



# **Government in the Sunshine Laws**

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# **WARNING**

- **I DO NOT HAVE ALL THE ANSWERS.**
- **THIS IS A GENERAL OVERVIEW – MYFLORIDALEGAL.COM/SUNSHINE IS A GREAT RESOURCE.**
- **THERE IS ALWAYS SOME NEW SITUATION THAT BRINGS UP A QUESTION – WHEN IN DOUBT, FOLLOW THE “OPEN MEETING” POLICY OF THE STATE.**
- **ASK YOUR LAWYER**

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

1. MEETINGS OPEN TO THE PUBLIC
2. REASONABLE NOTICE
3. MINUTES TAKEN

# **WHERE DOES THIS COME FROM?**

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

# **WHAT AGENCIES ARE COVERED BY THE SUNSHINE LAW?**

**“Any board or commission of any state agency or authority or of any agency of authority of any county, municipal corporation, or political subdivision” over which it has dominion/control.**

# **THIS INCLUDES:**

- PUBLIC COLLEGIAL BODIES
- ELECTED OR APPOINTED BOARDS OR COMMISSIONS
- PUBLIC OFFICERS ACTING WITH DELEGATED AUTHORITY
- IN GENERAL, RIGHT OF ACCESS TO GOVERNMENTAL PROCEEDINGS SHOULD TAKE PLACE AT BOTH STATE AND LOCAL LEVELS

**ARE ADVISORY BOARDS  
WHICH MAKE  
RECOMMENDATIONS  
SUBJECT TO THE SUNSHINE  
LAW?**

- YES – ANY GROUP THAT HELPS NARROW THE ISSUE FOR THE SUNSHINE-REQUIRED BOARD OR COMMISSION.

# WHAT IS A MEETING SUBJECT TO THE SUNSHINE LAW?

- 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.

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

- PHONE CALLS
- HALLWAY CONVERSATIONS
- LETTERS THAT GO BACK AND FORTH BETWEEN INDIVIDUALS
- CONVERSATIONS AFTER MEETINGS END

# OTHER PROBLEMS

- E-MAILS
- FAXES
- INTERMEDIARIES / LIAISONS
- PASSING NOTES

# **HOW ABOUT IF WE WANT TO HAVE A SUPER- SECRET MEETING?**

- NO SUCH THING, A SUNSHINE BOARD CAN ONLY MEET IN PRIVATE UNDER VERY LIMITED CIRCUMSTANCES.


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

- UPON ELECTION OR APPOINTMENT.

# 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.

# HOW ABOUT SOCIAL EVENTS?

- YOU CAN STILL GO TO DINNER OR PARTIES.
-  **RED FLAG**— YOU STILL CAN'T TALK ABOUT BUSINESS AND NEED TO BE CAREFUL. PERCEPTION IS ALSO A BIG PROBLEM.
- CASUAL ADVICE – USE THE SUNSHINE LAW AS AN EXCUSE AND STAY HOME.

# 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

The background of the image is a vintage-style map with a large, ornate compass rose in the center. The map is rendered in a warm, golden-yellow color palette. The text "QUESTIONS WITH LONG ANSWERS" is centered over the map in a bold, black, sans-serif font with a white outline. The text is arranged in three lines: "QUESTIONS" on the top line, "WITH LONG" on the middle line, and "ANSWERS" on the bottom line.

**QUESTIONS  
WITH LONG  
ANSWERS**


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

- NO, BUT NOTICE OF MEETINGS IS REQUIRED, NOT OF INDIVIDUAL ITEMS THAT ARE TO BE DISCUSSED.
- NOT PROHIBITED FROM ADDING TOPICS TO AGENDA, 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.
- ESTABLISHING PROCEDURES HELPS!


# **ARE MEETINGS OUT OF TOWN NOT SUBJECT TO THE SUNSHINE LAW?**

- NICE TRY, BUT THE LOCATION OF THE MEETING IS IRRELEVANT.
- YOU CAN LEAVE THE STATE, BUT YOU STILL HAVE THE SAME OBLIGATIONS TO PROVIDE NOTICE AND OPPORTUNITY TO ATTEND.
- THIS COMES UP ON OUT-OF-TOWN VISITS.

