



Florida's Sunshine & Public Records Laws

Agenda



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



What is Florida Sunshine Law?



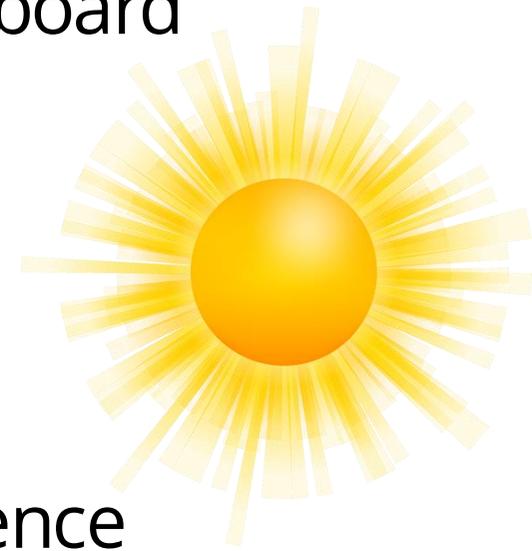
- Provides a right of access to governmental proceedings
- Applies to both elected and appointed boards
- **General Rule:** All meetings at which official acts are taken or public business is transacted or discussed shall be open and noticed to the public



What is a Sunshine Meeting?



- A meeting where two or more members of a 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
(Do not "Reply All" to staff emails)
 - Informal discussion or deliberations



The Basics of Sunshine Law



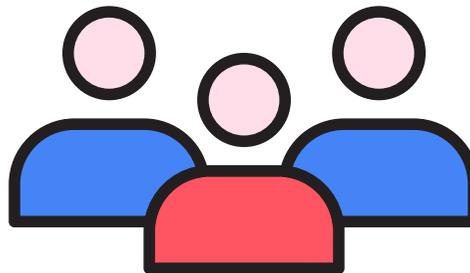
1. Meetings must be noticed to public
2. Meetings must be open to public
3. Minutes must be recorded



1. Meetings must be noticed to the public



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



2. Meetings must be open to the public



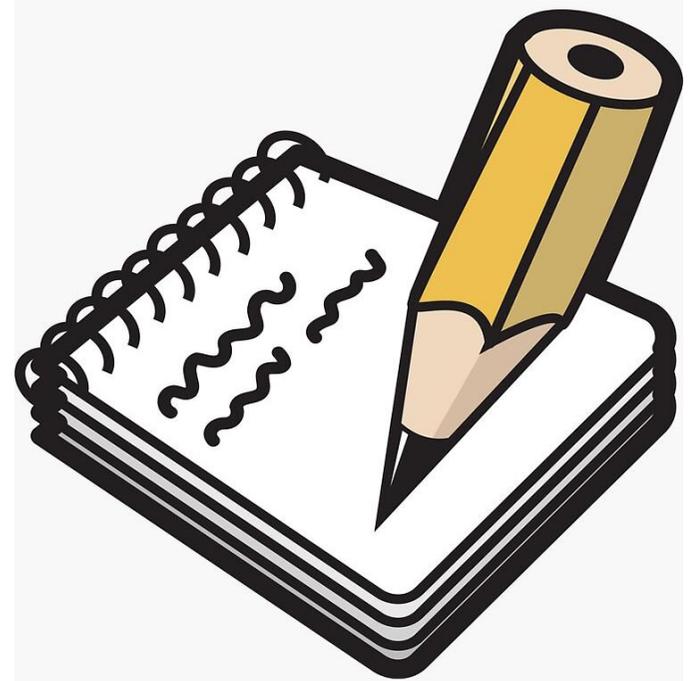
- Location easily accessible to public
- Adequate meeting space size
- May not discriminate against or restrict access to public



3. Minutes must be recorded



- 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



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



Public Records Law



- 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:



- 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:



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

Email



- Establish separate email account for advisory board emails
- Copy staff liaison (PCS)
- Do not "Reply All" to PCS/staff liaison emails



Penalties for Public Records Violations



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





Questions?