



***Orange County
Mayor-Elect Demings'
Transition Team***

***Sunshine Law & Public Records
Orientation***

**Kate Latorre
Assistant County Attorney**

September 21, 2018



SUNSHINE LAW

- Provides right of access to governmental proceedings
- Applies to both elected and appointed boards
- General Rule – All meetings at which official acts are taken or public business is transacted or discussed shall be open and noticed to the public



SUNSHINE LAW

- **Sunshine Law applies to:**
 - Any meeting
 - Between two or more members of the same board
 - When discussing matters that may foreseeably come before that board

- **“Meeting” includes:**
 - BCC, advisory boards, workshop or committee meetings
 - Telephone calls and text messages
 - Emails and other written correspondence
 - Informal discussions or deliberations



SUNSHINE LAW

- **Sunshine Law meetings are subject to three basic requirements:**
 - Meeting must be noticed to public
 - Meeting must be open to public
 - Minutes must be recorded



SUNSHINE LAW

- **“Reasonable notice”**
 - Not defined by statute
 - Notice given at such time and in such manner that media and general public may attend meeting
 - County regulations require at least two full working days notice
 - Dependent on circumstances and type of meeting



SUNSHINE LAW

- **Meetings must be open to public**
 - **Location easily accessible to public**
 - **Adequate size**
 - **May not discriminate against or restrict access to public**



SUNSHINE LAW

- **Minutes**
 - Promptly recorded in writing
 - Available and open to public for inspection and copying
 - Consist of brief notes reflecting events of meeting
 - Audio recording permitted but not required



SUNSHINE LAW

- **Penalties**
 - **Non-criminal:**
 - **Fine up to \$500**
 - **Criminal:**
 - **Knowing violation is 2nd degree misdemeanor**
 - **Fine up to \$500**
 - **Imprisonment up to 60 days**
 - **Suspension or removal from office by Governor**



PUBLIC RECORDS LAW

- Provides right of access to government records
- General Rule – Every person has the right to inspect or copy any public record made or received in connection with the transaction of the official business of any public body
- Exemptions provided by statute

Article I, Section 24, Florida Constitution
Section 119.07, Florida Statutes



PUBLIC RECORDS LAW

- **Right of access applies to:**
 - All materials
 - Made or received by an agency
 - In connection with the transaction of official business and
 - Used to perpetuate, communicate or formalize knowledge

- **Regardless of physical form or means of transmission**
 - Drafts
 - Telephone logs
 - Emails
 - Computer discs



PUBLIC RECORDS LAW

- **Penalties**

- **Non-criminal:**

- Fine up to \$500

- **Criminal:**

- Knowing violation is 1st degree misdemeanor

- Imprisonment up to one year

- Suspension or removal from office



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