

Additional Materials

RECENT CASES AND AGOs DEALING WITH THE GOVERNMENT-IN-SUNSHINE LAW 119 FS and 286 FS

1. State v. City of Clearwater, 863 So 2d (Fla. 2003)
2. Leach-Wells v. City of Bradenton, 734 So 2d 1168 (Fla. 2nd DCA 1999): Committee reviewing RFPs for construction of a municipal complex failed to meet to short-list the top three firms. Court held that even though written evaluations were all in accord with each other on top three firms, a meeting is necessary and therefore, a violation of the Sunshine Law occurred. Short-listing was a formal action that was required to be taken at a public meeting.
3. Rowe v. City of Cocoa, Florida, 2003 WL 22102150 (M.D. Fla.) (2003): A City does not violate the First Amendment when it restricts public speakers to the subject at hand. The City has a substantial interest in maintaining orderly, efficient meetings. Limiting the class of speakers based on a bona fide residency requirement is one method of insuring meetings remain efficient.
4. State of Florida v. Webb, 768 So 2d 602 (1st DCA 2001): A dilatory response to a request for access to and copies of public records subjected a school board member to a conviction for a first degree misdemeanor. In this case, the school board member began serving her sentence. This case can give some insight into what type of delay will be tolerated by the courts in a criminal proceeding.
5. Location, location, location: See AGO informal opinion to Campbell. Luncheon meetings have a chilling effect on the public's willingness to attend a public meeting.

See Fla. AGO 96-55 Police Pension Board holding a meeting in a conference room located in the building that could be accessed by the public only by providing identification. This opinion also says that the Police Pension Board could not condition the release of its records upon a vote of the board.

6. Additional advisory committee opinions; AGO 2002-24 (Sanibel Vegetation Committee); AGO 2005-05 (advisory group to chief of police to make recommendations concerning the police department); The Vegetation Committee was determined to be fact-finding only. Since the committee would make recommendations to the police chief they were determined to be participating in the decision making process and therefore, subject to the Sunshine Law.
7. Lyon v. Lake County, 765 So 2d 785 (5th DCA 2000): The case discusses the difference between a strictly advisory committee, referred to as the County Pre-technical Committee, which was determined not to be subject to the Sunshine Law and a Technical Review Committee, since it was created by ordinance and was part of the decision making process.