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**City of Niceville, Florida Policy Regarding Public Access to  
and Video and Audio Recording on Municipality Property**

**PURPOSE**

The City of Niceville, FL (the “Municipality”) is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Municipality’s employees and the general public who do business with or use the services of the Municipality. This policy (this “Policy”) is intended to delineate those portions of the Municipality Property (as defined herein) that are accessible to and observable by the general public from those portions that are Non-Public Areas, establish rules of conduct that are applicable to all Municipality Property, and specify procedures for Municipality employees who encounter those who wish to access Municipality Property for observational purposes.

**DEFINITIONS**

“Non-Public Areas” means any designated area on Municipality Property that is not customarily open to or occupied by the public. Non-Public Areas shall be clearly marked with signage (e.g., “Employees Only” or “Restricted Access”) to provide clear notice that entry is not permitted without authorization and may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Municipality from considering or treating an area as a Non-Public Area. The Municipality shall retain the right to verbally instruct third parties that an area is a Non-Public Area. Entry by the public into a Non-Public Area is permitted only when specifically escorted or invited by authorized City staff for official business purposes.

Without limiting the generality of the foregoing, Non-Public Areas include but are not limited to the following:

- a) Employee offices or cubicles.
- b) Employee workspaces including copy rooms, mailrooms, file storage rooms, and break areas.
- c) Employee parking lots, storage areas, access points, or other outside areas marked for use by Municipality employees or vehicles only.
- d) Areas in close proximity to places, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.

- e) Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Non-Public Areas.
- f) Server or mechanical rooms
- g) Maintenance, storage, and warehousing facilities.
- h) Public works and public safety buildings, except for any designated waiting or reception areas therein.
- i) Water, sewer, and other public utility facilities.

“Municipality Official” means, for purposes of this policy:

- a) Any Municipality law enforcement officer.
- b) Any person providing security services in any Municipality Property pursuant to contract with the Municipality or with any person, firm, or corporation managing a Municipality Property on the Municipality’s behalf.
- c) With respect to any building, facility, area, or space assigned to a Municipality department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.
- d) The Municipality City Manager or any person that such officials specifically designate in writing.

“Municipality Property” means any real property owned by the Municipality or in which the Municipality has a property interest or property management responsibility.

“Public Area” means City administrative offices routinely open to the public for official business, such as reception areas, public counters, meeting rooms designated for public use, and areas posted as open to the public. Members of the public may enter, record, and conduct business in these areas, subject to reasonable time, place, and manner restrictions (e.g., no disruption of official business, no harassment of employees or visitors, compliance with safety and fire codes).

“Rules of Conduct” means the specific guidelines set forth in this policy.

## **RULES OF CONDUCT ON MUNICIPALITY PROPERTY**

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Municipality Property, the Rules of Conduct in this section apply and are to be enforced at all Municipality Property except where specific rules of conduct or prohibitions have been adopted for designated Municipality Property.

Rules of Conduct Applicable to All Municipality Property. The following Rules of Conduct shall apply at all Municipality Property, including both Public Areas and Non-Public Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Municipality Property for any purpose other than to conduct legitimate business with Municipality offices or tenants located at Municipality Property, to enjoy publicly accessible amenities in Public Areas, to lawfully

assemble for social or public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The appropriate Municipality Officials may adopt specific policies with respect to Municipality Property under their custody and control to manage conditions for use of such Municipality Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.

- b) No person shall engage in any activity on Municipality Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Municipality business at Municipality Property, lawful use by Municipality employees and authorized users at Municipality Property, or Municipality-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Municipality employees or private third parties lawfully using Municipality Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- e) No person shall interfere or obstruct the free passage of Municipality employees or authorized third parties in or on Municipality Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties. The Municipality may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.

