

BOARD OF COUNTY COMMISSIONERS

DATE: March 10, 2015

AGENDA ITEM NO. 12

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Adoption of a Resolution Regulating Expressive Activities on County-Owned Facilities

Department:

Real Estate Management

Staff Member Responsible:

Paul S. Sacco, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD), ADOPT THE RESOLUTION REGULATING EXPRESSIVE ACTIVITIES ON COUNTY-OWNED FACILITIES, SUBJECT TO REASONABLE MANNER, TIME AND PLACE LIMITATIONS.

Summary Explanation/Background:

The purpose of this resolution is to clarify and update Resolution No. 07-32 to provide for free expression at County Courthouse facilities while maintaining safe and convenient access to citizens and jurors. Specifically, this resolution prohibits the dissemination of any oral or written information to summoned jurors tending to influence on any matter, question, cause or proceeding which may be pending. The resolution provides consistency with an Administrative Order issued by the Chief Judge. The resolution also provides the County Administrator or his designee with discretion and authority to add or remove expressive activity locations based on prescribed conditions set forth in the resolution.

On August 15, 2000, the Board adopted Resolution No. 00-151 to balance the need to provide safe and secure access to public property for those engaged in governmental activities. This was prompted by incidents during the 2000 election at the Tax Collector's office and the County Justice Center which impacted the public's ability to conduct business at these facilities.

On May 13, 2007, the Board adopted Resolution No. 07-32 limiting activities in a reasonable manner, at reasonable times and places. The three courthouse complexes located at 315 Court Street in Clearwater, 14250 49th Street North in Clearwater and 5451 1st Avenue in North in St. Petersburg were added to the list of facilities.

Fiscal Impact/Cost/Revenue Summary:

There is no fiscal impact.

Exhibits/Attachments Attached:

Resolution
County Map (Exhibit A)
Courthouse Site Maps (Exhibits B, C and D)
Sixth Judicial Circuit Court Administrative Order No. 2014-043 PA/PI-CIR

RESOLUTION NO. 15-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS REGULATING EXPRESSIVE ACTIVITIES ON COUNTY FACILITIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Board of County Commissioners (the “Board”) hereby desires to establish a policy allowing the conduct of expressive activities on County owned facilities which are traditionally recognized as non-public forums; and that said expressive activities will be subject to reasonable manner, time and place, limitations; and

WHEREAS, the Board hereby determines that two courthouse complexes within Pinellas County are the most central and reasonable sites to conduct such expressive activities; and

WHEREAS, citizens visit these locations to register to vote, respond to subpoenas, serve on jury duty, apply for ad valorem tax exemptions, obtain licenses and motor vehicle tags, and to participate in other governmental activities; and

WHEREAS, it is in the public interest to consistently apply a content-neutral policy regarding the use of County property for expressive activities and to balance the need to provide safe and secure access to public property for those engaged in governmental activities; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, previously adopted Resolution No. 00-151, later amended by Resolution No. 07-32, relating to expressive activities, and now adopts this Resolution which supersedes these prior resolutions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY FLORIDA, AT A DULY ASSEMBLED MEETING HELD ON THIS ____ day of _____, 2015, as follows:

1. This policy shall be applied to expressive activities to be held at the County facilities designated herein and does not regulate or apply to traditional public forums such as public sidewalks and parks.

2. The Board hereby designates the specific locations at each of three courthouse complexes located at 315 Court Street in Clearwater, 14250 49th Street North in Clearwater and 545 First Avenue North in St. Petersburg (collectively referred to as “courthouse complexes”) as

depicted in Exhibits A through D attached hereto, as appropriate and reasonable sites for such expressive activity to be permitted, regardless of content, at the times, manner and at the places described herein.

3. The specific location(s) to conduct such expressive activity at each site are set forth in the maps of each, attached hereto and incorporated by reference as Exhibits A through D.

