

RESOLUTION NO. 2025-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, REPEALING AND RESTATING RESOLUTION 2013-122, ESTABLISHING RULES AND POLICIES CONCERNING THE PROVIDING OF OPPORTUNITIES FOR MEMBERS OF THE PUBLIC TO BE HEARD ON PROPOSITIONS BEFORE THE BOARD WITHIN THE MEANING OF, AND IN COMPLIANCE WITH, SECTION 286.0114, FLORIDA STATUTES; PROVIDING A DEFINITION; PROVIDING DIRECTIONS TO THE COUNTY MANAGER REGARDING SPEAKER'S CARDS; PROVIDING FOR EFFECT ON PRIOR RULES, POLICIES AND PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by the enactment of Senate Bill 50 during its 2013 Regular Session, the Florida Legislature created Section 286.0114, Florida Statutes (the Statute), and provided that the Statute shall take effect on October 1, 2013; and;

WHEREAS, the Statute states that “a member of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission before it takes official action on a on a proposition;” and,

WHEREAS, the Statute provides that the opportunity to be heard on such a proposition may be subject to certain rules and policies adopted by the board or commission considering the proposition; and,

WHEREAS, the Statute addresses the scope of such rules and policies and the limitations thereon, and provides that if a board or commission adopts rules or policies in conformity with such scope and limitations and follows the same “when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with” the Statute; and,

WHEREAS, the Board of County Commissioners of Polk County, Florida (the “Board”), is a board or commission within the meaning of the Statute; and,

WHEREAS, the Board adopted Resolution 2013-122 to provide rules and policies in conformity with the scope and limitations provided in the Statute; and

WHEREAS, the Board wishes to revise the rules and policies to require a speaker to indicate the proposition they wish to address to allow the Board members to identify the proposition subject to speaker's comments and to allow the Board the ability to allow another public comment section at the end of the agenda for general public comments that do not pertain to propositions on the Board's agenda.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Polk County, Florida, that:

Section 1. For purposes of the rules and policies provided in Section 2, the term “proposition” shall have the same meaning as a proposition under Section 286.0114, Florida Statutes, but shall not include any of the enumerated items set forth in subsection (3) of said statute.

Section 2. As provided in subsection (5) of Section 286.0114, Florida Statutes, the Board does hereby adopt the following rules and policies governing the opportunities for member of the public to be heard on a proposition before the Board.

(a) Each published agenda for a Board meeting shall include a period for public comment that must commence and conclude prior to the undertaking by the Board of any action on the agenda that falls outside the scope of subsection (3) of Section 286.0114, Florida Statutes. The public comment section shall be titled “Public Comments Concerning Agenda Items” and will appear on the agenda before the Board takes official action on a proposition.

(b) As a guideline, each individual or representative addressing the Board shall have three (3) minutes to speak subject to the discretion of the chair to extend the time, and to the power of the Board as a whole to overrule the chair.

(c) An individual desiring to address the Board during the Public Comments Concerning Agenda Items section on a proposition or to designate a representative to speak for the individual or the individual’s group or faction on a proposition may so indicate in accordance with the following procedure.

- (1) Prior to speaking, the individual must fill out a speaker’s card and submit the same to the Board’s communication’s representative present at the meeting. The speaker’s card shall be submitted to the communication’s representative prior to the Public Comments Concerning Agenda Items section coming before the Board.
- (2) The individual must include the following information on the Speaker’s card:
 - (i) The individual’s name;
 - (ii) The proposition being addressed by providing the agenda item number;
 - (iii) An indication of the individual’s support, opposition, or neutrality on the proposition;

- (iv) An indication whether the individual will be addressing the Board directly on the proposition or through a designated representative for the individual or the individual's group or faction;
- (v) If the individual will be addressing the Board through a designated representative for the individual, the name of the representative; and
- (vi) If the individual will be addressing the Board through a designated representative for the individual's group or faction, the name of the representative and the identification of the group or faction being represented by name and/or a reasonably clear description.

(d) A representative of an individual or of a group or faction on the proposition shall address the Board, rather than the individual or all members of such group or faction, at a meeting in which a large number of individuals wish to be heard, in accordance with the following procedure.

