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MEMORANDUM

TO: Direct Support Organizations Serving School Districts and Florida College System Institutions

FROM: Richard Corcoran, Commissioner of Education

RE: DOE Guidance to Direct Support Organizations; Coronavirus (COVID-19)

DATE: April 1, 2020

Florida law authorizes direct support organizations for Florida College System institutions, s. 1004.70, F.S.; and school districts, s. 1001.453, F.S. These direct support organizations are non-profit organizations under Chapter 617 of the Florida Statutes. The board of directors of these organizations may allow for meetings to be conducted through the use of “any means of communication by which all directors participating may simultaneously hear each other during the meeting” unless provided otherwise by the articles of incorporation or bylaws, and directors who participate by such means are “deemed to be present in person at the meeting,” s. 617.0820(4), F.S.

As part of the ongoing response to the COVID-19 Public Health Emergency, Governor DeSantis issued Executive Order No. 20-69, authorizing local government bodies to utilize communications media technology to conduct public hearings, meetings or workshops as provided in s. 120.54(5)(b)2, F.S., and suspending any statute requiring a quorum to be present in person or requiring a local government to meet at a specific place.

In keeping with Governor DeSantis’ Executive Order No. 20-69, the safety of persons connected with the direct support organizations that support both Florida’s State College System institutions and school districts necessitates extending the same flexibility provided to local governmental bodies through Order No. 20-69. As such, I am writing to advise that direct support organizations with articles of incorporation or bylaws requiring in person meetings are authorized to conduct meetings through communications media technology.

I encourage the review, and if necessary, the amendment of your DSO's articles and bylaws to provide the same flexibility and protection provided by Executive Order 20-69 to members of these organizations. See, s. 617.0820(4), F.S. Be advised that all sunshine law requirements remain in place where a meeting is held virtually. See, AGO 2005-27. As such, the public must be given notice of any such meeting, the purpose of the meeting, and the means by which the public can monitor and participate in the meeting remotely via web cast, text, email, telephone or other means.