

LAW OFFICE

John W. Bakas, Jr.
Attorney and Counselor at Law

10150 HIGHLAND MANOR DRIVE, SUITE 200
TAMPA, FLORIDA 33610

TELEPHONE 813-228-8015

FAX 813-464-3195

E-mail john@jbakas.com

JBakas.com

December 9, 2020

Kristen Griffis
President
Florida Association of Area Agencies on Aging, Inc.
8928 Brittany Way
Tampa, Florida 33619

Subject: Meetings by electronic means

Dear Ms. Griffis:

Charlotte McHenry, Treasurer of the Florida Association of Area Agencies on Aging, Inc., and President and CEO of the Senior Connection Center, Inc. requested my opinion on the following question:

QUESTION: Are Florida area agencies on aging that are not-for-profit corporations organized under Chapter 617, Florida Statutes, (called AAA Corporations in this opinion) legally authorized by Florida state law to conduct board meetings by electronic means without a quorum of the board being physically present at the meetings?

ANSWER: Yes. Section 617.0820(4) Florida Statutes, provides:

(4) Unless the articles of incorporation or the bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

DISCUSSION

An AAA Corporation's board of directors should review its articles of incorporation and bylaws to determine if either of those documents require a quorum to be physically present at meetings or imply that a meeting can be held only at a particular place. In addition to those reviews, and although authorizations in Chapter 617, Florida Statutes, such as Section 617.0820 do not need to be inserted into the bylaws to be applicable to an AAA Corporation, it may help clarify the board's intent to include the following in the bylaws:

Nothing in these bylaws shall be construed to limit the board's authority to hold meetings by any communication methods authorized by Section 617.0820, Florida Statutes. In addition, nothing in these bylaws shall be construed to limit the statutory right in Section 617.0820, Florida Statutes, of any director participating in a meeting by such communication methods to be deemed to be present in person at such meeting.

AAA Corporations do not need an extension of any Office of the Governor Executive Order or a revised opinion from the Department of Elder Affairs (DOEA) or the Attorney General.

The following examples illustrate the legal principles applicable to meetings of AAA Corporations and the Sunshine Law, Section 286.011, Florida Statutes.

EXAMPLE 1 — Two officials. In this example two local officials subject to the Sunshine Law want to hold an Internet-based electronic meeting to discuss their joint report and presentation to their full board. In this example, the two officials were designated by their board to review some issue and then present a report, options, and recommendation to the full board.

Could the two officials say they are not holding a meeting because there is no quorum of the board present? No, because the Sunshine Law applies to any type of meeting or means of communication between covered officials. As AGO 2020-03 states:

Neither the Florida Constitution or the Sunshine Law "prescribe any particular *means* of holding meetings." (Emphasis in the original)

Thus we do not look to the Sunshine Law to determine the means by which an AAA Corporation can hold a meeting.

EXAMPLE 2 — A local governmental board. In this example assume a local government board that does not have statutory authority for electronic meetings without a quorum being physically present. Could this local government hold an Internet-based electronic meetings without any board member being physically present at the meeting? No, because the attorney general stated in AGO 2020-03:

“[I]f a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-person.”

The attorney general also stated in AGO 2020-03:

When asked similar questions by local government bodies in the past, the Attorney General’s office has made it clear that any requirement for physical presence of members derives from other law specifying that a quorum be present to lawfully conduct public business or that the meeting of a local government body be held at a place within the body’s jurisdiction. See Ops. Att’y Gen. Fla. 1983-100 (1983), 1998-28 (1998), 2006-20 (2006). **How a quorum is lawfully constituted, or where a meeting is “held,” are questions distinct from the Sunshine Law and governed by other law.** Indeed, a quorum is not required to be present for a meeting to be otherwise subject to the Sunshine Law. (Emphasis added)

...

Since 1997, Florida law has allowed many state agencies to conduct public meetings, hearings and workshops by “communications media technology” in full compliance with the Sunshine Law, and they regularly do so.

...

