

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

**MARCH FOR OUR LIVES FLORIDA; the FLORIDA STUDENT POWER NETWORK;  
DREAM DEFENDERS; KINSEY AKERS, through her next friends CHARLIE and  
KIRSTEN AKERS; ARYANA BROWN, through her next friend CASSANDRA BROWN,  
DAVID CAICEDO; COURTNEY PETERS; and CHRISTOPHER ZOELLER.**

Plaintiffs,

v.

Case No. 2020-CA-000075

**THE MARJORY STONEMAN DOUGLAS HIGH SCHOOL  
PUBLIC SAFETY COMMISSION**

Defendant.

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**AMENDED COMPLAINT**

**INTRODUCTION**

1. Plaintiffs bring this action to permanently enjoin the Marjory Stoneman Douglas High School Public Safety Commission (“the Commission”) from violating Florida’s Sunshine Law. Plaintiffs are organizations and individuals representing Florida students who the Commission prevented from speaking at its public meeting on October 15-16, 2019. These advocates wanted to provide a voice the Commission has ignored—that of the very students it was created to protect. They planned to explain to the Commission how some of the policies it has recommended make Florida’s students less, not more, safe; to ask the Commission to reconsider its initial recommendations; and to influence 2020 legislative recommendations about which the Commission was meeting.

2. The Commission held its October 15-16 meeting at a remote resort far from

public transportation, with posted parking rates of \$18-32. This choice was a significant barrier to interested members of the public, including members of the organizational plaintiffs, who lacked resources to cover the cost of private transportation or the advertised cost of parking.

3. The Commission then prevented those people who were not deterred by the meeting location from testifying with a bait-and-switch: publicly announcing before and throughout the meeting that it would take public comments at 4:45 p.m. on October 16, but then suddenly announcing at 2:00 p.m. that day that it would instead take comments immediately from only those present at that time and adjourn long before 4:45.

4. These actions were illegal. Florida law requires that public meetings be “open to the public” and be held in locations that do not “discriminate[] on the basis of ... economic status or ... operate[] in such a manner as to unreasonably restrict public access....” § 286.011, Fla. Stat. Florida Courts have also recognized that a public entity’s “need to conduct” a meeting at an inconvenient location must be balanced against “[t]he interests of the public in having a reasonable opportunity to attend.” *Rhea v. Sch. Bd. of Alachua Cty.*, 636 So. 2d 1383, 1385 (Fla. 1st DCA 1994).

5. Here, there was no apparent need for the Commission to select such an inconvenient location, let alone a need that justified the substantial burden the location placed on those with limited financial means.

6. Florida law also requires that “[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.” § 286.0114(4)(d), Fla. Stat. The Commission denied Plaintiffs that opportunity by deceiving them about when public comment would be received.

7. The Commission’s actions were part of a continuing pattern of ignoring the voices

of the people most directly affected by its recommendations—students in public schools.

8. The majority of the voting commissioners have a law enforcement background and no professional expertise in public education, school administration, youth development, or mental health.

9. The Commission lacks representation from experts who could provide perspectives on how its proposals would affect vulnerable student groups, including children with disabilities and children of color, who are disproportionately and unfairly targeted by over-policing in the name of school safety.

10. The Commission has no voting members who are people of color, students, or current educators.

11. The Commission has not sought out significant input from these groups regarding its recommendations and report.

12. To the contrary, as the events of this lawsuit show, the Commission has actively avoided hearing from people in all of these communities of interest.

13. The Commission's lack of expertise and unwillingness to listen to stakeholders like Plaintiffs has resulted in recommendations that are harmful to the very people it is charged to protect. It has advocated for putting more police and armed guards in schools, even though research shows that increasing the number of guns in a location makes children less, not more, safe. It has advocated for "zero-tolerance" disciplinary policies that will worsen existing racial disparities in school discipline and arrests. And, it has advocated funding unproven and expensive "school hardening" that does not address the underlying causes of gun violence.

14. Plaintiffs have brought these matters to the Commission's attention by letter, but, consistent with its disregard for community input, the Commission has not replied.

