

Agenda of public boards, requirements

Number: INFORMAL

Date: March 06, 1997

Subject:
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Mr. Michael Mattimore
Attorney, Central Florida Community College
215 South Monroe Street, Suite 305
Tallahassee, Florida 32301

Dear Mr. Mattimore:

Thank you for considering this office as a source for assistance. Attorney General Butterworth has asked me to respond to your letter.

According to your letter, a question has arisen regarding language contained in the Government in the Sunshine Manual stating that it is not necessary for a public board's agenda to specify each item of business to be discussed by that board. The language in the manual was based upon Attorney General Opinion 75-305. In that opinion this office stated that the Government in the Sunshine Law does not require that each item of business be placed on an agenda as a precondition to the discussion of that item by a public board at a properly noticed, open public meeting of that board. In reaching such a conclusion, this office relied on *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973), in which the court specifically rejected the argument that the Sunshine Law required that each item be specifically noticed in the agenda before it could be discussed at a public meeting.

Attorney General Opinion 75-305 and *Hough v. Stembridge*, *supra*, however, specifically addressed and considered the requirements of the Government in the Sunshine Law. As expressly noted in the Attorney General Opinion, only section 286.011, Florida Statutes, is considered and "no comment is made or intended *vis-a-vis* any other statute, city charter provision, or city ordinance." The comments expressed in that opinion and in the Government in the Sunshine Manual, therefore, only address the requirements of section 286.011 and not those of any other statute, charter, ordinance, or rule that might also apply to, and control the conduct of, a public board or commission.

Thus, the above opinion and case do not construe or otherwise limit the application of other statutes, charter provisions, ordinances, or rules that may also apply and be more restrictive as to the type of notice and agenda required for a public board or commission to conduct its business. To the extent that such statutes, etc., impose additional restrictions or requirements, a public board or commission would be required to comply with such requirements.

I trust that the above informal advisory comments may be of assistance to you in resolving this matter.

Sincerely,

Joslyn Wilson
Director, Division of Opinions
Assistant Attorney General

JW/tgk