The Legislature has also, by statute, permitted certain public entities other than state agencies to conduct meetings using communications media technology.

Therefore, as with all entities subject to the Sunshine Law, for AAA Corporations, **“how a quorum is lawfully constituted, or where a meeting is ‘held,’ are questions distinct from the Sunshine Law and governed by other law.”** (Emphasis added)

IMPORTANT QUESTION: Is there “other law” applicable to AAA Corporations and electronic meetings with any and all directors being deemed to be present in person at the meeting? Yes. See above, it is Section 617.0820, Florida Statutes:

(4) Unless the articles of incorporation or the bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. **A director participating in a meeting by this means is deemed to be present in person at the meeting.** (Emphasis added)

ADDITIONAL ANALYSIS T

QUESTION: What type of entity is an AAA Corporation? Is an AAA Corporation a nongovernmental, independent, not-for-profit corporation; or a local government; or a state agency?

ANSWER: An AAA Corporation is a nongovernmental, independent, not-for-profit corporation organized under Chapter 617, Florida Statutes.

An AAA Corporation is not a local government. An AAA Corporation is not a state agency.

Section 20.41, Florida Statutes, provides in part:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

...

(6) In accordance with the federal Older Americans Act of 1965, as amended, the department shall designate and contract with area agencies on aging in each of the department’s planning and service areas. **Area agencies on aging, as nongovernmental, independent, not-for-profit corporations** under s. 501(c)(3) of the Internal Revenue

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Code, shall ensure a coordinated and integrated provision of long-term care services to the elderly and shall ensure the provision of prevention and early intervention services.” [my emphasis]

QUESTION: Is an AAA Corporation subject to Sections 286.011-286.012, Florida Statutes, (the Sunshine Law) relating to public meetings?

ANSWER: Yes, see Section 20.41, Florida Statutes, which provides in part:

20.41 Department of Elderly Affairs.-There is created a Department of Elderly Affairs.

...

(8) Area agencies on aging are subject to chapter 119, relating to public records, and, when considering any contracts requiring the expenditure of funds, are subject to ss. 286.011-286.012, relating to public meetings.

QUESTION: What does the Sunshine Law require regarding holding meetings in person or by electronic means?

ANSWER: The Sunshine Law does not define what a meeting is or that meetings must be in person. The Sunshine Law has been applied to telephone conversations where officials have not been in the physical presence of each other.

QUESTION: Does the Sunshine Law state that an entity subject to the Sunshine Law must have quorum physically present to conduct a meeting?

ANSWER: No. The Sunshine Law says nothing about what a quorum is or whether a quorum must be physically present. The Sunshine Law applies when a quorum is not present. The presence or absence of a quorum is irrelevant to the application of the Sunshine Law.

QUESTION: According to the Florida Attorney General, Ashley Mood and the Deputy General Counsel Florida Department of Elder Affairs, John R. “Jack” Capra, where must an entity look to determine what “quorum” means, what “present” means” and what procedures for holding meetings may be followed by an entity?

ANSWER: Florida Attorney General, Ashley Mood stated in Attorney General Opinion (AGO) 2020-03:

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“Absent any statutory definition of these terms, the Attorney General’s office has, in prior opinions, relied upon the plain meanings of the terms “quorum” and “present” by resorting to legal dictionaries.
[my emphasis]

Thus, according to the Attorney General, we must first look to state statutes applicable to whether quorums must be physically present. Only when state law fails to provide guidance do we look to other sources like legal dictionaries.

Deputy General Counsel Florida Department of Elder Affairs, John R. “Jack” Capra stated in a November 4, 2020, letter to the General Counsel to the Area Agency on Aging of Broward County:

“Procedures for attendance at meetings should be included in your organizations by-laws or other controlling documents.”

Again, guidance is given by procedures applicable to each entity, not procedures applicable to other entities that are a different class of organization. We should not look to procedures applicable to *governmental entities* if the issues relate to *nongovernmental, independent, not-for-profit corporations* that have a complete and long-standing set of organizational statutes such as Chapter 617, Florida Statutes, regarding not for profit corporations.

