



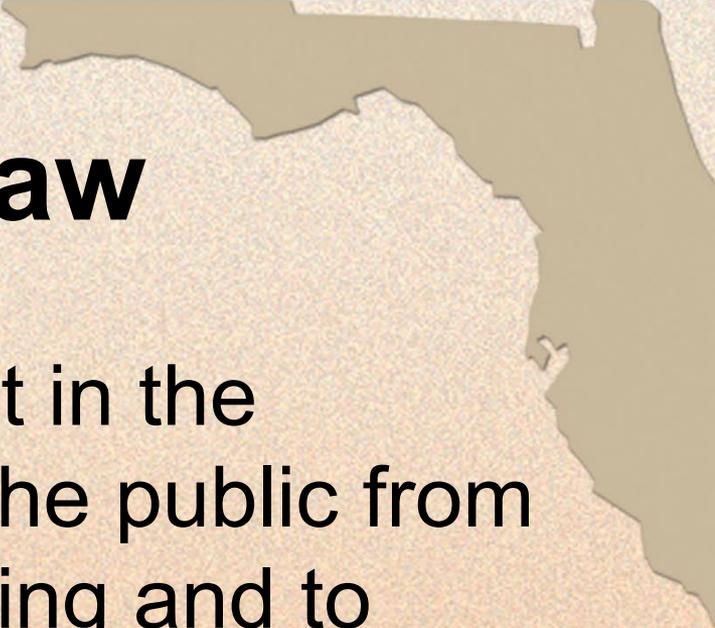
# **Levy County Public Records, Sunshine, Ethics & Meetings Overview**

December 2025

# Discussion Topics

- Government in the Sunshine
- Public Records
- Code of Ethics
- Non-Interference Policy
- Meeting Procedures
- Questions

# Sunshine Law



- Purpose of the Government in the Sunshine law is to protect the public from “closed door” decision making and to provide a right of access to governmental meetings.
- Section 286.011, Florida Statutes
- Article I, Section 24, Florida Constitution

# Sunshine Law

- Gives the public access to 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.”
- All meetings in which official acts are to be taken or public business is transacted or discussed are public meetings open to the public at all times.

# Sunshine Law Application

- Observation of each preliminary step leading to the final decision.
- Prevents creation of closed committees that narrow the Board's decision options.
- Applies to Board appointed committees.
- May apply to individual Board members if appointed to negotiate, narrow decisions, or make final decisions for the full Board.

# Sunshine Law Application

- Applies to formal or casual discussions between two or more members about a matter on which the Board may take action.
- Also may apply to telephone, e-mail, text communications or exchanges during social events.

# Compliance with Sunshine Law

- (1) Reasonable Notice of Meetings** – Reasonable and timely notice, which depends on the circumstances. Does not always require a newspaper ad.
- (2) Open to Public, with reasonable opportunity to be heard** – Meetings cannot be held at exclusive or inaccessible facilities. Evasive actions – such as circulating reports with feedback among board members or using staff as intermediary – not allowed.

# Compliance (Cont.)

**(3) Minutes** – Written minutes must be kept, which contain a brief summary of the meeting's events and must record any votes. Written minutes and any recordings become public records.

**(4) Public Participation Requirement** - Members of the public must be given a reasonable opportunity to be heard on any proposition before that board takes official action on the item. The opportunity to be heard need not occur at the same meeting but it must be within a reasonable proximity before the meeting at which final action is taken.

# Exemptions

- Attorney Executive Sessions
- Labor Negotiations
- Competitive Solicitations

# Sunshine Law Summary

- Compliance required whenever two or more members of the Board discuss a matter that may come before it for official action or consideration.
- Does not generally apply to staff unless staff have been delegated some decision making authority or are members of the committee.

***The Sunshine Law is broadly construed.  
Exemptions are narrowly construed.***

# Sunshine Law Violations

- Violation can nullify the Committee's decisions or recommendations.
- Second Degree Misdemeanor to ***knowingly*** violate the Sunshine Law, which is punishable by a fine of up to \$500 and/or up to 60 days imprisonment.
- Possible removal from position.
- Possible payment of attorney's fees incurred by a challenger, as well as declaratory and injunctive relief.

# Sunshine Law: Do Not...

- Circulate memos, emails or other written communications among members of the Board – one-way is okay.
- “Poll” the Board to avoid a public meeting where a formal decision is made.
- Use telephone, emails, texts, Facebook, X to discuss matters in an attempt to remove the conversation from a public meeting.

# Public Records Law

- Creates a right of access to records made or received in connection with official business of a public body.
- Chapter 119, Florida Statutes
- “Every person has the right to inspect or copy any public record made or retrieved in connection with official business of any public body.”

# Public Records

Include: all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or means of transmission made or received pursuant to law in connection with transaction of official business by the agency.

- Also includes records developed by the advisory committees and County employees.
- All types of records including written communications, letters, notes, e-mails. Key is whether it concerns official business and communicates/disseminates information.

