

## GOVERNMENT IN THE SUNSHINE

### Government in the Sunshine

(§286.011, F.S.; Art. I, Sec. 24(b), Florida Constitution)

This excerpt from the Government in the Sunshine Manual, prepared by the Office of the Attorney General, provides a basic summary of the Advisory Committee's obligations:

"Florida's Government in the Sunshine Law . . . provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

There are three basic requirements of §286.011, F.S.:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken."

***Q: Can Council/Committee members talk to each other at social events or other times when a meeting is not taking place?***

Yes, as long as the committee members refrain from discussing matters that may come before the committee for consideration.

***Q: Can Council/Committee members talk to each other about educational issues?***

Yes, as long as the committee members refrain from discussing matters that may come before the committee for consideration.

***Q: What are the penalties for not complying with the Sunshine Law?***

Any committee member who violates the Sunshine Law commits a non-criminal infraction, punishable by fine up to \$500. Any committee member who *knowingly* violates the Sunshine Law is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the second degree, punishable by up to 60 days in prison, a fine up to \$500, or both. In addition, no resolution, rule or formal action from a non-public meeting shall be considered binding.

### Public Records Law

(Chapter 119, F.S.; Art. I, Sec. 24(a), Florida Constitution)

"It is the policy of this state that all state, county and municipal records shall be open for personal inspection by any person." §119.01(1), F.S.

The records of a Governor Appointed committee are considered to be public records under Chapter 119.

***Q: What records kept or received by an FRC Committee are considered public records?***

Section 119.011(1), F.S., defines "public records" as

All documents, papers, letters, e-mail, tapes, data processing software or other material, regardless of physical form, characteristics or means of transmission, made or received pursuant to law or ordinance in connection with the transaction of official business by any agency.

***Q: Are there any limits to the Public Records Law?***

Yes. There are numerous exemptions to the Public Records Law (i.e., social security numbers, medical records, and certain bank account information). These portions of public records documents must be redacted before the document can be released to the public. Also, the holder of the public records can place reasonable time and condition restrictions on records inspection, as well as charge a fee for access.

***Q: What are the penalties for not complying with the Public Records Law?***

Any committee member who violates the public records law commits a noncriminal infraction, punishable by fine up to \$500. Any committee member who *knowingly* violates the public records law is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable by up to one year in prison, a fine up to \$1,000, or both.

FOR MORE INFORMATION:

Government in the Sunshine  
Florida Statutes

[www.myfloridalegal.com/sunshine](http://www.myfloridalegal.com/sunshine)  
[www.flsenate.gov/statutes](http://www.flsenate.gov/statutes)