

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS**  
**CONSENT/ AGENDA ITEM # 8c**

**SUBJECT:** Consideration of a Resolution Prohibiting Disruptive Behavior on County Property

**DATE OF MEETING:** July 15, 2024

**OVERVIEW/SUMMARY:** In 2018, the Board adopted Resolution 2018-45, prohibiting the installation or affixing of private signs on County-owned property. The 2018 Resolution also prohibits:

- The parking of advertising vehicles on County property; and
- The parking of oversized vehicles and overnight parking at the Government Services Complex as well as the Library.

Since the 2018 Resolution's adoption, there have been several occasions when matters on the agenda of the School Board have garnered considerable public interest. Some individuals established a presence outside the entrance of the Government Services Building including setting up tables and chairs and the use of bullhorns. Unfortunately, as passions were on display, the atmosphere grew confrontational for members of the public including for students.

In addition, during times of early voting, the public has begun to congregate at the Library in ever increasing numbers. Without any rules in place, advocates for various candidates or causes stake out positions on the Library grounds with tables, chairs, tents, and signs. Outside of the 150 foot exclusion zone required by state law, voters and Library patrons must pass through a gauntlet of solicitations.

The Resolution presented here imposes basic parameters on the use of County-owned property where today there is an absence of any protocols. The Resolution:

- Prohibits the use of amplified sound on County properties.
- Prohibits the erection of chairs, tables, tents, umbrellas, boxes, or coolers on County properties.
- Prohibits persons from harassing or impeding the use and enjoyment of County facilities by members of the public.

The Resolution would be applied without regard to the content or viewpoint of individuals to which it applies. The prohibitions would not apply to County staff or law enforcement acting within the scope of their employment. Also, the prohibitions would not apply to County sponsored or County sanctioned events such as special events. Finally, the prohibitions on chairs, tents, etc. would not apply to park visitors as long as such items do not impede the movement of pedestrians and vehicles.

Individuals who violate the Resolution would first be asked to cease the activity. Those who refuse will be required to leave the County property. Any individual who feels the Resolution was applied against them in error would have an opportunity to appeal for a hearing before the County Administrator.

**STRATEGIC PLAN:**

Effective Government

Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government

EG 2.1: Create a culture of collaboration with municipalities and community

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partners.

Goal 3 – Provide an Excellent Customer Experience

EG 3.5: Promote a responsive, proactive and transparent government that is open, participative and encourages citizen engagement.

**FUNDING INFORMATION:** N/A

**DEPARTMENT CONTACT:** Heidi Petito, County Administrator (386) 313-4001

**RECOMMENDATIONS:** Adopt Resolution Prohibiting Disruptive Behavior on County Property

**ATTACHMENTS:**

1. Resolution Prohibiting Disruptive Behavior on County Property

**RESOLUTION NUMBER 2024 - \_\_\_\_\_****A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS PROHIBITING CERTAIN DISRUPTIVE ACTIVIES ON COUNTY OWNED PROPERTIES AND AT COUNTY FRACILITIES; PROVIDING FOR IMPLEMENTATION; ESTABLISHING EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Flagler County Board of County Commissioners (the “Commission”) owns properties and facilities in various locations within Flagler County for the purpose of providing services and amenities to the residents of, and visitors to, Flagler County (collectively, the County-owned properties and facilities shall be referred to herein as “County Properties”); and

**WHEREAS**, the County encourages people of all ages, backgrounds, and viewpoints to visit the County Properties and utilize their resources and amenities in a safe and comfortable environment; and

**WHEREAS**, the Commission has a compelling interest in ensuring the safety of visitors to County Properties and in ensuring such visitors have harassment free access to government facilities and services. At the same time, the Commission has a constitutional duty to protect the right of free expression of persons visiting County Properties; and

**WHEREAS**, the County government has the inherent and sovereign right to regulate the use of its own property held in trust for the public; and

**WHEREAS**, Section 125.01, Florida Statues, grants the Commission the power to provide for parks, buildings, libraries, and other governmental, recreational, and cultural facilities and programs, and also authorizes the County to adopt resolutions necessary for the exercise of its powers in the common interest of the people of the County; and

**WHEREAS**, the Commission finds that the prohibitions, exemptions, and implementation procedures herein strike a balance between the rights of visitors and patrons of County Properties with the rights of persons to engage in expressive activities on certain County Properties.

**NOW THEREFORE**, be it resolved by the Board of County Commissioners of Flagler County, Florida:

**SECTION 1. Findings.** The above recitals are incorporated herein.

**SECTION 2. General Prohibitions.** The following prohibitions shall apply to County Properties subject to the implementation provisions of Section 3 and exemptions of Section 4 below.

- (a) No signs may be installed in the ground on County Properties, and no display may be adhered or affixed to the structures or flora on County Properties.
- (b) Under no circumstances may an individual harass, impede, or interfere with the ingress, egress, and quiet use and enjoyment of visitors to County Properties. In addition, individuals may not engage in any activity that disrupts the normal functioning of County Properties.
- (c) Individuals may not place or erect a chair, table, umbrella, tent, box, or cooler on or in County Properties.
- (d) Individuals shall not use amplified sound on or in County Properties.

**SECTION 3. Implementation.**

(a) Any person or persons who do not abide by the protocols established herein or who substantially disrupt the use of County Properties shall be required to immediately cease such activities. Individuals who refuse to cease such activities after being requested to do so may be expelled from the property or facility by staff of the County Administrator. Persons who refuse to leave the premises after being requested to do so shall be considered trespassers.

(b) Any person who feels they were wrongfully expelled from County property pursuant to this Resolution may file a written appeal and request for a hearing before the County Administrator within thirty days of the expulsion. The County Administrator will conduct the hearing within thirty days of receipt of the appeal and render such relief as is just under the circumstances. Such appeal shall not be subject to formal rules of evidence, but basic notions of Due

Process and fairness shall be observed. The County Administrator shall render a written decision within ten working days of the hearing.

(c) The purpose of this Resolution is to maintain safe and orderly properties and facilities for the use and enjoyment of the public. The implementation of this Resolution shall be done without regard to the content or viewpoint of persons subject to the restrictions herein.

**SECTION 4. Exemptions.** The following persons or activities are exempt from the prohibitions of this Resolution.

- (a) County staff conducting activities in the scope of their public duties.
- (b) Law enforcement and emergency responders acting within the scope of their employment.
- (c) County sponsored or County sanctioned events, such as special events permitted by the County.
- (d) Visitors to County parks are not subject to the prohibition on tents, chairs, umbrellas, boxes and coolers so long as the items do not impede the flow of pedestrians or vehicles and do not disrupt the normal use and enjoyment of the park by others.

**SECTION 5. Severability.** It is the intent of the Board of County Commissioners of Flagler County, Florida, that if any section, subsection, sentence, clause, phrase, or provision of this Resolution is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Resolution.

**SECTION 6. Effective Date.** This Resolution shall become effective upon adoption.

[Signature Page to Follow.]

**ADOPTED** by the Board of County Commissioners of Flagler County, Florida, on this 15th day of July 2024.

**FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS**

**ATTEST:**

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Andrew S. Dance, Chair

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Tom Bexley, Clerk of the Circuit  
Court and Comptroller

**Approved As To Form:**

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Sean S. Moylan, Deputy County Attorney