

Public Sector Security Concerns and Solutions

FLORIDA ASSOCIATION OF COUNTIES

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Why should we care?

- Losing good employees
- Misinformation leads to:
 - Chaos
 - Angry public
 - Lawsuits
 - Dangerous situations



Firearms

Are more openly accepted in more places.

Combine this with:

- Mental health problems
- Frustrated Public
- Social media & blog misinformation

2nd Amendment Rights

- Commission meetings no firearms - FS 790.06(12), but...
- No license, training or permit required for concealed carry HB 543 (2023)(exceptions apply) FS 790.01
- 2nd Amendment Rights – “are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity.” FS 790.251(3)

Leadership

We need our elected leaders and Managers to:

1. Tap down the misinformation,
2. Become collaborative
3. Make safety and security a focus for all
4. Take charge of meetings and workplace to protect vulnerable employees

PUBLIC MEETINGS

- Structure and Clarity are key
 - Agenda outline
 - Rules of Decorum & Civility
 - Consistent Enforcement
 - LEO collaboration
 - Have a plan
- Trespass procedures laws



Rules of Decorum and Civility

1. Clearly outline rules and expectations,
2. Train the gavel holder, and
3. Enforce the rules consistently.

EXAMPLES – Nassau County & City of St. Augustine

Trespass Procedures Ordinance

Provides procedures for citizen to be given notice and opportunity to be heard before being allowed to return

1. If you don't have this – get it,
2. Communicate with law enforcement
3. 1st Amendment vs. orderly and safe meeting

Brown v. City of Jax

Citizen violated the City Council's rules resulting in Removal and Trespass from next 7 Council Meetings.

2006 WL 385085 (M.D. Fla. 2006)



Brown v. City of Jax

Citizen filed Motion for Preliminary Injunction arguing that her free speech rights were violated and banning her from next 7 meetings was unlawful prior restraint on her free speech.



What Courts consider...

1. Public meetings are Limited Public Forum
 - Reasonable time, place, manner restrictions on speech allowed.
2. Free speech protection? Likely yes.
 - Content neutral restrictions? (Ex. 3 minutes)
 - Prior restraint? Requires prompt judicial review & decision with government having burden of proof

What Court decided...

Removal from meeting was acceptable due to violation of council rules. This was not a violation of Brown's 1st Amendment Rights.

BUT.....

What Court decided...

Ban at future meetings irreparably harmed speaker

- Not only banned from lectern but also next 7 meetings.
- Alternative of emails and correspondence not sufficient
- “Seven-cycle-ban” is “not narrowly tailored to serve significant government interests in maintaining decorum, promoting safety; effectively conducting its business and avoiding disruptions in its chambers.”

McDonough v. Garcia

2022 case involving disruptive citizen who violated the City’s rules of decorum, resulting in Trespass warning and arrest for disorderly conduct.

2022 WL 971392 (S.D. Fla. 2022)

McDonough v. Garcia

What the City did right:

Rules of Decorum

Gave McDonough plenty of tries to correct behavior

- July 27, 2016 incident
- August 24, 2016 incident
- September 1, 2016 arrest

What Court decided...

1. Commission meetings are “limited public fora” meaning a government can place limits on public commentary.
2. Content-neutral time, place, and manner restrictions are permissible if they are narrowly drawn to achieve a significant governmental interest and if they allow communication through other channels.
3. City did not violate Plaintiff’s 1st Amendment Rights

Consequences of strife

This week - City Manager resigns due to “disfunction of the council”

PROBLEM 1 – City Council members adding agenda items on short notice to staff: “When we get to the point where the council is involved in the day-to-day operations, at that point you no longer need the city administration,”

PROBLEM 2 – Mayor failing to control meeting disruption: “If you just take control and drop the gavel down and have that person exit, I think it would take a lot off [employees].”

Consequences

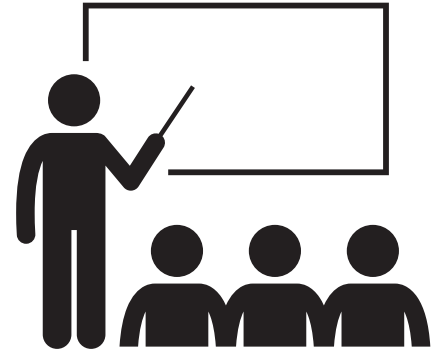
This City has lost: City Manager (twice), HR Director (twice), Public Works Director, Finance Director and multiple valued employees.

- Businesses are no longer relocating to this City or County
- Recruiting of replacements has resulted in candidates pulling out of consideration.

Prevention

- Clarity and consistent enforcement of well written Policies & Ordinances
- Collaborative, connected community

Correct mis information



Angry Citizens & Mis information

- Have rules for speakers at public meetings
 - Structure helps
 - Respectful but firm control with the gavel
- Have rules for social media pages
- Safety concerns – be prepared for the worst