4. Any and all expressive activities conducted at the County facility sites and locations referenced in Exhibits A through D, including solicitation of contributions or signatures, shall be subject to the following:

a. Such activities may be held only at such times as the facilities are open for County business; and

b. The dissemination of all leaflets and other materials to summoned jurors containing written or pictorial information tending to influence summoned jurors, as well as communicating or attempting to communicate with a summoned juror for the purpose of displaying a sign, or engaging in oral protest, education or counseling with information tending to influence summoned jurors on any matter, question, cause, or proceeding which may be pending, or which may by law be brought before him or her as a juror, is prohibited.

c. No structure shall be built on any County-owned or County-leased property; and

d. None of these activities shall take place inside any of the buildings or any covered areas, including but not limited to, covered breezeways; and

e. Such activities shall be limited by any applicable federal, state or local laws, including but not limited to noise ordinances, fire codes, as well as any lawful court orders; and

f. All debris generated by such activities shall be removed at the expense of those conducting such activities and will include, but not be limited to, signs, banners, handouts, etc.

5. Notwithstanding the foregoing, the use of any County facility site designated herein may be prohibited or denied by the County Administrator or his designee after conferring

with local law enforcement and/or fire officials within the jurisdiction of the County facility, based on the following considerations: 1) the number of participants engaging in the expressive activity exceeds the capacity of the facility; 2) the volume of foot and vehicular traffic generated by the activity creates a safety hazard or significantly interferes with the use of the county facility by other citizens and employees; and 3) other security and safety issues as it relates to or impacts any of the foregoing considerations or the public at large.

The County Administrator or his or her specific designee shall have the discretion and authority to add or remove locations for expressive activities under paragraph 2 herein above.

Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____, and upon roll call, the vote was:

Ayes:

Nays:

Absent and not voting:

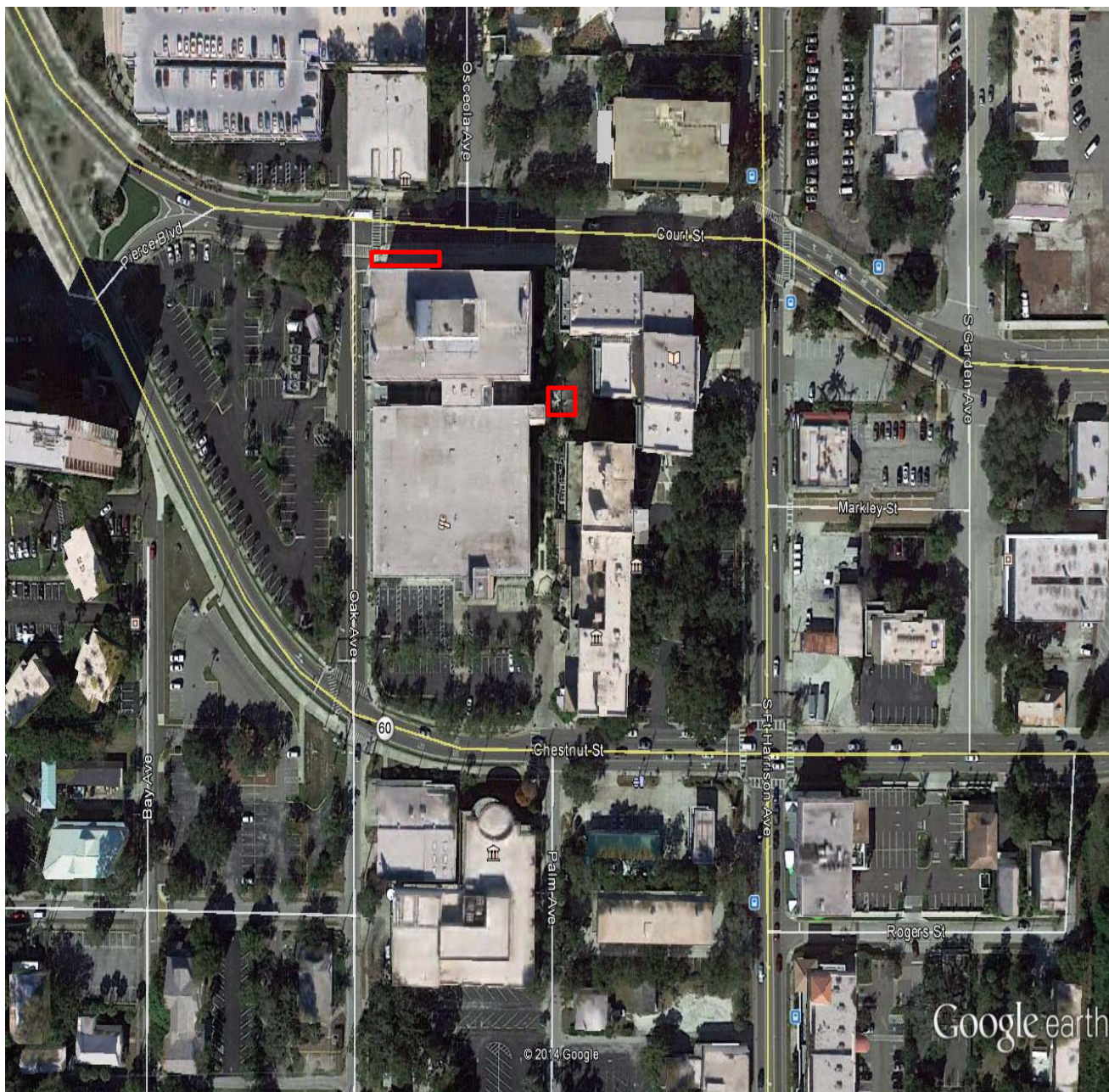
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APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

