Sunshine Law, luncheon meeting

Number: AGO 72-158

Date: September 29, 2011

Subject:
Sunshine Law, luncheon meeting

RE: SUNSHINE LAW—LUNCHION MEETING OF PRIVATE ORGANIZATION ATTENDED BY PUBLIC OFFICIALS NOT WITHIN PURVIEW OF SUNSHINE LAW

To: Ralph B. Wilson, St. Lucie County Attorney, Fort Pierce

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

Is it a violation of the Sunshine Law when county commissioners attend a luncheon meeting of a municipal booster club, which is also attended by city and school board officials, at which football field improvements are proposed and when no discussion of public business is held until the next regular meeting of the commissioners?

SUMMARY:

A luncheon meeting held by a private organization for city, county and school board officials, members of the organization, and other members of the public at which there was no discussion among the officials of any official action is not a "secret meeting" of the public bodies represented at the meeting within the purview of the Sunshine Law, s. 286.011, F. S.

I find nothing in the law that can be interpreted as applying to a meeting such as that described by you. The law states only that all meetings of a public board or commission "at which official acts are to be taken are declared to be public meetings open to the public at all times . . . ." By judicial interpretation, the law includes also all meeting of two or more members of a public board or commission at which official acts are to be discussed and deliberated. *See* City of Miami Beach v. Berns, Fla. 1971, 245 So.2d 38. The luncheon meeting itself—hosted by a private nonprofit organization and having as guests the officials of several different public bodies and members of the public—is obviously not a meeting of "a public board or commission" within the purview of the law; and the attendance of the individual city and county commissioners and school board members, along with many members of the public, merely to listen to information presented at the meeting, cannot, in my opinion, be construed to be a "secret meeting" of each of these individual groups of officials, respectively.

As noted in AGO 071-361, a "secret meeting" occurs when public officials meet at a time and place to avoid being seen or heard by the public for the purpose of transacting or deliberating upon official business. It was observed in AGO 071-32 (and reaffirmed in AGO 071-295) that members of a public body will inevitably meet in homes, on golf courses, in restaurants, and in

other places that are not public offices and that it would be absurd to ban constructive discussions or hold them unlawful merely because they were not held in public offices. It was emphasized, however, that "conversations bearing on the public's business" should be open to the public and the press. In view of your statement that the county commissioners did not discuss the matter in question until the regular meeting of the board was held in the presence of the public and the press, it does not appear that the law was violated by the county commissioners.

Your inquiry as to the obligation of a county commissioner to find out whether other county commissioners have also been invited to a meeting of some other organization or a private party and, if so, to notify the news media, has been answered by what has been said above. Aside from the question of the appropriateness of such action on the part of an invited guest, there would be no legal obligation to notify the press of an intention to attend a function that is not a "meeting of a board or commission" within the purview of the Sunshine Law.