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September 3, 2015

Cara Higgins, Board Member  
District 1  
Florida Keys Aqueduct Authority  
[chiggins@fkaa.com](mailto:chiggins@fkaa.com)

Dear Ms. Higgins:

I read with some concern that a former member of your Board had been attending via telephone. I wish to refer you to Florida Statutes Section 286.011(1) which requires your meetings to be open to the public. In the past, the Florida Attorney General Office has issued opinions that has interpreted this section to require Board Members be physically present during the meetings.

Enclosed is a copy of AGO 2003-41 suggesting that participation of an absent member by telephone conference is permissible when such absence is due to *extraordinary* circumstances such as illness and there is otherwise a quorum present. The opinion does not state that a scheduling conflict is per se insufficient to constitute such a circumstance. However, my reading of the opinion suggests mere inconvenience is not a sufficient circumstance.

I have also enclosed a more recent opinion, AGO 2010-34, which clarifies the requirement that a quorum be physically present. I believe these opinions are helpful in determining under what circumstances attendance of your members by means other than actual physical presence is permissible.

If you have any questions please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Vogel".

Catherine Vogel  
State Attorney

Enclosure