

SUMMARY OF FLORIDA SUNSHINE LAW SECTION 286.011 FLORIDA STATUTES

What is the Florida open meeting or “Sunshine” Law?

Section 286.011, Florida Statutes, applies to any gathering, whether formal or casual, of two or more members of the same governmental board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission.

What is the purpose of the Sunshine Law?

The purpose is to assure public access to the decision-making processes of public boards and commissions. In light of this purpose, Florida courts generally resolve any ambiguity in favor of open government.

What is required by the Sunshine Law?

- Meetings of all public boards or commissions must be open to the public at all times.
- Reasonable notice of such meetings must be given.
- Minutes of the meetings must be taken and open to public inspection.

What is covered by the Sunshine Law?

- All elected or appointed boards or commissions, and any private organization or group that has been delegated the authority to perform some governmental function or engage in governmental decision-making.
- Advisory boards, even if the recommendations are nonbinding.

To what types of meetings and communications does the Sunshine Law apply?

- Any gathering, whether formal or casual, of two or more members of the same board or commission to discuss any matter which could foreseeably come before the board or commission for action.
- Any meeting of the board by telephone, video conference or other telecommunications.
- Meetings between a board member and an individual who is not a member of the board, if that individual is being used as a conduit between board members.

What types of meetings and communications are excluded from the Sunshine Law?

- Communications with staff as long as the staff person is not appointed to the committee or board and the staff member is not used as a conduit for communication between committee or board members.
- The use of a written report by one member of a board or commission to inform other members of a subject which will be discussed at a public meeting if prior to the meeting there is no interaction related to the report among the members of the board or commission. (**Please note:** If the report is circulated among board members for comments with such comments being provided to other members, this would be an interaction among the members that would violate Section 286.011, Florida Statutes.)
- A meeting between individuals who are members of different boards unless one or more of the individuals has been delegated the authority to act on behalf of his or her board.
- Social meetings or gatherings, provided that matters which may come before the board or commission are not discussed at such gatherings.

What are potential penalties for violating the Sunshine Law?

- Any member of a board or commission who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree, which involves the possibility of up to a 60 day incarceration, removal from office, fine not to exceed \$500, reasonable attorney's fees.
- The violator may also be removed from office and a noncriminal fine of up to \$500 can be imposed.