

ETHICS IN A NUTSHELL 2012-1

Government in the Sunshine:

A Guideline for Boards and Commissions



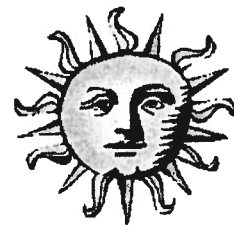
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This is a summary of the state Sunshine and Public Records laws. Please review this information and contact your city liaison, the Ethics Officer or General Counsel's office if you have any questions.

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

(Sec. 286.011 F.S.)



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

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.

How much notice do I have to give?

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.

PUBLIC RECORDS

(Sec. 119 F.S.)

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.

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.

Does this include drafts?

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

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.

Something to think about...

It is very important that all documents you work on, including electronic documents (email, Word, Excel, PowerPoint documents, etc) are properly saved in accordance with Florida’s laws. Please see your city contact person to make sure that all of your public records are saved properly.

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.

What is the penalty for violating Public Records laws?

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