**However, numerous exemptions are identified in Florida Statutes.  
Please consult the County Attorney with specific questions.**

# Public Records Requests

- Can be made:
  - *Verbally or in Writing, and*
  - *By any person*
- The County:
  - *Has a reasonable time to respond*
  - *Can charge for the cost of retrieving records if the amount or nature of the records requires extensive use or staff time.*
  - *Can otherwise charge 15 cents/page*

# Public Records

- Article IX, Chapter 2 of the Levy County Code of Ordinances
- County Public Records Manager is official custodian and processes all requests; however, every County official (elected or appointed and staff) must ensure the preservation of public records.
- Private Devices and Accounts
- Retention of records covered under state records retention policy.

# Public Records Law

- Does not require:

*County to create records*

*County to produce records in specific format if not already in that format*

*County to verbally answer questions to explain records.*

# Public Records Violations

- Violators may be fined up to \$500
- ***Knowingly*** violating may result in removal from position and being charged with a first degree misdemeanor
- Public Records violations can also subject the County to attorney's fees

# Florida Code of Ethics

- Protects against conflict of interest and establishes standards for the conduct of elected officials and government employees in situations where conflicts may exist.
- Chapter 112, Part III, Florida Statutes
- Article II, Section 8, Florida Constitution

# Florida Code of Ethics

- Addresses:

*Standards of Conduct*

*Voting Conflicts*

*Financial Disclosure*

- Applies to:

*Public Officials and Certain Employees*

*Prohibits certain actions or conduct and requires certain disclosures be made to the public.*

# Florida Code of Ethics

## prohibits public officials from:

- **Soliciting and accepting gifts.** May not solicit or accept anything of value that is based on an understanding that their vote, official action, or judgment would be influenced by such a gift.
- **Accepting unauthorized compensation.** May not accept any compensation, payment, or thing of value that is given to influence a vote or other official action.
- **Misusing their public positions.** May not corruptly use their official position to obtain a special privilege for themselves or others.
- **Disclosing or Using Certain Information.** May not disclose or use information not available to the public and obtained by reason of their official public positions for the personal benefit of themselves or others.

# Florida Code of Ethics

## prohibits public officials from:

- **Doing Business with their agency.** A public official's agency may not do business with a business entity in which the public official or his/her spouse or child own more than a 5% interest, or is an officer, partner, director thereof.
- **Engaging in Conflicting Employment or Contractual Relationships.** A public official may not be employed or contract with any business entity regulated by or doing business with his/her agency.

# Voting Conflicts of Interest

- No public official shall vote in an official capacity upon any measure which would inure to the special private gain or loss of themselves, any principal or entity by whom they are retained or to any relative or business associate.
- If no conflict or appearance of conflict, the public official ***must*** vote.

# Voting Conflict Examples

- Conflict: voting on matter which directly benefits public official, family member, or a business associate.
- Appearance of Conflict: voting on a matter that involves a former business partner.

# Voting Conflicts of Interest – Public Official must:

- Announce the nature of the conflict before the vote or participation in discussion;
- Abstain from voting if conflict (may abstain if appearance of conflict);
- File a Memorandum of Voting Conflict (CE Form 8B) within 15 days;
- May not participate in the discussion without first disclosing the nature of their interest in the matter (either in writing prior to the meeting, or orally as soon as become aware of conflict).

# Financial Disclosures

- Form 6 – Statement of Financial Interests (for previous calendar year).
- Form 2 – Quarterly Client Disclosures of clients represented before county or any county agencies.
- Form 9 – Quarterly Gift Disclosures for gifts of more than \$100 from private entities.
- Form 10 – Annual Gift Disclosures for gifts of more than \$100 from other governmental agencies.

# Anti-Nepotism Law

- Section 112.3135, F.S., Prohibits Appointing, employing, promoting, or advancing a relative; and
- Recommending your relative for appointment, employment, promotion, or advancement.
- Abstaining from voting will not insulate you, if the Board nonetheless votes to hire or advance your relative.

# Mandatory Ethics Training

- Section 112.3142, Florida Statutes
- Mandatory 4 hours of training on ethics, sunshine law, and public records.
- Annual requirement
- Certification of compliance on financial disclosure.

# Commissioner-Manager Form of Government

- Article III, Chapter 2 of the Levy County Code of Ordinances
- Adopts Commissioner-Manager Form of Government
- Creates Office of County Manager as administrative head of county government, reporting directly to BoCC and responsible for administration of all departments

# Non-Interference Policy

- Section 2-66 of the Levy County Code
- Purpose is to preserve separation of powers between legislative and executive.

**Sec. 2-66. – Working Relationship between the board, individual county commissioners, the county manager and employees under the supervision of county manager.**

Board instruction or direction shall be issued to the county manager, who is then responsible for communicating such board instruction or direction to the applicable county employees. Individual county commissioners shall not instruct or direct, publicly or privately, any county employee.

# BoCC Meeting Procedures

- Resolution 2024-74
- Establishes Procedures for orderly conduct of BoCC meetings
- Provides for Special Meetings, Joint Meetings, Emergency Meetings and Workshops
- Chair serves as presiding officer and runs meetings
- Provides for Public Comment & Decorum
- Quasi-Judicial Procedures

# Questions?

Please direct questions to  
Interim County Attorney, Heather  
Encinosa or Evan Rosenthal

[hencinosa@ngnlaw.com](mailto:hencinosa@ngnlaw.com)

[erosenthal@ngn-tally.com](mailto:erosenthal@ngn-tally.com)

850-224-4070 (office)