QUESTION: Is an AAA Corporation subject to the Sunshine as if it was a local government and subject to the quorum requirements of local governments? The recent Attorney General’s Opinion AGO 2020-03, stated in part:

“It is my opinion that, **unless and until legislatively or judicially determined otherwise,** if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-person, or the in-person requirement for constituting a quorum is lawfully suspended during the state of emergency.[my emphasis]

ANSWER: No, because the Sunshine Law does not address what a meeting is, what a quorum is, or whether a meeting can be held by electronic means with all officials attending the meeting by such electronic means. All those matters must be based on the specific

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statutes or other documents applicable to each entity outside the Sunshine Law.

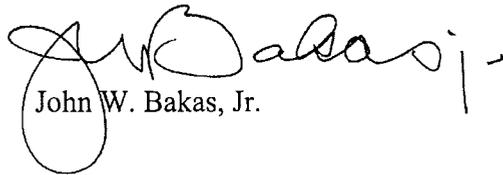
QUESTION: Do the Governor's Executive Orders about local government meetings and quorums apply to an AAA Corporation?

ANSWER: No. The Governor's recent Executive Orders on quorums and meetings expressly state they apply to local governments. That makes sense because no executive order is needed to allow nongovernmental, independent, not-for-profit corporations to meet by electronic means and establish a quorum by those attending electronically **when already authorized by Section 617.0820, Florida Statutes, to do so.**

Attached to this opinion are the following documents. The attachments are links and are also bookmarked:

- Section 617.0820, Florida Statutes
- AGO 2020-03 by Ashley Moody, Attorney General
- DOEA Letter of John R. "Jack" Capra
- Office of the Governor, Executive Order Number 20-69
(Emergency Management- COVID-19 - Local Government Public Meetings)

Sincerely yours,


John W. Bakas, Jr.

JWB

The 2020 Florida Statutes

[Title XXXVI](#)

BUSINESS ORGANIZATIONS

[Chapter 617](#)

CORPORATIONS NOT FOR PROFIT

[View Entire Chapter](#)

CHAPTER 617

CORPORATIONS NOT FOR PROFIT

617.0820 Meetings.—

- (1) The board of directors may hold regular or special meetings in or out of this state.
- (2) A majority of the directors present, whether or not a quorum exists, may adjourn any meeting of the board of directors to another time and place. Unless the bylaws otherwise provide, notice of any such adjourned meeting shall be given to the directors who were not present at the time of the adjournment and, unless the time and place of the adjourned meeting are announced at the time of the adjournment, to the other directors.
- (3) Meetings of the board of directors may be called by the chair of the board or by the president unless otherwise provided in the articles of incorporation or the bylaws.
- (4) Unless the articles of incorporation or the bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

History.—s. 46, ch. 90-179; s. 87, ch. 97-102.

Florida Attorney General Advisory Legal Opinion

Number: AGO 2020-03

Date: March 19, 2020

Subject: Public meeting quorums using technology

The Honorable Ron DeSantis
Governor
The Capitol
Tallahassee, Florida 32399-0001

Dear Governor DeSantis:

Our office has received your letter dated March 17, 2020, requesting an opinion pursuant to Section 16.01(3), Florida Statutes, in light of recent developments arising from the spread of COVID-19. On March 9, 2020, you issued Executive Order No. 20-52, declaring a state of emergency statewide and requiring Florida government officials to take necessary and timely precautions to protect their communities.

You state that, as a result of the dangers of COVID-19, public safety directives encourage citizens to engage in "social distancing" and to avoid public gatherings, where possible. As a result, your office "has been contacted by numerous county and local government bodies regarding concerns for public meetings held in light of the COVID-19 public health emergency. These entities raise issues involving Florida Statutes and Attorney General Advisory Opinion interpretations that limit the ability to hold public meetings using communications media technology."¹

Question Presented

Under these circumstances, you ask the following question:

Whether, and to what extent, local government bodies may utilize teleconferencing and/or other technological means to convene meetings and conduct official business, while still providing public access to those meetings?

