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May 28, 2020

Mr. Kevin J. Thibault
Secretary of the Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Via email to kevin.thibault@dot.state.fl.us

RE: M-CORES Task Force Webinars

Dear Secretary Thibault:

I write on behalf of the First Amendment Foundation to bring your attention to the unfortunate exclusion of persons wishing to participate in M-CORES Task Force meetings, now being held by webinar. The webinars are a poor substitute for the kind of government that is required by Florida's Sunshine Law, which does apply to the M-CORES Task Force meetings. I appreciate that in adopting this process, your agency was attempting to keep citizens safe during a pandemic. Now, however, as Florida begins to fully re-open, the First Amendment Foundation requests that all M-CORES Task Force meeting webinars immediately be postponed (and preferably canceled) until "all interested persons" can be accommodated pursuant to law.

As you know, Executive Order 20-69 (as extended by Executive Order 20-114) applies only to local governments and does not apply to agencies or any decision-making and/or advisory board or committee created by a state agency.

FDOT is subject to the provisions of §120.54(5), Fla. Stat., and the rules authorized by that section. In addition, §338.2278, Fla. Stat., sets forth the law on Multiuse Corridors of Regional Economic Significance (M-CORES) and specifically states: "Each corridor task force shall hold a public meeting *in accordance with chapter 286* in each local government jurisdiction in which a project within an identified corridor is being considered." Fla. Stat., §338.2278(3)(c)5 (emphasis added). And, as you know Chapter 286 provides the parameters and application of Florida's Government-in-the-Sunshine Law.