

Sunshine Law, meetings between mayor and citizen

Number: INFORMAL

Date: January 30, 2003

Subject:

Sunshine Law, meetings between mayor and citizen

Mr. John Dillener
Town Manager
Town of Penney Farms

RE: Government in the Sunshine Law, s. 286.011, F.S.

Dear Mr. Dillener:

Section 286.011, F.S., the Florida Government in the Sunshine Law, applies to meetings of two or more members of the same public board or commission to discuss some matter on which foreseeable action will be taken by the board. As the courts have made clear, the Sunshine Law extends to discussions and deliberations as well as to formal action taken by the board or commission. See, e.g., Board of Public Instruction of Broward County v. Doran, 224 So. 2d 693 (Fla. 1969).

Thus, the Sunshine Law would be applicable to meetings of two or more council members when discussing or commenting upon matters which will come before the town council. The Sunshine Law, however, is not normally applicable to meetings of an individual board member with nonboard members. Accordingly, a meeting of the mayor and with a citizen to discuss town matters when other members of the town council are not present would not generally be subject to the requirements of s. 286.011, F.S., unless the mayor had been delegated the authority to act on behalf of the town council or the nonmember is being used as a liaison between council members.

I am enclosing copies of several pertinent sections of the 1989 edition of the Government in the Sunshine Manual. Copies of the Manual, which is prepared by the Attorney General's Office and which discuss both the Government in the Sunshine Law and the Public Records Law, can be obtained from the First Amendment Foundation at 336 East College Avenue, Suite 103, Tallahassee, Florida 32301, telephone (904) 222-3518.

Also enclosed are copies of several Attorney General Opinions generally discussing the requirements of s. 286.011, F.S. I am also enclosing for your general information and review a copy of this office's Statement of Policy Concerning Attorney General Opinions.

I trust that the enclosed information will be of assistance to you in resolving these issues. You may wish to discuss this matter with your town attorney, particularly when considering the applicability of the Sunshine Law to a specific factual situation. As a statute enacted for the public benefit, however, the Sunshine Law should be liberally construed to give effect to its

public purposes—the public's right of access. If a council member is unable to determine whether a meeting is subject to s. 286.011, F.S., he should either leave the meeting immediately or ensure that the meeting complies with the requirements of that statute. See *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974).

Sincerely,

Joslyn Wilson
Senior Assistant Attorney General

JW/tgk

Enclosures: Government in the Sunshine Manual ss. A.2., B.1, C.1., D.1.-3., F.1.;
Attorney General Opinion's 89-39, 89-23, 83-70, 81-42; and Statement of Policy Concerning
Attorney General Opinions