It is my opinion under existing law that, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either (1) a statute permits a quorum to be present by means other than in person, or (2) the in-person requirement for constituting a quorum is lawfully suspended during the state of emergency. If such meetings are conducted by

teleconferencing or other technological means, public access must be afforded which permits the public to attend the meeting. That public access may be provided by teleconferencing or technological means.

Discussion

Article I, Section 24(b) of the Florida Constitution provides that “[a]ll meetings...of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public[.]” Florida’s Sunshine Law, found in chapter 286, Florida Statutes, provides that “[a]ll meetings of any...agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution,...at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken at such meeting.” § 286.011(1), Fla. Stat. (2019). Section 286.0114, Florida Statutes, also provides, with respect to certain “propositions” before a board or commission, that an opportunity for public comment must be afforded.

Though the Florida Constitution and the Sunshine Law both require that, unless exempt by law, meetings of a local government body must be “public meetings” that are “open to the public,” the text of neither provision requires that members of the public body be physically present during the meeting. Nor does either provision prescribe any particular *means* of holding meetings. Since 1997, Florida law has allowed many state agencies to conduct public meetings, hearings and workshops by “communications media technology” in full compliance with the Sunshine Law, and they regularly do so. See § 120.52(5)(b)2., Fla. Stat. (2019); Ch. 28-109, Fla. Adm. Code. No reported judicial decision has held that meetings conducted by such means violate the Florida Constitution or the Sunshine Law. The Legislature has also, by statute, permitted certain public entities other than state agencies to conduct meetings using communications media technology.²

When asked similar questions by local government bodies in the past, the Attorney General’s office has made it clear that any requirement for physical presence of members derives from other law specifying that a quorum be present to lawfully conduct public business or that the meeting of a local government body be held at a place within the body’s jurisdiction. See Ops. Att’y Gen. Fla. 1983-100 (1983), 1998-28 (1998), 2006-20 (2006). How a quorum is lawfully constituted, or where a meeting is “held,” are questions distinct from the Sunshine Law and governed by other law. Indeed, a quorum is not required to be present for a meeting to be otherwise subject to the Sunshine Law.³

Some statutes governing the conduct of business by local government bodies (such as section 166.041, Florida Statutes) specifically include the requirement of a “quorum” or that a quorum be “present” to conduct certain kinds of public business, such as the adoption of ordinances or resolutions. See § 166.041(4), Fla. Stat. (providing that, for

municipalities, a majority of members constitutes a quorum and an affirmative vote of a "majority of a quorum present" is necessary to adopt an ordinance or resolution). Other statutes require that meetings be held in a place within the jurisdiction of the local government body. For example, section 125.001(1), Florida Statutes, requires that meetings of a board of county commissioners "may be held at any appropriate place in the county." These statutes have not defined the term "quorum" or what it means to be "present." Nor have they defined what it means for a meeting to be "held" in a place.

Absent any statutory definition of these terms, the Attorney General's office has, in prior opinions, relied upon the plain meanings of the terms "quorum" and "present" by resorting to legal dictionaries and dictionaries of common usage. See Op. Att'y Gen. Fla. 2010-34 n.5-6 (referring to unabridged dictionary and legal dictionary for definition of term "quorum", which included the word "present", and concluding that "a quorum requirement, in and of itself, contemplates the physical presence of the members of a board or commission at any meeting subject to the requirement."). Doing so is a universally accepted mode of interpretation repeatedly endorsed by Florida courts. See *Lee Mem. Health Sys. v. Progressive Select Ins. Co.*, 260 So. 3d 1038, 1043 (Fla. 2018); *Berkovich v. Casa Paradiso North, Inc.*, 125 So. 3d 938, 941 (Fla. 4th DCA 2013) ("The common usage of the term 'quorum' requires the presence of individuals.") (citing Black's Law Dictionary 1284 (8th ed.2004)).

