

# **Bond Case Briefs**

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## **PUBLIC MEETINGS - FLORIDA**

### **Gundy v. City of Jacksonville Florida**

**United States Court of Appeals, Eleventh Circuit - September 30, 2022 - F.4th - 2022 WL 4591231**

Pastor brought § 1983 action against city and city council president, alleging that his rights of free speech and free exercise of religion were violated when city council president turned off pastor's microphone during prayer invocation at city council meeting, subsequently posted a critical social media message about pastor, and proposed new guidance on future invocations.

The United States District Court for the Middle District of Florida granted summary judgment in favor of defendants. Pastor appealed.

As a matter of first impression, the Court of Appeals held that pastor's invocation was government speech, which was not protected by Free Speech or Free Exercise Clauses.

Pastor's prayer invocation at city council meeting was "government speech," rather than "private speech," and thus invocation's contents, which included political criticism of council and incumbent mayor, were not protected by Free Speech or Free Exercise Clauses, in § 1983 claim challenging city council president's conduct of turning off pastor's microphone during invocation; legislative invocations were part of history and tradition of United States, council memorandum stated that invocations were part of council's tradition and were for benefit and blessing of council's proceedings, and placed restraints on invocations, such as prohibiting speakers from disparaging other faiths or beliefs, and invocation speaker was chosen and invited by active council member.