15. Plaintiffs have therefore filed this suit as a last-ditch effort to compel the Commission to comply with the law and listen to the voices of students it has silenced. They seek an injunction requiring the Commission to comply with its legal responsibilities by selecting more convenient locations for future meetings and abiding by its posted schedules for public comment.

### **JURISDICTION AND VENUE**

16. This Court has jurisdiction over this lawsuit pursuant to Article V, § 20(c)(3), of the Florida Constitution and § 26.012(2)-(3), Florida Statutes.

17. Venue lies in this Court because the Commission’s headquarters are in Leon County. *Fla. Dep’t of Children & Families v. Sun-Sentinel, Inc.*, 865 So. 2d 1278, 1286 (Fla. 2004) (Generally, in Florida, suit must be brought against state government entities in the county in which they are headquartered). The Commission is “created within” the Florida Department of Law Enforcement. § 943.687, Fla. Stat. The Department, in turn, is headquartered in Leon County, according to its website.<sup>1</sup> Because the Commission has no other physical offices, venue is appropriate in Leon County.

### **PARTIES**

#### **Plaintiffs**

18. Plaintiff March for Our Lives Florida (“MFOL”) is the state chapter of March for Our Lives, a membership organization formed after the same tragic events at Marjory Stoneman Douglas High School that prompted the creation of the Commission. MFOL advocates evidence-based policies to stop gun violence, which is the second-leading cause of death of young people in America. Unlike some of the policies advocated by the Commission, MFOL’s

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<sup>1</sup> See <http://www.fdle.state.fl.us/About-Us/About-Us.aspx>.

recommendations take into account the ways gun violence is inextricably bound with the fight for racial justice, economic justice, immigrant rights, and the rights of LGBTQ people. MFOL rejects the claim that guns are the solution to gun violence. Instead, it advocates for higher standards for gun ownership, bans on dangerous assault weapons and high-capacity magazines, stronger government action to combat gun violence, better mental health care funding, better oversight of state use of violence, and increased democratic participation of young people in politics.

19. Plaintiff Florida Student Power Network (“FLSPN”) is a state-wide membership organization rooted in collaboration and intersectionality that advocates on behalf of students on issues students feel are most important to them. Many of its members are students of color and other youth with marginalized identities who are most directly and disproportionately affected by the increased presence of police in schools and the zero-tolerance policies advocated by the Commission. FLSPN’s recommendations against increased school policing and in favor of evidence-based inclusive solutions to gun violence arise directly from the input of its members in schools across Florida.

20. Plaintiff Dream Defenders is a state-wide membership organization of black, immigrant, and poor young people advocating for equitable and inclusive state government. It advocates against the presence of more police and guns in schools because these measures make its members less, not more, safe. Instead, it advocates for increased funding for extracurricular programs, funding for teachers, safe housing, and inclusive community-driven approaches to improving school climate.

21. Plaintiff Kinsey Akers is a minor and brings suit through her parents, Charlie and Kirsten Akers. She is a high-school junior in the Orlando area and a member of March for Our

Lives Florida. She planned to attend the October 16 Commission meeting to implore the Commission to reconsider its prior support of arming teachers in schools. Her advocacy on this issue comes in part from her experiences as a student in a school where a teacher was fired after making threats to carry out a school shooting.

22. Plaintiff Aryana Brown is a minor and brings suit through her mother, Cassandra Brown. She is a senior in high school living in Lake County and an activist working with the Florida Student Power Network.

23. Plaintiff David Caicedo is the co-executive director of the Florida Student Power Network. He planned to attend the Commission meeting on behalf of his organization and testify about the concerns his members had about the Commission's recommendations and lack of representation.

24. Plaintiff Courtney Peters is a community organizer with Dream Defenders. She planned to attend the Commission meeting and testify about the harm the Commission's recommendations would do to members of her organization.

25. Plaintiff Christopher Zoeller is a high-school senior and the policy director of March for Our Lives Florida. He has a personal history with gun violence, having lost his grandmother to death by suicide and a close friend to gun violence. He planned to attend the meeting, support and coordinate members of his organization, and testify if other members of MFOL were unable to attend.

### **Defendants**

26. Defendant Marjory Stoneman Douglas High School Public Safety Commission is an entity created within the Florida Department of Law Enforcement with the stated mission to "investigate system failures in the Marjory Stoneman Douglas High School shooting and prior

mass violence incidents in this state and develop recommendations for system improvements.”  
§ 943.687, Fla. Stat.

