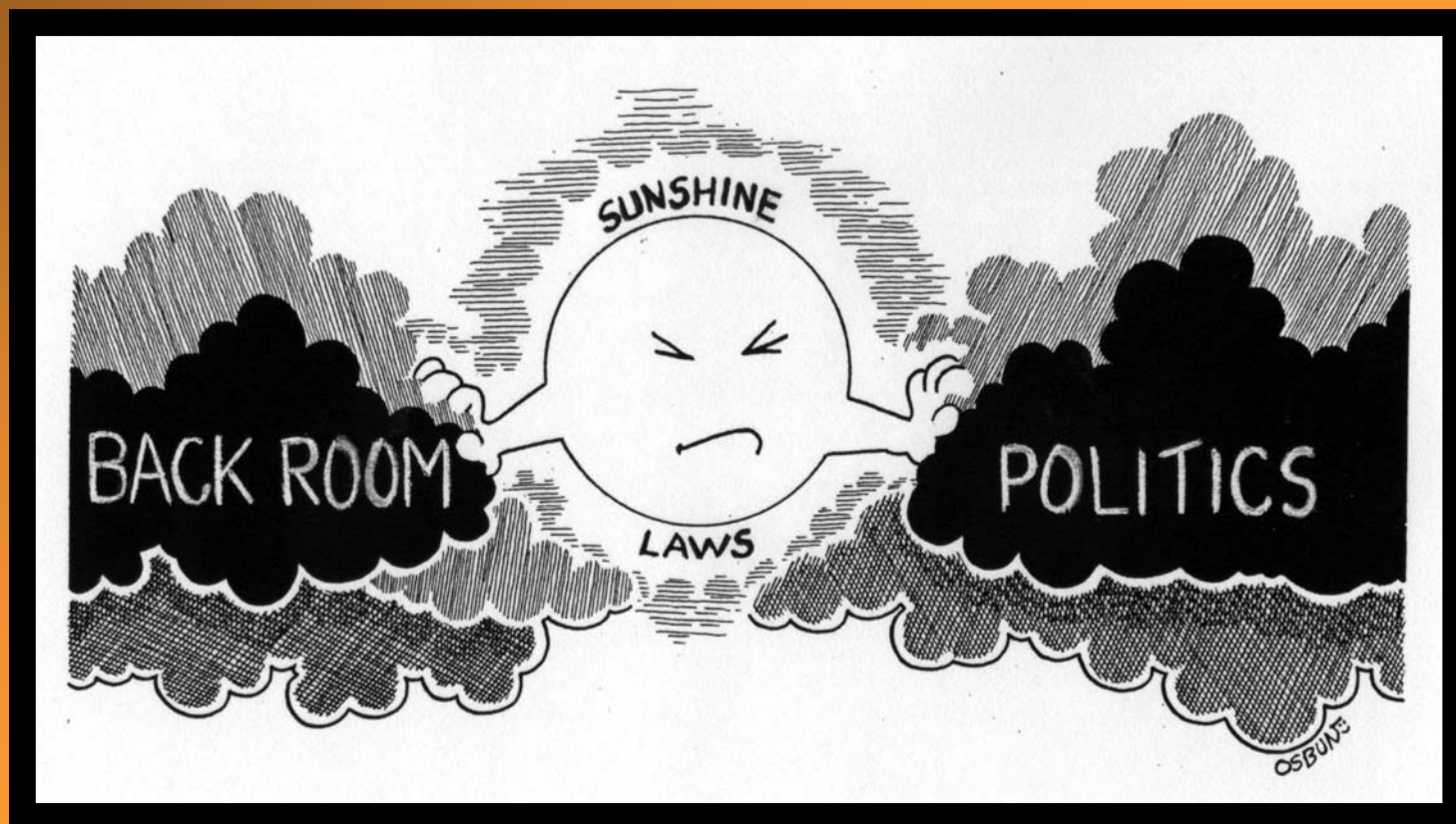


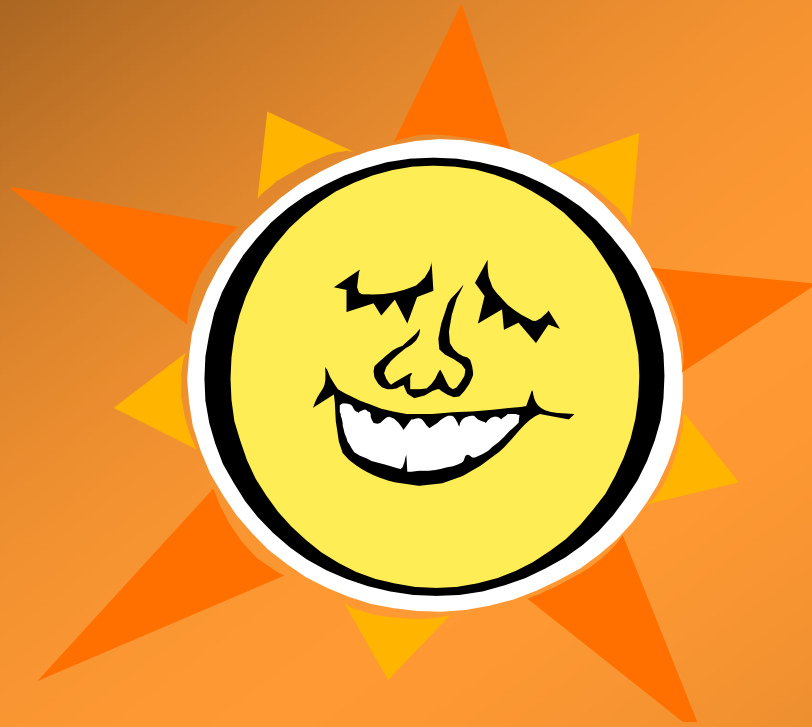


Florida's Sunshine Law and the Council & Boards

Presented by:

**Paige Hobbs Johnston
Assistant General Counsel,
Legislative Affairs Department
