THE SUNSHINE LAW
SUNSHINE LAW

- Article 1, Section 24, Florida Constitution
  Access to public meetings

- Section 286.011, Florida Statutes
  Requirements of Public Meetings
What is the Sunshine Law?

It provides a right of access to governmental proceedings of public boards or commissions.
WHAT IS A BOARD OR COMMISSION?

- A legislatively created Board,
- An entity that has received delegation of or assumes decision making authority normally reserved to the decision maker is a Sunshine body,
- Fact-finding committees (information gathering and reporting only) are not Sunshine committees.
- Staff functions are *normally* not subject to Sunshine law.
WHAT IS A MEETING?

A meeting is generally defined as:

• *any discussion* (in person, by phone, by text, or by e-mail)

• between or among two or more members of a collegial body (e.g., board, committee, working group, etc.)

• about any matter upon which foreseeable action will be taken
HOW DO YOU COMPLY?

• No communications between or among members except at Public Meeting
• Public Notice of Meeting
• Publicly Accessible Facility
• Agenda
• Minutes of the Meeting
PENALTIES FOR VIOLATION

• Invalidation of the action found to have been taken in violation of the law, including an award of attorney fees to the party proving the violation

• A fine in an amount not to exceed $500 or a criminal penalty (i.e., jail time), if a person is found to have knowingly violated the law.
• Advertising the meeting, creating the agenda, and keeping minutes is not the difficult part of abiding with the Sunshine law.

• Generally, the difficult issue in abiding with the Sunshine law is remembering that members cannot talk to each other about issues that may foreseeably come before the Board unless they are at a publicly noticed meeting.
Examples of Sunshine Violations

- Two members of the Committee talk about issues that may foreseeably come before the Committee, the phone call must be properly noticed and public access to the call provided.

- Written communication between two or more Committee members regarding issues that will or may come before the Committee is not permitted.

- Committee members cannot use non-committee members as a liaison to communicate with other committee members.

- Committee members who are colleagues in the same work environment must avoid any discussion on Committee issues in the course of their employment.
Examples of Sunshine Violations

- Two members talk about when and/or where the meeting will take place-this *is not* a Sunshine violation.

- Two members are friends and have lunch and discuss one of the one of the issues being considered by the Committee-this *is* a Sunshine violation.

- The same friends have lunch and talk about their families-this *is not* a Sunshine violation.
Examples of Sunshine Violations

- A report is circulated to committee members prior to the meeting—this *is not* a Sunshine violation, however, if members make comments regarding the report to each other prior to the meeting—this *is* a Sunshine violation.

- The Committee decides to have the meeting at a restaurant, a private club, or a place not accessible to people with disabilities, this *is* a Sunshine violation. The restaurant, though public, has a chilling effect on the public who may wish to attend, but feel obligated to purchase food.
PUBLIC RECORDS AND CONFIDENTIALITY

- All documents reviewed and handouts used in the meeting are public records.
- All discussions during the meeting are public.
- All meetings should have minutes that are public record.
- All public records requests regarding Committee meetings will be handled by DOH Central Office.