



ETHICS IN A NUTSHELL 2008-3

Government in the Sunshine: A Guideline for Boards and Commissions

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This is a summary of the state Sunshine and Public Records laws. Please review this information and contact your city liaison, the Ethics Officer or General Counsel's office if you have any questions.



All members of Boards and Commissions must know about and follow two important Florida laws: the Sunshine Law and Public Records Law. The purpose of these laws is to give the citizens of our community more transparency and information about their government.

I. SUNSHINE LAW—(Florida Statute 286.011)

There are 3 major requirements of this law:

- 1) Your Board meetings must be open and accessible to the public
- 2) Reasonable advance notice of the meetings must be given
- 3) Written minutes must be taken and open for inspection

****NOTICE MEETINGS; MAKE OPEN TO THE PUBLIC; AND TAKE MINUTES!!**

What is considered a “meeting”? A meeting is any time you communicate (phone, mail, email, talking) with another member of your commission and you are talking about subjects that are likely to come up in front of your commission/board. This includes sub-committee meetings. You cannot discuss any public business or matters connected with your board with another member of your board outside of a “noticed meeting”. This includes: casual gatherings, talking in the hall, chance meetings, emails, telephone conversations, and letters or emails that are used to develop a position.

Activities that are OK:

- talking with other board members about your family or sports;
- having a holiday party with other board members (but you cannot discuss board business at the party)
- speaking with another commission member on a panel at a community forum (but you can't talk back and forth on issues with the other member from your board);
- sending out an email on an article you find interesting (but you can't put in the email: "What do you think about this for our Board? Email your comments to me") If you receive an email like this from another board member, do NOT respond to it! In other words, don't start a conversation about it.
- You can talk to city staff but you can't use the staff to go back and forth with other members to work something out (to staff member: Can you go ask the other board members what they think of this and get back to me? That is not OK!)
- an email or letter sending a report as to what will be discussed at the meeting is OK; do NOT interact with any of the members or talk to them about it or ask for comments. All of the discussion and comments should be at the noticed meeting.
- you can send out a statement of your position or future actions you intend on taking. Although this is OK, make sure you do not ask for comments or feedback or start a conversation with other board members about it. Check with your city liaison if you have any questions before sending something like this out.
- fact finding activity only (but check with your board liaison if any question on this);

Because it can give the appearance to others that business is being discussed, try to avoid talking privately or whispering to another board member in an actual meeting. Don't chat about board matters right before the meeting officially starts or after the meeting has been officially adjourned.

NOTICE of meetings should be sent out at least 24 hours before the meeting, but it is much better to allow for 3 or more days. Your city liaison will send out the notice for you.

MINUTES You are responsible for keeping the minutes of your meetings, but usually this is done for you by a city employee assigned to your board. If no one from the city is there, you must take minutes yourself. (This usually happens in sub-committee meetings.)

PENALTIES Violation of the above laws is a criminal offense with up to 60 days in jail; even if you didn't mean to do it (no intent), you can be fined a civil penalty of up to \$500. You can also be sued in a civil lawsuit if these laws are violated.

II. **PUBLIC RECORDS** (Florida Statute section 119)



Requirements: Documents generated by a commission or board are public records and must be open for public inspection and copying. If you receive any request for the records or documents of your board or commission, immediately forward them to your city liaison so it can be handled correctly and in a timely fashion.

1. What items are covered as “public documents”?

Everything—all documents, papers, emails, letters, books, tapes, photos, software, videos, audio recordings, or other material regardless of how it is kept; if it is made in connection with the official business of your board or commission.

This can even include non-final documents, such as draft documents or notes you take to remember events.

2. What documents are not covered?

Personal notes used to prepare other documents, strictly personal emails or other personal writings; and notes given by you to someone else to type up a final document.

In general, however, you should assume that all of your writings in connection with your board duties may become public records as you write them and that citizens can ask for copies of them.

3. Penalties: up to one year in jail and fines; or a civil fine of \$500 or civil law suits.

III. OTHER ETHICS LAWS

The above laws are not the only ones that apply to Board and Commission members. There are other laws that apply to you under Chapter 112 Florida Statutes and Chapter 602, Jacksonville Ordinance Code that cover the following:

GIFTS (Chapter 602, Part 7)

CONFLICTS OF INTEREST

DUAL OFFICE HOLDING

MISUSE OF PUBLIC POSITION

MISUSE OF CITY PROPERTY

FINANCIAL AND GIFT DISCLOSURES (only 6 Boards have to file these disclosures; see list on Ethics webpage of www.coj.net)

These topics will be covered in additional “Ethics in a Nutshell” issues. All information will be posted online in 2 places on the city’s website: www.coj.net : On the left side of the COJ (City of Jacksonville) home page, there is a directory of “Offices”; go to “Boards and Commissions”
<http://www.coj.net/Departments/Advisory+Boards+and+Commissions/default.htm>
or go to the Ethics Office page:
<http://www.coj.net/Departments/Ethics+Office/default.htm>
for up to date information and training on ethics issues.

You can always email the Ethics Officer at ethics@coj.net with any questions.