

FRANKLIN COUNTY, FLORIDA
ORDINANCE 2024- 03

AN ORDINANCE PROVIDING A POLICY REGULATING PUBLIC ACCESS OF ENCLOSED FACILITIES OWNED, CONTROLLED OR LEASED BY FRANKLIN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; RESCINDING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Franklin County Board of County Commissioners of Franklin County, Florida, (“Franklin County”) has determined that it is in the best interests of the residents and citizens of the County that public access of all enclosed facilities owned, controlled or leased by Franklin County, a political subdivision of the State of Florida, be regulated by this ordinance, which may also be referred to as the Facilities Rules; and,

WHEREAS, this Ordinance is also intended to apply to all facilities owned, controlled or leased by Franklin County, including, but not necessarily limited to, the parts of such facilities occupied and used by Franklin County’s five constitutional county officers and the Franklin County Landfill;

NOW THEREFORE, BE IT ORDAINED that:

- (1) Public Access to areas within enclosed facilities owned, controlled or leased by Franklin County shall be subject to different regulations and restrictions depending upon whether they are classified as:

- a. Designated Public Forum; or,
- b. Limited Designated Public Forum; or,
- c. Non-Public Forum.

Such classification shall be based upon the intended use of such enclosed facilities.

(2) Definitions:

- a. For purposes of the issuance of a notice of public hearing, the phrase “county government” shall mean Franklin County and its five constitutional officers defined in Section 1, Article 8, Florida Constitution.
- b. For purposes of this ordinance, the phrase “county employees” shall mean the employees of Franklin County and its five constitutional officers defined in Section 1, Article 8, Florida Constitution.
- c. Designated Public Forum is defined as the County Commission meeting room located at 34 Forbes Street, Apalachicola, Florida, conference rooms, and other locations in which a public meeting is being held pursuant to a notice of public hearing issued by county government.

- d. Limited Designated Public Forum is defined as that area which is open to the public while engaging in legitimate business with county officers or employees. All areas other than designated public forums and non-public forums are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with county employees or officers shall be authorized.
- e. Non-Public Forum is defined as the area which is intended primarily for the use of county employees or officers in the conduct of their business, including, but not necessarily limited to:
- i. The county commission meeting room and conference rooms are hereby declared to be non-public forums unless and until a public meeting is convened therein pursuant to a public notice issued by county government.
 - ii. All county employee work areas which are designated by signage as work areas shall be considered non-public forums. Members of the public are prohibited from entering county employee work areas without being escorted by a county employee.

(3) Any person who engages in conduct that causes disruptions to the work of county government shall be deemed to no longer be present within the county owned, controlled or leased property on legitimate public business and shall be considered to be an unauthorized person(s).

(4) Except within the county commission meeting room, conference room or other locations in which a public meeting is being conducted pursuant to a public notice issued by county government, it shall be unlawful and violation of this ordinance to record video and/or sound within county owned, controlled or leased property without the consent of all persons whose voice or image is being recorded. Subject to this exception, anyone observed to be recording video and/or sound within county owned, controlled or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease such recording after being advised that such activity is prohibited by this ordinance, such refusal shall be deemed and considered to be a disruption to the work of county government, and, therefore, such person or persons shall be deemed and considered to no longer be present within the county owned, controlled or leased property on legitimate public business.

(5) The County Coordinator and his designees are hereby authorized on behalf of Franklin County to verbally request any and all unauthorized persons and any and all persons who refuse to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unauthorized activity, including those persons who refuse to cease the unconsented to video and/or sound recording and who refuses to immediately leave the premises following the request of the County Coordinator or his designees shall be considered a trespasser. Law Enforcement, at its option, at the request of the County Coordinator or his designees may issue a trespass warning notice for this conduct.

(6) Unauthorized persons found by the County Coordinator or his designee to be within a non-public forum or a limited public forum and who refuse to leave the premises upon verbal request shall be considered a trespasser. Law Enforcement, at its option, or upon the request of the County Coordinator may issue a trespass warning notice to the unauthorized person or persons.

(7) The County Coordinator are hereby authorized on behalf of Franklin County to verbally warn persons who have entered into or who remain in areas of facilities owned, controlled or leased by Franklin County, where

they are not supposed to be, and to request such person or persons to depart the premises immediately. The County Coordinator and his designees are authorized to call upon Law Enforcement to treat as trespassers any person or persons who refuse to depart after such a request has been made. Law Enforcement, at its option, may enforce any person's refusal to immediately depart by means of section 810.08 and 810.09, Florida Statutes, as it may be amended from time to time, or issue a trespass warning notice.

(8) Except as defined in this ordinance or by one, or more, resolutions adopted subsequent to the adoption of this ordinance, Franklin County's chief administrative employee, the County Coordinator, or such other title given by Franklin County to its chief administrative employee, is hereby authorized to identify which areas of such facilities are to be designated as "Designated Public Forum" or "Limited Designated Public Forum" or "Non-Public Forum." Further, the County Coordinator is authorized to separate designated public forums from non-public forums, including, but not necessarily limited to, the use of physical barriers and signage. The County Coordinator may develop and implement procedures to regulate and control public access within enclosed facilities owned, leased or controlled by Franklin County to provide for the

security and privacy of public visitors, county employees and officers and to minimize potential disruptions to the work of county government.

(9) In addition, the following conduct is prohibited within any facility owned controlled or leased by Franklin County:

- a. Engaging in any conduct prohibited by Federal, State or local law.
- b. Possessing any weapons, except as specifically permitted by law.
- c. Smoking, chewing tobacco, use of e-cigarette or vaping device or carrying any lighted or smoldering pipe, cigar or cigarette.
- d. Disruptive, harassing or unsafe behavior, including conduct which interferes with county employees or officials in the performance of their duties, or interferes with the proper use of county facilities by other members of the public.
- e. Abusive or harassing behavior, including the use or display of obscene language, gestures or graphics.
- f. Blocking entrances, exits, fire exits, elevators, stairs or otherwise interfering with the provision of services by county employees.
- g. Entering or remaining in non-public area without authorization.
Areas inside county facilities, including offices, hallways, stairs, elevators are open to the public only to the extent necessary to attend to county business or attending a county authorized

function, event, or activity to which the person is an invitee or attending a duly noticed public meeting. Otherwise, such areas are deemed non-public.

- h. Disrupting county business, events or other county sponsored or authorized activities.
- i. Leaving unattended packages, backpacks, luggage or other similar personal items. Any such items are subject to immediate confiscation.
- j. Laying down or sleeping in chairs, benches, elevators or stairs, including the stairs outside any county owned, controlled or leased facility.
- k. Audio recording and/or sound recording inside any county owned, controlled or leased facility, except inside of a designated public facility during a duly notice public meeting or with the consent of all persons whose image or voice who is being recorded.

(10) SEVERABILITY: It is declared to be the intent of Franklin County that if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate,

distinct and independent provision to be severed from this ordinance and such holding shall not affect the validity of the remaining portions hereof.

(11) RESCISSION: All ordinances in conflict herewith are rescinded, but only to the extent necessary to avoid such conflict.

(12) EFFECTIVE DATE: This ordinance shall take effect as provided by law.

ADOPTED, this the 21st day of May 2024.

Franklin County, a political subdivision of the State of Florida

By: Ricky D. Jones
Ricky D. Jones, Its Chairman



ATTEST:

By: Michele Maxwell
Michele Maxwell, Clerk of Courts



Approved as to form and substance:

By: Thomas M. Shuler
Thomas M. Shuler, County Attorney