

Sunshine Law, councilmembers attending community forums

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Subject:

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Mr. John C. Randolph
Palm Beach Town Attorney
Post Office Box 3475
West Palm Beach, Florida 33402-3475

Dear Mr. Randolph:

You have asked whether the Government-in-the-Sunshine Law, section 286.011, Florida Statutes, applies to community forums sponsored by private associations when two or more of the town's council and/or the mayor are in attendance to answer questions.

In two previous opinions of this office, situations similar to the one you have raised have been addressed in relation to whether the Sunshine Law would apply. In Attorney General Opinion 94-62, this office was asked whether a forum sponsored by a private civic club would be subject to the law if two or more members of the county commission were to serve as panelists and answer questions regarding public issues that may come before the commission for decision making. The monthly forum was held at a luncheon, with notice given by publication in a local newspaper, with the date, time, place, names of the panelists and the price of registration. Members of the public were allowed to attend without cost, but only persons who paid the registration fee were able to question the panelists and provide comments.

The opinion discussed previous opinions of this office wherein it was concluded that as long as council members avoided discussions among themselves of issues that may foreseeably come before the council, a gathering would not be subject to the Sunshine Law.[1] The opinion warned however, that the Sunshine Law should be construed so as to frustrate all evasive devices and that caution should be exercised to avoid situations where private political forums are used to circumvent the statute's requirements.

This office has also found that the mere expression of a council-member's position on a matter that may foreseeably come before the council does not necessarily subject the meeting to the Sunshine Law.[2] Clearly, however, there can be no discussion among the members of the council regarding matters that are or may come before the council and the forum may not be used by the council members as a means to circumvent the requirements of the Sunshine Law.

I trust these informal comments will provide guidance in determining when a meeting or gathering of the members of the city council is subject to the Government in the Sunshine Law.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tgk

[1] See Op. Att'y Gen. Fla. 92-5 (1992) and 81-42 (1981).

[2] See Op. Att'y Gen. Fla. 89-23 (1989) and Inf. Op. to The Honorable Kathryn Cox, February 7, 1991.