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SCOPE OF THE SUNSHINE LAW

• Provides a right of access to governmental proceedings at both the state and local levels.
• Equally applicable to elected and appointed boards.
• Applies to any gathering of two or more board members to discuss some matter which will foreseeably come before that board.
• Applies to advisory boards, even though their recommendations may not be binding upon the agencies that create them.
THREE BASIC REQUIREMENTS

• Meetings of public boards or commissions must be open to the public.
• Reasonable notice of such meetings must be given.
• Minutes of meetings must be taken, promptly recorded, and open for public inspection.
APPLICATION OF THE SUNSHINE LAW

• Board members may not use electronic or other means of communication to conduct board business privately.
• Board members are not prohibited from discussing board business with a staff or non-board member however, these individuals cannot be used as a liaison to communicate between board members.
• No resolution, rule, regulation or formal action shall be considered binding if they are not made in an open meeting.
• If you receive a communication regarding board business, specifically soliciting an idea or process, reach out to staff for guidance.
• Board members can be penalized, including misdemeanors and fines.
WHAT IS A PUBLIC RECORD

• All documents, papers, letters, maps, tapes, photos, films, recordings, data processing software or other material, regardless of physical form, characteristics or means of transmission.
• Made or received pursuant to law or ordinance in connection with the transaction of official business.
• That is intended to perpetuate, communicate, or formalize knowledge.
WHAT IS NOT A PUBLIC RECORD

• Documents that are NOT intended to perpetuate, communicate, or formalize knowledge of some type:
  o Documents that are not intended as final evidence of the knowledge to be recorded.
  o Personal notes to yourself, which are not shared.
  o These only include documents that serve no governmental function.
EXEMPTIONS AND CONFIDENTIAL INFORMATION

- All records are public records unless designated exempt or confidential by the Florida Legislature.
  - An exemption permits withholding.
  - A confidential designation requires withholding.
  - Although many confidential and exempt designations are found in Chapter 119, Florida Statutes, they can be found throughout other Florida statutes.
### CONFIDENTIAL

Prohibited from being provided for inspection/copying, unless ordered by a court to do so.

### EXEMPT

Disclosure not prohibited, but also not required.

### EXAMPLES

<table>
<thead>
<tr>
<th>CONFIDENTIAL</th>
<th>EXEMPT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social security numbers</td>
<td>Bank account numbers, debit/credit card numbers</td>
</tr>
<tr>
<td>Certain bids/proposals for pollution response action contracts</td>
<td>Attorney work product</td>
</tr>
<tr>
<td>Certain proprietary and trade secret info</td>
<td>Active criminal intelligence/investigative information</td>
</tr>
<tr>
<td>Security system plan info for property owned by or leased to the State</td>
<td>Home addresses, phone numbers of law enforcement officers, judges, etc.</td>
</tr>
<tr>
<td>Appraisals, offers, and counteroffers for property that DEP/BOT seeks to purchase</td>
<td>Building plans, blueprints, etc. for any “water treatment facility” owned or operated by an agency*</td>
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TIPS TO REMEMBER

• Expect everything to be a public record. When in doubt ask.
• Exchanges between you and an attorney are not guaranteed to be exempted.
• Record requests can be made to anyone, if you receive a request please speak with your staff.
• Use the Government-In-Sunshine Manual (the current year’s version).
• Drafts and notes can be public records.