# 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.
- OTHERWISE, NO.
-  **RED FLAG** - THERE IS A PERCEPTION PROBLEM WITH THESE KINDS OF LOCATIONS.

# 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.
-  **RED FLAG** - THERE IS A PERCEPTION PROBLEM, HOWEVER. BRINGING ALONG COUNSEL, AN ACTIVIST, AND A REPORTER USUALLY HELP.



**QUESTIONS  
WITH SHORT  
ANSWERS**

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

• NO



**SHOULD I REALLY CARE  
ABOUT THIS?**



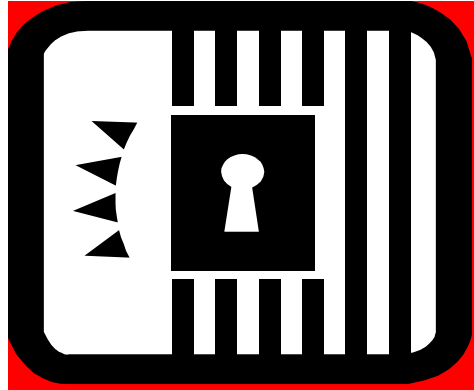
**Yes.**

A pocket watch is shown resting on an old, yellowed map. The watch is open, revealing its internal mechanism and a white face with black markings. The map features a grid of latitude and longitude lines. The word "WHY?" is written in large, bold, red capital letters with a white outline, centered over the watch face. The overall lighting is warm and golden, suggesting a sunset or sunrise.

**WHY?**



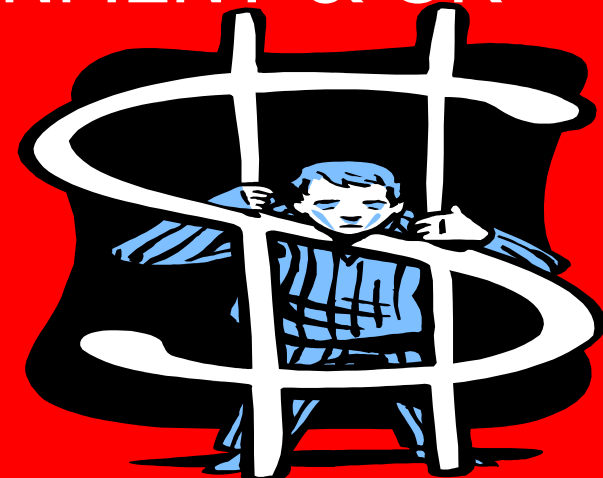
**Let's see, the  
possible  
penalties...**



# JAIL

- *KNOWINGLY* VIOLATING THE SUNSHINE LAW IS A MISDEMEANOR OF THE SECOND DEGREE.

(UP TO 60 DAYS IMPRISONMENT & OR  
\$500 FINE)



# REMOVAL FROM OFFICE

- THE GOVERNOR CAN REMOVE AT INDICTMENT FOR ANY MISDEMEANOR ARISING DIRECTLY OUT OF HIS OR HER OFFICIAL DUTIES.



# ATTORNEY'S FEES

- IF YOU DENY SOMEONE ACCESS AND THEY SUE AND WIN – YOU PAY THEIR LAWYER!



# CIVIL LIABILITY

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



# YOU HAVE TO HAVE MORE MEETINGS!

- YOUR PRIOR ACTION IS VOID.



**NOW I'M UPSET AND  
WORRIED  
– WHAT CAN I DO?**

- TALK TO YOUR LAWYER.
- READ MORE ON THE SUBJECT.
- IF A VIOLATION HAS HAPPENED, A CURE MEETING MAY BE POSSIBLE.

# **ONE MORE TIME - WHAT IS THE SCOPE OF THE SUNSHINE LAW?**

1. Meetings Open to the Public
2. Reasonable Notice
3. Minutes Taken