



**ISLAMORADA, VILLAGE OF ISLANDS
VILLAGE COUNCIL WORKSHOP**

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036**

**April 3, 2014
at 5:30 PM**

I. CALL TO ORDER/ROLL CALL


Mayor Ted Blackburn called the meeting to order at 5:40 p.m. The following Council members were present: Mayor Ted Blackburn, Vice Mayor Deb Gillis, Councilman Mike Forster, Councilman Ken Philipson, and Councilman Dave Purdo. Also in attendance were Village Manager Maria Aguilar, Village Attorney Roget Bryan, Village Clerk Synthia Lankford, and all other appropriate personnel.

II. PRESENTATIONS

Dr. Robert Lee presented the attached power point presentation entitled "Ethics, Florida Sunshine Law, and Public Records Act." At the conclusion of the presentation Dr. Lee answered questions from staff and members of the public.

III. ADJOURNMENT

The meeting adjourned at 7:15 p.m.



Synthia Lankford
Village Clerk

Approved by the Village Council this 24th day of April, 2014.

*Village of Islamorada
Workshop*

"Ethics, Florida Sunshine Law,
and Public Records Act"

April 3, 2014

Ethics Requirements for
Public Officials in Florida

Florida Constitution: sec 8, II
and
Florida State Statute: 112.3

It is essential...that public officials be independent and impartial and that public office not be used for private gains other than remuneration provided by law.

Florida State Statute 112.311

No public officer may directly or indirectly purchase, rent, or lease any realty, goods, or services, for his or her own agency from any business entity of which the officer or employee or the officer's employee's spouse or child is an officer, partner, director, proprietor, or which any have a material interest. Nor shall any public officer, acting in a private capacity, do any of the above to their own agency.

Florida State Statute 112.313

No public officer, employee of agency, local government attorney, candidate for nomination or election shall solicit or accept a gift of value...based upon any understanding that it will influence their decisions.

Florida Statute 112.313

What is considered a gift?

...that which is accepted by a donee or by another on the donee's behalf...directly, indirectly...or by other means for which equal or greater consideration is not given within 90 days including:

Real property, use of real property, tangible or intangible property, use of tangible or intangible property, a preferential rate on debt, loan, food, entrance fees, tickets, plants, etc.

Florida State Statute 112.312 (a)

What is not considered a gift?

An expense related to an honorarium event, a plaque or certificate, use of public property for a public purpose, gifts provided by state, regional, or national organizations which promote the exchange of ideas and whose membership is composed of elected and appointed officials.

Florida Statute 112.312 (b)

Prohibited Use of Information

A current or former public officer, employee of an agency, or local government attorney, may not disclose or use information, not available to the general public and gained by his or her official position, for his or her personal gain or benefit or benefit of any other person or business entity.

Florida Statutes 112.313 (8)

Prohibition Against Advocating Appointments of Relatives

An individual may not be appointed, employed, promoted into a position...if such appointment has been advocated by a public official who is a relative of the individual.

Florida Statute 112.313

No local government attorney, or law firm which the attorney is employed, shall represent a private individual or entity before the local government which the local government attorney provides legal services.

Florida State Statute 112.313

It is the intent of the Legislature that this code (Ethics)...shall serve as the basis for discipline of those who violate the provisions...

Florida Statutes 112.311 (5)

Florida Sunshine Law

Florida State Statute 286

Florida Sunshine Law

Provides right of access to government proceedings of public boards or commissions and to applicable appointed and elected boards. No two members of a board may privately discuss anything that could be on an agenda in the foreseeable future.

Three Basic Meeting Requirements:

1. Meeting must be open to the public.
2. Reasonable notice must be given.
3. Minutes must be taken and recorded.

Appointed Boards and Committees

Appointed boards and committees are covered if they make decisions or make recommendations.

Private Organizations

Private organizations are generally not covered by the Sunshine Law unless delegated authority to perform government functions or play an integral part in government decision-making.