27. The Commission is a “commission” as that term is defined by Section 20.03, Florida Statutes, i.e. “a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor.”

28. The Commission is therefore bound by Florida’s Sunshine Law, which applies to all commissions. *See* §§ 286.011(1), 286.0114(1), Fla. Stat.

29. The Commission is also a “collegial public body of the executive branch of state government,” under Article I, Section 24, of the Florida Constitution, and hence is subject to the open meetings provision of the Constitution.

30. Florida’s Sunshine Law explicitly authorizes suits for injunctive relief and an award of attorney’s fees against the Commission. *See* § 286.011(2), (4), Fla. Stat. (“The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section.... Whenever an action has been filed against any board or commission ... to enforce the provisions of this section ... and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney’s fee against such agency.”); *id.* § 286.0114(6)-(7) (“A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section.... Whenever 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...” (emphasis added)).

## **FACTUAL ALLEGATIONS**

### **The Commission Was Established to Investigate How to Make Students, Including**

### **Plaintiffs and Those they Represent, Safer**

31. The Marjory Stoneman Douglas High School Public Safety Commission was created by the Florida Legislature in 2018 through Senate Bill 7026, which made a variety of statutory changes in response to the tragic shooting there in February 2018. SB 7026 enacted Section 943.687, Florida Statutes, which creates the Commission and specifies that it is a commission as that term is defined by Section 20.02, Florida Statutes.

32. By statute, the Commission can have up to sixteen voting members, five appointed by each of the Speaker of the Florida House of Representatives, the President of the Florida Senate, and the Governor. The sixteenth member is the Commissioner of the Florida Department of Law Enforcement.

33. Of the sixteen current voting members of the board, fully half are currently employed by law enforcement agencies or state attorneys' offices.

34. A ninth voting member of the Commission, Douglas Dodd, is a current school board member but previously worked for the Citrus County Sheriff's office for 26 years.

35. Of the remaining voting members, two are longtime state agency administrators, one is a politician, one is a medical professional, one is a school board member, and two are parents of students lost in the Parkland shooting.

36. No voting members of the Commission are current educators or students and only one has a background as an educator, according to materials published by the Commission.

37. No voting members are people of color and twelve of the sixteen are men.

38. No voting member has an institutional affiliation or stated personal or professional experience that shows they can represent the needs and interests of children with disabilities.

39. The Commission is charged by law to: “investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements;” “[i]nvestigate any failures in interactions with perpetrators preceding mass violence incidents;” and “[i]dentify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk or possible threats....” § 943.687(3).

40. In 2018, the Commission held seven public meetings before releasing its initial report. Since then, it has held six more meetings, released its second annual report, and made recommendations to the Legislature for its 2020 session.

**The Location of the October 15-16 Meeting Illegally Excluded  
Some Members of the Public**

41. The Commission held its most recent in-person public meeting on October 15 and 16, 2019, at the Omni Orlando Resort at ChampionsGate, a secluded “Four Diamond” resort and golf destination. This was the Commission’s only meeting so far in central Florida—other meetings have been held in either Broward or Leon counties. But, despite the fact that this meeting was the only opportunity for people from a large area of the state to make comments to the Commission, it held the meeting in a location that was very difficult for them to access.

42. This was a particularly important meeting for the Commission because it was the last public meeting held in-person before the Commission adopted its 2019 annual report containing its findings and recommendations and before the 2020 Legislative Session. The contents of that report were the only subject of discussion at the meeting and the Commission edited, drafted, and finalized its text there. The contents of that report directly affect the Plaintiffs’ interests and they were harmed by being denied an opportunity to speak on them.

43. The Omni Orlando Resort is located approximately 30 miles southwest of

downtown Orlando and it can take between 30 minutes to over an hour to reach by car from there.

44. The Resort cannot be accessed at all by public transportation.

45. The highway which leads to the Resort from Orlando charges tolls to all drivers.

46. Materials produced in response to public records requests show that the Commission paid the Resort \$11,125.34 to host the meeting and provide electrical services, in addition to expenses for individual commissioners and staff. This is far more than the amounts the Commission paid to the prior locations where it has held commission meetings, which varied between \$2,736.72 and \$7,151.72.

