now desires to enact this ordinance for
25 the purposes of carrying out the intent of Section 286.0114, Florida Statutes.

26 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
27 Lake County, Florida as follows:

28
29 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
30 herein by reference.

31 **Section 2. Creation.** Article I, Chapter 2, Lake County Code, entitled Public
32 Participation, shall be created to read as follows:
33

1 **Sec. 2-2 Public Participation.**

2
3 (a) Right to be Heard. Pursuant to Section 286.0114, Florida Statutes, members of
4 the public shall be given a reasonable opportunity to be heard on a proposition before official
5 action is taken by any board or committee under the auspices of Lake County government,
6 including the Board of County Commissioners. Public input shall be limited to three (3) minutes
7 per speaker, with the Chairman having the option of allowing additional time. This right does
8 not apply to:

- 9
10 (1) An official act that must be taken to deal with an emergency situation
11 affecting the public health, welfare, or safety, if compliance with the requirements
12 would cause an unreasonable delay in the ability of the Commission to act;
13
14 (2) An official act involving no more than a ministerial act, including, but not
15 limited to, approval of minutes and ceremonial proclamations;
16
17 (3) A meeting that is exempt from Section 286.011, Florida Statutes; or
18
19 (4) A meeting during which the board or commission is acting in a quasi-
20 judicial capacity. This paragraph does not affect the right of a person to be heard
21 as otherwise provided by law.
22

23 (b) Time to be Heard. Each board and committee under the auspices of Lake County
24 government, including the Board of County Commissioners, shall allow members of the public
25 an opportunity to be heard prior to taking official action on any proposition. Such opportunity to
26 be heard need not be provided at the same meeting in which official action on the proposition is
27 to be made, but shall be provided at a meeting during the decision making process that is within
28 a reasonable proximity in time to the meeting in which the board or committee takes official
29 action.
30

31 (c) Request to be Heard. Members of the public who wish to provide comment to the
32 board or committee shall duly come before the board or committee during the designated period
33 of time on the agenda. If requested by the chair of the board or committee, persons requesting to
34 be heard shall submit a speaker card on forms provided by the County Manager or designee.
35 Advanced notice shall not be required, nor shall any member of the public be placed on the
36 official agenda other than having the ability to appear during the designated time for public
37 comment. Members of the public requesting to be heard on a proposition may designate a
38 representative to speak for them individually, or to speak on behalf of a group of concerned
39 citizens.
40

41 (d) Decorum. Members of the public addressing a board or committee shall provide,
42 in an audible voice, their full name and address on the record for the board or committee. All
43 remarks shall be addressed to the board or committee as a whole, and not to any one member
44 thereof, and such remarks shall indicate the speakers support, opposition or neutrality on a
45 proposition. No person, other than members of the board or committee and the person having
46 the floor, shall be permitted to enter into any discussion, either directly or indirectly with the

1 members of the board or committee unless specifically requested by the board or committee to
2 provide comment. Any person making personal, impertinent or slanderous remarks, or who shall
3 become boisterous, while addressing the board or committee, may be required to leave the
4 meeting and may be barred from further audience before the board or committee at the meeting
5 from which they were ejected.
6

7 (e) Agenda. All boards and committees shall have an agenda that is available at least
8 four (4) days in advance of any meeting. Unless exempted as set forth under subsection (a)
9 above, official action on a proposition cannot be taken at a meeting unless it was included in
10 such agenda. Items not on the agenda may still be discussed at a meeting, but official action on
11 the matter shall be re-scheduled for the next available meeting so as to provide the public a
12 reasonable opportunity to be heard.
13

14 **Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance
15 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
16 shall in no way affect the validity of the remaining portion of this Ordinance.
17

18 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
19 Commissioners that the provisions of this Ordinance shall become and be made a part of the
20 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
21 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
22 phrase in order to accomplish such intentions.
23

24 **Section 5. Filing with the Department of State.** The clerk shall be and is
25 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for
26 the State of Florida.
27

28 **Section 6. Effective.** This Ordinance shall become effective upon filing with the
29 Secretary of State.
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31 Enacted this 9th day of October, 2013.
32

33 Filed with the Secretary of State October 17, 2013.
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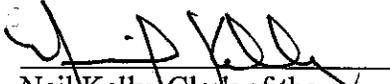
1 Ordinance No. 2013-54; Public Participation Ordinance

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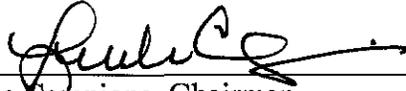
BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

7 ATTEST:

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Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

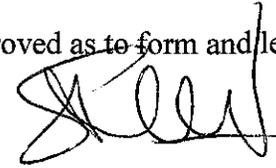


Leslie Campione, Chairman

This 10th day of October, 2013.

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21 Approved as to form and legality:



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23
24
25 Sanford A. Minkoff
26 County Attorney



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 17, 2013

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Courtney T. Vincent, Senior Secretary

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of the electronic copy of Lake County Ordinance No. 2013-54, which was filed in this office on October 17, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure

Treen, Shannon

From: Executive Office Mailbox
Sent: Thursday, October 17, 2013 4:22 PM
To: Lehman, Barbara; Vincent, Courtney; Boyajan, Susan; Treen, Shannon
Subject: FW: acknowledgement letter
Attachments: Lake 2013-54 - Ack.pdf

FYI

From: Hall, Mario R. [mailto: Mario.Hall@dos.myflorida.com]
Sent: Thursday, October 17, 2013 1:57 PM
To: Executive Office Mailbox
Cc: County Ordinances
Subject: acknowledgement letter

@ItsWorkingFL



	The Department of State is leading the commemoration of Florida's 500th anniversary in 2013. For more information, please go to http://www.vivaflorida.org
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