

FLORIDA SUNSHINE LAW REQUIREMENTS

The Florida Sunshine Law requires that meetings to which it applies be noticed, open to the public, and recorded (minutes are sufficient). The law is intended to make the decision process open to the public, not just the final decisions themselves.

The Florida Sunshine Law applies to Tourist Development Council (TDC) meetings, committee meetings, and special task force meetings. What triggers the application of the law is any discussion between TDC members relating to a TDC issue. Thus, when any two or more members of the TDC meet to discuss a matter on which it is foreseeable that the TDC will take action, the law applies. The law also applies to any discussions prior to the start, during a recess or after a TDC Council or committee meeting.

The Sunshine Law applies to written, electronic (e-mail, chat, etc.) and telephone communication in which there is an exchange of ideas between the members. A memo from one board member to another, where there is no opportunity for discussion or feedback, is not considered a meeting. However, where there is opportunity for comment between members, a "virtual" meeting occurs. If a meeting includes some members and some non members, the presence of at least two TDC members triggers the application of the law.

The penalties for violating the Florida Sunshine Law include removal from office, 60 days in prison and a \$500 fine for each violation.

There are many nuances to the law relating to specific situations. Please call me with particular concerns you might have at 239-252-2402 or jackwert@colliergov.net. I will either get you the answer, or I will refer you to the County Attorney's Office for direction.