47. These records also show that the Commission considered only hotels when selecting a venue for its meeting, ignoring other possibilities such as existing public venues and stadiums or college facilities, like those it used for its prior meetings.

48. Some of the other hotels considered by the Commission were accessible by public transportation, others were near major theme parks that are accessible by private bus, and all were closer to downtown Orlando than the Omni.

49. The resort charges \$18 to \$32 per day for parking, which is listed on its website. Nothing on the website of the resort or the Commission, including the Commission's published agenda, indicated that this fee could be waived for attendees of the Commission meeting.

50. Nor were there any posted signs so indicating at the meeting or announcements during the meeting to that effect. Indeed, Plaintiffs' counsel, The Southern Poverty Law Center, paid the parking fee on the first day of the hearing and only learned that free parking was offered for meeting attendees on the second day, after asking a staff member if it was available.

51. The public was not informed of the fact that free parking was available, despite

the fact that internal emails by Commission staff, produced in response to public records requests, indicate that they understood that this was incompatible with a public meeting. As one staff member explained to another by email when discussing whether to select the Omni Resort as the meeting location: “My concern is I understand there is a day parking cost. This meeting is open to the public, there is media presence, etc. Would there be any kind of work around that?” Despite understanding this barrier to public accessibility, the Commission never informed the public that the parking fee could be waived for meeting attendees.

52. The meeting was also held on a school and workday, when many area schools were administering the PSAT and regular SAT, the only day all year that some students could take the exam at school expense.

53. The combined impact of all these decisions was to deter members of the public without a car and the ability to pay at least \$18—more than two hours of labor at Florida’s minimum wage—for parking, the ability to pay for a ride, or the ability to miss hours of school or work, from exercising their rights to attend and give public comment at an important public meeting affecting the safety of Florida’s children.

54. Plaintiffs MFOL, FLSPN, and Dream Defenders all had members who were prevented from attending the meeting by its location and members who were prevented from attending by its timing.

55. The Commission’s actions were unlawful.

56. Florida law prohibits commissions from holding public 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.” § 286.011(6), Fla. Stat.

57. The location of the October 15-16 meeting discriminated against members of the

public on the basis of economic status by requiring them to travel by car, over toll roads, when other more convenient venues were available.

58. The location also discriminated by advertising to the public that they could only attend if they paid parking rates of \$18-32, or paid for some other private transportation service to drop them off and pick them up. While parking was free for meeting attendees, the only way to learn that was to park (which meant the attendee had to already expect and be able to incur the substantial parking fee), come inside the meeting location and ask a staff member—no posting or announcement of that fact was made by the Commission in writing or orally on its website, at the check-in point, or any time before or during the meeting.

59. Florida Courts have also recognized that a public entity’s “need to conduct” a meeting at an inconvenient location must be balanced against “[t]he interests of the public in having a reasonable opportunity to attend.” *Rhea v. Sch. Bd. of Alachua Cty.*, 636 So. 2d 1383, 1385 (Fla. 1st DCA 1994) (citing § 286.011(1), Fla. Stat., requiring meetings to be open to the public).

60. Here, the Commission has identified no reason whatsoever why it needed to have its meeting at this resort, let alone one that would justify holding it in a location so inaccessible to many members of the public. Indeed, as noted above, other similarly-priced and more accessible hotels were available and the Commission could also have explored facilities at public schools, universities, libraries, or other public institutions.

61. These statutory provisions are interpreted broadly: as Florida’s Attorney General has advised local governments, under Florida’s Sunshine Law “public agencies are advised to avoid holding meetings in places not easily accessible to the public” and that holding meetings in locations where members of the public may be reluctant to enter “may have a ‘chilling’ effect

upon the public’s willingness or desire to attend.” Fla. Op. Atty. Gen 71-295 (public body should not hold meetings in restaurants or private homes); *see also* Fla. Op. Atty. Gen. 96-55 (public body should not hold public meeting in a location where a member of the public must show identification to enter).

62. Here, some members of the public were chilled from attending the Commission meeting by its remote location and posted parking rates. The Commission therefore violated Florida law.