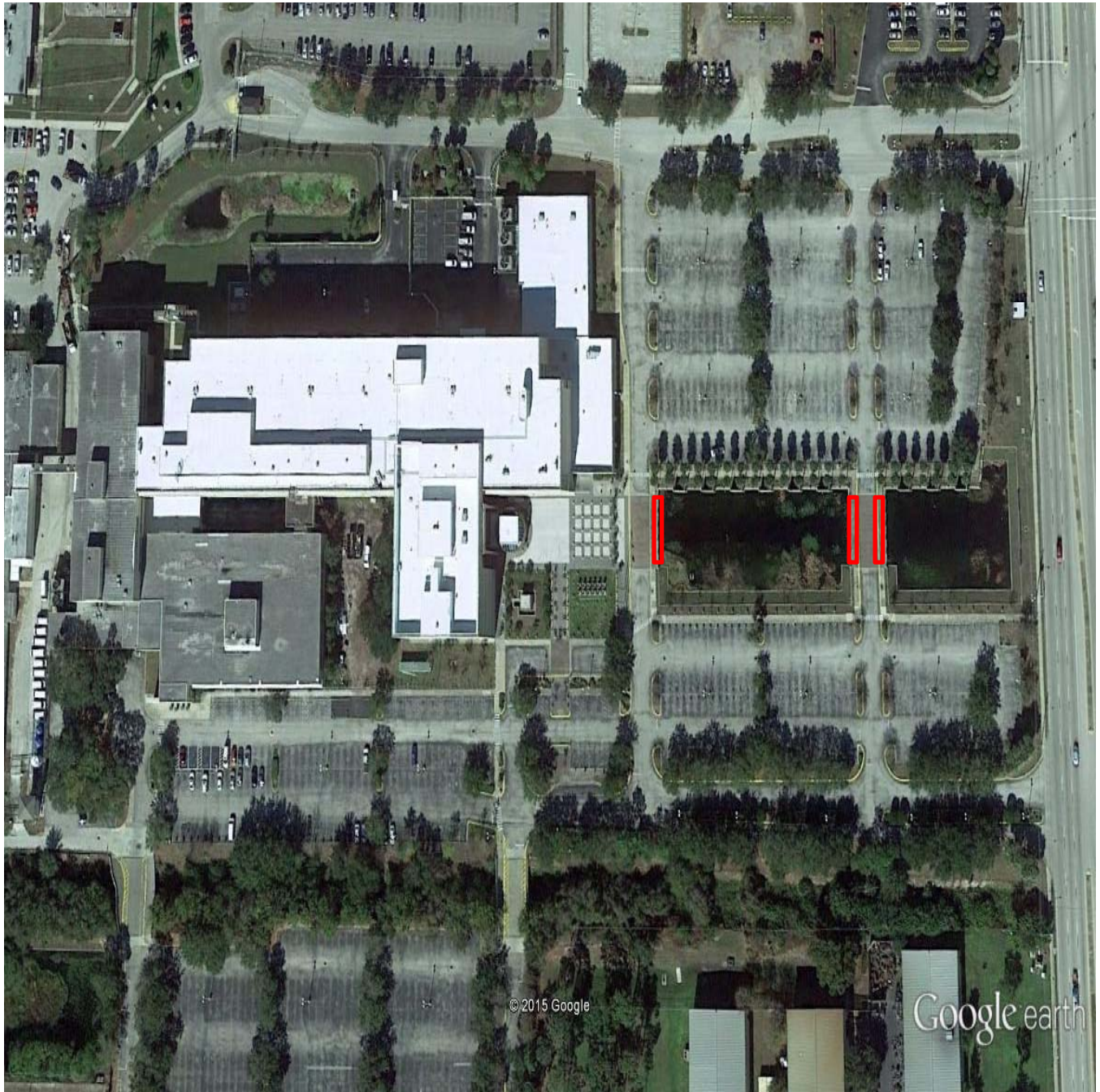
By Michelle Wallace
Attorney



