

SUNSHINE LAW
for Appointed Officials

Golden Rule # 1

**DO NOT DISCUSS OFFICIAL BUSINESS
WITH ANOTHER BOARD MEMBER**

SUNSHINE MEETING REQUIREMENTS

1. Meetings of such committees **MUST BE OPEN TO THE PUBLIC**;
2. **PUBLIC NOTICE** of such meetings must be posted at City Hall
3. **MINUTES** of the meetings must be taken.

DO NOT DISCUSS MEANS DO NOT DISCUSS

Elected and Appointed Officials *who are members of the same board*

may *not discuss* any official business that may come before the committee for discussion with each other outside of a duly noticed public meeting,

whether *in person, by telephone, email, text or any other means* of formal or informal communication.

What is Official Business ?

Official business includes *any matter that COULD foreseeably come before the committee for action.*

AGENDA BACK UP

A limited exception exists for written reports or materials that are used to inform committee members about a subject that will be discussed at a public meeting (i.e.,

AGENDA BACK UP),

provided that prior to the meeting there is no discussion or interaction among the committee members regarding the report **until the noticed public meeting.**

AGENDA BACK UP

ALL reports should be distributed by **submitting them to the Clerk**

who can then distribute such reports or documents

as *agenda back up items*

FOR DISCUSSION AT THE PUBLIC MEETING (and not before).

Communications with **NON-COMMITTEE MEMBERS**

Reports, letters, or other documents

received by commissioners and committee members

regarding any issues that COULD come before the committee

are also subject to Florida's Public Records Law

PUBLIC RECORDS ACT
For Appointed Officials

GOLDEN RULE #2

**DO NOT DELETE ANY EMAILS, TEXTS OR
OTHER POTENTIALLY PUBLIC RECORDS.**

What is Florida's Public Records Law?

Constitutionally protected right of access to government records...

“Every person has the right to inspect or copy any public record made or received in connection with the official business...”

Article 1, Section 24

Constitution of the State of Florida

What is a Public Record?

“Public Records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or 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.” Chapter 119, Florida Statutes

Is a Public Record Only Paper?

NO! - Format, media type or duplication does not affect the public record status of information!

It includes EVERYTHING !

Paper – Report, Calendars, etc...

Electronic Records – PDF's, Spreadsheets, Powerpoints, etc...

Electronic Communications – Email, Text, etc...

Social Media – Facebook, Twitter, Instagram, etc...

Any material, made or received, in connection with the transaction of official business!

Who Can Request Public Records?

All Public Records are open to inspection and
must be “promptly provided”
to any person
for whatever reason
unless specifically exempted by law

When are Records Not Accessible?

When is document NOT a public record:

- Personal (Not Business Related)
- Preliminary Drafts or Notes Prepared for Personal Use
- Confidential or Exempt – Statutory provisions limiting access to specified information. Be prepared to cite the statutory exemption in writing if you are denying access to a record!

Who is Responsible for the Public Record?

Public Agencies - any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law...

Public Records Custodian - Elected or appointed officer charged with the responsibility of maintaining the office having public records, or his or her designee.”

This includes anyone who has supervision and control over their own email and copies of other public records in their possession!

How Long Do I Keep a Public Record?

The Florida Department of State established Rules for the Retention and Disposal of Public Records.

Record Retention Schedules – Minimum retention period of Public Records mandated for each agency by the Florida Department of State.

- Public records must be maintained in accordance with Record Retention Schedules established by the Florida Department of State.
- Retention time periods vary from very short to permanent retention

Can I Dispose of a Public Record?

LET THE CLERK'S OFFICE manage disposal of records.

Public records may only be destroyed in accordance with record retention schedules established by the Florida Department of State Rule 1B-24, Florida Administrative Code.

REMEMBER: GOLDEN RULE #1

DO NOT DELETE OR ANY EMAILS, TEXTS OR OTHER PUBLIC RECORDS.

Resources

Florida Attorney General
<http://www.myflsunshine.com/>

First Amendment Foundation
www.floridafaf.org

Florida Department of State
<https://files.floridados.gov/media/703328/gS1-sl-2020.pdf>

Florida Office of Open Government
http://www.flgov.com/open_government/

Brechner Center for Freedom and Information
<http://brechner.org/default.asp>

GOVERNMENT-IN- THE-SUNSHINE MANUAL



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*A Reference For Compliance
with Florida's Public Records
and Open Meetings Laws*

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Florida Statutes
www.leg.state.fl.us/statutes

**Florida Records Management Association
(FRMA)**
www.frma.org

**Association for Information and Image
Management (AIIM)**
<http://www.aiim.org/>

ARMA International
www.arma.org

SML, Inc.
www.smlinfo.net