



**Statement on public hearings during the COVID-19 pandemic
June 9, 2020**

Since our founding in 1986, 1000 Friends of Florida has strongly advocated that citizens be empowered — through information and access — to play an active role in charting the course for their communities. Florida’s rapid growth, unless it is carefully managed, threatens irreparable damage to our most precious public assets: our environment, economy and quality of life. Informed and fully engaged citizens are the best guardians for those assets — for themselves and future generations of Floridians.

The public notice, comment and public hearing process has become the primary vehicle by which citizens have been afforded the opportunity to make their views on land use changes in their community known to decision makers. The Federal Administrative Procedures Act and state laws all enshrine active citizen participation by requiring a robust public process.

Normally Florida’s planning process allows citizens concerned about growth and development proposals in their communities to voice their opinions face-to-face to decision makers in public hearings. But amid the COVID-19 pandemic, citizens will be unsafe attending crowded public hearings in person, and many small towns lack large council chambers permitting adequate social distancing. While some citizens may be willing to take the personal risk of attending such hearings, many local governments have strictly limited in-person attendance because of the danger of infection. Others have moved hearings online and restricted citizens to participating remotely through online alternatives or, worse, submitting only written comments. Online alternatives such as Zoom or Facebook Live are unavailable for citizens who lack access to broadband service, or unfeasible for those who are unfamiliar with real-time communication technology.

Under these circumstances, legal requirements for a full and accessible public planning process cannot be met. Without the opportunity for meaningful public participation, the procedural due process required under Florida law for citizens is denied. Hearings without meaningful citizen participation will lack accountability. Any decisions made will lack legitimacy — an unfortunate outcome for all involved, from citizens to applicants seeking planning changes to the decision makers approving or rejecting them.

Hearings involving planning decisions should not take place without provisions for robust and meaningful public participation. Those decisions may significantly and irreversibly alter a community’s character and future. They must not be made in a vacuum of citizen participation. Deadlines for comments may need to be extended, but offering citizens the lone option of submitting written comments in advance is not acceptable when it comes to hearings involving land use decisions. Nor is failing to lower barriers to meaningful online participation. Leaders in some local governments are modifying their procedures to restore or maintain opportunities for public participation in the altered conditions brought on by the pandemic. This is a worthy objective for every local government.

As long as COVID-19 remains a threat, we must all do our part to protect ourselves and fellow community members against unnecessary risks of exposure to this deadly disease. Government leaders owe a duty to the public to ensure the current critical demands we face to protect our health, along with the health of our families and communities, do not preclude participatory governance. Anything less will unjustly deny Floridians their rights to have their say in the future of their communities.