

FLORIDA SUNSHINE LAW AND PUBLIC RECORDS ACT PROCEDURES

The Council is required to operate under Florida's open government laws, commonly referred to as the Government in the Sunshine law and the Public Records Act, which are found in section 286.011, Florida Statutes and Chapter 119, Florida Statutes, respectively. Generally speaking, there are three basic requirements under the sunshine law: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of these meetings must be given; and (3) minutes of the meetings must be taken and made available to the public. Likewise, under the Public Records Act, the general requirement is that any document or record, in whatever form, that is made or received pursuant to law or in connection with the transaction of official business, is open for inspection by any person. These laws are to be given a liberal construction, and it is thus the Council's policy to err on the side of caution - - if an activity or record is arguably subject to Florida's open government laws, it should be treated as though covered.

Below are procedures for Council members, Task Force Resource Members, and staff to ensure compliance with Florida's open government law requirements and to facilitate easy access to information needed for meetings and conference calls:

- All meetings, telephone calls, or conference calls between two or more council and/or task force resource members, at which official business or acts of the Council, Committee or task force are to be taken or at which discussion of any such official acts is to take place, are subject to the Florida Sunshine Law requirements. Such meetings or conference calls must adhere to the following requirements:
 - Be open to any member of the public to attend/ listen to.
 - Be given reasonable advanced notice. Such advanced notice requires
 - As much notice in advance as possible but no less than 24 hours notice.
 - Be posted on the Council's public web-site calendar and in the Council office lobby.
 - Note: Full Council meetings must be posted in the Florida Administrative Weekly.
 - All web-site postings must include the date, time and either location of the meeting or the contact person for conference call information, a summation of the general subject matter to be addressed, and that individuals should contact the Council ahead of time to make arrangements for any needed accommodations to a disability.
 - Have minutes or notes taken of the meetings and promptly made available for public inspection.
- To facilitate easy access to information needed for meetings and conference calls and correct travel reimbursements, staff will also post all meetings and conference calls on the Council's internal outlook calendar. All internal outlook calendar postings

must include the following (if applicable): purpose, contract number, staff member/contact person, task force/committee budget, date and time of meeting/conference call, a summation of the general subject matter to be addressed, conference code, hotel name, hotel address, hotel phone and fax number, and whether meals are provided.

- Staff will post and take minutes or notes for all meetings, telephone calls or conference calls arranged by staff between two or more council and/or task force resource members or when staff has been notified by a council and/or task force resource member of a meeting, telephone call or conference call that is subject to the Florida Sunshine Law requirements.
- All council members and Task Force Resource Members who will be engaging in a meeting, telephone call, or conference call conversation with another council and/or task force resource member, at which official business or acts of the Council, Committee or task force are to be taken or at which discussion of such official acts is to take place, must notify the appropriate council staff in sufficient time so that the reasonable notice requirements can be met and minutes of the conversations/meeting can be arranged.
- All meetings and conference calls subject to these procedures must be held in a manner that allows for public access. For example, the size of the meeting room must be able to accommodate the anticipated turnout or provisions must be made for audio and video access where it does not; the use of cameras, tape recorders or other non-disruptive, silent audio or visual recording devices may not be prohibited; and a 1-800# must be offered for telephone or conference calls.
- E-mails between council and/or task force resource members must not include views on a particular issue unless it is expressly stated that the e-mail is a one-way communication with a stipulation that no reply be provided.
- Meetings or calls between council members and staff, task force resource members and staff, or between staff generally are not covered by the Sunshine Law and these procedures. Exceptions to this general statement would involve meetings among Council staff where staff has been delegated some decision-making authority by the council, one of its committees or task forces, including the authority to recommend individuals or proposals, where such a recommendation has the effect of ranking and/or eliminating some choices. Also, staff may not act as liaison between Council, committee or task force members, relaying one member's position to the next.
- Public participation in council meetings or conference calls must be allowed. However, the amount of time can be dictated as long it is reasonable, the topics can be limited to the purpose of the meeting, and the time of the public comment can be dictated. Additionally, where there are numerous persons with the same viewpoint on an issue wishing to speak, speakers may be limited to a single representative for each side of the issue. Also, there are certain meetings, such as bid proposal or selection committees for RFPs, where public input can be prohibited.
- Informal discussions between council members and/or task force resource members (such as at dinners or non-council functions) cannot include topics which will, or might reasonably be expected to, come before the full Council or a committee for a decision.

- All decisions of the Council, its committees and task forces are covered by these requirements, including personnel matters. Certain discussions regarding specific litigation may be exempt, but specific procedural requirements must be strictly followed.
- Votes may not be by secret ballot. Written ballots may be used as long as the votes are made openly at a public meeting, the name of the person voting and his or her selection are written on the ballot, and the ballots are maintained and made available for public inspection.
- Council members may abstain from voting only when a conflict of interest arises and it is disclosed. In such situations, if the conflict is known prior to the meeting, it should be disclosed, in writing, prior to the meeting where the vote is to be taken. If the conflict only becomes apparent during the meeting, it should be orally disclosed, to be followed up, in writing, within 15 days. Once a conflict is declared, the declarant may not participate in further discussions or vote on the matter.
- All documents, papers, 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 in connection with the transaction of official business of the Council or its task forces is considered to be a public record, and it must be retained and maintained as such.
- Any person may request to inspect and receive copies of any non-exempt Council public record. The request does not have to be in any certain format, the identity of the requestor does not have to be disclosed and the reason for the request does not have to be given. Upon receiving such a request, “reasonable” access must be given to the requestor to inspect and copy the records. This generally means the time it takes to locate the documents, review them for exempt information, delete the exempt information and make copies. Automatic delays, arbitrary time periods when records may or may not be inspected, and other artificial barriers to reasonable access are not allowed.
- Charges can be imposed for providing copies, at no greater than the statutory rate of 15¢ per one-side page, 20¢ for two-sided copies, and \$1.00 for certified copies. If the request is complex or voluminous, requiring an extensive use of information technology resources or staff or supervisory assistance, reasonable charges may also be imposed for that time, based upon actual costs.

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