

Florida Sunshine Law – Open Meetings

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Q. What is the open meeting requirement?

Section 286.11, F.S. provides: “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, . . . 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.

This law applies to appointed as well as elected boards. Additionally, this law applies to many advisory boards and committees created by public agencies in the course of conducting agency business. The determining factor is whether the advisory board or committee has been delegated the decision-making authority of the board/commission, as opposed to being given only information-gathering/fact-finding authority.

Q. What is an open meeting in the UCF context?

Any meeting at which the UCF Board of Trustees is acting or at which a group that is acting on behalf of the UCF BOT is acting.

Q. Is a staff meeting an open meeting?

Generally, no. Staff meetings are not generally meetings involving a “delegation of authority” from the Board of Trustees for decision making or policy making – as such, they are not sunshine meetings. In fact, the majority of meetings that UCF employees attend in performance of their jobs are not sunshine meetings open to the public.

Q. What meetings must be open?

Search committees may be open or closed, depending on function. Where a search committee performs a delegated function, actually making candidate selection decisions, then it must be open, because in that case it is performing a function on behalf of the Board of Trustees. Where a search committee is established for fact-finding only, it is not performing a delegated function and does not need to be conducted in the open. University policy may direct this.

Collective bargaining negotiations, in which a staff team negotiates for the Board of Trustees.

Bid openings in the Purchasing Department.

Q. What constitutes a sunshine meeting?

Any discussions or deliberations, formal or casual, between two or more covered committee members about a matter which will or is likely to come before the covered committee. Meetings include any workshops, telephone conversations, email communications, or other interactions where covered material is exchanged, including social gatherings. Two or more members of the committee may see each other socially, but they may not discuss committee business. Committee members cannot use third parties to serve as “go betweens” to communicate about issues subject to open meeting requirements.

Q. What is required if the meeting is a sunshine meeting open to the public?

Reasonable public notice of the meeting; a location that is accessible to the public; opening the meeting to the public; limited ability for members of the public to address the committee. In addition, minutes must be taken, all committee members must vote (unless they declare a conflict of interest), and there can be no secret ballots.

Q. What is required for public notice to be “reasonable”?

Notice must be sufficient to provide the public advance notification of the information to be discussed. Must be posted where members of the public can view it (website, bulletin board).

Q. Do members of the public have a right to speak at a sunshine meeting?

In a limited fashion, yes. Members of the public shall be offered a reasonable opportunity to be heard on a matter actually before the board or commission. This opportunity is subject to rules or policies adopted by the board or commission. One common practice is to require a public comment form, submitted prior to the start of the meeting, specifying the matter upon which the individual or group wishes to speak. (Make forms available at the meeting; if the meeting will be held telephonically, make forms available as part of the meeting notice.) Organizations, groups, or factions may be required to designate a single representative to speak on its behalf. A time limit on each comment, and on the total comment period, may be set by the chairperson of the committee.

Q. Does the committee have to record the meeting?

No. But a member of the public who is attending the meeting may record it, if s/he does so in a non-disruptive manner.

If you do record your meeting, the recording must be retained in accordance with document retention procedures.