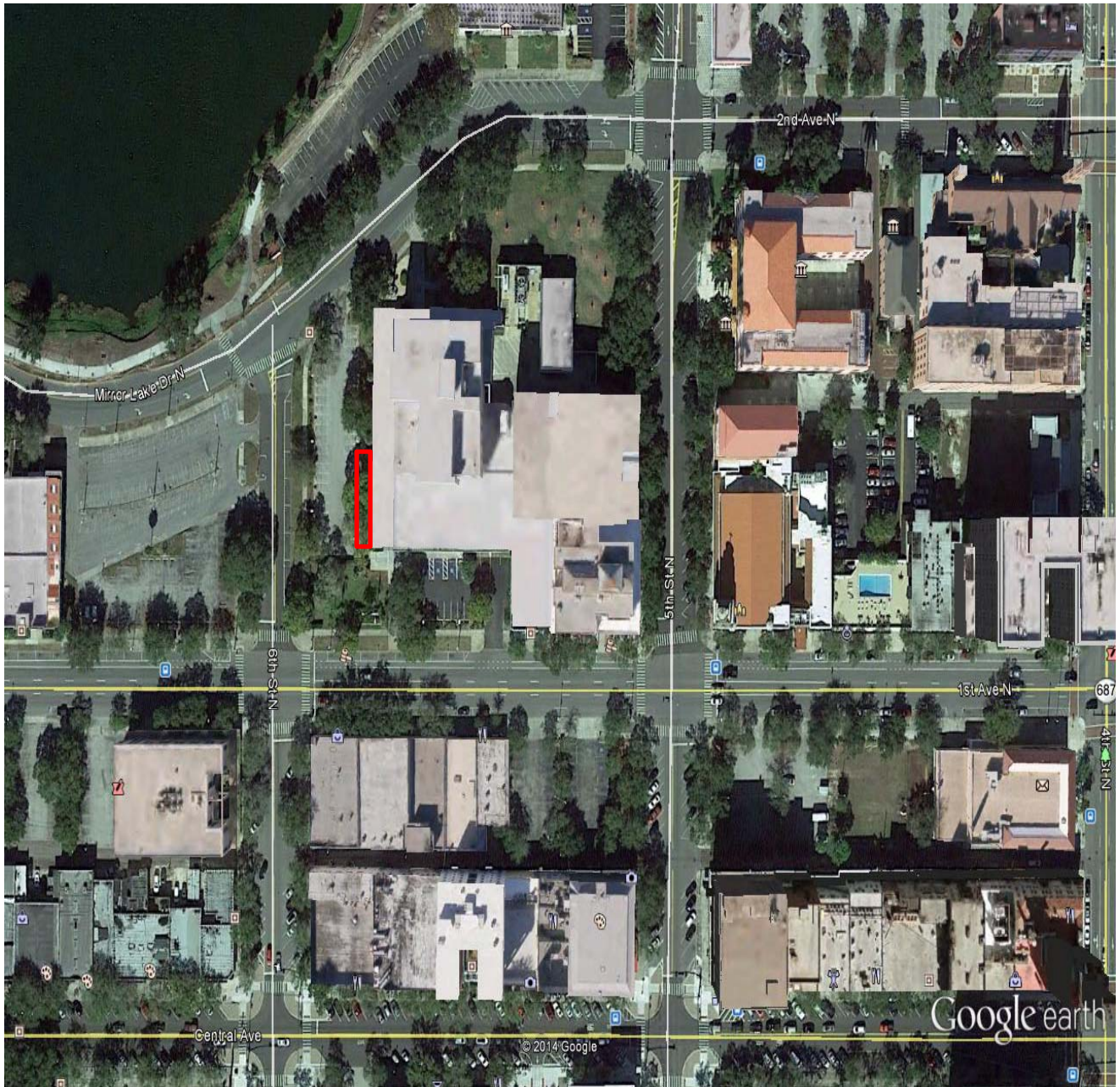
Pinellas County Courthouse Locations Exhibit A



