



Sunshine Law & Public Rights to Access



What is the Sunshine Law?

- To ensure that Florida's government truly represents the public, Florida's **Sunshine Law** was created to protect every Floridian's right to **public access of government meetings and records**. Also provides transparency.
- Derived from Art. I Sec. 24 of the Florida Constitution and parts of Chapters 286 and 119, F.S.



Government in the Sunshine

- “All meetings of any collegial public body of the executive branch of state government ...at which official acts are to be taken or at which public business of such body is to be transacted or discussed, **shall be open and noticed to the public...**” Article I Section 24(b), Florida Constitution
- “The Legislature intended to extend application of the ‘open meeting’ concept so as to bind every ‘board or commission’ of the state...**over which it has dominion or control.**” *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971).



Open to the Public

- **Meetings** of public boards, commissions, or other groups subject to the sunshine law **must be open to the public.**
- This applies to any meeting where official acts are to be taken or public business will be discussed.
- This extends to deliberations and/or **discussions between two or more members** of the board outside of formal meetings.



Reasonable Notice

- The public must be given **reasonable notice** of meetings that are to occur.
- Reasonableness depends on the type of sunshine body and purpose of the meeting.
- FWC recommends notice for public advisory group meetings to be published in the Florida Administrative Register no less than 7 days before the meeting and also ensures that it is posted on the FWC website.



Minutes of Meetings

- Minutes of meetings must be taken and recorded.
- They do not have to be verbatim.
- Advisory Boards are not required to have audio recordings of their meetings- but if a meeting is recorded by a member or staff then it is a public record.



Restrictions on Outside Discussions

- Any discussion between two or more members of the same public commission or board discussing a topic which may foreseeably come before their board **must occur in the sunshine**.
- You are not restricted from socializing with other HAB Task Force members, but you may **not** discuss anything that may foreseeably come before the board.
- Discussion of official matters outside of a public meeting is a violation of the Sunshine Law!



What does this mean for you?

- The public must be notified and able to access any meetings
- The minutes and recordings taken at the meetings must be publicly accessible.
- Don't talk shop with each other, unless in a publicly noticed meeting.



Public Records

- Advisory committees, like you, are subject to **Florida's Public Records Law** (even if you yourself are not a government employee), because records relating to the HAB Task Force are made or received in connection with the transaction of the official business of the State.



What are Public Records?

- Public Records are ALL documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, etc. regardless of the physical form...or means of transmission **made or received in connection with official action of an agency. Sec. 119.011(12), F.S.**
- Public records must be open and available for the public to inspect and copy.
- This includes emails, text messages and social media!



What does this mean for you?

- Be aware that documents received or produced by you in connection to your position in the HAB Task Force should be open for public inspection and copying.
- This includes **emails, text messages and social media!**



Consequences of violating the Sunshine Law

- Knowingly violating the Sunshine Law subjects you to criminal penalties.
- The Governor may suspend or remove an individual from their appointed office.
- Injunctions can be granted stopping the result of the action.



Questions?

