



MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

LETTER OF INSTRUCTION

RE:

CITIZEN'S RIGHT TO BE HEARD

The Miami-Dade County Charter provides, as part of the Citizen's Bill of Rights, the "Right to be Heard." Specifically, the Charter states—

So far as the orderly conduct of public business permits, any interested person has the right to appear before ... any municipal council ... for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved...."¹

The Florida Supreme Court has stated in *dicta* that the right of the public to be present and to be heard at public meetings "is a source of strength in our country."² The rationale for allowing public comment at public meetings is based on the principle that government decisions are better when decision-makers have fully considered a broad range of citizens' views.

Despite recognizing the value of citizen participation, Florida lawmakers have not required that time be set aside at *regular* public meetings for public comments. Public participation is only mandated for public *hearings* when a governing body is adopting a local law or ordinance. A recent decision from Florida's First District Court of Appeal found that "although the Sunshine Law requires that meetings be open to the public, the law does not give the public the right to speak at the [regular] meetings."³

The Ethics Commission acknowledges both the value of public comments at public meetings and the need to conduct the government's business in an efficient manner.

¹ Miami-Dade Co. Code, Pt. 1, Home Rule Charter, Citizen's Bill of Rights, No. 5 (2011).

² Board of Public Instruction of Broward Co. v. Doran, 224 So.2d 693, 699 (Fla. 1969)(discussing Florida's Sunshine Law at § 286.011(1), Fla. Stat. (1969)).

³ Keesler v. Community Maritime Park Associates, Inc. (CMPA), 32 So.3d 659, 660 (Fla. 1st DCA 2010).

In order to maintain commonly accepted rules of courtesy and decorum, many public entities establish guidelines regarding how public comments should be handled. For example, the presiding officer of a public meeting is within his or her authority to do the following:

- Set priorities for topics of comment.
- Recognize persons to make comments.
- Extend or limit the time for any person making comments.
- When a large number of people wish to speak, request that a representative of each side of the issue speak rather than everyone present.
- Declare a person out of order for failure to follow the presiding officer's directives.

Members of the public who wish to speak may also be required to follow guidelines such as the following:

- Wait to be recognized by the presiding officer.
- Give their name, address and organizational affiliation, if appropriate.
- Speak only for the time allotted.
- Conclude their remarks when requested to do so.
- Address specific items on the agenda, unless the presiding officer allows otherwise.
- Direct remarks to the presiding officer only, and not to individual council members, staff or citizens in attendance.
- Do not presume that the presiding officer or anyone else in attendance is required to answer questions or engage in debate with the public.

Interested parties may also address any government entity that is meeting in public session through written communications delivered to the Clerk.

The Ethics Commission emphasizes that those who wish to speak at public meetings must always be treated with respect, courtesy and fairness—even if public comments must be restricted or omitted. The civility and decorum that we use to govern ourselves is often as beneficial as the positions we take.