

GOVERNMENT IN THE SUNSHINE

Florida's public meetings law, section 286.011, Florida Statutes, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law applies to both elected and appointed boards and 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. The three basic requirements of the Sunshine Law are:

- (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.

WHAT AGENCIES ARE COVERED BY THE SUNSHINE LAW?

It was the Legislature's intent to extend application of the Sunshine Law so as to bind "every 'board or commission' of the state, or of any county or political subdivision over which it has dominion and control." *Times Publishing Company v. Williams*, 222 So. 2d 470, 473 (Fla. 2d DCA 1969). So, the Sunshine Law applies to:

- The Florida legislature
- State agencies
- County commissions
- "Quasi-judicial" proceedings
- Advisory boards
- City commissions
- Special district boards

Advisory boards created pursuant to law, ordinance, rule or otherwise established by public agencies are subject to the Sunshine Law, even though their recommendations are not binding upon the entities that create them.

WHAT IS REASONABLE NOTICE?

Notice must always include date, time, meeting location, agenda or summary. There is no precise definition of "reasonable," but seven days is accepted minimum except for emergency meetings. Notice must always be given, even if the public may be aware of the meeting.

WHAT ARE RECORDING REQUIREMENTS?

Minutes must be kept. A summary of the meeting is acceptable. The meeting does not have to be recorded but if it is the recordings must be maintained as public records according to the state record retention statutes.

WHAT ARE OTHER CONSIDERATIONS?

The public has a right to attend and has a right to be heard at Sunshine meetings, with very few exceptions. The public can also record the meetings. The government or advisory board can place reasonable restrictions on speaking such as a reasonable time limit for speakers.

WHAT ARE PENALTIES FOR VIOLATING THE SUNSHINE LAW?

Penalties for violations of the Sunshine Law may include:

- Decisions taken at meetings may be voidable.
- Removal from office.
- A knowing violation is punishable as a second-degree misdemeanor which includes imprisonment up to 60 days and/or fines up to \$500.
- Unintentional violations may be punishable by a fine of up to \$500.
- Attorneys' fees can be awarded.

RESOURCES

2021 Government in the Sunshine Manual:

[http://myfloridalegal.com/webfiles.nsf/wf/mnos-b9qq79/\\$file/sunshinemanual.pdf](http://myfloridalegal.com/webfiles.nsf/wf/mnos-b9qq79/$file/sunshinemanual.pdf)

Florida Attorney General Frequently Asked Questions:

<http://myfloridalegal.com/webfiles.nsf/wf/mnos->