Office of General Counsel**

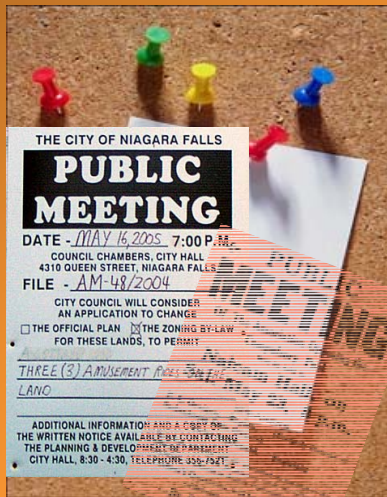




Florida's Sunshine Law
Section 286.011, Florida Statutes

The Law Requires:

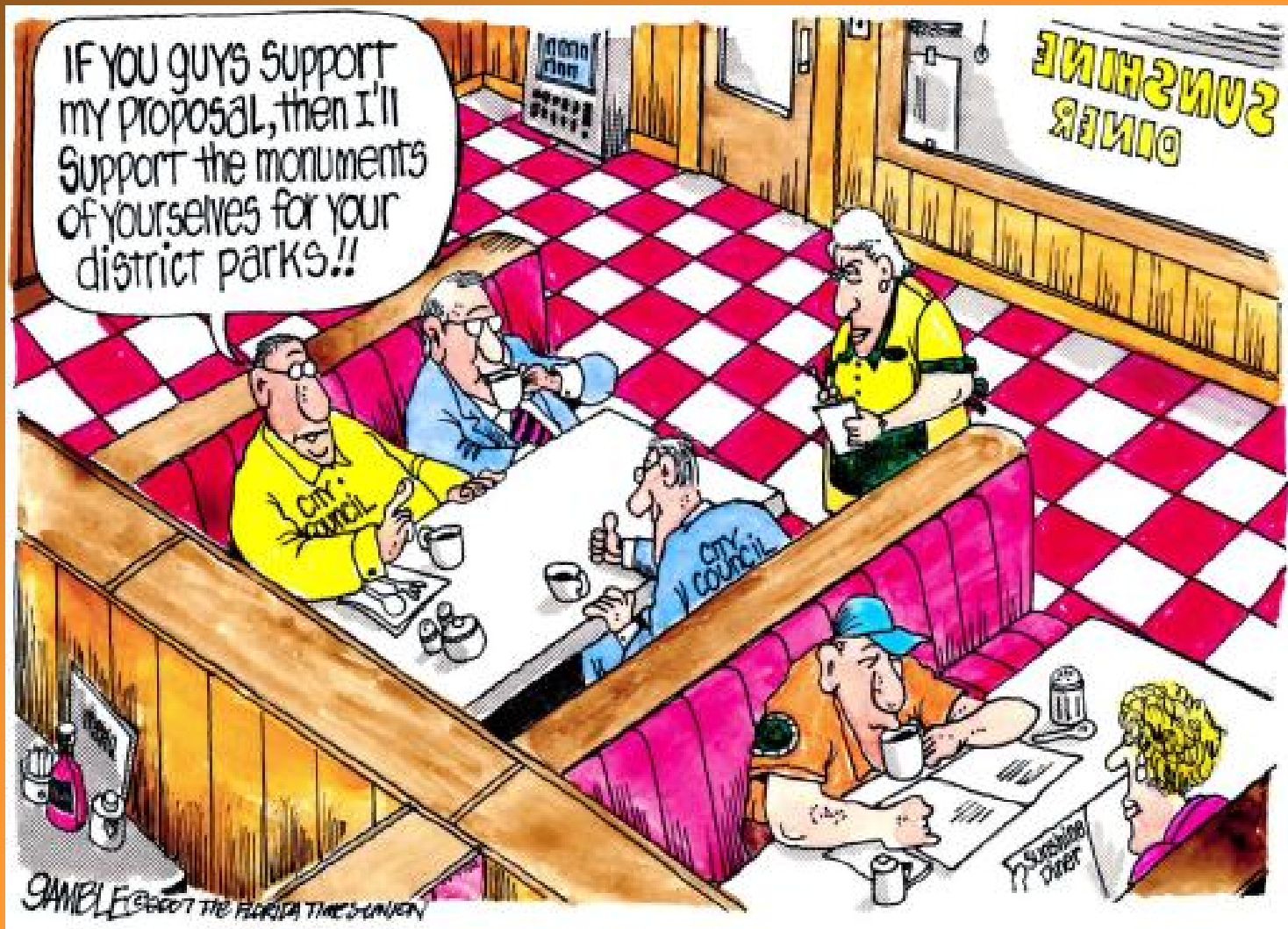
- ☆ These Meetings to be open and accessible to the public



