

**For use Sunday, March 14**

## Close public speaking gap in Sunshine Law

In the 40-plus years Florida has had an open meetings law, most governments have erred on the side of caution when it comes to public comments before a vote.

Boards have not only let the public speak but have set up rules including time limits and places on the agenda for public comment. Sometimes they have not allowed public comment at workshops — where no vote is taken. But for the most part, their support for public input has been vigorous.

Unfortunately, Florida's revered Sunshine Law, Chapter 286, doesn't require that the public be allowed to speak at a public meeting. All it says is the meeting be "open to the public."

Editors across the nation have prepared editorials in support of open government in honor of Sunshine Sunday and Sunshine Week.

As that was being done, a First District Court of Appeal opinion out of Tallahassee was filed and said a Pensacola judge was right when he said a Pensacola board did not have to let the public speak before a vote. The only right granted, the opinion said, is the right to be present and observe what is happening. We checked the law and found that to be true. Fortunately previous court rulings and attorney general opinions have encouraged public participation.

The First DCA opinion was brutal about public participation in meetings. It said the law does not give "the public the right to be more than spectators. The public has no authority to participate in or to interfere with the decision-making process."

We question that word, "interfere."

Interfere with the business of government by the people we elect?

Whose money are officials spending? Our tax dollars. We should interfere.

This First DCA opinion includes a suggested remedy: Seek a change through the legislative process or the local board. We agree. A change in the law preferred.

The First DCA has no jurisdiction over St. Johns County. It should also be noted that the opinion is not final until time expires for the filing of a motion for a rehearing and disposition, if filed.

We suggest our governments seek advice from their own attorneys or request an attorney general's opinion.

Pat Gleason, Gov. Charlie Crist's director of cabinet affairs and special counsel for open government, and a former assistant attorney general for open government issues, made this key point: "The important thing ... is that the opinion did not say that government officials should, as a matter of policy, ban the public from speaking at public meetings."

We know that public comment in the government meetings has sometimes changed a developer's plans and caused a board to table an action for further study.

We share Gleason's hope that "public boards in Florida will choose to continue and even strengthen the opportunity of government leaders to listen to the people that elected them."

Public boards spend public dollars. The public should always be able to speak in a public meeting before the vote. Board decisions affect a community's quality of life.

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