

Central Florida HIV  
**PLANNING**  
**COUNCIL**

**SERVING**

Orange | Osceola | Seminole | Lake | Brevard Counties

# Florida's Sunshine & Public Records Laws





# Agenda

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- Define Sunshine Law & expectations
- Understand the penalties of violating the law
- Define Public Records Law
- Understand what is considered public record



# Florida Sunshine Law



# What is Florida Sunshine Law?

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- Provides a right of access to governmental proceedings
- Applies to both elected and appointed boards
- **General Rule:** All meetings at which official acts are taken or public business is transacted or discussed shall be open and noticed to the public



# What is a Sunshine Meeting?

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- A sunshine meeting is where two or more members of a single board or committee meet and discuss a matter that comes before that board
- Meetings include:
  - Advisory Board Meetings, work group meetings
  - Telephone calls and text messages
  - Emails and other written correspondence
    - TIP: Do not “Reply All” to emails
  - Informal discussion or deliberations



# The Basics of Sunshine Law

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1. Meetings must be noticed to public
2. Meetings must be open to public
3. Minutes must be recorded



# 1. Meetings must be noticed to public

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- “Reasonable” notice of such a meeting must be provided
  - Attorney General recommends at least 7 days notice
- Notice given at such time and in such manner that media and general public may attend meeting
- Dependent on circumstances of a type of meeting



## 2. Meetings must be open to public

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- Location easily accessible to public
- Adequate meeting space size
- May not discriminate against or restrict access to public



# 3. Minutes must be recorded

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- Promptly recorded in writing
- Available and open to public for inspection and copying
- Consist of *brief* notes reflecting events of meeting
- Audio recordings permitted but not required



# Penalties for Sunshine Law Violations

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- If one violates, fined up to \$500
- If one knowingly violates, charged with a 2<sup>nd</sup> degree misdemeanor
  - Fined up to \$500
  - Can be imprisoned up to 60 days
  - Suspension or removal from office by Governor

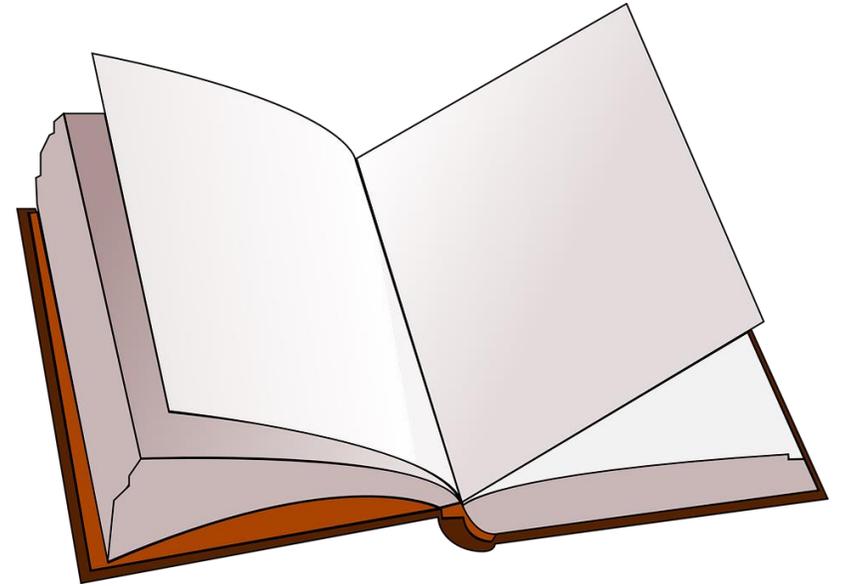
# Public Records Law



# Public Records Law

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- Provides a right of access to government records
- **General Rule:** every person has the right to inspect or copy any public record made or received in connection with the transaction of office business by a public body



# Right of Access Applies to:

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- All materials made or received by an agency in connection with the transaction of office business and used to perpetuate communication or formalize knowledge
- Includes all documents regardless of physical form, characteristic, or means of transmission

# Examples of Public Records

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- All correspondence (incoming & outgoing)
- Photos/Videos/Maps
- Telephone logs
- Emails
- Text messages
- Drafts



# Penalties for Public Records Violations

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- Non-criminal:
  - Fine up to \$500
- Criminal:
  - Knowing violation is 1<sup>st</sup> degree misdemeanor
  - Can be imprisoned for up to one year, a \$1000 fine, or both
  - Suspension or removal from office by Governor



*Questions?*

