



**GOVERNMENT IN THE
SUNSHINE LAW**



Scope of the Sunshine Law

Florida Statute 286.011, (2009) commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels.

The law applies to both elected and appointed boards or committees and has been applied to any gathering of two or more members of the same board or committee to discuss some matter which will foreseeably come before the committee for action.



Three Basic Requirements

1. Meetings of public boards or commissions must be open to the public;
2. Reasonable notice of such meetings must be given; and
3. Minutes of the meeting must be taken.



When is a meeting subject to the Sunshine Law?

- The sunshine law extends to discussions and deliberations as well as the formal action taken by a public board or commission.
- There is no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to section 286.011, F.S.
- Instead, the law applies to **any** gathering, whether formal or casual, of **two or more members of the same committee or board** to discuss some matter on which **foreseeable action** will be taken by the public board or committee.



Prohibitions

The Sunshine Law prohibits the following:

- Discussions conducted via telephones, computers, email or other electronic means between committee members discussing or eliciting opinions on matters that will foreseeably come before the committee for official action are PROHIBITED.

NOTE: A written report, however, to inform the committee members of the subject(s) that will be discussed at the public meeting is **not** a violation of the sunshine laws if prior to the meeting, there is NO interaction related to the report among the committee members.



Penalties

- Criminal Penalties:

Any member of a board or commission who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree. A person convicted of a second degree misdemeanor may be sentenced up to 60 days imprisonment and /or fined up to \$500.00.

- Removal From Office:

The Governor may suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising directly out of his or her official duties.

- Attorneys Fees:

Reasonable attorney's fees will be assessed against a board or commission found to have violated the Sunshine Law.