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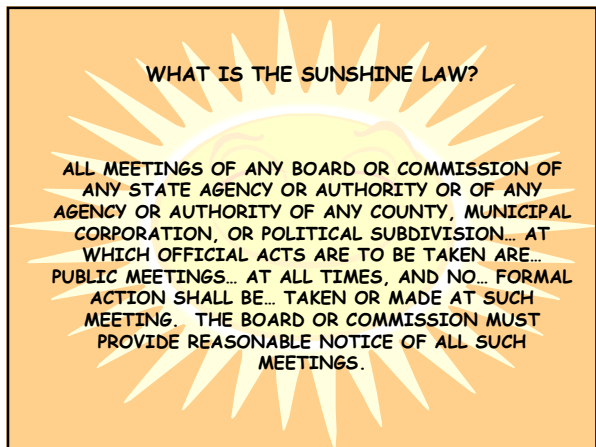
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### WHAT IS ITS AUTHORITY?

- THE FLORIDA CONSTITUTION, ARTICLE I, SECTION 24
- FLORIDA SUNSHINE LAW - CHAPTER 286 FLORIDA STATUTES.



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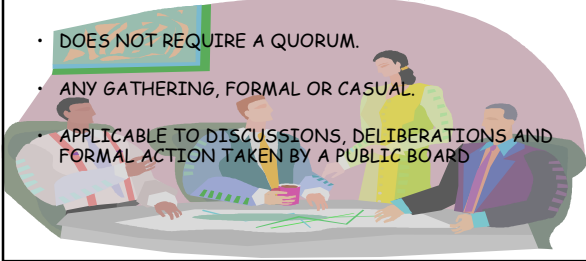
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### WHAT IS A MEETING SUBJECT TO THE SUNSHINE LAW?

- ANY GATHERING OF TWO OR MORE MEMBERS OF THE SAME BOARD OR COMMISSION TO DISCUSS SOME MATTER ON WHICH *FORESEEABLE ACTION* WILL BE TAKEN BY THE PUBLIC BOARD OR COMMISSION.
- DOES NOT REQUIRE A QUORUM.
- ANY GATHERING, FORMAL OR CASUAL.
- APPLICABLE TO DISCUSSIONS, DELIBERATIONS AND FORMAL ACTION TAKEN BY A PUBLIC BOARD



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### WHAT IS THE SCOPE OF THE SUNSHINE LAW?

1. MEETINGS ON STATE AND LOCAL LEVELS MUST BE OPEN TO THE PUBLIC
2. REASONABLE NOTICE MUST BE GIVEN
3. MINUTES MUST BE TAKEN



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**THIS INCLUDES:**

- PUBLIC COLLEGIAL BODIES, PER FLORIDA CONSTITUTION
- ELECTED OR APPOINTED BOARDS OR COMMISSIONS
- PUBLIC OFFICERS OR STAFF ACTING WITH DELEGATED AUTHORITY
- NOTE: FEDERAL AGENCIES OPERATING WITHIN STATE ARE NOT SUBJECT TO SUNSHINE LAW



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**WHEN ARE BOARDS SUBJECT TO THE SUNSHINE LAW?**

- ANY GROUP THAT HELPS NARROW THE ISSUE FOR THE SUNSHINE-REQUIRED BOARD OR COMMISSION
- SUBJECT EVEN THOUGH RECOMMENDATIONS ARE NOT BINDING
- PRIVATE ENTITIES SUBJECT WHEN CREATED BY OR DELEGATED FUNCTION OF PUBLIC AGENCY
- STAFF "STANDING IN SHOES" OF PUBLIC OFFICIALS
- *IT IS THE NATURE OF THE ACT PERFORMED NOT THE MAKEUP OF THE COMMITTEE*



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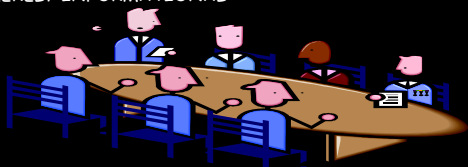
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**WHEN BOARDS ARE NOT SUBJECT TO THE SUNSHINE LAW**

- ESTABLISHED FOR FACT FINDINGS ONLY
- NO FORMAL ACTION IS TAKEN
- MERELY INFORMATIONAL



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**WHAT ELSE IS SUBJECT TO THE SUNSHINE LAW?**

