



# Florida Government in the Sunshine Law

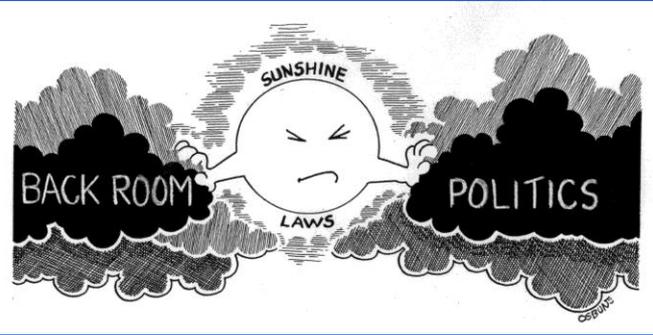
## Chapter 286, Florida Statutes



### Florida Statutes & Constitution

Florida Constitution Article I., Section 24

# Monroe County has a legal obligation to comply with the Sunshine Law



## The Law



- ❖ **SUNSHINE LAW**: Protects the public from “closed-door” decision-making by providing a right of access to the proceedings of public agencies. Such decision-making may be undertaken by:
  - ❖ Elected boards;
  - ❖ Appointed boards;
  - ❖ Decision-making ad hoc or advisory boards;
  - ❖ Private entities created pursuant to law or by public agencies; and
  - ❖ Private entities providing services to public agencies.



# Sunshine Law “Open Meeting?”

1. The Sunshine Law prohibits:
  - A. Communication by two or more members of the same Board, Committee, alter ego, or private entity doing business on behalf of a government agency (“Sunshine body”).
  - B. About a matter upon which that Sunshine body may foreseeably take action.
  - C. Except at a duly noticed public meeting.
  - D. Applies to all communication types, including in-person exchanges during social events, workshops, telephone calls, e-mails, letters, and notes.

# Sunshine Law

No “game of telephone” to pass along otherwise prohibited communication:



- No using non-board member as a liaison to circulate prohibited communications (information or thoughts) to another board member.
- No asking non-board member to determine another board-member’s view on a board issue is.
- No “polling” non-board member to determine what another board member’s opinion or voting intention is regarding a matter which may foreseeably come before the board for action.

# Sunshine Law Public Comment

- New law, Florida Statute § 286.0114, requires boards to provide a reasonable opportunity to be heard on a proposition before the board.



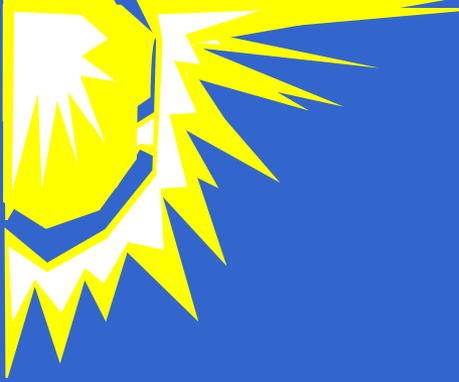
A stylized yellow and white sunburst logo with rays extending across the top of the slide.

# Sunshine Law

## Public Comment

➤ Florida Statute § 286.0114(2):

➤ Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action.



# Sunshine Law Consequences of Violation

- ❖ Knowing violation by a board member, state agency, or authority of any county or municipal corporation is guilty of a second-degree misdemeanor (includes activity outside of Florida) punishable with a fine up to \$500 and/or up to 60 days' imprisonment.
- ❖ Public officer may be removed from position.
- ❖ Violation by public officer is guilty of non-criminal infraction.
- ❖ No action taken in violation is considered binding. See Fla. Stat. § 286.011.
- ❖ Violators are personally responsible for attorney's fees.