



Government in the Sunshine Public Records

A Briefing for Town Council, Town of Howey-in-the-Hills

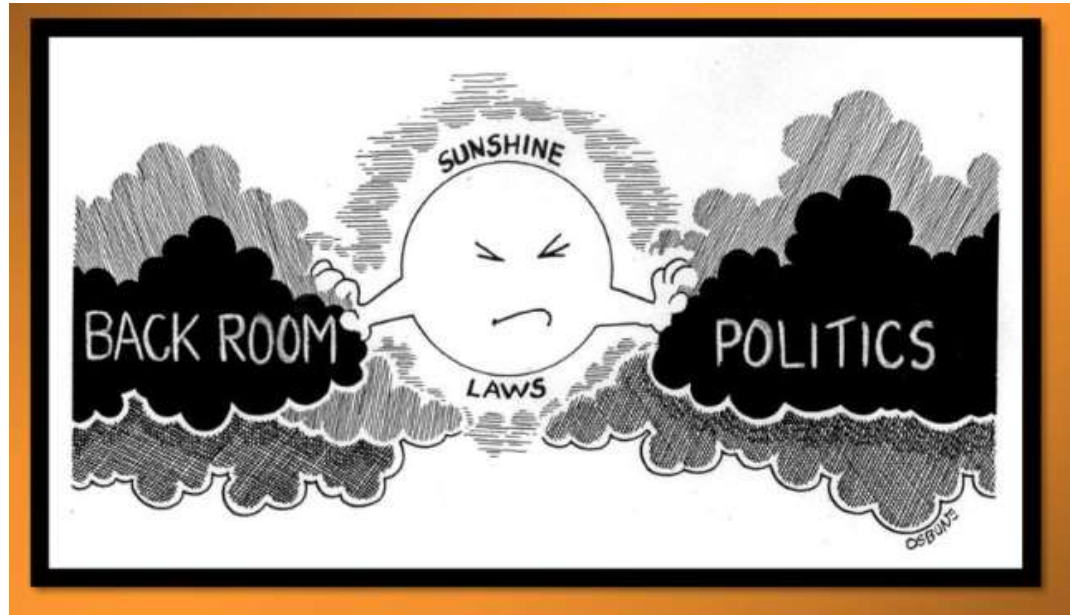
January 8, 2024

GrayRobinson

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Overview

1. Gov't. in Sunshine Law – Section 286.011, *Florida Statutes*.
2. Public Records Law – Chapter 119, *Fla. Stat.*



SUNSHINE LAW –

1. Meetings must be **open** to the public.
2. Meetings must be **noticed**.
3. Written **minutes** must be taken.



A “meeting” occurs when ...

- A meeting, conversation, phone call, emails, text messages
- Between 2 or more Council members
- ***And*** the topic might be the subject of a future vote



Applies to:

