


THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE GENERAL COUNSEL

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**MEMORANDUM**

**TO:** School Principals

**FROM:** Barbara J. Myrick, General Counsel 

**DATE:** July 13, 2020

**SUBJECT:** *Temporary Public Meeting Requirements under COVID-19 Executive Orders for School Advisory Forums and School Advisory Councils – Including EO 20-150*

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This memorandum is provided to give you guidance regarding conducting School Advisory Forums (SAF) and School Advisory Councils (SAC) meetings, which are subject to the Sunshine Law and Executive Orders issued by Governor DeSantis. The first portion of this memorandum discusses membership of these two groups and how voting can take place, remotely or virtually. The second portion of this memorandum concerns two (2) **temporary** exemptions to ordinary state laws governing the conduct of public meetings.

I have reviewed SB Policies 1.3: School Advisory Forum; 1403: School Accountability and Improvement; and, 1403-A: School Accountability and Improvement Guidelines, as well as Section 1001.452, Florida Statutes to understand the composition of each committee and to be able to provide guidance to you regarding having meetings of these groups virtually.

**School Advisory Forum (SAF):**

- School Board Policy states: membership is required to be representative of the total school community, i.e.: parents, students, employees and business partners. There is not a specific number of members for SAFs and anyone who attends the meetings and meets one of the previous named categories of individuals may vote at a meeting.
- A quorum for a SAF meeting would simply be the members present. To conduct official business, a motion or decision would need to pass by a majority (50% +1) of voting members present.
- The TEAMs format has a “participants” list, which can be used to determine who is attending. If it is a parent of a matriculating student, the student should be officially registered at the school for the coming year.



- A vote can be taken by: (1) a raise of hand, using the feature on the TEAMS participants' list; or, (2) a roll call vote using the participants' list to call the names of participants on the call.

#### **School Advisory Council (SAC):**

- Both School Board Policy and State Statute state membership is designated by approximately 14 categories of individuals. The number of members of a school's SAC is determined at each school via By-Laws. Therefore, each school's SAC will have a finite number of members. The policy states that a quorum for a SAC meeting is a majority (50% +1) of the membership.
- After it has been determined that a quorum is participating in the meeting, to conduct official business, a motion or decision would need to pass by a majority (50% +1) of quorum present.
- The TEAMS format has the "participants" list, which can be used to determine who is attending. A vote can be taken by: (1) a raise of hand, using the feature on the participants' list; or, (2) a roll call vote using the participants' list to call the names of the members on the call.

#### **How to Implement Executive Orders Regarding Conducting Meetings Virtually**

The remainder of this memorandum concerns two (2) **temporary** exemptions to ordinary state laws governing the conduct of public meetings. These temporary exemptions have been extended by Executive Order 20-150 issued by Governor DeSantis and will remain in effect until August 1, 2020. If the exemptions are extended again, you will be notified

Quorum to Conduct of SAF and SAC Meetings: Executive Orders 20-69 and 20-150 currently suspend any state law that requires a quorum to be present in-person and a local government body to meet at a specific public place. While a SAF and SAC meeting must still have a quorum of its members participating in order to conduct business, those members are now able to participate remotely and still be counted toward satisfying the committee's quorum requirement.

Technology May be Used to Conduct SAF and SAC Meetings Remotely: Executive Orders 20-69 and 20-150 also allow local government bodies to utilize communications technology, such as telephonic and video conferencing, to conduct public meetings as provided in Section 120.54(5)(b)2, Florida Statutes. Communications technology means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. *See: Section 120.54(5)(b)2, Florida Statutes.*<sup>1</sup>

Special Notice Requirements for Conducting Meetings Remotely: When The School Board or any of its committees choose to conduct a meeting remotely, it shall provide public notice (advertisement) in the same manner as required for an in-person meeting, **plus** it shall plainly state that such meeting is to be conducted remotely and identify that TEAMS will be used. The notice for a public meeting being conducted remotely must state how persons interested in attending the meeting may do so and shall include: (1) the specific technology that the SAF or SAC will use to

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<sup>1</sup> The School District Administration has chosen TEAMS as the communications media technology to be used throughout the District for holding meetings remotely as well as for instructional purposes.



conduct the meeting remotely; (2) the means by which a member of the public may access the meeting, i.e. link to a video stream, conference telephone number and participant code, etc.; and (3) an address, e-mail address, and telephone number where an interested person may write or call for additional information. **It shall be presumed to violate the public's right of access if these public access rights are not met.** It is necessary that all persons participating in the remote meeting be able to hear each other and for the public to be able to hear those participants. If during the course of a remote meeting technical problems develop with the communications network that prevent interested persons from participating and/or observing, the committee shall suspend the proceeding until the problems have been corrected. *See: Section 120.54(5)(b)2, Florida Statutes; Sections 28-109.005, 28-109.002 and 28-109.004, Florida Administrative Code.*

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Except for the temporary relief addressed in Executive Orders 20-69 and 20-150 regarding in-person quorums and use of communications technology to conduct meetings, the Governor **did not** waive any other requirements under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes. The following is a brief summary of Sunshine Law and other public meeting requirements as applicable to meetings of advisory committees.<sup>2</sup>

Essential Sunshine Law Requirements: There are three (3) basic requirements of the Sunshine Law: (1) meetings of advisory committees must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of the meetings must be taken and promptly recorded.

*As Policy 1403-A states: All SAC meetings must be open, advertised (at least three days in advance), and are subject to the Sunshine Law.*

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If further guidance upon the above matters and procedures is needed, please contact this Office at your earliest convenience.

CC: Dr. Valerie Wanza, Chief School Performance and Accountability Officer  
Jeffrey Moquin, Chief of Staff  
Veda Hudge, Director, Office of Service Quality  
Donna Boruch, Coordinator, Office of Service Quality  
Leo Nesmith, Director - District Administrative Services

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<sup>2</sup> These include both School Advisory Councils (SAC) and School Advisory Forums (SAF).