

ORDINANCE NO. 2024 - 1782

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 2-206 "PUBLIC PARTICIPATION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,
2 Florida Statutes, provide municipalities with the authority to exercise any power for
3 municipal purposes, except where prohibited by law, and to adopt ordinances in
4 furtherance of such authority; and

5 **WHEREAS**, the Town Commission of the Town of Surfside ("Town") finds it
6 periodically necessary to amend its Code of Ordinances ("Code") in order to update
7 regulations and procedures to maintain consistency with state law and to implement
8 municipal goals and objectives for the general health, safety and welfare of the Town
9 residents and occupants; and

10 **WHEREAS**, Rule 7.02 of Section 2-206 of the Code provides that any citizen may
11 request to be placed on the official agenda of a regular meeting of the town commission
12 and be heard concerning any matter within the scope of the jurisdiction of the town
13 commission outside of Good and Welfare; and

14 **WHEREAS**, only members of the town commission and the town manager may place
15 a citizen on the official agenda; and

16 **WHEREAS**, the Town Commission now seeks to amend the procedures for citizens
17 presentations to provide that: (i) any citizen may make a citizen's presentation sponsored
18 by any member of the Town Commission or Town Manager; and

19 **WHEREAS**, the Town Commission also seeks to amend the authority of the presiding
20 officer at meetings relating to the discussion of items and decorum at meetings of the
21 Town Commission; and

22 **WHEREAS**, the Town Commission held its first public hearing on July 9, 2024 and,
23 having complied with the notice requirements in the Florida Statutes, recommended
24 approval of the proposed amendments to the Code, which it finds necessary and in the
25 best interest of the Town.

26 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
27 **TOWN OF SURFSIDE, FLORIDA¹:**

28
29 **Section 1. Recitals.** The above Recitals are true and correct and are
30 incorporated herein by this reference:

31 **Section 2. Town Code Amended.** Section 2.-206. – “Public Participation” is
32 hereby amended as follows:

33 Sec. 2-206. Public Participation.

34 * * *

35 Rule 7.02. Citizen’s presentations; public hearings.

36 (a) Citizen’s presentations. Any citizen may request to be placed on the official
37 agenda of a regular meeting of the town commission as a citizen’s presentation
38 and be heard concerning any matter within the scope of the jurisdiction of the
39 town commission outside of Good and Welfare. Only members of the town
40 commission or the town manager may place a citizen on the official agenda. A
41 ~~citizen may be allowed a maximum of one (1) citizen’s presentation per~~
42 ~~calendar year, subject to placement on the official agenda by any member of~~
43 ~~the town commission or the town manager. Additional citizen’s presentations~~
44 ~~by the same citizen within the calendar year shall require written sponsorship~~
45 ~~by three (3) or more members of the town commission by the agenda deadline~~
46 ~~to place the citizen on the official agenda for a regular meeting.~~ The agenda
47 item must include the subject of the presentation, the name of the presenter,
48 and an address and a contact telephone number.

49 * * *

50 *Rule 7.04 Addressing commission, manner, time.* Each person, other than members of
51 the town staff, who addresses the town commission shall step up to a podium and shall
52 give the following information in an audible tone of voice for the minutes:

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

- 53 (a) Name;
- 54 (b) Address;
- 55 (c) Whether the person speaks on his or her own behalf, a group of persons, or
56 a third party; if the person represents an organization, the person shall also
57 indicate the number of members in the organization, the annual dues paid by
58 the members, the date of the most recent meeting of the organization's board
59 or governing council, and whether the view expressed by the speaker
60 represents an established policy of the organization approved by the board or
61 governing council, if requested; if the person is speaking on behalf of a group,
62 s/he shall be required to register as a lobbyist if required by that ordinance.

63 Unless further time is granted by the town commission and with the sole
64 exception of zoning items which shall not have a prescribed time limit unless
65 imposed by the town commission chair in accordance with the advice of the
66 town attorney, the statement shall be limited to the times prescribed herein.
67 All remarks shall be addressed to the town commission as a body and not to
68 any member thereof. No person, other than any member of the mayor,
69 members of the town commission and the person having the floor shall be
70 permitted to enter into any discussion, either directly or through a member of
71 the commission, without the permission of the presiding officer, except
72 following a privileged motion granted by a majority vote of the town
73 commission members present. No question shall be asked of any member of
74 the town commission except through the presiding officer, unless except
75 following a privileged motion granted by a majority vote of the town
76 commission members present.

77 *Rule 7.05 Decorum.* Any person making incendiary or threatening impertinent or
78 clandestine remarks or who becomes boisterous while addressing the town commission
79 shall be barred from further appearance before the town commission by the presiding
80 officer, unless a privileged motion permission to continue or again address the town
81 commission is granted by the majority vote of the town commission members present.
82 No clapping, applauding, heckling or verbal outbursts in support or opposition to a
83 speaker or his or her remarks shall be permitted. Signs or placards may be disallowed
84 in the town commission chambers by the presiding officer, unless a privileged motion is
85 granted by a majority of the town commission members present allows them. Persons
86 exiting the town commission chambers shall do so quietly.

87 * * *

88 **Section 3. Severability.** If any section, sentence, clause or phrase of this
89 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
90 then said holding shall in no way affect the validity of the remaining portions of this
91 Ordinance.

92 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission,
93 and it is hereby ordained that the provisions of this Ordinance shall become and made a
94 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may
95 be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may
96 be changed to "Section" or other appropriate word.

97 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of
98 ordinances or resolutions in conflict herewith are hereby repealed.

99 **Section 6. Effective Date.** This ordinance shall become effective upon adoption
100 on second reading.
101

102 **PASSED** on first reading on the 9th day of July, 2024.

103 **PASSED AND ADOPTED** on second reading on the 13th day of August, 2024.

104 **First Reading:**
105 Motion by: Commissioner Velasquez
106 Second by: Vice Mayor Paul
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109 **Second Reading:**
110 Motion by: Commissioner Velasquez
111 Second by: Vice Mayor Paul
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113
114 **FINAL VOTE ON ADOPTION**

115
116 Commissioner Gerardo Vildostegui Yes
117 Commissioner Ruben A. Coto Yes
118 Commissioner Nelly Velasquez Yes
119 Vice Mayor Tina Paul Yes
120 Mayor Charles W. Burkett Yes
121


122
123
124 _____ Charles W. Burkett, Mayor

125 **ATTEST:**
126
127
128 _____
129 Sandra N. McCready, MMC
130 Town Clerk
131



132 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
133 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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135
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Mark Blumstein, Esq.
Interim Town Attorney