



Florida Action Committee, Inc.
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August 25, 2020

Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

SENT VIA EMAIL
ashley.moody@myfloridalegal.com

**RE: COMPLAINT AGAINST BREVARD COUNTY COMMISSIONERS
BRYAN LOBER, RITA PRITCHETT, JOHN TOBIA, CURT SMITH,
AND KRISTINE ISNARDI
VIOLATION OF FLORIDA STATUTES § 286.011**

Dear Attorney General Moody:

I am President of the Florida Action Committee (FAC). We are a 2000+ member non-profit organization that advocates for public safety and laws based on empirical research. Among our members are persons required to register as sexual offenders or sexual predators in Florida. Approximately one hundred fifty of our members reside in Brevard County, Florida (Brevard).

Sec. 74-102(b) of Brevard's Code of Ordinances (Ord. No. 2006-31, § 3, 5-16-06) provides that no person required to register as a sexual offender or sexual predator "shall enter into or remain within the 1,000-foot buffer zone surrounding any school, daycare center, park or playground." Violating this section is a misdemeanor and is punishable by a fine of up to \$500 or imprisonment for up to 60 days, or both. (Ord. No. 2006-31, § 4, 5-16-06).

Brevard's County Commissioners hold their meetings at 2725 Judge Fran Jamieson Way in the City of Viera. 2725 Judge Fran Jamieson Way is located within 1,000-feet of a school, daycare center, park or playground.

Brevard is seeking to amend Ord. No. 2006-31, §§ 2—6, Article VI, §§ 74-101—74-105 of its Code of Ordinances. This Ordinance concerns persons required to register as sexual offenders and sexual predators and includes prohibitions on where they may live and where they may be present. The proposed amendment would “establish[] a registry of businesses who choose to restrict sexual offenders and sexual predators from coming within 1,000 feet of the premises.”¹

The Brevard County Commissioners held a public meeting on July 21, 2020 at which they discussed the proposed amendment, invited public comment and took action on it. Several of our members desired to attend the meeting in order to exercise their civic duties and the rights afforded them by the First Amendment to the Constitution, however they were told that because of their status as persons required to register, they were prohibited from attending.

To verify, our organization contacted the Brevard County Sheriff’s Office. On July 23, 2020, we received a reply from Sgt. Doug Caskey of the agency’s Criminal Investigative Services, which stated, “*Per your request, an address review for the Brevard County Government Complex was conducted. As you see below [map], the property is less than 700 feet from the properties of Viera High School and Viera Charter School, which would put in violation of Sexual Offender Ordinance 2006-31. Also, the below listed purposes to be on the property are not exceptions in the Ordinance. [Note: I had requested for Use of the public conference room for member network meetings, Attendance at the Brevard County Re-Entry Task Force Meetings, and/or Attendance at the Brevard County Board of Commissioner Meetings.]*”

Our organization also contacted the Board of County Commissioners directly by email copy to each Commissioner, stating; “*many of our members are registrants and would have loved the opportunity to attend your meeting and speak to a law that directly impacts them, but they cannot. The County Administrative Building is within 1,000 feet of both a playground and Viera High School. Therefore, your meeting took place within an exclusion zone that these individuals are prevented from entering.*” To date, we have received no response to that letter, or the two others sent to the Commissioners.

Despite being expressly placed on notice that residents of Brevard (or any other member of the public who is subject to registration, for that matter) would like to attend the Board of County Commissioners meetings to speak on the proposed amendment (or any County Commission business, for that matter), the County Commissioners are proceeding to address this matter at the County Commission meeting scheduled for tomorrow, August 25, 2020.

¹ <https://brevardfl.legistar.com/LegislationDetail.aspx?ID=4593754&GUID=469093EC-A658-42B5-B846-BC7CEAA66214&Options=&Search=&FullText=1>

Florida Statutes §286.011(1) provides that, “[a]ll meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, 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 or made at such meeting.”

Florida Statutes §286.011(3)(b) provides that, “[a]ny person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.”

The purpose of this letter is to;

- (i) initiate our complaint against Bryan Lober, Rita Pritchett, John Tobia, Curt Smith, and Kristine Isnardi, individually; and
- (ii) to request these individuals be charged with a second-degree misdemeanor for knowingly and intentionally violating F.S. §286.011(3)(b); and
- (iii) to invalidate any action taken by the Brevard County Board of County Commissioners since the enactment of Ord. No. 2006-31, §§ 2—6, Article VI, §§ 74-101—74-105; and
- (iv) to seek to declare Ord. No. 2006-31, §§ 2—6, Article VI, §§ 74-101—74-105 unconstitutional under the First Amendment to the United States Constitution and in violation of Florida’s Governing in the Sunshine Law; and
- (v) to take any other action your office deems appropriate enforce the laws of the state of Florida and protect its citizens.

Sincerely,
/s/ Gail Colletta
Gail Colletta, President
The Florida Action Committee, Inc.