**The Commission Illegally Prevented Members of the Public from Making Comments at its October 15-16 Meeting**

63. In addition to discouraging the public from attending its public meeting through its choice of location, the Commission prevented even those people who were not deterred from attending by the location from providing testimony by switching the time for public comment and adjourning the meeting hours earlier than it had promised.

64. This exclusion was particularly harmful because the October 15-16 meeting was the Commission’s last public in-person meeting before it voted to finalize its annual report of recommendations to the legislature.

65. Before its most recent meeting, the Commission announced and abided by a schedule for public comments at its meetings.

66. At its second and third-most-recent in-person meetings, in Sunrise, Florida on June 4-5 and August 14-15, 2019, the Commission announced and abided by an agenda, including time for public comments.

67. On both days, it met its statutory duty to accept public comments from a wide variety of members of the public—the transcript of the meeting on June 5 includes 15 pages of public testimony and the August 15 meeting has 29 pages.

68. Many of those comments were critical.

69. For example, at the August 15 meeting, a youth activist member of the Power U Center for Social Change testified that he was “worried that th[e] [C]ommission doesn’t actually represent minorities” because there “are no folks of color, nor young folks” on the Commission while the “decisions that [the Commission members are] making impact[] [him] and the folks in [his] community the most.”

70. Similarly, another Power U member testified that “schools operating under [a] surveillance state are not safe” and perpetuate “racial injustice, with more students of color [being] treated as threats” and that “[a]dding more armed officers, and arming teachers, doesn’t actually get to the root cause of the problems that students are facing.”

71. Another speaker criticized the Commission for “targeting the div[er]sion<sup>2</sup> program that is reducing the school to prison pipeline” and linked this decision to the Commission’s lack of a diverse membership.

72. Other speakers at the August 15 meeting were critical for other reasons. A member of the public criticized the Commission’s investigatory steps and alleged that it had “concealed the fact that Peterson called a code red.”

73. A parent and former educator criticized the Commission’s proposed school-safety portal, pointing out that there are “technical, ethical, and safety, privacy, data governance and bias issues that must first be addressed if it is to succeed.”

74. Another member of the public suggested that the Commission was advancing a pro-school-privatization agenda.

75. The generally critical tone of the comments is also reflected in the minutes of the

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<sup>2</sup> The official transcript uses the word “division” but this is likely a transcription error or reflects an error by the speaker, as the Commission has criticized *diversion* programs in Broward County.

meeting which describe the public comment session from August 15 as follows: “Speakers expressed concern over Superintendent Runcie; charter schools not being in compliance with SB 7026; the lack of mental health care funding in Florida; biased treatment of certain groups by law enforcement; increasing the number of law enforcement officers in schools; arming teachers; the lack of diversity among Commission members; the accurate reporting of Scot Peterson’s actions; and privacy issues related to the Florida School Safety portal. It was recommended that meetings be held next year during the 2020 legislative session. Information was also provided related to mental health resources in Florida.”

76. By holding the meeting in a remote location and deceiving Plaintiffs and other members of the public about when it would take public comment, the Commission was able to limit and obstruct negative comments from being made on the record of its October 15-16 meeting.

77. The meeting agenda posted before the October 15-16 meeting, like the agendas for the two previous meetings, stated that public comment would be heard at 4:45 p.m. on the second day of testimony.

78. However, unlike those two previous meetings, the Commission did not honor that commitment.

79. Instead, at 2:00 p.m., Commission Chair Sheriff Bob Gualtieri announced that the Commission had concluded other business and would take comments immediately, instead of at 4:45 p.m.

80. Only three people were present to give comments then.

81. Two of those people were Yasamin Sharifi and Bacardi Jackson, both employees of the Southern Poverty Law Center, which serves as counsel for the Plaintiffs in this action.

They reminded the Commission that members of the public and student activists were likely *en route* in order to give testimony at 4:45 p.m. and asked the Commission to honor its posted schedule.

82. The Commission refused to reconvene at 4:45 p.m. to take public comments, instead taking comments only from the three people immediately present and interested in testifying at 2:00 p.m. and adjourning shortly thereafter.

