

Chairman Greg Folley  
White Paper  
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“Since March 2020, we have experienced the greatest intrusions on civil liberties in the peacetime history of this country.” These are not my words, but those of Supreme Court Justice Neil Gorsuch, in his recent and extraordinary concurrence in *Arizona vs. Mayorkas*. He went on, stating that “Executive officials across the country issued emergency decrees on a breathtaking scale,” listing a number of the categories of government overreach that were decreed — not legislated — including stay at home orders, school and business closures, attendance limits on religious services, a federal ban on evictions, mask mandates, and the Biden Administration’s attempt (blocked by the Supreme Court) to impose a national vaccine mandate via the Occupational Safety and Health Administration.

Continuing, Justice Gorsuch stated that “Doubtless, many lessons can be learned from this chapter in our history, and hopefully serious efforts will be made to study it. One lesson might be this: Fear and the desire for safety are powerful forces. They can lead to a clamor for action—almost any action—as long as someone does something to address a perceived threat,” he wrote. “We do not need to confront a bayonet, we only need a nudge, before we willingly abandon the nicety of requiring laws to be adopted by our legislative representatives and accept rule by decree. Along the way, we will accede to the loss of many cherished civil liberties — the right to worship freely, to debate public policy without censorship, to gather with friends and family, or simply to leave our homes.”

Justice Gorsuch is correct: the COVID emergency led to a trampling of our Constitutional rights such as has never been seen in peacetime in this country. Legislative bodies cannot sit idly by and ignore this usurpation at all levels of government. Collier County has taken important steps to protect our civil liberties by passing the Collier County Bill of Rights Ordinance and the attendant Health Freedom Resolution, both passed on April 11, 2023. Copies of each are attached. The Health Freedom Resolution is advisory, but the Bill of Rights is a binding ordinance, prohibiting vaccine mandates, mask mandates and quarantines (unless a supermajority of the Commission decides otherwise), and vaccine passports. By its terms, the Bill of Rights Ordinance does not apply to Marco Island, but only to unincorporated Collier County.

I recommend that we direct the City Attorney to revise the attached Resolution and Ordinance as appropriate to make it applicable as a Resolution and Ordinance for the City of Marco Island, making modifications only to change the enacting body and the applicable jurisdiction. The Resolution can be presented at the December meeting for consideration by Council, and the Ordinance can be considered for First Reading. By doing this, Marco Island will join Collier County in taking a firm stand against government overreach and the protection of the rights of our citizens, visitors, students and businesses.