**Pinellas County Courthouse
315 Court Street, Clearwater
Exhibit B**



County Justice Center
14250 49th Street North, Clearwater
Exhibit C



Pinellas County Courthouse
545 1st Avenue North, St. Petersburg
Exhibit D

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS AND PASCO COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2014-043 PA/PI-CIR

RE: PROHIBITED CONDUCT TOWARD SUMMONED JURORS

The Chief Judge has the authority and power to do everything necessary to promote the prompt and efficient administration of justice, in accordance with Article V, section 2(d), Florida Constitution and section 43.26, Florida Statutes.

The Chief Judge is also to ensure the safe and orderly transaction of court business and use of court facilities, and to minimize activities which unreasonably disrupt, interrupt, or interfere with the fair and orderly conduct of jury trials, and the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality. *See* Rule of Judicial Administration 2.215.

Citizens who come to the courthouse to perform their civic duty in response to a summons for jury duty should not be subject to intimidation, harassment, or attempts to influence their jury service or prospective jury service.

Oral expressive conduct and the dissemination of leaflets and other materials containing written information tending to influence summoned jurors as they enter any courthouse complex may be in violation of section 918.12, Florida Statutes. Such occurrences severely impact the court's ability to efficiently, promptly, and properly administer of justice.

Restriction upon oral expressive conduct and the dissemination of leaflets and other materials containing written information tending to influence summoned jurors as they enter the courthouse is necessary to serve the State's compelling interest in protecting the integrity of the jury system.

Such regulation is a proper exercise of the Court's inherent authority to take supervisory and administrative actions necessary to implement its judicial functions.

The Court finds that explicit regulation of conduct and materials that tend to influence summoned jurors is necessary and is the least restrictive means to effectuate the proper administration of justice.

The powers of courts to punish for contempt is of immemorial antiquity, and is inherent in all courts as a necessary power in order to enable courts to accomplish the purposes for which they were designed; that is, the orderly trial and decision of causes, the enforcement of public order, the prevention of interferences with their proceedings, and the enforcement of the due respect belonging to them as institutions of the government.

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes, it is

ORDERED:

1. The dissemination of all leaflets and other materials to summoned jurors containing written or pictorial information tending to influence summoned jurors, as well as communicating or attempting to communicate with a summoned juror for the purpose of displaying a sign, or engaging in oral protest, education or counseling with information tending to influence summoned jurors on any matter, question, cause, or proceeding which may be pending, or which may by law be brought before him or her as a juror, is prohibited on the courthouse complex grounds in Pasco and Pinellas Counties.

2. For purposes of this Administrative Order, the term “courthouse complex grounds” includes the following locations as also indicated on the attached maps.

a. Pinellas County

The **Pinellas County Justice Center** complex grounds, which includes the courthouse courtyard, courthouse parking lots and parking garage, all other grounds surrounding the courthouse from the intersection of 49th Street North and 144th Avenue North, to the intersection of 49th Street North and 140th Avenue to the most westward side of 140th Avenue and the courthouse parking garage continuing along the westward side of the County Justice Center to the Pinellas County Jail entrance, from the Pinellas County Jail entrance to the intersection of 49th Street North and 144th Avenue North, but excluding the private property at the intersection of 49th Street North and 140th Avenue. The public sidewalks that comprise the boundaries of this designated perimeter are excluded from this designation of the courthouse complex grounds. See Attachment A.

The **Clearwater Courthouse and the Clearwater Historical Courthouse** complex grounds, which includes, the courthouse courtyard, courthouse parking lots, and all other grounds surrounding the courthouse, from the intersection of South Ft. Harrison Avenue and Court Street to the intersection of Court Street and Bay Avenue, to the intersection of Bay Avenue and State Road 60 (also known as Chestnut Street), to the intersection of State Road 60 and South Ft. Harrison Avenue to the intersection of South Ft. Harrison Avenue and Court Street. Also included in the courthouse complex grounds are the metered parking lot located on Court Street and the east side of Osceola Avenue and the metered parking lot on Oak Avenue between Court Street and Chestnut Street. The public sidewalks that comprise the boundaries of this designated perimeter are excluded from this designation of the courthouse complex grounds. See Attachment B.

