

November 13, 2019

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Sheriff Bob Gualtieri
Chair, Marjory Stoneman Douglas
High School Public Safety Commission
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, FL 32308

Re: The Commission's violation of Florida's open meetings law.

To Chair Gualtieri and All Members of the Marjory Stoneman Douglas High School Public Safety Commission:

On behalf of the Florida Student Power Network, March for Our Lives Florida, and Dream Defenders Orlando, and their members, we write to address your violation of Florida's public meeting laws. On October 15 and 16, 2019, the Commission held a public hearing. The agenda¹ published on the Commission's web site before the hearing, posted on signage at the meeting site, and distributed to the public on flyers handed out throughout the meeting, specified that public comments could be made to the Commission on October 16 at 4:45 p.m. The Commission, however, ignored its own publications and notices and violated its obligations when it adjourned the meeting on October 16 around 2:00 p.m., long before the time scheduled for public comments.

The Commission's refusal to honor its published agenda violated Florida's sunshine laws and prevented the Commission from hearing from the very people it was created to protect. We demand that you comply with the law and that you stop creating barriers that prevent Florida's youth, parents, families, teachers and other stakeholders from having their voices heard.

Our clients skipped other obligations, missed school, and spent their own money to be present at the Commission hearing. You not only denied them their statutorily-protected right to speak at this public forum, but you also caused them to waste significant time and resources to plan for and travel to the Commission hearing only to learn as they were *en route* that the time for public comment had been moved up by several hours to a time that was impossible for them to make:

- Several members of March for Our Lives Florida coordinated travel to the hearing from other parts of the state at significant time and expense. One of those students attends Marjory Stoneman Douglas High School and tragically lost his sister in the shooting that prompted the creation of this Commission.

¹ <https://www.fdle.state.fl.us/MSDHS/Meetings/2019/October/MSDHS-Meeting-Agenda-October-15-16.aspx>.

- Seven employees and members of the Florida Student Power Network planned to attend and make public comments about how increased policing of schools had made them less, not more safe. Several were already on the way to the Commission hearing and were on track to arrive well before 4:45 p.m., when you unilaterally moved it up.
- Six employees and members of Dream Defenders Orlando, including two recent high school graduates who missed college classes to be present for the public comment period, were planning to attend. Some members of this group travelled from the Miami area and left other productive meetings in the Orlando area to attend the hearing.

Your actions were also not accidental. Around 2:00 p.m., when you announced the new public comment time, I and my colleague Yasamin Sharifi informed you that youth activists were still traveling and would arrive by 4:45 to present their comments and explicitly urged you to honor the published agenda.² Yet you ignored us and your legal obligations and thereby chose not to hear from our clients, representatives of the very people the Commission is charged with keeping safe.

Your disinterest in receiving public comments was also made clear by your decision to hold this hearing at a secluded Four Diamond resort and golf destination, which advertises a daily parking rate of \$18 - \$32,³ is inaccessible by public transit, and is far from residential areas of Orange County. In addition, you held this meeting, like nearly all of your meetings, on a weekday during school and work hours. Moreover, this meeting fell on a day that Orange County schools administered a standardized test, making it even harder for local teachers and students to attend. Since then, you have continued this pattern of denying the public an opportunity to comment, hosting a telephonic meeting on October 31 with little or no public notice and just 5 minutes for public comment.⁴

Recommendations made by a Commission that refuses to listen to the people it is charged with protecting are necessarily ill-informed and illegitimate. The Commission already is woefully unrepresentative of the families and children in our schools and the people of this State

² This fact is reflected in the minutes of the meeting of October 16, 2019.
<http://www.fdle.state.fl.us/MSDHS/Meetings/2019/October/October-31-Meeting/Proposed-October-2019-Meeting-Minutes.aspx>.

³ <https://www.omnihotels.com/hotels/orlando-championsgate/property-details/directions>. While this may seem an insignificant amount to the unrepresentative members of the Commission, 58% of Florida's students and families need assistance to afford school lunch, which costs on average \$2.75 a meal. There was no notice to the public either on the premises of the resort or in the published meeting notice and agenda that the parking fee could be waived and no one present at the parking area to explain this fact. This is another factor that may have chilled public participation and constitutes a separate violation of the public meeting law. *See* § 286.011 (3)(c)(6), Fla. Stat. ("All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of . . . economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.").

⁴ <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/October/October-31-Meeting/MSDHS-Meeting-Agenda-October-2019>.

– it has no current educators, no current students and no voting members who are people of color or known representatives of people with disabilities. By refusing to give students an opportunity to make their voices heard through public comment you denied yourself an opportunity to ensure that the recommendations you make take into account evidence and facts about what “school safety” actually means for *all* students.

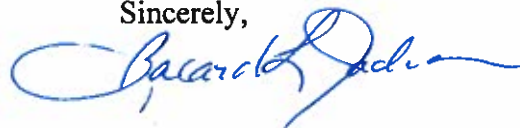
Your actions were not just unethical, they were also illegal. Section 286.0114 of Florida’s open meeting law provides that “[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.” Designating a specific time for public comment, but actually holding the public comment period hours earlier is not a “reasonable opportunity” to be heard. Not only is this *de facto* refusal to accept public comments not a reasonable opportunity to be heard – it is no opportunity at all.

To remedy your callous and illegal behavior, we demand that you commit in writing, in the next two weeks, to do the following:

- Provide our clients an opportunity to make public comments to the Commission in a manner and at a time that is reasonably available to them.
- Refrain from making any further legislative proposals, statements, reports, or other public comments until our clients have had the opportunity to make their voices heard.
- Commit from now on to hold meetings in accessible locations, to schedule reasonable times for public comment, give advance notice of those times and honor those notices.

If you continue to refuse to comply with Florida law, we will explore all of our legal options, including filing suit.⁵ We trust that you will take the actions needed to comply with Florida law and to remove the barriers you illegally erected to limit access to your meetings and opportunities for the public to be heard.

Sincerely,



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⁵ Florida law provides that “[a] circuit court has jurisdiction to issue an injunction for the purpose of enforcing [Section 286.0114]” and that “[w]henver an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section.”