

FLORIDA'S GOVERNMENT IN THE SUNSHINE LAW

Overview for Community Advisory Committee



Florida School Boards Association

The voice of education in Florida.



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LWCS Attorney

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Executive Director



Florida School Boards Association

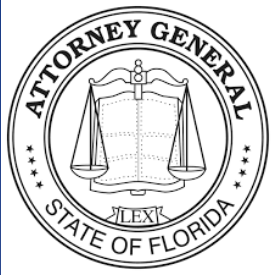
The voice of education in Florida.

Lake Wales Charter Schools Superintendent Leadership Qualities

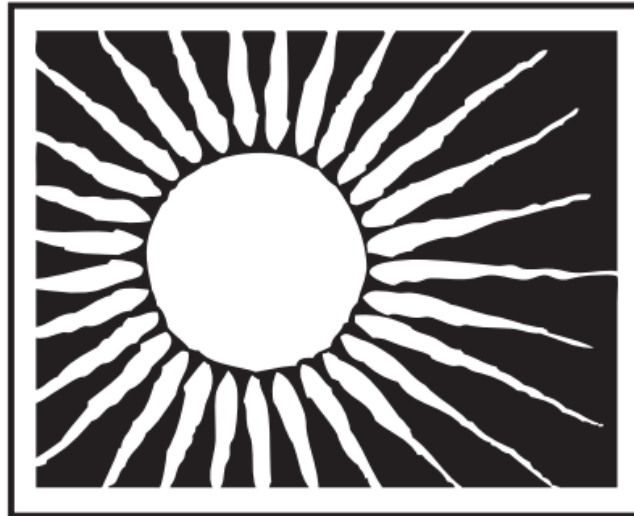
The following list of qualities was developed after thorough review and consideration of all responses from the online survey, as well as input received during the student, staff and community forums.

- ▶ Successful experience improving all student performance, while identifying, narrowing/closing achievement gaps.
- ▶ **Demonstrated** commitment to engage with/support students by visiting classrooms, participating in school activities and listening to the voice of students.
- ▶ Proven success utilizing data for decision-making to review, celebrate, and improve actions, plans, processes and systems.
- ▶ Past experience leading the articulation of a K-12 comprehensive arts program that included: music, fine arts, and performing arts .
- ▶ Respects cultural differences and varying abilities, values diversity and celebrates achievements.
- ▶ Builds a trusting collaborative relationship with the Trustees, administrators, teachers, support staff, students, parents and the greater community.
- ▶ Leads with integrity and humility while demonstrating accessibility, visibility and decisiveness
- ▶ Unites all employees around a compelling vision, and builds a culture of **commitment** to excellence and respect for each other.
- ▶ Commitment to preparing special needs students to realize their academic and career potential.
- ▶ Proven record of leading and supporting fund raising efforts of Foundations and other philanthropic organizations.
- ▶ Demonstrates extensive knowledge of business and finance, including the budget process and operations of a school district.
- ▶ Views the Trustees as a leadership partner in meeting the goals of the district through honest, open communication and positive, productive working relationships that center on two-way communication.
- ▶ Is a champion for academics, the arts and athletics as avenues for student engagement and achievement.
- ▶ Desires to embrace the local quality of life and to be fully engaged in the greater Lake Wales community.





GOVERNMENT-IN- THE-SUNSHINE MANUAL



2021 Edition

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

Volume 43



Florida School Boards Association

The voice of education in Florida.

PUBLIC BUSINESS PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).



SUNSHINE LAW, IN BRIEF

- *Communications between 2 or more Committee members on matters that will foreseeable come before the Committee for action must take place only at a duly noticed public meeting of the committee*



PUBLIC RECORDS LAW, IN BRIEF

- *Documents related to your service on this committee are public records and must be open for inspection to any person*



SCOPE OF SUNSHINE LAW

- *Provides right of access to governmental proceedings*
- *Equally applicable to elected and appointed boards*
- *Applies to any gathering of 2 or more members of same board*
- *Applies to any topic which will foreseeable come before the board for action*



SCOPE OF SUNSHINE LAW

Three basic requirements:

- *Meetings must be open to the public*
- *Reasonable notice must be given*
- *Minutes must be taken, promptly recorded and open to public inspection*



**MEETINGS
OPEN TO
THE
PUBLIC**

Open to the public = all who choose to attend.

Cannot exclude some members of the public (employees, applicants).

Facility must reasonably accommodate members of the public to be in attendance.

Facility cannot unreasonably restrict public access to a facility.

Must be handicapped accessible.



MINUTES

Must be taken.

Must be maintained in a central location permitting access by the public.

Do not need to be approved before they become public record.



SCOPE OF SUNSHINE LAW

Applies to advisory boards/committees created pursuant to law or established by public agencies subject to the Sunshine Law, even though their recommendations are not binding upon the agencies

THIS COMMITTEE IS ONE SUCH COMMITTEE!



SCOPE OF SUNSHINE LAW

Usually does NOT apply to meetings of staff.

However, when a staff member ceases to function in a staff capacity and is appointed to a committee which is delegated authority normally within the public board or commission, the staff member loses his or her identity as staff while working on the committee.



SCOPE OF SUNSHINE LAW

The nature of the act performed, not makeup of committee or proximity of the act to the final decision determines whether a committee composed of staff is subject to Sunshine Law.



SCOPE OF SUNSHINE LAW

Public Records

Any records that you make or receive regarding the business of the committee must be saved and available upon request.

School district can be of assistance in any requests for public records.



SCOPE OF SUNSHINE LAW

Public Records

Emails

Text messages

Voice mails

Written notes

ANYTHING produced



SCOPE OF SUNSHINE LAW

May NOT use email, telephone, text, snapchat, or other communication platform to conduct a private discussion about committee business.

May send one-way communication as long as it is maintained as a public record and there is NO response to communication except in public meeting. This should be sent via board office to be recorded and archived.



SCOPE OF SUNSHINE LAW

A committee member is not prohibited from discussing committee business with staff or non-committee member.

However, these individuals CANNOT be used as a liaison to communicate information or solicit views of others on the committee.



MEETINGS

May adopt reasonable rules and policies to ensure orderly conduct of meetings

May NOT ban non-disruptive videotaping, tape or digital recording, or photography



PENALTIES

A person convicted of a knowing violation

- *2nd degree misdemeanor*
- *May be sentenced to a term of imprisonment not to exceed 60 days and/or*
- *Fined up to \$500.*

Unintentional violation may be prosecuted as a non-criminal infraction resulting in a civil penalty up to \$500.



**PUBLIC
RECORDS
REQUESTS**

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RESOURCES

- www.myflsunshine.com
- *Florida Office of the Attorney General, Ashley Moody*
- *First Amendment Foundation: floridafaf.org*
- *2020 Government-in-the-Sunshine Manual*