The **St. Petersburg Judicial Building** and the **501 Building** complex grounds, which includes, the courthouse courtyard, courthouse parking lot, and all other grounds surrounding the courthouses, from the intersection of Mirror Lake Drive North and 5th Street North, to the intersection of 5th Street North and 1st Avenue North, to the intersection of 1st Avenue North and 6th Street North, to the intersection of 6th Street North and Mirror Lake Drive North, to the intersection of Mirror Lake Drive North and 5th Street North. The public sidewalks that comprise the boundaries of these designated perimeters are excluded from this designation of the courthouse complex grounds. See Attachment C.

b. Pasco County

The **West Pasco Judicial Center** complex grounds, which includes the adjacent courthouse parking lot, the courthouse courtyard, and all other grounds surrounding the courthouse, from the intersection of Little Road and Government Drive, to the intersection of Government Drive and Citizens Drive, to the intersection of Citizen Drive (running North-South) and Citizen Drive (running West-East), to the intersection of Citizen Drive and Little Road, to the intersection of Little Road and Government Drive. The public sidewalks that comprise the boundaries of this designated perimeter are excluded from this designation of the courthouse complex grounds. See Attachment D.

The **Robert D. Sumner Judicial Center** complex grounds, which includes the adjacent courthouse parking lot, the courthouse courtyard, and all other grounds surrounding the courthouse, from the intersection of Robinson Avenue and 5th Street, continuing on the dirt road extension of Robinson Avenue to the intersection with Lakeland Road/US 301 (aka Old Lakeland Highway), to the intersection of Lakeland Road/US 301 and Meridian Avenue to the intersection of Meridian Avenue and 5th Street to the intersection of 5th Street and Robinson Avenue. The public sidewalks that comprise the boundaries of this designated perimeter are excluded from this designation of the courthouse complex grounds. See Attachment E.

3. Regardless of whether the conduct at issue occurs on the courthouse complex grounds, any person who influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice, may be in violation of section 918.12, Fla. Stat.

4. Anyone engaging in the type of expressive conduct prohibited by this Order may be in violation of section 918.12, Florida Statutes, may be subject to criminal trespass as provided in section 810.09, Florida Statutes, and may be subject to contempt of court.

5. The Pinellas County Sheriff's Office and the Pasco County Sheriff's Office shall give a copy of this Order to anyone who is violating the provisions of this Order within the courthouse complex grounds, as described in this Order, and shall advise such person of the restrictions on expressive conduct contained within this Order. Further, law enforcement shall instruct anyone violating the provisions of this Order to cease and desist immediately.

6. When law enforcement observes anyone continuing to engage in such conduct as prohibited by this Order after such person has received a copy of this Order and has been instructed to cease and desist by law enforcement, law enforcement shall notify the Chief Judge and facility coordinator of such violations. Such persons may be charged with civil or criminal contempt of court. If a person is found to be in contempt of court, penalties include confinement, fine, or both.

