

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

JOEL CHANDLER and  
ROBERT CHANDLER,

Plaintiffs,

CASE NO.: \_\_\_\_\_

THE TOWN OF SOUTHWEST RANCHES  
CITY COUNCIL, and  
THE TOWN OF PEMBROKE PINES  
CITY COUNCIL, public bodies of the State of Florida,

Defendants.

\_\_\_\_\_ /

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

The Plaintiffs, Joel Chandler and Robert Chandler (“Chandlers”) sue THE TOWN OF SOUTHWEST RANCHES CITY COUNCIL (Southwest Ranches) and THE TOWN OF PEMBROKE PINES CITY COUNCIL (Pembroke Pines), (collectively “the Defendants”) and state:

1. This action concerns violation of Article One, Section 24 of the Florida Constitution and of Florida’s Government in the Sunshine Law, Section 286.011 et seq., Florida

Statutes (collectively the “Open Meetings Laws”). Specifically, the Defendants held a public meeting to which Plaintiffs were denied admission.

2. In this action, Chandlers seek declaratory and injunctive relief to prevent further violations and protect the public’s right to monitor the Defendants’ discussions of city business. The Chandlers also seek an awarding of their attorneys’ fees and costs.

Jurisdiction and Venue

3. This Court has jurisdiction under Article One, Section 24, of the Florida Constitution and Sections 86.011 and 286.011 of the Florida Statutes.

4. Venue is appropriate in Broward County because one or more of the Defendants reside here.

The Parties

5. Southwest Ranches and Pembroke Pines are public entities within the meaning of Article One, Section 24 of the Florida Constitution and Section 286.011, Florida Statutes.

6. Robert Chandler is a Florida citizen who resides in Pasco County.

7. Robert Chandler is a “person” as that term is used in Section 119.07(1)(a), Florida Statutes (2010).

8. Joel Chandler is a Florida citizen who resides in Polk County.

9. Joel Chandler is a “person” as that term is used in Section 119.07(1)(a), Florida Statutes (2010).

10. The Chandlers are interested in seeing that Defendants comply with the Open Meeting Laws.

11. All conditions precedent to this action have occurred or have been excused or waived.

## Background

12. Southwest Ranches and Pembroke Pines are public bodies that exist to serve the citizens and residents of the cities of Southwest Ranches and Pembroke Pines.
13. The Defendants' meetings are subject to the Open Meetings Laws.
14. The Open Meetings Laws require public notice of, and public access to, meetings at which official acts are to be transacted or discussed, unless one of the limited, narrow statutory exceptions applies.
15. The Open Meetings Laws prohibit unreasonable restrictions of public access at any facility where a meeting is held.
16. The Open Meetings Laws apply to inquiry and discussion stages of a council's decision-making process, as well as the ultimate step of official action.
17. Accordingly, the Open Meetings Laws extend to informal sessions or conferences concerning matters on which city council action is foreseeable.
18. On November 5, 2011, Chandlers attempted to attend a public meeting of the two city councils at the Pembroke Pines public library to discuss proposed prison construction in Southwest Ranches. Before being allowed entry into the public meeting, unidentified police officers and workers demanded that each person attempting to attend the meeting provide personally identifying information on a form. The officers and workers then required that each person submit the form into one of three boxes, with each box labeled to identify the individual's stance on the proposed prison to be built in Southwest Ranches. The boxes were named as "support" "opposed" and "neutral."

19. On November 5, 2011, Chandlers refused to complete the forms or submit them into any of the three boxes because these requirements were unreasonable restrictions on public access to a public meeting.

20. On November 5, 2011, multiple armed police officers blocked Chandlers from entering the meeting.

21. In denying Chandlers entry to the public meeting, Defendants did not cite any statutory exemptions applicable to the meeting.

Count I  
Violations of Open Meetings Laws

22. Chandlers incorporate the allegations contained in paragraphs 1 through 21.

23. Defendants' actions in conducting the meeting without providing public access violated the Open Meetings Laws.

24. No exception to the Open Meetings Laws allowed the Defendants to conduct their November 5, 2011, meeting without providing public access.

25. Because Defendants have discussed city council business outside of properly held public meetings, a bona fide controversy exists between the parties regarding a right or privilege, including the Chandlers' right to attend and to observe Defendants' meetings.

26. Because Defendants have discussed city council business outside of properly held public meetings, a bona fide, actual, present and practical need exists for a declaration of the issues raised herein.

27. The Chandlers have an actual, present interest in the subject matter of this action, and that interest is adverse and antagonistic to the Defendants' interest.

28. Defendants' violations of the Open Meetings Laws constitute an irreparable public injury.

29. The Chandlers have no adequate remedy at law.

30. A danger of future violations can be anticipated from the Defendants' prior conduct.

31. Because the November 5, 2011, meeting was conducted in violation of Section 286.011, the Chandlers are entitled to an award of its reasonable attorneys' fees pursuant to Section 286.011(4), Florida Statutes.

32. The Chandlers have retained the undersigned counsel and have agreed to pay its attorneys' reasonable fees.

#### Relief Requested

Wherefore the Chandlers respectfully request:

(a) A declaration that (i) the Defendants violated Section 286.011 by unreasonably restricting public access to a public meeting; and (ii) any decisions resulting from that meeting are void;

(b) An order enjoining Defendants from holding further meetings where the public is unreasonably restricted from accessing the meeting (unless such meetings are authorized by the Open Meetings Laws);

(c) An order requiring Defendants to disclose the minutes and transcripts of the meeting pursuant to Sections 286.011;

(d) An order awarding the Chandlers their reasonable attorneys' fees and expenses incurred in prosecuting this action, pursuant to Section 286.011(4) of the Florida Statutes; and

(e) Any other relief the Court deems proper.

Dated: \_\_\_\_\_

Respectfully submitted,

THOMAS & LoCICERO PL

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