Technical Advisory Committee Training
January 30, 2019
Government in the Sunshine
Sunshine Law

Protects the public from “closed door” decision making and provides a right of access to governmental meetings.

Please don’t do secret back door deals
The Sunshine Law applies when --

- Two or more members of a governing board discuss a matter that may foreseeably come before the governing board.
REQUIREMENTS OF SUNSHINE LAW

1. OPEN TO THE PUBLIC
2. REASONABLE NOTICE
3. MINUTES OF EACH MEETING
OPEN TO THE PUBLIC
Meetings Must be Open to the Public

The public must be allowed to attend meetings; however, there is no obligation to allow the public to participate. The location:

- Must be accessible
- Sufficient size for turnout
- Facility cannot discriminate based on age, race, etc.
- Public access not unreasonably restricted
- Be within Collier County with few exceptions
E-Mails

Emails of factual background information from one board member to other board members are permitted if there is no exchange of board members’ comments or responses on subjects requiring board action.
Written Correspondence

A board member may send documents on matters coming before the Board for official action to other board members, **PROVIDED** there are no responses from, or interaction related to documents among, the board members prior to the public meeting.
NOTICE
II.

Reasonable notice of meetings must be given.

- The public must be given reasonable and timely notice so they can decide whether to attend.
- What is “reasonable” or “timely” depends on the circumstance. It does not necessarily require a newspaper advertisement.
MINUTES

ARE YOU GETTING ALL THIS?

EVERY WORD! YOU CAN'T MAKE THIS STUFF UP...
Minutes of the meeting are required. Written minutes must be taken and made available promptly.

- Sound recordings may also be used, but only in addition to written minutes.
- Minutes may be a brief summary of meetings’ events.
- Minutes are public records.
- Minutes must record the votes.
What Happens if we violate the Sunshine Law?

- Action may not be binding
- *Within limitations,* some actions may be cured by independent, final action taken completely in the Sunshine.
What Happens if I violate the Sunshine Law?

Possible Criminal and Civil Penalties
Sunshine Law Applications

- Does **not** apply to members of different boards or committees
- Social events are fine – but do not discuss TAC business
- Does **not** apply to a meeting between a Committee Member and a private citizen
- Does **not** apply to staff so long as staff is in a fact-finding mode
- Applies to staff once staff become part of the decision making process
POP QUIZ

• Does Sunshine apply if a TAC member discusses an issue with Commissioner Donna M. Messer?
• Does Sunshine apply if a TAC member discusses an issue with Vice Mayor Gary Price?
• Does Sunshine apply if a TAC member discusses an issue with Peter Green?
• Does Sunshine apply if a TAC member discusses an issue with any staff member?
• Does Sunshine apply if two TAC members discuss an issue?
Public Records
The Definition of Public Records Open to Inspection to Any Person is Very Broad.

A public record encompasses all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge, regardless of whether such materials are in final form.
Public Records Law

Public Records include: All documents, paper, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
Public Records Requests
Can be made verbally or in writing by any person

The Appointed Committee:
- Has a “reasonable” time to respond
- Can charge for the cost of retrieving records if the amount requested is voluminous

The Public Records Law does not require:
- The retention of records for an indefinite period of time (this is covered by the State’s records retention policy)
- The creation of records or the provision of records in the format requested
- An explanation of the records
PENALTIES

A violation of the Public Records Act carries both civil and criminal penalties!
QUESTIONS?