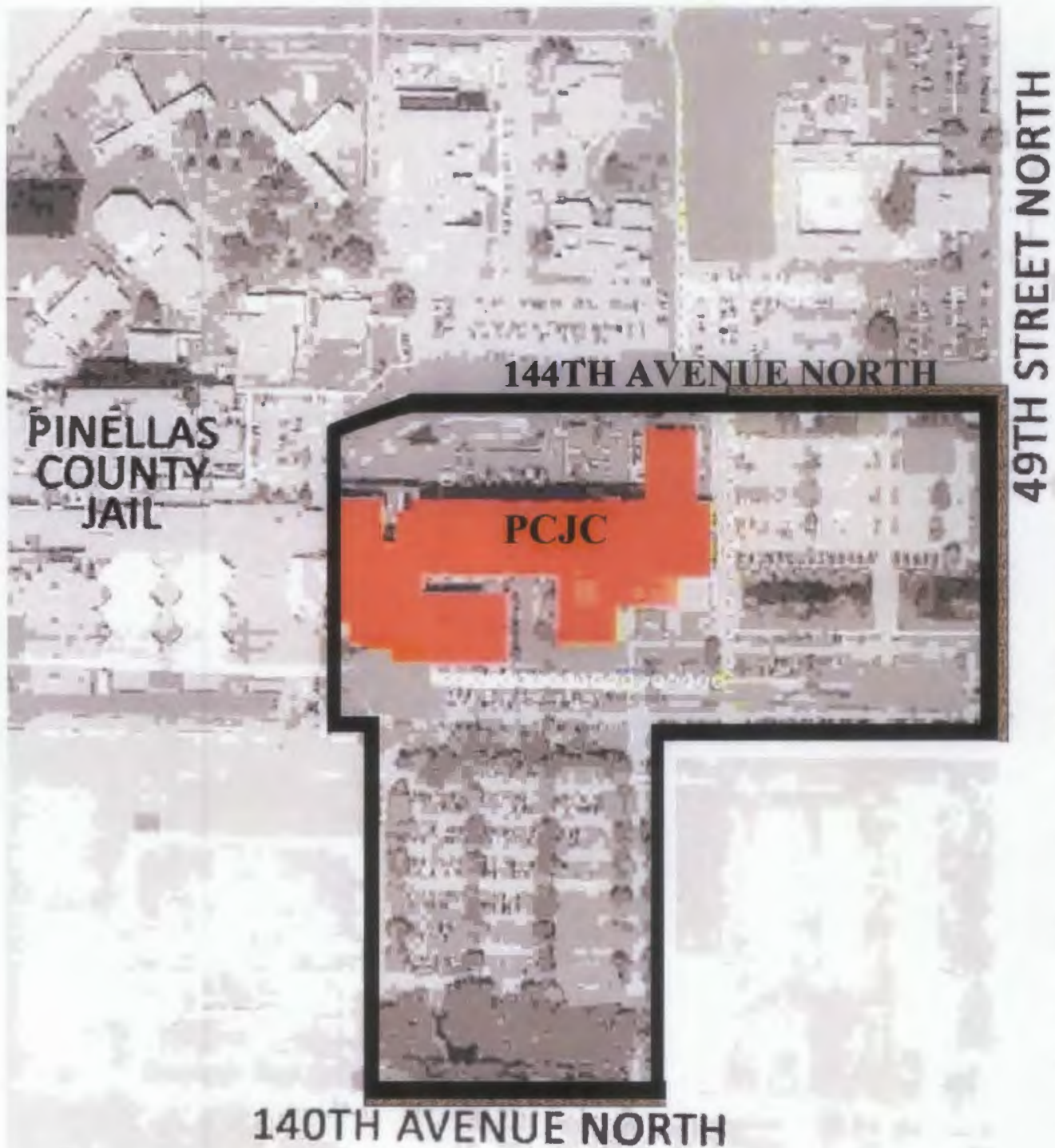
DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this ____ day of July, 2014.

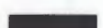

ORIGINAL SIGNED ON JULY 15, 2014
BY J. THOMAS MCGRADY, CHIEF JUDGE

Attachment A: Map of Pinellas County Justice Center
Attachment B: Map of Clearwater Courthouse and Clearwater Historical Courthouse
Attachment C: Map of St. Petersburg Judicial Building and 501 Building
Attachment D: Map of West Pasco Judicial Center
Attachment E: Map of Robert D. Sumner Judicial Center

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Bob Gualtieri, Sheriff, Pinellas County
The Honorable Chris Nocco, Sheriff, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Paula O'Neil, Clerk of the Circuit Court, Pasco County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Mark S. Woodard, Interim Pinellas County Administrator
Michele Baker, Pasco County Administrator
Jim Bennett, Pinellas County Attorney
Jeffrey Steinsnyder, Pasco County Attorney
Pinellas and Pasco Law Enforcement Agencies
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

Map of Pinellas County Justice Center:





-  Restricted areas referenced in Administrative Order 2014-043, paragraph 2(a)
-  Public side walk perimeter

Map of Clearwater Courthouse & Clearwater Historical Courthouse:





Google Maps

-  Restricted areas referenced in Administrative Order 2014-043, paragraph 2(a)
-  Public side walk perimeter

Map of St. Petersburg Judicial Building & 501 Building:





Google Maps

-  Restricted areas referenced in Administrative Order 2014-043, paragraph 2(a)
-  Public sidewalk perimeter

Map of West Pasco Judicial Center:



Google Maps

-  Restricted areas referenced in Administrative Order 2014-043, paragraph 2(b)
-  Public side walk perimeter

Attachment D to Administrative Order 2014-043

Map of Robert D. Sumner Judicial Center:



Google Maps

— Restricted areas referenced in Administrative Order 2014-043, paragraph 2(b)

 Public side walk perimeter