Home Owner Associations

HOA are generally not covered by the Sunshine Law (there are separate State Statutes addressing HOA's) unless receiving or approving government permits on behalf of a municipal taxing unit

Volunteer Departments

Volunteer departments that provide local governments services and use facilities or equipment acquired with public funds are covered by the Sunshine Law.

Federal Boards

Federal created boards operating in Florida are not covered by the Florida Sunshine Law.

State Boards with Federal Representatives

A board created by state law is covered by the Sunshine law even if some federal representatives are members of the board.

Governor and Cabinet

Governor and Cabinet duties in the state constitution are not covered by the Sunshine Law but statutory duties are covered.

State Legislature

Sunshine Law applies to the state legislature except where exempt under Article I, S. 24 Florida constitution.

Judiciary

Judiciary is not subject to the Florida Sunshine Law.

Application Examples and Exemptions

Electronic Meetings

Authorization to conduct a meeting entirely through the use of communication media applies only to state agencies.
Limited local government use.

Single Member of a Board

A single member of a board may be subject to the sunshine law if:
a. delegated negotiation authority on behalf of board (covered).
b. fact-finding only (not covered) unless power to reject some options.

City Manager

The City Manager may meet privately with individual board members provided the Manager:
a. does not circulate thought and information of individual members.
b. does not poll members of the board.
c. does not hold back to back meetings to avoid a public meeting.

City Attorney

Board Attorney may meet in private with the entire board to discuss pending litigation provided:
a. requested at public meeting, b. limit discussion to settlement/expenses, c. court reporter present, d. meeting notice includes names of attendees, e. transcript available after litigation.

Security Matters

The board may meet in closed session to discuss security systems for property owned or leased for/by the city.

***Risk Management
Committee***

Risk Management committee is exempt only when their business relates to evaluation of torts.

Personnel Boards

Absence of specific statutory exemptions, meetings of public boards to discuss personnel matters are subject to the Sunshine Law.

Collective Bargaining

(Exemption)

- a. CEO or representative and board may meet to discuss negotiation strategy.
- b. Management team members may meet generally and may meet when negotiation session is adjourned for a caucus.

Collective Bargaining

(Not Exempt)

- a. Negotiations between CEO and bargaining agent is not exempt.
- b. Once collective bargaining begins, anyone from one side shall not meet privately with anyone from the other side.

Purchasing

A committee appointed to rank proposals is subject to the Sunshine Law.

Council Candidates or Members-Elect

- a. Sunshine law does not apply to candidates for office.
- b. It does apply to Members-Elect.
- c. Meeting between retiring Mayor and Mayor-Elect is not subject to the Sunshine Law.

Social Events

Members of boards may attend social events where other board members are present provided they don't discuss matters that may come before their board in the foreseeable future.

Public Records Law

Florida State Statute 119

Public Records Law

Provides right of access to the records of state and local governments and private entities acting on their behalf.

Anything that “perpetuates, communicates, or formalizes Knowledge”

What Form is a Public Record?

Documents, papers, maps, tapes, photos, recordings, data processing software, other material (regardless of form) that “perpetuates, communicates, or formalizes knowledge.”

Exemptions Applicable to Local Governments

- a. Emails or text messages not in connection with official agency business.
- b. Audit report until submitted to city.
- c. Sealed bids and trade secrets.
- d. Bank account #'s, credit card #'s, etc.

Exemptions applicable to Local Government (continued)

- e. Ethics cases and Discrimination cases.
- f. Attorney-Client work products.
- g. Health information, S.S. #'s.
- h. Personal information for law enforcement, fire fighter, code enforcement personnel and for H.R. Managers.
- i. Exam Q & A's

Inspection and Copying Records

15 cents/page; an additional 5 cents per page if two sided; one dollar/page if for “certified” copies; and actual cost of special document copies (i.e. large plans); may charge actual cost for extensive public records request.

Additional Questions?

Thank you!