- (1) Prior to speaking, the representative must fill out a speaker's card and submit the same to the Board's communication's representative present at the meeting.
- (2) The representative must include the following information on the speaker's card:
 - (i) The representative's name;
 - (ii) The proposition being addressed;
 - (iii) The identification of the individual or of the group or faction being represented by name and/or a reasonably clear description; and
 - (iv) An indication of the individual's, group's or faction's support, opposition, or neutrality on the proposition.

(e) Upon being recognized, an individual or representative must provide the following information for the record before addressing the proposition:

- (1) The individual's or representative's name;
- (2) The individual's or representative's address, unless the individual or representative is a person whose address is confidential under Section 119.071, Florida Statutes, and the individual or representative declines to provide an address for that reason;

- (3) The proposition being addressed on the agenda by referencing the agenda item's number; and
- (4) In the case of a representative, the identification of the group or faction being represented by name and/or a reasonably clear description thereof.

(f) With respect to propositions that appear on a meeting's published agenda that is available for public inspection prior to the commencement of the meeting, the opportunity for public comment thereon shall be limited to the Public Comments Concerning Agenda Items section, except for public comments on items listed under the Public Hearings section of the agenda.

(g) With respect to any proposition that does not appear on a meeting's published agenda that is available for public inspection prior to the commencement of the meeting, the chair shall solicit public comment thereon any time during the meeting prior to Board action thereon. An individual desiring to be heard may so indicate by appropriate sign, and shall be recognized by the chair. Upon being recognized, the individual shall provide the information required under subsection (e) before addressing the proposition. The individual may also designate a representative to speak on the behalf of the individual or of the individual's group or faction identified by name and/or a reasonably clear description, whereupon the individual shall promptly yield to the representative. The chair will then recognize the representative, who shall provide the information required under subsection (e) before addressing the proposition. Each individual or representative addressing a proposition under this subsection must submit a speaker's card in accordance with subsection (c) or (d), as applicable, at the time of or immediately following speaking.

(h) Any other provisions of this section to the contrary notwithstanding, no individual or representative shall be accorded more than three minutes to address a proposition regardless of the number of individuals being represented, nor may one individual or representative assign or delegate his or her speaking time to another individual, group, or faction.

(i) Speaker comments provided during the Public Comments Concerning Agenda Item section shall be limited to items that appear on a meeting's published agenda that is available for public inspection prior to the commencement of the meeting except those items that have been placed on the agenda under the "Request from the General Public/Audience and Opportunity to be Heard" which shall be heard during the Request from the General Public/Audience and Opportunity to be Heard section of the agenda.

(j) Those individuals or representatives wishing to speak on items placed on the Request from the General Public/Audience and Opportunity to be Heard section or wish to speak on an item that is not on the agenda may be heard during the General Public/Audience and Opportunity to be Heard section of the agenda. The Request from the General Public/Audience and Opportunity to be Heard section shall be placed on the agenda after the Public Hearings section of the agenda.

(k) Individuals or representatives wishing to speak during the Request from the General Public/Audience and Opportunity to be Heard section must fill out a speaker's card and submit the same to the Board's communication's representative present at the meeting prior to the Request from the General Public/Audience and Opportunity to be Heard section coming before the Board.

Section 3. The County Manager shall provide forms for the speaker's card conforming to the requirements of Section 2 between the public entrances to the Board's meeting rooms.

Section 4. The rules and policies provided in Section 2 supplant and supersede any previous rules, policies and adopted by the Board that are inconsistent therewith to the limited extent of the inconsistency.

Section 5. Resolution 2013-122 is hereby repealed.

Section 6. This resolution and the rules and policies provided herein shall take effect on June 18, 2025.

DULY ADOPTED by the Board of County Commissioners of Polk County, Florida this 17th day of June, 2025.

ATTEST: Stacy M. Butterfield, Clerk

POLK COUNTY, FLORIDA
Board of County Commissioners

By: _____
Deputy Clerk

BY: _____
T.R. Wilson, Chairman