- ☆ Reasonable advance notice of the meeting

- ☆ Written minutes of the meeting





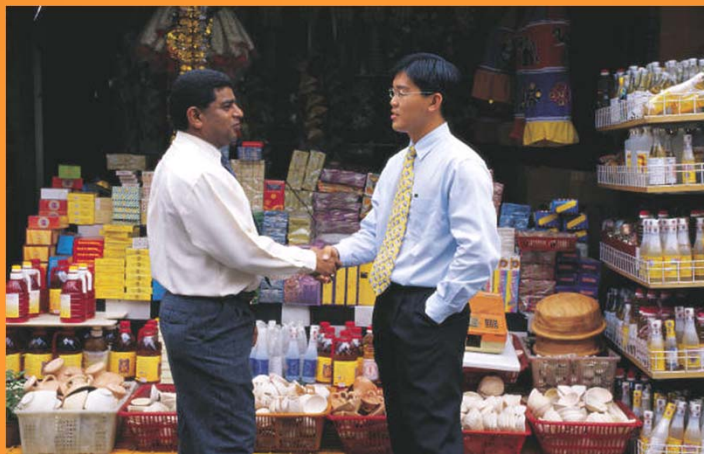
A Public Meeting Is:

- ☆ Meeting/Conversation/Discussion
- ☆ Two or more Council or Board Members
- ☆ Of the same entity
- ☆ Where a matter that is likely or foreseeably to be considered by that entity is discussed



What Meetings Are Applicable?

- ☆ Full Council or Board meetings
- ☆ Committee or subcommittee meetings
- ☆ Casual Gatherings
- ☆ Chance encounters



WHO YOU CAN MEET WITH PRIVATELY:

- ☆ You & A Member of another Board
- ☆ You & A Staff Member
- ☆ You & A Group of Citizens
- ☆ You & Your Attorney
- ☆ You & The Mayor
- ☆ You & The Press



WHAT ABOUT LETTERS TO COUNCIL OR BOARD MEMBERS?

- ☆ Statement of Position - **OK**
- ☆ Statement of Prospective Action – **OK**
- ☆ Inviting a Response - **No-No**
- ☆ Engaging in a dialogue - **No-No**
- ☆ Perhaps keep a separate folder for the
Public and the Press and Media



What Else Is Applicable?



☆ Telephone Conversations



☆ Correspondence used to develop a position



☆ Liaisons who develop a position

Tell-tale Signs of Potential Violations:

- ☆ “My door is always open”
- ☆ “Get with me after the meeting”
- ☆ “I respect so-and-so, who told me in the back hall - -”
- ☆ Short Notice
- ☆ Cell Phone Bills
- ☆ Lack of Minutes
- ☆ Whispering at Meetings
- ☆ Back Room Conversations

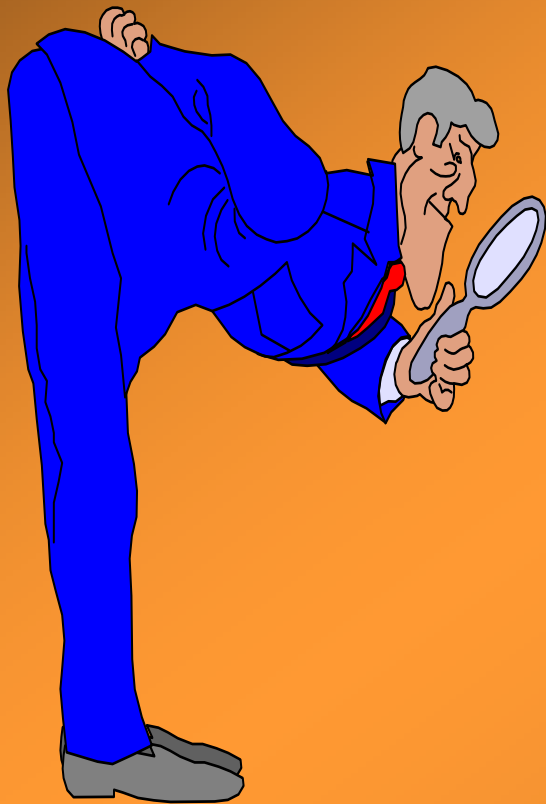


Consequences of Violation of the Law:

