

ADMINISTRATIVE PROCEDURE No. 34-A

Department Office of the City
Manager

Division

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Approved:
Issuing Dept. City Manager's Office

City Manager 

Free Speech Activities at Special Programs and Events on City Property

PURPOSE: This Operation Procedure is intended to provide general guidance to help ensure that the right to free speech is protected and accommodated in accordance with law, that public safety is maintained, and that the special events may be successfully staged. The degree to which free speech activities must be allowed, or may be restricted, at special programs and events on City property varies based upon a number of factors that include the form of speech and the nature of the event and property. Before limiting speech in a manner not covered by this Operation Procedure, contact a supervisor, Manager or Director with the Parks, Recreation and Cultural Affairs (PRCA) Department, and the City Attorney's Office.

PROCEDURE:

Events on City property that are free and open to the public

At City or City-permitted events that occur on City parks or streets and sidewalks, and that are free and open to the public (ex., Free Friday concerts, art openings and Art Festivals, parades, tree lighting ceremony), the following procedures apply:

In general, allow the free speech activity without restriction; free speech activities include, but are not limited to, handing out leaflets, petition gathering, speaking, holding or wearing signs or messages, religious speech or practice, music, dancing, and performance art.

Exceptions:

- Soliciting and panhandling (seeking donations) is prohibited at permitted public events [s.19-80(c)(6)d & e].
- Breach of peace and disorderly conduct as defined by statute and ordinance; clear and present danger of riot, disorder, immediate threat to the public safety, peace or order; actual, tangible threat, not just anticipated or believed; but ordinary murmurings or objections of a hostile audience cannot be allowed to silence a speaker.
- Obscenity.
- Disrupting event, actually and significantly (ex., using bullhorn or megaphone near the stage or performance area or so to interfere with show; holding signs in front of stage, blocking view).
- Blocking vending booths.
- Blocking sidewalks or vehicular or pedestrian traffic flow.
- Creating a tripping or other safety hazard.
- Setting up a table/station (may need to apply and pay a fee in accordance with the same process as for vendors, and use a designated location).
- Interfering with the message or event of permit holder (ex., there is no right to be on stage, to have own banner or sign placed on stage, or to have a place in the parade procession).

If Staff is considering placing any restriction on the speech, they need to see if there are less restrictive measures that could accommodate the free speech while addressing the real and substantial problem with safety or staging the event. Staff needs to consult with a supervisor, Manager or Director in the PRCA Department, and where appropriate the City Attorney's Office, before acting to relocate or remove a person who is exercising free speech. Organizer of the event is responsible for seeking legal advice regarding actions to be taken from supervisors or legal counsel, and for resolution of the issue. The Gainesville Police Department shall not be contacted regarding resolving the issue unless these steps have been completed or there is an immediate threat to public safety. Only contact the Gainesville Police Department as a last resort, if PRCA is unable to handle the situation.

Events on City property that are not free and open to the public

At City or City-led events that occur on City parks or streets and sidewalks (ex., Hoggetowne Medieval Faire which is on property leased from the County), and that are not free and open to the public (ex., paid admission, fenced), the following procedures apply:

Any restrictions on speech should be pursuant to rules for the event (ex., Hoggetowne Medieval Faire). Such rules *could* include requiring anyone soliciting, selling or distributing goods or items (other than leaflets), or canvassing (petitions) to rent or use a booth or table in an area designated by the event organizers; and requiring any protests or rallies to be held outside of the event boundaries in an area that does not impede parking or vehicular or pedestrian traffic. It is recommended that persons merely wishing to converse with, or hand out leaflets to, event attendees be allowed to do so without restriction, so long as they pay admission and do not create disruptions or other problems listed above (in the section on free and open events).

Staff must consult with a supervisor, Manager or Director in the Parks, Recreation and Cultural Affairs (PRCA) Department, and where appropriate the City Attorney's Office, before acting to relocate or remove a person who is exercising free speech. Organizer of the event is responsible for seeking legal advice regarding actions to be taken from supervisors or legal counsel, and for resolution of the issue. The Gainesville Police Department shall not be contacted regarding resolving the issue unless these steps have been completed or there is an immediate threat to public safety. Only contact the Gainesville Police Department as a last resort, if PRCA is unable to handle the situation.

Events on City property that are not open to the public (private events)

At City-permitted *private* events on City properties or facilities that are not traditionally gathering places for the general public (ex., weddings, private concerts, professional organization dinners and meetings, corporate training, and events open to members only), the event holder has much greater leeway in establishing rules and restrictions that are appropriate for the management of such properties, facilities, or events.