- PHONE CALLS
- LETTERS THAT GO BACK AND FORTH BETWEEN MEMBERS OF THE SAME BOARD PRIOR TO MEETINGS
- DISCUSSIONS OF A SINGLE MEMBER DELEGATED BOARD AUTHORITY
- DISCUSSIONS BETWEEN BOARD MEMBER AND NON BOARD MEMBER WHEN NON MEMBER IS BEING USED AS A LIASON



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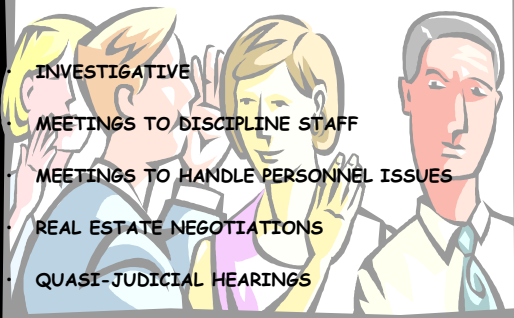
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**MEETINGS THAT ARE NOT EXEMPT**



- INVESTIGATIVE
- MEETINGS TO DISCIPLINE STAFF
- MEETINGS TO HANDLE PERSONNEL ISSUES
- REAL ESTATE NEGOTIATIONS
- QUASI-JUDICIAL HEARINGS

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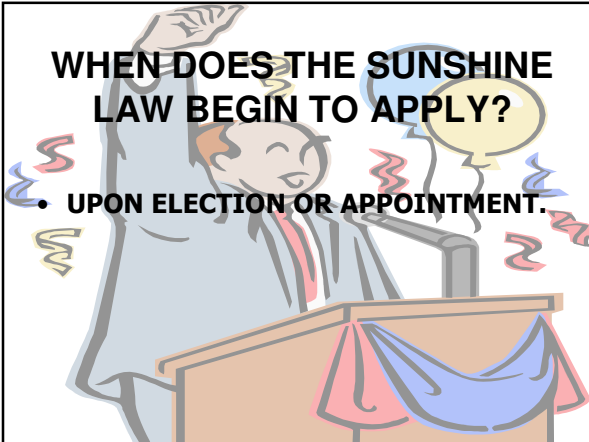
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**WHEN DOES THE SUNSHINE LAW BEGIN TO APPLY?**

- UPON ELECTION OR APPOINTMENT.



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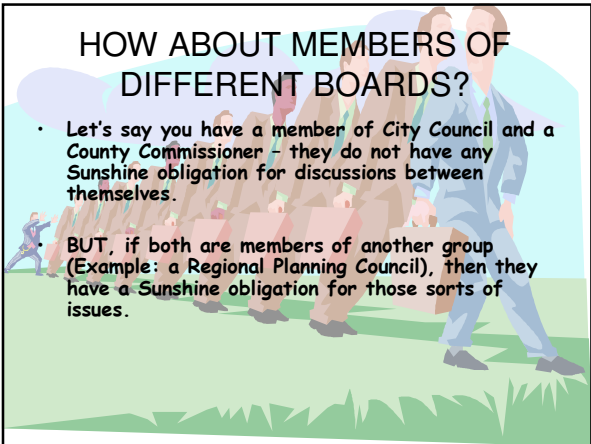
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### HOW ABOUT MEMBERS OF DIFFERENT BOARDS?

- Let's say you have a member of City Council and a County Commissioner - they do not have any Sunshine obligation for discussions between themselves.
- BUT, if both are members of another group (Example: a Regional Planning Council), then they have a Sunshine obligation for those sorts of issues.




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### HOW ABOUT EX-OFFICIO MEMBERS?

- EX-OFFICIO MEMBERS ARE SUBJECT TO THE SAME REQUIREMENTS AS VOTING MEMBERS.




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### HOW ABOUT SOCIAL EVENTS?

- MEMBERS CAN STILL GO TO DINNER OR PARTIES.
- MEMBERS CAN'T TALK ABOUT BUSINESS COMING BEFORE THE BOARD.




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**HOW ABOUT A BUS TRIP OR A TOUR?**

- SOME BOARDS WISH TO REVIEW PROPERTY, SEE A SITE, ETC. THIS IS NOT A SUNSHINE PROBLEM IF THERE IS NO DISCUSSION OF ISSUES COMING BEFORE THE BOARD.




