

Florida Government in the Sunshine and Public Records Law

Physician Workforce Advisory Council

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Public Records Law

- Public records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. § 119.011(11), Florida Statutes.

Public Records Law

- Records must be maintained by custodian and available for inspection.
- Send copies of all records to DOH for maintenance and production.
- Certain information and/or records are exempt from public inspection.
- Petitions for enforcement are fast-tracked through the judicial system and attorney's fees are mandatory.

Violations of the Public Records Law

- Public officer who violates commits a non-criminal infraction, punishable by a fine not exceeding \$500.
- Public officer who commits a knowing violation is subject to suspension, removal and the offense is a first degree misdemeanor.
- Willful and knowing violation by any person is a first degree misdemeanor.
- Section 119.10, Florida Statutes.

Government in the Sunshine

- All meetings of boards/councils at which official acts are to be taken are public meetings open to the public at all times. Art. I § 24, Fla. Constit., section 286.011, Florida Statutes.
- Only actions taken at public meetings are binding.
- Must provide reasonable notice of such meetings.
- Minutes of meeting shall be promptly recorded and open for public inspection.

Sunshine Law Issues

- No quorum requirement – 2 or more gathered.
- Foreseeable action on matter.
- Written communications (if no interaction) are not subject to Sunshine Law (but are public record).
- Telephone calls are subject to Sunshine Law.
- Can't use non-members as liasons to avoid law.
- Applies to all functions of board – formal and informal.

Issues (continued)

- Can attend social events – may not discuss issues which might foreseeably come before council.
- If meeting adjourned and reconvened – 2d meeting should be noticed.
- Avoid meal meetings.
- Out-of-town meetings depends on circumstances.
- Should have large enough room to accommodate attendees.

Issues (continued)

- Avoid inaudible discussions.
- Open to public means everyone – including agency staff, bidders, etc.
- Cannot prohibit use of non-disruptive recording devices.
- Court interprets Sunshine Law liberally and exceptions strictly.
- Actions taken at meeting in violation of Sunshine Law is void.

PENALTIES

- Public officer who violates Sunshine Law is guilty of noncriminal infraction with a fine up to \$500.
- Member of board or commission of state agency who knowingly violates by attending a meeting not held in Sunshine is guilty of 2d degree misdemeanor.
- Conduct outside state of Florida that constitutes a knowing violation is 2d degree misdemeanor.
- Loss of attorney's fees and court costs.
- Section 286.011, Florida Statutes.