Non-Public Areas The following Rules of Conduct shall apply at all Non-Public Areas:

- a) Non-Public Areas shall be accessible only to the following: (i) current employees, elected officials, and appointed officials of the Municipality; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Non-Public Area for the express purpose of conducting business with Municipality employees.
- b) Photography, audio recording, and video recording is prohibited in Non-Public Areas, except as follows: (i) any Municipality Official may authorize audio or video recording or photography in Non-Public Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Municipality Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) audio and video recording and photography may be permitted in Non-Public Areas when specifically authorized by applicable law or agreements.
- c) No person shall photograph, audio record, or video record any private third party lawfully entering, using, or occupying a Non-Public Area without the express consent of such third party.

## **SECURITY PROCEDURES**

- a) Any person may photograph, film, or record audio of any Public Area. Any such activity should be reported to a Municipality Official, preferably a law enforcement officer if possible.
- b) Municipality employees should refrain from engaging with photographers and videographers wherever possible. Municipality employees should monitor photographers or videographers on Municipality Property, but should refrain from engaging them unless they violate any Rule of Conduct. If engagement is necessary, every effort should be made to respond calmly, rationally, without escalating the encounter.
- c) If the individual attempts to enter a restricted area, an employee should calmly inform them: "This is an employee-only area. You may remain in the designated public lobby/reception area."
- d) A Municipality employee who does not wish to be photographed or recorded may retire to a Non-Public Area.
- e) Municipality employees are not required to respond to questions or demands from any photographer or videographer and should refrain from doing so if possible.
- f) Municipal employees should not touch the person taking photos, filming, or recording audio.
- g) Municipality employees may invite a private third-party conducting business with the Municipality and who do not wish to be photographed or filmed to retire to a more private Non-Public Area in order to complete any business or transaction.
- h) Municipality law enforcement officers may approach photographers and videographers upon a complaint from a member of the public or Municipality employees that the activity is suspicious or based upon their own observation that the activity is suspicious or inconsistent with this Policy. This Policy neither limits nor expands the authority of Municipality law enforcement officers to initiate and pursue investigations, to perform pat downs or frisks based upon reasonable suspicion, or to conduct searches based upon probable cause in accordance with legal authority. Photography, audio recording, or video recording does not, in and of itself, rise to the level of reasonable suspicion or probable cause.
- i) Municipality employees will immediately notify the City Manager and Public Information Officer if they observe an individual in a Non-Public Area taking photographs, filming, or recording audio.

## **ENFORCEMENT PROCEDURES**

### **a) Verbal Warning**

An initial verbal directive shall be given, advising the individual that they are entering or attempting to enter a non-public area in violation of City policy.

### **b) Trespass Notice**

If the individual refuses to comply, the City may issue a trespass warning pursuant to Florida law (Fla. Stat. § 810.09), advising that further entry into restricted areas or refusal to leave may result in arrest for trespass after warning.

c) Law Enforcement Intervention

The Niceville Police Department is authorized to enforce trespass laws and remove individuals who refuse to leave restricted areas or who engage in harassment, intimidation, or obstruction of City business.

d) Documentation

Incidents involving refusal to comply should be documented in writing by the employees involved and forwarded to the City Manager's office for recordkeeping.

**POSTING AND NOTICE**

a) Signage shall be placed at building entrances and at transition points between public and non-public areas, designating areas as "Public Lobby" or "Restricted Access-Employee Only"

b) A copy of this policy shall be available to the public upon request and posted on the City's website.

**POLICY REVIEW AND TRAINING**

a) This policy shall be reviewed annually by the City Manager and City Attorney to ensure compliance with evolving legal standards.

b) All employees shall receive periodic training on how to manage encounters with auditors, disruptive individuals, and trespassers in accordance with this policy.

**LEGAL BASIS**

This policy is designed in accordance with established First Amendment jurisprudence distinguishing between public forums and non-public government property, as well as Florida's trespass statute (§810.09, Fla. Stat.). The City may lawfully restrict access to non-public areas provided restrictions are reasonable, viewpoint-neutral, and clearly communicated.



David Deitch  
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