

PRIMER

FLORIDA SUNSHINE LAW

1. Definition: Florida's Government in the Sunshine Law applies to any gathering of two or more members of the same board to discuss a matter which will foreseeably come before that board for action.
2. Public Access. Meetings of public boards must be open to the public.
3. Private Communications. Scope of the law includes all communications among board members such as telephoning, emailing, texting or electronic communication.
4. Discussions with Staff. Board members are free to discuss board business with staff or non-board members.
5. Polling Board Members. Board members cannot ask staff to poll the other board members for their view on a board issue.
6. Notice. Reasonable notice of such meetings must be provided to the public.
7. Minutes must be prepared and promptly available for public inspection.
8. Staff meetings are not normally subject to the Sunshine Law, since they normally involve fact finding or information gathering in advance of a decision.
9. Delegated Decision-Making. Staff committees may be subject to the law if they become part of the decision-making process.
10. Public comment. Public must be allowed to be heard before the Board takes official action on a proposition.
11. Exemptions. To date, the Legislature has created 1,119 exemptions from the Sunshine Law (example: autopsy photos), which are best handled on a case by case basis.
12. Public Records. Of note, the open government laws also include access to public records. Charter staff and the General Counsel's office have a procedure for dealing with these requests.

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