

ORDINANCE 3350-25

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
IMPLEMENTING REASONABLE TIME, PLACE, AND MANNER
RESTRICTIONS ON ORGANIZED PROTESTS AND
DEMONSTRATIONS NEAR THE WINTER PARK LIBRARY AND
EVENTS CENTER AND PROHIBITING INTENTIONAL ACTS
CAUSING DISRUPTIONS TO LIBRARY OPERATIONS OR EVENTS
OCCURRING AT THE WINTER PARK LIBRARY AND EVENTS CENTER
CAMPUS; PROVIDING FOR SEVERABILITY, CONFLICTS,
CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City is dedicated to promoting free speech while balancing the interest of public welfare and safety; and

WHEREAS, the City is authorized to implement reasonable time, place, and manner restrictions on speech activities so long as such restrictions are content-neutral, narrowly tailored to promote a significant government interest, and leave open alternative avenues of expression; and

WHEREAS, the City has a significant government interest in balancing free expression with public safety and conducting operational and proprietary functions, including promoting the free flow of pedestrian and vehicle traffic on City property, including at the Winter Park Library and Events Center, *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 768 (1994); and

WHEREAS, the City has a significant government interest in providing a safe and pleasant environment and in eliminating nuisance activity on City property, *Smith v. City of Fort Lauderdale, Fla.*, 177 F.3d 954, 956 (11th Cir. 1999); and

WHEREAS, the walkways, driveways, parking lots and entrance areas adjacent to the Winter Park Library and Events Center can be narrow or otherwise provide limited space for safe movement of pedestrians and vehicles; and

WHEREAS, the Winter Park Library is under the possession of the Florida non-profit corporation that operates the Winter Park Library; and

WHEREAS, the Winter Park Events Center is rented out as an event space for private events and serves a proprietary function that is not for park purposes; and

WHEREAS, the Winter Park Library and Events Center and its associated site improvements which are located within the boundary shown on **Exhibit "A"** ("Winter Park Library and Events Center Campus") attached hereto are not operated as part of Martin Luther King, Jr. Park and are hereby declared separate and apart from said park for operational purposes; and

WHEREAS, the Winter Park Library and Events Center and its associated site improvements within the Winter Park Library and Events Center Campus boundary shown on Exhibit "A" are not traditional public forums; and

WHEREAS, it is in the interest of public safety to impose reasonable restrictions on organized protesting and demonstrating activity in the walkways, driveways, parking lots and perimeter adjacent to the Winter Park Library and Events Center to prevent potential hazards to pedestrian and vehicle traffic and to prevent disruptions to the operations of the Winter Park Library and Events Center; and

WHEREAS, the City Commission finds that the restrictions placed on organized protesting and demonstrating as set forth in this Ordinance are content-neutral and narrowly tailored to promote a significant government interest; and

WHEREAS, it is important to ensure that alternative avenues are provided for speech activities near the Winter Park Library and Events Center that will not pose potential hazards to pedestrian or vehicle traffic and such alternatives have been provided; and

WHEREAS, the City Commission of the City of Winter Park finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Park, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Restrictions on organized protests and demonstrations near the Winter Park Library and Events Center; Prohibition on disruptive activity; penalties.

(a) It shall be unlawful to engage in organized protests or demonstrations within the Perimeter Zone of the Winter Park Library and Events Center structures depicted on **Exhibit "B"** attached hereto and incorporated herein by this reference. As used herein, "organized protest or demonstration" means an activity of protest or demonstration, including but not limited to picketing and marching, used as a means of presenting a cause or grievance and involving two or more persons that has not been expressly authorized by the operator of Winter Park Library or authorized by the City.

(b) Participants in organized protests or demonstrations within the Winter Park Library and Events Center Campus are prohibited from (i) deliberately blocking any public right-of-way, parking lot vehicle drive aisle, vehicle parking space, and entrance to any building, and (ii) deliberately blocking the passage of persons along any sidewalk or blocking of the passage of any vehicle entering or exiting the parking lot.

(c) Subsection (a) of this Ordinance shall not apply when the Winter Park Library or Winter Park Events Center are being used as an election polling location if such activities are otherwise permitted by law.

(d) It is prohibited for any person to engage in any intentional act that causes a disruption to a private event, a City event, or library use while such person is within the Winter Park Library and Events Center buildings or within the Winter Park Library and Events Center Campus depicted in Exhibit "A".

(e) Any person that commits a violation of this Ordinance will be verbally warned to cease or not repeat the violation by appropriate personnel having operational management, custody or control of Winter Park Library or Winter Park Events Center or by a police officer. If such person continues or repeats the violation after receiving such warning, such person is subject to the penalties set forth in subsection (f).

(f) Any individual who violates this Ordinance after receiving the warning set forth in subsection (e) may be issued a trespass warning pursuant to Section 62-80, Winter Park City Code. In addition, any individual who violates this Ordinance may be charged with a non-criminal infraction and be given a code enforcement citation for a Class III violation in the amount of \$200.00 for the first violation, plus applicable administrative fees and applicable court costs. Each successive repeat violation shall be subject to a civil penalty for the next higher violation classification in accordance with section 1-23.

(g) Nothing in this Ordinance is intended to limit the operator or possessor of the Winter Park Library or the Winter Park Events Center from adopting and enforcing other reasonable rules and regulations governing the Winter Park Library and Events Center Campus.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. Codification. Upon passage of a resolution of the City Commission so directing, the provisions of Section 2 of this Ordinance may be codified at a future date into the Winter Park City Code under Chapter 62, Article IV. The non-codification shall not affect the enforceability of this Ordinance. Exhibit A and Exhibit B attached hereto are adopted as part of this Ordinance.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

FIRST READING: July 9, 2025.

SECOND READING: July 23, 2025

ADOPTED this 23rd day of July, 2025 by the City Commission of the City of Winter Park, Florida.

**CITY COMMISSION OF THE CITY OF
WINTER PARK, FLORIDA**

Mayor Sheila DeCiccio

ATTEST:

Rene Cranis, City Clerk