- Town Council
- Town boards and committees

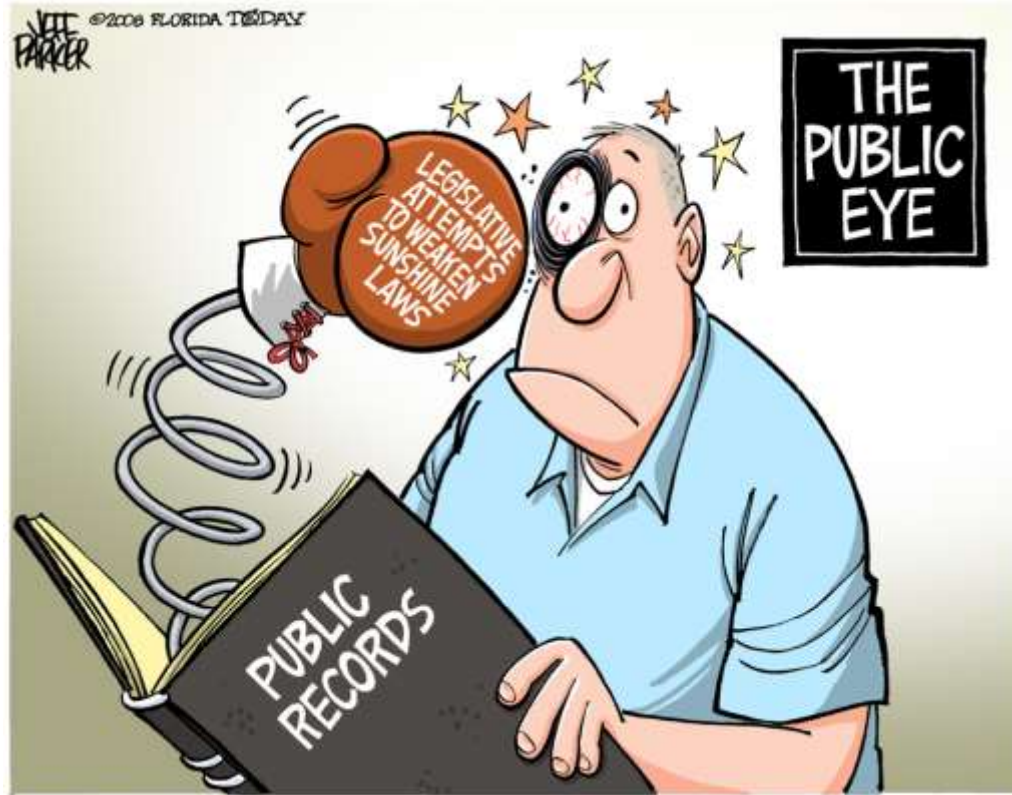
Things to remember:

- If 2 or more council members need to discuss Town-related business, a meeting must be officially noticed.
- Do not call, text or e-mail each other on Town business – all discussions must be in an open, noticed meeting.
- You cannot have a person act as a “go-between.”
- Whispering and passing notes at a Town Council meeting could be considered an “unnoticed” meeting.
- Before, during, or once a meeting is adjourned, don’t talk about Town business.
- Members of the public must be provided an opportunity to address the board during the decision-making process, and before a decision is made.

Meetings do *not* include your discussions with:

- A county commissioner
- A state legislator
- Town staff
- Another Council member on a topic that will never be the subject of a Town Council vote

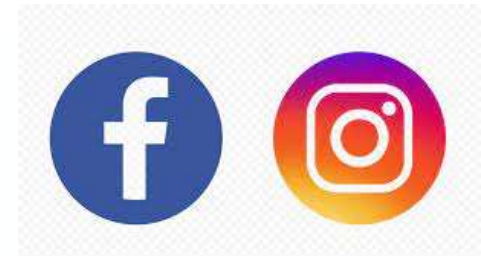
PUBLIC RECORDS LAW



Public Records Law

Important things to know:

- The Town must permit inspection and copying of its records.
- Every record of Town business is a public record
- **NOT** limited to traditional written documents
- “public records” include ...
 - Emails, letters, memos, notes, calendars,
 - Documents, reports, drafts, computer programs,
 - Data, financials, budgets, audits, expense records,
 - Texts, social-media posts, metadata ...
- IF made or received in connection with Town business.



Helpful things to know:

- If you know Town management has the original or a copy of a record, you can pitch your copy – you are not the custodian and need not keep it. Example: Council agendas and back-up.
- If you have an original or an only copy of a Town record, send it to the Town Clerk or Town Manager – you then are no longer the custodian.
- If you get a request/demand for Town records, notify the Town Clerk and let staff respond for you.

For violations of the law ...

- **The State Attorney or a Grand Jury can be involved**
- **Criminal Penalties can include:**
 - Jail time – 1 year (for a knowing violation)
 - Fines – \$500 (for an unintentional violation)
 - Trial
 - Nasty press coverage
- **Private parties can sue**
- **Civil Penalties can include:**
 - Trial
 - Attorney's fees – yours *and* theirs
 - Nasty press coverage



Public Records Law

Questions?

