

MEMORANDUM

DATE: October 8, 2025

TO: Mayor and City Commissioners

FROM: Lynn Gelin, City Attorney 

SUBJECT: Amendments to the City's Local Rules of Procedure

At the meeting of the City Commission held on September 15, 2025, the City Commission gave consensus to consider a change to the City's Local Rules of Procedure and Quasi-Judicial Rules (the "Local Rules") after a constituent voiced concerns regarding the requirement for speakers to provide their name and address before being able to participate in public comment. The Commission collectively shared the constituent's concerns and directed the undersigned to review applicable law and policy to determine if a change to the Local Rules could be effectuated. In short, the answer is yes.

Currently, Section VII, "Public Participation in City Government," subsection F, "Manner," states

Each person addressing the Commission shall step up to the podium and give his/her name and address for the record. No person other than a member of the Commission and the person having the floor shall be permitted to enter into any discussion without the permission of the Chair. All remarks shall be addressed to the Commission as a body and not to any individual member or the audience. Commissioners may ask questions of the speaker after his/her uninterrupted comments have been made. No question shall be directed to a Commissioner or staff except through the Chair. No persons other than members of the Commission, City staff, individuals participating in an agenda item presentation at the staff table, or persons authorized by the Chair, are allowed beyond the podiums.

Chapter 286, The Florida Sunshine Law

Public meetings are governed by Chapter 286 of the Florida Statutes, more commonly known as Florida's Sunshine Law. The Sunshine Law, enacted in 1967, provides specific requirements to ensure that meetings of government are open and accessible to the public. See Florida Statutes 286.011. The basic

requirements of the Sunshine Law state that all meetings of boards or commissions must be open to the public with reasonable notice given before the meeting. In addition, the Sunshine Law requires minutes of the meeting to be recorded and that the public be given a reasonable opportunity to be heard.

Notably, the Sunshine Law does not require, let alone address, whether a governmental body can require members of the public to provide identification in order to attend and/or speak at a public meeting. Consequently, this law has been interpreted to authorize municipalities, under their home rule authority, to promulgate rules and regulations to ensure the orderly administration of public meetings. For example, the Florida Attorney General has opined that municipalities and counties are authorized to establish “reasonable rules and policies that ensure the orderly conduct of a public meeting and that require orderly behavior on the part of those attending.” *See* AGO 2005-13. It has been held that the desire to maintain accurate records of public meetings provides a sufficient basis to establish reasonable rules.

Limited Public Forum

City commission meetings are considered limited public forums wherein the government can impose viewpoint neutral restrictions such as limitations related to time, place, and manner. Indeed, the City is authorized to adopt reasonable rules and policies to ensure the orderly conduct of its meetings. Thus, the manner in which the City requires speakers to address the Commission is subject to reasonable restrictions.

The City has a long-standing policy, readopted annually at its organizational meeting, of requiring a speaker to provide their name and address, both during public comment and quasi-judicial proceedings¹. The intent behind this policy is clear. Typically, residents who appear before the Commission during public comment wish to address the Commission about a matter of personal significance. By providing their name and address, the City Commission is able to not only personally address the speaker but also provide a response to the concern, usually at a later time after the conclusion of the meeting. Further, this information allows the City Clerk to provide accurate meeting minutes by being able to identify the speaker. The law has consistently upheld that the requirement to provide a name and address prior to speaking is a reasonable viewpoint neutral restriction.

Quasi-Judicial Proceedings

Quasi-judicial proceedings are court-like proceedings before a governmental body. They require speakers to be sworn-in and afford applicants due process considerations. These proceedings typically result in the initiation of court proceedings when perceived errors are made. Thus, the requirements for these proceedings necessarily entail a higher degree of decorum and structure to ensure the fairness of the proceedings to both the applicant and the City. For that reason, it is not recommended that any changes

¹ Changes to the requirements for quasi-judicial proceedings are not recommended for the reasons stated below.

be made to the quasi-judicial rules and that the City should continue to require that speakers during these proceedings provide their name and address.

Neighboring Municipalities

While Delray Beach utilizes a sign-in sheet, similarly, other municipalities employ comment cards. See Composite Exhibit A, attached hereto. The content of comment cards appears to vary, from simply requiring the speaker's contact information to affording the speaker an opportunity to make their comment in writing, as opposed to verbally. Comment cards are considered public records similar to all other records kept and maintained in the course of the City's business.

Recommendations

Case law and Attorney General opinions caution against the formation of rules that would have a "chilling effect" on a citizen's willingness to attend and participate in a public meeting. If the Commission has concerns that the current status of its Local Rules could have this effect, the Commission should consider the following:

- Modification of Current Sign-in sheet. The City's sign-in sheet requires a speaker to disclose their name, address, phone number and email. This form could be modified to require less information. It should be noted that sign-in sheets are public records.
- Comment Cards.
- Require speakers to provide only their name.
- Require speakers to provide their name and city of residence.
- Any combination of the foregoing.

Any changes considered by the Commission would require an amendment to the Local Rules. Should the Commission desire to amend the Local Rules, such an amendment should only apply to public comment, not quasi-judicial proceedings.

