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Randy Fine
Florida House of Representatives
State Representative, District 53

October 6, 2021

RE: CRIMINAL SUNSHINE VIOLATION BY BREVARD COUNTY SCHOOL BOARD

The Honorable State Attorney Phil Archer
Office of the State Attorney
2725 Judge Fran Jamieson Way – Bldg. D
Viera FL 32940

State Attorney Archer,

It is a bedrock principle of Florida government that public business must be done in front of the public. Yesterday, the Brevard County School Board flagrantly violated that public trust. It is bad enough that our School Board has repeatedly flouted Florida law in forcing students to wear masks in school – or be denied an education. But faced with overwhelming public opposition as well, at yesterday’s School Board Meeting, Board Chairwoman Misty Belford literally banned the public from a public meeting where this illegal policy was debated – and voted on repeatedly. On behalf of the tens of thousands of Brevard government-run school students I represent – and their parents – I am filing this criminal complaint against School Board Chairwoman Misty Belford and request it be investigated and prosecuted to the fullest extent of the law.

Under Florida Statute 286.011, more commonly known as part of Florida’s Sunshine Law, “all meetings of any board... of any... political subdivision... at which official acts are to be taken are declared to be public meetings open to the public **at all times.**” Further, “Any person who is a member of a board... who knowingly violates the provision of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree,” which is punishable by up to 60 days in jail.

At yesterday’s Brevard County School Board meeting, at minute 30:30, as broadcast by the School Board, Chairwoman Belford announced that she is going to “clear the room” of the public and take a recess. When the meeting reconvened approximately ten minutes later, the public was not allowed to enter the meeting and the Board continued their business in a meeting that was not “open to the public **at all times.**” This was at the direction of Ms. Belford, and against what I must assume was the advice of counsel who was present in the room at the time. Over the next thirty-five minutes, the Board took several official acts including changing policy – all while refusing to keep the meeting “open to the public **at all times.**”

Committees and Subcommittees:

Chairman, PreK-12 Appropriations Subcommittee -- Vice Chairman, Redistricting Committee
Appropriations Committee -- Tourism, Infrastructure & Energy Subcommittee
Education & Employment Committee -- Environment, Agriculture & Flooding Subcommittee
Brevard County Delegation

The Honorable State Attorney Phil Archer
October 6, 2021

Unfortunately, Ms. Belford's unilateral decision made all five Board members criminally culpable, since they all "attended a meeting not held in accordance" with Sunshine; however, I would respectfully request that your investigation focus on Ms. Belford – who unilaterally created the conditions by which Sunshine was broken.

Mr. Archer, given that this case involves elected officials that we both know and work with, and particularly given that your Chief of Staff is intimately involved in these issues as a fellow member of the Florida House, I would request that this investigation be turned over to impartial investigators at the Florida Department of Law Enforcement for a complete investigation. I am also copying Governor DeSantis on this letter, given his ability to suspend School Board Members for illegal conduct, Education Commissioner Richard Corcoran, and the Florida Commission on Ethics, who can separately investigate the conduct.

Thank you for your urgent attention to this matter.

Regards,



Randy Fine
State Representative, District 53

cc: Governor Ron DeSantis
Education Commissioner Richard Corcoran
Florida Commission on Ethics