83. Plaintiffs learned of the Commission's actions too late to arrive in time to provide comments:

- a. Plaintiff Kinsey Akers took the PSAT in the morning of October 16. She lives only minutes from the Omni Orlando Resort, and was at home when she learned from Mr. Zoeller that comments were about to close. Even though she was just minutes away, it was too late to make it to the Commission meeting and present her testimony. If she had been allowed to testify, she would have shared with the Commission her opposition to arming teachers, which arose in part from her experience with a teacher at her school who was fired after threatening to shoot students at her school.
- b. Plaintiff Christopher Zoeller was leaving home when he learned from Ms. Jackson and Ms. Sharifi that public comments were about to conclude, more than two and half hours before the scheduled time for them to begin.
- c. March for Our Lives Florida member Robert Schentrup is a college student in the Orlando area who got involved in activism after he lost his sister Carmen in the Parkland shooting. He was preparing to leave his home to travel to the Commission meeting, in time to arrive an hour early,

when he learned from Mr. Zoeller that public comments were about to close and that he would have no way to arrive in time to make a comment. He planned to tell the Commission that many of the policies it has recommended, like school hardening, are not evidence-based and have negative consequences that could put children at risk.

- d. Plaintiff David Caicedo was driving from a meeting about an hour away to the Commission when he learned from Ms. Sharifi and Ms. Jackson that Sheriff Gualtieri was changing the timing for public comment and planning to adjourn the meeting more than two hours early. He planned to testify about his organization's members' concerns about the risks posed to students of color by the increased policing, zero-tolerance policies, and increased surveillance proposed by the Commission. Mr. Caicedo continued to the meeting location, but when he arrived all of the Commissioners had left the meeting room and never reconvened at the published time for public comment.
- e. Plaintiff Aryana Brown was leaving a doctor's appointment early with her mother in order to arrive at the Commission hearing in time to provide testimony when she learned of the changed time for public comment. She planned to testify about the danger posed to children by increased policing.
- f. Plaintiff Florida Student Power Network also planned to bring at least five additional students and organizers, in addition to Mr. Caicedo, to speak to the Commission. These students learned of the Commission's change of

time for public comment when it was too late to arrive at the Commission in time to make comments. They intended to discuss a variety of issues, including the danger posed to youth of color by over-policing in schools, the exclusion of youth voices from the Commission's deliberations, and the need for gun safety reforms.

- g. Plaintiff Courtney Peters was in a meeting about an hour from the location of the October 16 meeting when she learned the Commission was about to end the meeting more than two hours early and cut off public comment and, therefore, she would not be able to make it to the meeting in time to testify. Had she been allowed to testify, she planned to explain to the Commission that research did not establish that the Commission's recommendations would make children safer but did show that they would put children of color at greater risk of police violence.
- h. Plaintiff Dream Defenders was planning to bring approximately six additional members to the meeting to witness the public comment period, demonstrate their support for Ms. Peters and other speakers, and possibly speak themselves. None of those members were able to attend because the Commission changed the time for public comment without adequate notice.

84. The Commission's actions were illegal.

85. Florida's open meeting laws require that "[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission... during the decisionmaking process and ... within reasonable proximity in time *before* the meeting at which

the board or commission takes the official action.” § 286.0114(2), Fla. Stat. (emphasis added).

86. The right to public comment “is subject to rules or policies adopted by the board or commission,” which allows a commission to “[d]esignate a specified period of time for public comment.” § 286.0114(4)(d), Fla. Stat. “If a board or commission adopts rules or policies ... and follows such rules or policies ... the board or commission is deemed to be acting in compliance with this section.” *Id.* at (5).

87. Here, however, the Commission blatantly violated its own adopted rules, which had been published to the public and upon which members of the public reasonably relied.

88. Hence, the Commission failed to provide the public its statutory right to comment.

89. Courts have recognized that government entities “should not be allowed, through devious methods, to ‘deprive the public of this inalienable right to be present and to be heard at all deliberations wherein decisions affecting the public are being made.’” *Law & Info. Servs., Inc. v. City of Riviera Beach*, 670 So. 2d 1014, 1016 (Fla. 3d DCA 1996) (quoting *Bd. of Pub. Instruction of Broward Cty. v. Doran*, 224 So. 2d 693, 699 (Fla. 1969)).

