



Palm Beach Transportation Planning Agency
Bicycle Trailways Pedestrian Advisory Committee
(BTPAC)

Florida's Sunshine Law

April 8, 2021



Florida's Sunshine Law

Florida Constitution and Statutory Provisions

- Article I, Section 24 (Florida Constitution)
- Section 286.011, Florida Statutes



Requirement of Ch. 286.011(1), F.S.

- (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 meetings must be taken.



Purpose of the Sunshine Law

- The purpose of the Sunshine Law is to ensure that decisions by public bodies are made in an open forum accessible to members of the public.
- “Decisions” are official action which may include, but are not limited to:
 - ❖ Recommendations
 - ❖ Discussions
 - ❖ Deliberations



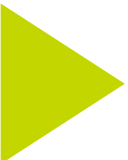
What is a “Meeting” Subject to the Sunshine Law

- Any gathering, formal or informal, of two or more members of the same collegial body to discuss some matter on which it is foreseeable that action will be taken by the body at some future point .
- Discussions and deliberations, as well as formal action taken by a collegial body. (Interactive communication)
- No requirement that a quorum be present



Written Correspondence and Email

- One-way communication is okay (i.e. A member of a collegial body may send written or electronic correspondence to his/her fellow board members pertaining to an item that they may consider at a future date, however the other members may not offer a response).
- Interaction among board members = violation
- DONOT USE “REPLY ALL”



Use of Nonmembers as Liaisons between Board Members

Third parties who are not members of a collegial body may not be used to exchange information between members of the body if such an exchange would otherwise be subject to the Sunshine Law.



Exceptions to the Sunshine Law

- Attorney -Client Discussions (Shade Session) Sec. 286.011(8), F.S.
- Discussion must be limited to settlement negotiations or strategy discussions related to pending litigation expenses
- Transcript of Shade Session must be taken by a court reporter and the transcript becomes a public record upon the final conclusion of the pending litigation
- **NO FINAL DECISIONS ON LITIGATION MATTERS MAY BE MADE AT A SHADE SESSION**



Other Exceptions

- Executive Sessions related to Labor Negotiations (Collective Bargaining) Sec . 447.605, F.S.
- Procurement Selection/Evaluation Committees (negotiations & presentations) Sec. 286.0113 F.S.
- Security of Public Buildings Sec. 281.301, F.S.



Violations of the Sunshine Law

- Any member of a collegial body who violates the Sunshine Law is guilty of a noncriminal infraction, punishable by fine not exceeding \$500. Section 286.011(3)(a), F.S
- Any member of a collegial body who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree. Section 286.011(3)(b), F.S.
- Criminal penalties apply to members of advisory boards as well as members of elected or appointed boards. AGO 01-85 (2001)



The W.D. Childers Incident (2003)

- Escambia County Commission Chairman ; Former State Senate President
- Wanton and Knowing violation of the Sunshine Law
- 60-day jail sentence (served 38 days) – First public official incarcerated for violation of the Sunshine Law
- \$500 fine plus \$3,600 court costs



Questions & Answers





Thank You!