

Frequently Asked Questions Regarding "Open Meetings"

1. What is Florida's Government-in-the-Sunshine Law?

The "Sunshine" law has two primary areas:

- Public records law, Chapter 119, F.S., that provides the public the right to access, inspect and copy public records. (Please see separate Frequently Asked Questions on public records.)
- Public meetings and records law, Section 286.011, F.S., that provides the public a right of access to government proceedings and records.

2. What are public records?

Section 119.011(10), Florida Statutes, defines "public records" to include:

- All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, *regardless of the physical form*, characteristics, or means of transmission, made or received in connection with the transaction of official business.
- The Florida Supreme Court has interpreted this definition to encompass all materials made or received in connection with official business that are used to perpetuate, communicate, or formalize knowledge.

3. What meetings at UNF are subject to the Sunshine law?

- Any meeting where the Board of Trustees has delegated its authority such that decision making or policy making is performed (or it is foreseeable that it will be performed).
- Employment Search and Selection Committees are the most common example of this type of "delegated authority" meeting for UNF employees.
- Collective bargaining negotiations are also examples of covered public meetings.

4. Are faculty, department and/or staff meetings Sunshine meetings?

- Those meetings are generally not Sunshine meetings because they do not involve a "delegation of authority" from the BOT for decision making or policy making on behalf of the Board of Trustees.
- The majority of meetings that UNF faculty and staff attend in performance of their job duties are not public and as a result, there is no right for the public to attend or to participate.

5. What constitutes a Sunshine meeting?

- Any discussions or deliberations, formal or casual, between two or more covered committee members about a matter in which it is foreseeable that the covered entity might take action.
- "Meetings" include any workshops, telephone conversations, e-mail communications, or other interactions where covered material is exchanged, including social gatherings.

6. What are the requirements for a Sunshine meeting?

When scheduling a covered meeting, note:

- A reasonable public notice of meetings must be provided.
- All meetings must be open to the public.
- The meetings must be held in a location accessible to the public.

7. Does the public have a right to participate in Sunshine meetings?

- While the public has a right to attend and observe a Sunshine meeting, the law does not provide the right for the public to participate in the meeting.
- The Committee Chair, at his/her discretion may permit members of the public to address the Committee.
- If the Chair allows public comment, s/he may limit the number of those that may address the Committee and place time limits on how long a member of the public may speak.

8. What are "reasonable notice" requirements?

- Notice must be sufficient to provide the public and/or media advance notification of the information to be discussed.
- The "type" of notice that must be given varies depending upon the facts of the situation.
- In some circumstances, posting the notice on bulletin boards or other generally viewed areas (e.g., website) is sufficient. In others, posting the notice in a newspaper may be required.

9. Do any special procedures apply to sunshine meetings?

- Minutes must be taken.
- No secret ballots, but no "roll call" is required.
- All Committee members must vote, unless they declare a conflict of interest.
- The minutes must reflect a vote for each member.

10. Must sunshine meetings be taped?

- No, there is only an obligation to maintain accurate minutes of the meeting.
- However, a member of the public may audiotape or videotape a public meeting if s/he does so in a non-disruptive manner.

11. Are there any other Sunshine issues to consider?

- Two or more members of a Sunshine-covered entity may meet socially, or otherwise, but in doing so may not discuss information where it is foreseeable that the covered entity may take action.
- Member of the Sunshine-covered entities may not use third party "go betweens" to community about issues subject to Sunshine requirements.

12. Are there any penalties for noncompliance with sunshine requirements?

Yes.

- Second degree misdemeanor to knowingly violate the sunshine law
- Removal from position
- Fine of up to \$500
- Reasonable attorney's fees
- Declaratory and injunctive relief
- Any action taken by a Committee at a non-compliant meeting may be declared invalid

13. What if I have more questions regarding Florida's Sunshine Law?

Please contact UNF's Office of the General Counsel
4567 St. Johns Bluff Road South
Building 1, Room 2100
Jacksonville, Florida? 32224
904-620-2828

You can also try the following websites:

[Florida Government-in-the-Sunshine Law](#)

[Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees](#)