As always, I am available should you have any questions.

CITY OF LAKE WORTH PUBLIC COMMENT CARD

PLEASE PRINT

Topic of Agenda Item on which you want to speak: _____

Agenda Section: _____

Name: _____
(Please print)

Address: _____
(Please print)

For Against

If you prefer to not speak but have the Chair read your comments into the minutes:

To address the commission/board on any agenda item, this card **MUST** be fully completed and presented to the staff member seated at the front of the Chambers **PRIOR** to the item being opened for public discussion.

**Note: A separate card is necessary for each agenda item to be addressed.
A separate card must be filled out to speak on Public Participation on Non-Agendaed Items.**

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EXHIBIT "A"

- Time limit to address the commission on any agenda item: **2 minutes**.
(No individual may address the commission/board more than once on any agenda item.)
- Time limit to address the commission on non-agenda items: **3 minutes**. (Public Participation)
- A timer clock will be installed in the commission room to aid the speaker in facilitating the time limit.
- A time limitation will be placed on each agenda item for discussion by the public, and the commission. (Time limitation for each agenda item is 30 minutes maximum or will be adjourned to a workshop, as enforced by existing resolution)
- No inappropriate outbursts or interruptions from the public will be tolerated during commission/board meetings. (Outburst and interruptions include but not limited to: clapping, cheering, sneers, and name calling.)
- The result of inappropriate outbursts or interruptions will be immediate removal from the meeting escorted by a Police Officer. (A warning may first be given by the Mayor or Vice Mayor before removal)
- Strict adherence to Robert's Rules shall be followed at every meeting that is open to the public.
- The Mayor and Commissioners cannot address, nor answer questions directly to the speaker during public comment. (Unless there is a point of order) A copy of the resolution adopting rules and procedures for the City Commission is available in the City Clerk's Office.
- Email sent to staff will not be accepted.
- At the sole discretion of the Commission, emails or faxes sent directly to them could be accepted and read into the record.
- Public comment cards submitted in bulk will not be accepted or acknowledged.
- Public comment cards submitted to staff on behalf of absent individuals will not be accepted and read into the record.
- In order for a public comment card to be read into the record when the individual is no longer present, it must be personally submitted to staff during the meeting.

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Wellington Council

COMMENTS BY THE PUBLIC
(Please Print)

Wellington Agenda Item No. _____

Acme Agenda Item No. _____

Public Forum _____

Date

Name

Email Address

Address

Phone No.

1. Please complete Comment Card including your address. Be sure to include Agenda Item No. or if for Public Forum.
2. Give this form to the Agenda Coordinator prior to discussion of the agenda item.
3. When your name is called, please approach the podium and give your name and address of record.
4. A three (3) minute time limit per speaker, per agenda item will be enforced. Donating time is not permitted. Up to 15 minutes speaking time will be permitted at Public Forums if previously authorized by Village Manager.

- I support
- I oppose
- I wish to speak
- I do not wish to speak, but my question/comment is as follows:
- Lobbyist representing an individual or group, please indicate in the space below
- If you are representing an individual or group, please indicate in the space provided

Question/Comment

All comment cards become part of the Public Record. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Council shall be barred from further audience before the Council by the presiding officer, unless permission to again address the Council is granted.



WEST PALM BEACH

COMMENTS BY THE PUBLIC

MEETING DATE: _____

AGENDA ITEM #: _____

REQUIRED INFORMATION:

GENERAL COMMENT:

NAME: _____

ADDRESS: _____

AGENDA ITEM #: _____

I DO NOT WISH TO SPEAK, BUT REQUEST MY COMMENT BE MADE PART OF THE RECORD AS FOLLOWS:

RULES OF PROCEDURE: City of West Palm Beach Code of Ordinances

Section 2-31(20) Addressing the Commission; written communications.

- a. *Comment cards.* Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. **The person will not be recognized if the comment card is not completed.**

PLEASE READ RULES OF PROCEDURE ON BACK OF CARD



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AGENDA ITEM #: _____

REQUIRED INFORMATION:

GENERAL COMMENT:

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PLEASE READ RULES OF PROCEDURE ON BACK OF CARD

RULES OF PROCEDURE CONTINUED:

Addressing the Commission; After having completed a comment card and filing the comment card with the city clerk as required in subsection (20) of this section, each person recognized for the purpose of addressing the Commission shall step forward to the podium and shall give his name and address in audible tone for the record, speaking directly into the microphone. Persons addressing the Commission or Board shall limit, their remarks to three minutes. During public comment, the public may not connect a laptop or other electronic device to the City's network or attach removable media to the City's laptop or other equipment.

Any person making personal, impertinent or slanderous remarks or who becomes boisterous while addressing the Commission or Board, or while attending the Commission or Board meeting, shall be removed from the meeting room and/or property if the sergeant-at-arms is so directed by the presiding officer, and such person shall be barred from further audience before the Commission and or Board.

COURTESY: All electronics devices, including cell phones and pagers, shall be either turned off or otherwise silenced. Loud and/or prolonged conversations shall be conducted outside the Commission Chambers.

THANK YOU

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