The term "quorum" is defined as "who must be present for a deliberative assembly to legally transact business." Black's Law Dictionary (11th ed. 2019). The word "present," is defined as "in attendance; not elsewhere." Black's Law Dictionary (11th ed. 2019); see also Webster's Third New International Dictionary Unabridged 1793 (2002 ed.) (defining "present" as "being before, beside, with, or in the same place as someone or something <both men were present at the meeting>").

Thus, in the absence of a statute to the contrary, the Attorney General's office historically has taken a conservative approach, out of concern for the validity of actions taken by the public body, concluding that any statutory quorum requirement to conduct public business requires the quorum of members to be physically present and that members present by electronic means could not count toward establishing the quorum. A long line of opinions by my predecessors contain conclusions to that effect.

For example, in Attorney General Opinion 83-100, Attorney General Smith concluded that a county could not conduct a meeting unless members constituting a quorum were physically present (and, even then, that a physically absent member could not participate by telephone). Op. Atty' Gen. Fla. 83-100 (1983). In Attorney General Opinion 92-44, Attorney General Butterworth concluded that a county commissioner physically unable to attend a meeting because of medical treatment could participate and vote in commission meetings where a quorum of other commissioners was physically present. Op. Att'y Gen. Fla. 92-44 (1992). In Attorney General Opinion 98-28, Attorney General Butterworth

concluded that a school board member could attend a meeting by electronic means, so long as a quorum was physically present at the meeting site. Op. Att'y Gen. Fla. 98-28. In Attorney General Opinion 2002-82, Attorney General Doran concluded that physically disabled members of a city board could participate and vote on matters as long as a quorum was physically present. Op. Att'y Gen. Fla. 2002-82 (2002). In Attorney General Opinion 2003-41, Attorney General Crist concluded that a member of a city human rights board who was physically absent from a board meeting but participated by telephone conference could not be counted toward the presence of a quorum. Op. Att'y Gen. Fla. 2003-41 (2003). And in Attorney General Opinion 2010-34, Attorney General McCollum concluded that the Coral Gables City Commission could not adopt an ordinance for the city's retirement board declaring that the requirements to create a quorum would be met if members of the board appeared via electronic means, because doing so would conflict with the statutory requirement in section 166.041, Florida Statutes that a quorum be present. Op. Att'y Gen. Fla. 2010-34 (2010).

Conclusion

The nature, extent, and potential duration of the current emergency involving COVID-19 present unique circumstances. However, without legislative action, they do not change existing law. It is my opinion that, unless and until legislatively or judicially determined otherwise, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-person, or the in-person requirement for constituting a quorum is lawfully suspended during the state of emergency.

Sincerely,

Ashley Moody
Attorney General

AM/ttlm

¹ Letter from Governor Ron DeSantis to Attorney General Ashley Moody dated March 17, 2020.

² Compare, e.g., § 163.01, Fla. Stat. (2019) (authorizing any separate legal entity created under subsection (7) of the Florida Interlocal Cooperation Act of 1969 to conduct public meetings and workshops by means of “conference telephone, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate;” providing specific requirements; and providing that the

“participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop”); § 373.079(7), Fla. Stat. (2019) (authorizing the water management district “governing board, a basin board, a committee, or an advisory board” to “conduct meetings by means of communications media technology in accordance with rules adopted pursuant to s. 120.54”); § 374.983(3), Fla. Stat. (2019) (authorizing the Board of Commissioners of the Florida Inland Navigation District to conduct board and committee meetings “utilizing communications media technology, pursuant to s. 120.54(5)(b)2”); § 553.75(3), Fla. Stat. (2019) (authorizing the use of communications media technology in conducting meetings of the Florida Building Commission or of any meetings held in conjunction with meetings of the commission); § 1002.33(9)(p)3, Fla. Stat. (2019) (authorizing members of each charter school's governing board to attend public meetings to “in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5), and specifying other requirements) *with* § 349.04(8), Fla. Stat. (2019) (authorizing the Jacksonville Transportation Authority to “conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5),” but specifying that “a resolution, rule, or formal action is not binding unless a quorum is physically present at the noticed meeting location, and only members physically present may vote on any item”).