- ☆ Knowing violation – 60 days in jail (criminal misdemeanor)
- ☆ Unintentional violation - \$500 (non-criminal penalty)
- ☆ Civil law suits



What will get the State Attorney or a Grand Jury involved?



- ☆ Obvious violations of the law
- ☆ Pushing the envelope
- ☆ High profile issues

What will get a Private Party to Sue?

- Big Contract Award Matters
- Affecting Citizens' Property or Civil Rights
- Matters affecting Citizens' Neighborhoods
- Matters affecting a person's job



If it matters enough, someone will sue.

- ☆ ☆ You or your agency may have to pay attorneys' fees and costs
- ☆ ☆ You will be subpoenaed to give a statement
- ☆ ☆ There will be a public trial (lights, cameras, action!)
- ☆ ☆ Council or Board action may be invalidated



How will it be determined if:

- ☆ Your meeting was in fact open and accessible;
- ☆ Reasonable notice of the meeting was provided to the public.



Let the sun shine in it's the law!





Chapter 15, *Ordinance Code*

Jacksonville Sunshine Law Compliance Act

Section 15.102.

Applicability; Public Meeting defined.

Applies to:

1. Public meetings of the Council
 - A. Meetings of the:
 - i. **Council**
 - ii. **Council committees**
 - iii. **Meetings between and amongst Council Members re: public business.**
2. These meetings are defined as "Council Public Meetings".

Section 15.103.

Notice...; posting and timing.

a) Notices shall include:

1. The **date and time** of the meeting noticed,
2. The date and time the notices are to be posted,
3. the **location** of the meeting,
4. the general subject matter, and
5. Council Member calling the meeting
6. CMs expected to be in attendance.

Section 15.103.

Notice ... ; posting and timing.

b) Notices Posted

1. Internet website;
2. City Hall where public meetings are noticed, and by such other methods as may be appropriate or required by particular circumstances; and
3. Other places based on circumstances

c) Minimum twenty-four (24) hours prior to the meeting

d) In the event of an emergency, approved in writing by Council President and the City's Ethics Officer less than 24 hours.

e) Copy of the notices kept by Legislative Services

f) Director / Council Secretary implement standardized policy and procedures

Sec. 15.104. Public Meetings location.

a) Places

1. open to the public,
2. reasonable, and
3. **convenient access to the public.**

b) Locations include:

1. Council Chambers
2. **Public conference, meeting, or**
3. Committee rooms.

***Public meetings shall not be held in the individual offices of Council Members, except in the event of exigent circumstances.**

- (c) [and any other] **Public location** unless other locations are approved by the City Ethics officer or OGC Council Ethics liaison in writing.

Sec. 15.105.

Public Meeting; commencement and adjournment. (Gavel to Gavel)

The **business and conversations** conducted during a noticed Council Public Meeting **shall commence upon the chair's or Council Member's opening of the meeting, and shall conclude upon adjournment.** The mere fact that a meeting has been noticed, does not authorize action or discussions prior to the opening of the meeting or following its adjournment.

Sec. 15.106.

Public Meetings minutes.

- a) Council Member who noticed the meeting is responsible for the minutes of that meeting.
- b) Minutes shall reflect, at a minimum:
 - 1. The location, date and time the meeting commenced and adjourned;
 - 2. The members of the Council and other public officials and employees in attendance;
 - 3. The substance of the discussions and positions presented by the persons in attendance.
- c) Minutes shall be kept with notice

Sec. 15.107.
Biannual review and report on Council.

a) Inspector General's Office shall review regarding:

1. The notices of public meetings
2. The location of such public meetings
3. Written minutes

The Inspector General shall file such report.

b) The report shall include confirmation, through methods and means developed by the Inspector General

Sec. 15.108.

Annual training continuing education and training on Sunshine Law.

- a) Council Member shall receive annual training on Government in the Sunshine.
- b) Executive Council Assistants – training with Council Member plus additional training.
- c) All annual training shall take place within 60 days of the Council President taking office.

Sec. 15.109.

Recommendations for improved compliance.

As part of the biannual review, the Director/Council Secretary, the City Ethics Director, and the Office of General Counsel, may make recommendations for improvements to this Chapter to the City Council.



Government in the Sunshine