

SUNSHINE LAW OVERVIEW

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BASIC SUNSHINE REQUIREMENTS

1. Meetings of public “entities” must be open to the public; and,
2. Reasonable notice of the meetings must be given; and,
3. Minutes of the meetings must be taken and made available for public inspection.

GENERAL RULE

DON'T:

1. “Conduct business”
2. On a “Workforce Florida” topic
3. With other Workforce Board members
4. Outside a publicly noticed meeting
5. In the absence of recorded minutes

BASIC PURPOSE

1. All public business will take place
 1. **Exclusively** at meetings open to the public;
 2. Only after the public (& media) have been given **adequate notice and opportunity to attend**
 3. When a **written record** (minutes) of the meeting can be taken and **preserved for the public's inspection**

WHAT WORKFORCE FLORIDA “ENTITIES” ARE SUBJECT TO THE SUNSHINE LAW?

- F.S., Section 445.004(1): “The Legislature determines, however, that public policy dictates that **Workforce Florida, Inc.**, operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that **Workforce Florida, Inc.**, its board, councils, and any advisory committees or **similar group created by Workforce Florida, Inc.** are subject to the provisions of chapter 119 [Public Records Law] and...chapter 286 [Sunshine Law]

WHAT IS A “MEETING”?

1. Two or more members
2. Of the same public “entity”
3. Discussing matters that are before the Board or foreseeably may be before the Board
4. Applies to formal meetings (even in absence of a quorum) and informal encounters

EXAMPLES OF DIFFERENT TYPES OF “MEETINGS”

- Telephone calls (not just conference calls)
- Written correspondence to/between Board members:
- E-mails and other computer correspondence
- Delegating authority
- Communicating through a liaison
- Generally, for all of the above:
 - Reporting of facts/no response-NOT A MEETING
 - Response to report-YES, IS A MEETING
 - Solicitation of ideas or responses-YES, IS A MEETING
 - Discussions, deliberations, official business-YES, IS A MEETING

“REASONABLE” NOTICE

- No required type of notice, timing of notice or placing of notice mandated by Sunshine Law
- **Type:** Notice should contain time, place and subject matter of meeting
- **Timing:** Should be sufficiently in advance of meeting to allow media and general public to attend meeting
- **Placing Notice:** At least displayed outside place where meeting routinely held; more notice may be necessary under the circumstances

“MINUTES”

- Generally, a written summary of events occurring at the meeting. Minor exclusions not a Sunshine Law violation
- Must be open to public inspection within reasonable time
- Need not record the whole meeting
- If meeting recorded, transcription of recording can be minutes
- If meeting recorded, recording becomes public record and subject to Public Records retention law

BOARD CONSEQUENCES OF “SUNSHINE LAW” VIOLATION

- “No resolution, rule or formal action shall be considered binding” Section 286.011(1)
- Actions taken in violation of Sunshine Law **void** *ab initio* (but not to Board’s benefit)
- “Intent” to violate law not required
- Violation “cured” only by full open meeting
- “Perfunctory” ratification insufficient

PERSONAL CONSEQUENCES OF “SUNSHINE LAW” VIOLATION

- “*Knowingly*” violating the law is punishable by 60 days and/or fine up to \$500
- Suspension and/or removal from office
- Noncriminal fine up to \$500
- Payment of prosecutor’s attorney fees (unless relying on attorney’s advice)
- Civil actions for injunctive/declaratory relief