³ Indeed, a quorum is not required to be present for a meeting to be otherwise subject to the Sunshine Law. See *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973).

Department of
ELDER AFFAIRS
STATE OF FLORIDA



Ron DeSantis
Governor

Richard Prudom
Secretary

November 4, 2020

Ms. Julie F. Klahr
3099 E. Commercial Blvd, Suite 200
Fort Lauderdale, FL 33308

Dear Ms. Klahr,

Thank you for your correspondence of October 29th to the General Counsel, Department of Elderly Affairs (DOEA). While §120.54(5)(b)2 Florida Statutes and Florida Administrative Code Rule 28-109 allow for an “Agency” to use media technology to conduct a meeting, this would not apply to your Area Agency on Aging (AAA) as it is not considered an “Agency” under §120.52(1), Florida Statutes, and cannot avail itself of the use of this rule to avoid in-person meetings. While you are correct that the Area Agency on Aging of Broward County is delegated authority by DOEA pursuant to §430.203(4), Florida Statutes as a “contracting agency.” This is not the same as an “Agency” as defined by §120.52(1), Florida Statutes. This premise was affirmed in *First Quality Home Care v. Alliance for Aging*, 14 So. 3d 1149 (Fla. Dist. Ct. App. 2009) which found that a AAA was not a state agency governed by the APA’s statutory procedures. Also, please refer to section 26 of the January - December 2020 contract for services between your organization and DOEA which states that your organization “shall not hold themselves out as employees or agents of the Department without prior specific authorization from the Department” (§26, p. 7).

Additionally, §20.41(6) and (8), Florida Statutes specifically provides that AAA’s are described as non-governmental, “independent not-for-profit corporations,” are “subject to chapter 119, relating to public records, and, when considering any contracts requiring the expenditure of funds, are subject to ss. 286.011-286.012, relating to public meetings.” This distinction and specific requirement that AAA’s meet the requirements of ss. 286.011-286.012, further establishes that your AAA is not subject to the protections of an “Agency” under §120.52(1) and is not an Agent under the jurisdiction of the Administrative Procedures Act (APA), chapter 120, Florida Statutes, for administrative redress.

4040 Esplanade Way, Tallahassee, FL 32399-7000
Phone: (850) 414-2000 | Fax: (850) 414-2004 | TDD: (850) 414-2001
visit us at: elderaffairs.org

As a private entity that is subject to the laws of Florida concerning Government in the Sunshine, under at least the circumstance noted above, the obligations for your Agency to be bound by the terms of its contracts with DOEA also require it to follow the Florida law on all Government in the Sunshine obligations, which means, at a minimum, that your organization comply with its contractual obligations. Procedures for attendance at meetings should be included in your organizations by-laws or other controlling documents. Thank you for your attention to this matter. Please feel free to contact my office if you want to discuss this matter further.

Sincerely,

/s/ John R. Capra

John R. "Jack" Capra
Deputy General Counsel
Florida Department of Elder Affairs

cc: Patricia Gleason, Florida Attorney General's Office

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-69

(Emergency Management – COVID-19 – Local Government Public Meetings)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, on March 17, 2020, I wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

WHEREAS, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to me indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure;

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby suspend any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place.

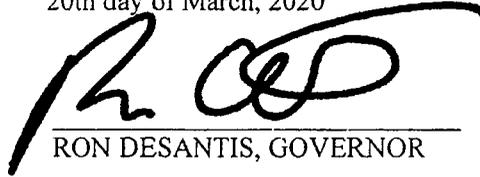
Section 2. Local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes.

Section 3. This Executive Order does not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes.

Section 4. This Executive Order shall expire at the expiration of Executive Order 20-52, including any extension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of March, 2020


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

2020 MAR 20 AM 9:38

FILED