



First Amendment FOUNDATION

April 8, 2021

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I write on behalf of the First Amendment Foundation to address Sunshine Law violations that occurred at a Village Council meeting on April 6, 2021, by the exclusion of the public and press from the Council's meeting.

At the outset, Governor Ron DeSantis's Executive Order 20-69, which permitted local government bodies to use communications technology to satisfy quorum requirements for local government meetings, expired in October 2020. In January 2021, in response to a question whether a committee may meet remotely, the Attorney General's Office made clear that public committees and boards must establish an in-person quorum at physical meeting place since the termination of the executive order. Informal Opinion to Myrick, Jan. 28, 2021. Local government bodies must now establish a quorum in person and meet in a specific place. The Council must also give notice of the time and place of the meeting and allow public participation by all interested citizens and journalists pursuant to Florida's Sunshine Law.

The Sunshine Law, Section 286.011 of the Florida Statutes, requires that meetings of two or more board members must be *open to the public* at all times. Article I, Section 24, of the Florida Constitution also provides a right of access to government proceedings. Open to the public means open to all who choose to attend. AGO 99-53. Closing chambers to the public and reporters while allowing a few members of the council to meet in chambers violates the Sunshine Law and Florida's constitutional right of access.

With limited access to village chambers, members of the public and press cannot participate in, be informed of, and oversee the actions of their government – an important purpose of open government laws. In addition, journalists play an integral role by being present at meetings to inform the public of governmental agendas and decisions through their reporting. The exclusion of the press violates not only the Sunshine Law, it also violates the First Amendment of the U.S. Constitution, by infringing on the freedom of the press. The vital role of the press is true all of the time, but especially when access to chambers is being limited to prevent the spread of the coronavirus.

The First Amendment Foundation urges you to open chambers to members of the public and press to attend meetings and participate in the decision-making process.

If you have any questions at all, please do not hesitate to contact us. We hope to be a resource in compliance with the Sunshine Law.

All my best,

A handwritten signature in blue ink that reads "Pamela C. Marsh". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Pamela C. Marsh
Executive Director