



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: April 13, 2022
SUBJECT: Administrative Policy AM 604.1 Amendment

BACKGROUND.

Administrative Policy AM 604.1 of the Indian River County Administrative Policy addresses solicitation and distribution on County property.

Administrative Policy 604.1 states that “[i]t is the policy of the County to prohibit solicitation and distribution on its premises by nonemployees except that nonemployees making solicitation or distribution of materials of a political nature may distribute materials or solicit signatures for petitions in a non-disruptive manner on County property but not within County buildings.”

Not all government property is a public forum available for public expression. Some County facilities, such as the Sandridge Golf Club are not the typical public forum such as a street or an open park. Sandridge is really a nonpublic forum. Golf clubs are not traditional public fora. Additionally, Sandridge Golf Club is set back a significant distance from the road, with no sidewalk to the club house or the parking lot. The people entering the property are doing so to play golf or to patronize the pro shop. The visitors to Sandridge either pay to utilize the golf course or purchase something. This is a contained area, which is operated as a business enterprise. This same principle would apply to other County facilities, such as the Shooting Range and potentially County pools.

The County Attorney’s Office recommends that Administrative Policy 604.1 be updated as follows:

POLICY: It is the policy of the County to prohibit solicitation and distribution on its premises by nonemployees except that nonemployees making solicitation or distribution of materials of a political nature may distribute materials or solicit signatures for petitions in a non-disruptive manner on County property but not within County buildings, or at non public fora, such as the Sandridge Golf Club and the County Shooting Range, which are not traditionally used as a forum for public communication. Employee solicitation and distribution of materials may only take place as outlined below.”

FUNDING.

There is no funding associated with this item.

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RECOMMENDATION.

The County Attorney's Office recommends the Indian River County Board of County Commissioners authorize the County Attorney's Office to update the Administrative Policy Manual to reflect this change.