


**Florida
Sunshine Law**

September 13, 2023



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Four Basic Requirements

- 1 Meetings of boards or commissions must be open to the public
- 2 Reasonable notice of such meetings must be given
- 3 Meeting minutes must be taken
- 4 Venue must be accessible

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SUNSHINE LAW PURPOSE

The purpose of the Sunshine Law is to ensure that decisions by public bodies are made in an open forum accessible to members of the public.

Myers v. News-Press Publishing Company, Inc., 514 So.2d 408 (Fla. 2nd DCA 1987).

“Decisions” are official actions which may include, but are not limited to:

- * Recommendations
- * Discussions
- * Deliberations

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Florida Sunshine Law

PUBLIC MEETINGS:

(F.S. 286.011)

“All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation...at which official acts are to be taken.”

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Florida Sunshine Law

WHAT IS A MEETING:

1. Any gathering, formal or informal, of two or more members of the same body to discuss some matter on which it is foreseeable that action will be taken by the body at some future point
2. Discussions and deliberations, as well as formal action taken by a body (Interactive communication)
3. No requirement that a quorum be present

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River to Sea TPO Board and Advisory Committees

Advisory Boards (committees) created pursuant to law or ordinance or otherwise established by public agencies **are subject to the Sunshine Law**

This applies equally to elected or appointed boards or commissions

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Florida Sunshine Law

- ▶ Discussions between two or more members about topics that might come up for action must take place in a **public meeting setting**
 - ✓ No discussions about potential action items in person, by phone, by email, by text messages, on social media, or by any other means of communication
- ▶ DO NOT USE “REPLY ALL”
- ▶ Must declare conflicts of interest

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Florida Sunshine Law

While an individual board member is not prohibited from discussing board business with staff or a non-board member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.



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Florida Sunshine Law Penalties

Any member of a board, commission, committee, or agency who **knowingly violates** the Sunshine Law is guilty of a misdemeanor of the second degree:

- ✓ Persons convicted of this may be sentenced to jail for up to 60 days and/or fined up to \$500
- ✓ An **unintentional violation** in a non-criminal infraction punishable by a fine of not more than \$500

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Questions?

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