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**NOTICE**

- REASONABLE NOTICE REQUIRED.
- WHAT IS "REASONABLE?"
- AT LEAST 24 HOUR NOTICE NEEDED FOR SPECIAL OR EMERGENCY MEETINGS
- KEEP IN MIND THAT THERE MAY BE OTHER NOTICE REQUIREMENTS IMPOSED BY STATUTES, CODES OR ORDINANCES

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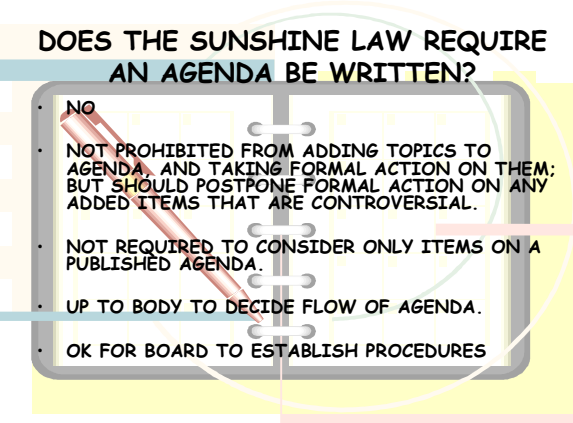
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**DOES THE SUNSHINE LAW REQUIRE AN AGENDA BE WRITTEN?**

- **NO**
- NOT PROHIBITED FROM ADDING TOPICS TO AGENDA, AND TAKING FORMAL ACTION ON THEM; BUT SHOULD POSTPONE FORMAL ACTION ON ANY ADDED ITEMS THAT ARE CONTROVERSIAL.
- NOT REQUIRED TO CONSIDER ONLY ITEMS ON A PUBLISHED AGENDA.
- UP TO BODY TO DECIDE FLOW OF AGENDA.
- OK FOR BOARD TO ESTABLISH PROCEDURES




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### CAN WE MEET IN A PRIVATE CLUB?

- YES, BUT ONLY IF MEMBERS OF THE PUBLIC CAN ATTEND FOR FREE AND THERE IS NO "CHILLING EFFECT" UPON PUBLIC'S WILLINGNESS OR DESIRE TO ATTEND.
- ADVANCED NOTICE AND REASONABLE OPPORTUNITY TO ATTEND
- CANNOT HOLD MEETINGS OUTSIDE BOUNDARIES



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### PUBLIC'S RIGHT TO PARTICIPATE

- PUBLIC BOARD MAY IMPOSE RULES TO ENSURE ORDERLY CONDUCT AND TIME LIMITS
- RULES MUST NOT UNREASONABLY RESTRICT RIGHT OF ACCESS
- MAKE SURE RESTRICTIONS CONSTITUTE REASONABLE TIME, PLACE AND MANNER REGULATIONS
- NO RIGHT TO SPEAK ON ALL ISSUES PRIOR TO FORMAL ACTION



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### QUESTIONS WITH SHORT ANSWERS



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1. CAN THE ASK PEOPLE TO LEAVE THE ROOM?
2. CAN THE BOARD BAR TAPE RECORDERS AND ANNOYING GUYS WITH VIDEO CAMERAS?
3. CAN THE BOARD MAKE PEOPLE SHOW ID?
4. DOES THE BOARD HAVE TO TRANSCRIBE OR RECORD OUR MEETINGS?
5. CAN THE BOARD USE SECRET BALLOTS?
6. CAN A BOARD MEMBER ABSTAIN FROM VOTING ABSENT A CONFLICT OF INTEREST?

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**JAIL/FINE**

- *KNOWINGLY* VIOLATING THE SUNSHINE LAW IS A MISDEMEANOR OF THE SECOND DEGREE.
- UP TO A \$500 FINE
- MEMBERS OF ADVISORY COUNCILS AS WELL AS ELECTED/ APPOINTED BOARD MEMBERS

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## REMOVAL FROM OFFICE

- THE PUBLIC OFFICER CAN BE REMOVED BY THE GOVERNOR FOR ANY MISDEMEANOR ARISING DIRECTLY OUT OF HIS OR HER OFFICIAL DUTIES.



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## ATTORNEY'S FEES

- AGAINST BOARD
- AGAINST INDIVIDUAL MEMBERS UNLESS SOUGHT AND TOOK ADVICE OF ATTORNEY



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## CIVIL LIABILITY

- THE PUBLIC BOARD OR COUNCIL CAN BE SUED FOR INJUNCTIVE OR DECLARATORY RELIEF.



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## MORE MEETINGS!

- ACTIONS TAKEN IN VIOLATION OF LAW ARE VOID.



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"That's  
all  
folks!"

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