

Sunshine Law--recording minutes of meetings

Number: INFORMAL

Date: January 30, 2003

Subject:
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Mr. George W. Baldwin
Attorney for Village of North Palm Beach
330 Federal Highway
Lake Park, Florida 33403

Dear Mr. Baldwin:

Thank you for contacting this office for assistance in determining the statutory requirements for recording minutes of public meetings.

Section 286.011(2), F.S., provides, in part, that:

"The minutes of a meeting of any . . . board or commission of any . . . state agency or authority shall be promptly recorded, and such records shall be open to public inspection."

The term "minutes" is not specifically defined in the Florida Statutes for the purposes of s. 286.011(2), F.S., but this office has concluded that the term means a brief summary or series of brief notes or memoranda reflecting the events of public meetings in written form.[1]

The statute recognizes no distinction between the types of meetings which may fall within the scope of the Sunshine Law and the requirement of minutes. Thus, it has been determined that the minutes required to be kept for "workshop" meetings are no different than those required for any other meeting of a public board or commission.[2]

The minutes taken need not be verbatim transcripts of the meetings[3] and there is no requirement that voice recordings be made by the public board or commission at each public meeting. However, once voice recordings are made they are public records and their destruction or disposal is controlled by ss. 119.041 and 257.36(7), F.S.s, and the schedules adopted or approved under Ch. 257, F.S., by the Division of Library and Information Services of the Department of State.[4]

Minutes for a previous meeting may be circulated for corrections and studying prior to an open meeting so long as any changes, corrections, or deletions are discussed and adopted during the properly noticed "open" meeting.[5]

Section 286.011(2), F.S., makes no provision for who shall take minutes of public meetings and this appears to be a procedural matter which individual boards or commissions must resolve. I would note that the Charter of the Village of North Palm Beach provides that the village clerk is

required to serve as the clerk of the village council and is responsible for the recording of all proceedings of the council.[6] Thus, it appears that the village has designated a person to record the proceedings of the council.

I am enclosing copies of the opinions cited herein for your review. I trust that these informal comments will assist you in advising the Village of North Palm Beach regarding the Sunshine Law.

Sincerely,

Gerry Hammond
Assistant Attorney General

GH/tgk

Enclosures: Attorney General Opinions 74-62, 74-294, 82-21, and 82-47

[1] See AGO 82-47.

[2] See AGO 74-62.

[3] See AGO 82-47.

[4] See AGO 86-21.

[5] See AGO 74-294.

[6] Section 2-67(1)-(2), North Palm Beach Code.