90. That is precisely what the Commission did.

91. To the extent there is any ambiguity in Section 286.0114, it should be interpreted in favor of maximum public access because “[s]tatutes enacted for the public benefit should be interpreted most favorably to the public.” *Doran*, 224 So. 2d at 699.

**The Commission Did Not Offer Another Opportunity for Public Comment Until After it Finalized its 2019 Report**

92. On October 31, 2019, the Commission held a 44-minute long meeting by telephone to finalize and adopt its 2019 report.

93. The Commission meeting began at 8:31 A.M. Eastern time. The commissioners spent most of the meeting discussing certain minor details regarding the report. They then

formally voted to approve the 2019 report. Next, some commissioners briefly discussed how the commission's prior recommendations had been described in the Florida Senate.

94. Only *after* the report had been approved, did the Commission take public comment.

95. The Commission then adjourned at 9:15 A.M.

### **The Commission's Wrongdoing is Likely to Continue**

96. The Commission is established by statute until July 1, 2023. § 943.687(9), Fla. Stat.

97. Through its actions at the October 16 meeting, the Commission successfully prevented its critics from being heard.

98. The Commission has no currently scheduled future public meetings but, based on its past practice, is likely to hold about half a dozen a year for the next three and a half years.

99. The Commission was made aware of its violations but has not responded to Plaintiffs' statements and correspondence seeking to address the issue without litigation.

100. The Commission will likely continue to violate the law unless restrained by an injunction.

### **FIRST CAUSE OF ACTION (Violation of Section 286.011)**

101. The allegations in Paragraphs 1-100 are realleged and incorporated herein by reference.

102. Florida's Sunshine Law requires that meetings of commissions, including the Marjory Stoneman Douglas Commission, are open to the public and held in locations that do not exclude members of the public due to their economic status. § 286.011, Fla. Stat.

103. The Commission held its October 15-16, 2019 meeting in a location that excluded

members of the public who were not able to pay for car transportation. That resort location also posted high parking rates that deterred members of the public who could not afford the published cost of parking from attending.

104. The Commission's actions prevented members of Plaintiffs MFOL, Dream Defenders, and FLSPN from attending the meeting.

105. Defendant's actions violated Section 286.011, Florida Statutes and Article I, Section 24(b) of the Florida Constitution.

106. The Commission's actions show that is likely to hold future Commission meetings in this or other similarly inaccessible locations in the future.

**SECOND CAUSE OF ACTION**  
**(Violation of Section 286.0114)**

107. The allegations in Paragraphs 1-100 are realleged and incorporated herein by reference.

108. Section 286.0114(2) requires that "[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission."

109. Plaintiffs wished to be heard before the Commission on its decision to adopt certain recommendations regarding school safety.

110. The Commission prevented Plaintiffs from being heard by setting a time for public comment at the October 16 meeting on which Plaintiffs relied but then taking comments hours earlier, before Plaintiffs arrived.

111. Defendants' actions violated Section 286.0114, Florida Statutes and Article I, Section 24(b) of the Florida Constitution.

112. The Commission's actions show that it is likely to deceive Plaintiffs about their ability to make public comments in a similar manner in the future.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

(1) Enjoin, pursuant to Sections 286.011(2) and 286.0114(6), Florida Statutes, Defendants, and all persons and entities acting under their direction or in concert with them, from doing any of the following:

- a. When future meetings are held in counties containing one or more cities with a public transportation system, holding those meetings in locations that are not accessible by public transportation.
- b. Holding any future meeting at a location that charges attendees for parking.
- c. Failing to prominently inform the public in all publicly-available materials listing the meeting location and time that any parking costs normally charged by the meeting location are waived for meeting attendees.
- d. Failing to give members of the public reasonable notice of the time at which public comment will be taken in any future public meetings.

(2) Award to Plaintiffs the attorneys' fees, expenses, and costs incurred in prosecuting this lawsuit pursuant to Sections 286.011(4) and 286.0114(7)(a), Florida Statutes; and

(3) Order such other and further relief as this Court may deem appropriate.

Respectfully submitted,

*/s/ Samuel Boyd*

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