

Bond Case Briefs

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PUBLIC MEETINGS. - FLORIDA

Moms for Liberty - Brevard County, FL v. Brevard Public Schools

United States Court of Appeals, Eleventh Circuit - October 8, 2024 - F.4th - 2024 WL 4441302

Parents group and its members filed § 1983 action alleging that school board's rules prohibiting abusive, personally directed, and obscene speech during public comment period of board meetings violated First Amendment facially and as applied.

The United States District Court for the Middle District of Florida entered summary judgment in board's favor, and plaintiffs appealed.

The Court of Appeals held that:

- Organization had standing to bring action;
- Plaintiffs had standing to seek prospective relief;
- Policy permitting board's presiding officer to interrupt speech that he or she deemed "abusive" violated First Amendment;
- Policy disallowing speakers from addressing or questioning board members individually was unreasonable restriction on speech as applied;
- Policy allowing presiding officer to stop speaker when speaker's remarks were "personally directed" at anyone not on board was facially unconstitutional; and
- Policy prohibiting obscene speech during public comment period violated First Amendment as applied.