

## Florida Sunshine Law and Search Committees

### What is the Florida Sunshine Law?

Florida's Government-in-the-Sunshine law provides a right of access to governmental proceedings at both the state and local levels. Virtually all state and local collegial public bodies are covered by the open meetings requirements with the exception of the judiciary and the state Legislature which has its own constitutional provision relating to access.

### Search Committees

#### **Committee Meetings that are not Subject to the Sunshine Law:**

When a committee has been established strictly for, and conducts only, fact-finding activities, the activities of that committee are not subject to Sunshine Law. Fact-finding committees do not accept or reject applicants.

#### **Committee Meetings Subject to the Sunshine Law:**

If a search committee has delegated authority to screen applicants and determine which applicants to reject from further consideration, the committee is performing a policy-based, decision-making function; therefore, the meeting is subject to the Sunshine Law. Additionally, when a committee has a decision-making function, in addition to fact-finding, the Sunshine Law is applicable.

Note: If you determine your committee meetings will be subject to Sunshine Law, you are required to comply with the requirements of a Sunshine meeting as outlined below.

### Requirements of a Sunshine Meeting

- 1) The meeting must be open to the public and held in a location accessible to the public
- 2) Reasonable notice of such meetings must be given
  - Notice should be posted at least 7 days prior to the scheduled meeting.
  - Notice should include the following information:
    - Date, Time, and Location of meeting
    - Purpose of meeting and who to contact for an agenda, if applicable
    - ADA Statement: Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to attend this meeting is requested to advise UWF by contacting the UWF ADA Office at 1-850-473-7469 (Voice) or 1-850-857-6114 (TTY) at least 48 hours before the meeting.
  - Notice can be posted on UWF's main website and also in ARGUS. You may also post on any public bulletin board. For more information on placing a public notice, contact the UWF General Counsel's Office at Ext. 3420.
- 3) Minutes of the meeting must be taken.
- 4) Members of the committee cannot discuss search committee business outside of official committee meetings.

### Public Participation

- The public has the right to attend Sunshine meetings, but does not have the right to participate in the meeting.
- The public may video tape or audio tape the meeting in a non-disruptive manner.

#### **Additional Sources of Information**

Office of the Attorney General Website: <http://myfloridalegal.com/sunshine>

Frequently Asked Questions: <http://www.myflsunshine.com/sun.nsf/pages/FAQs>

UWF General Counsel's Office: <http://uwf.edu/GeneralCounsel/> or 474-3420.