Sunshine Law--federal agencies

Number: AGO 71-191

Date: October 10, 2011

Subject:
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RE: SUNSHINE LAW—APPLICABILITY TO FEDERAL AGENCY

To: Mrs. Fred R. Prouse, Administrative Board Member, Winter Park

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

Does the Sunshine Law, s. 286.011, F. S., apply to local officials such as county commissioners, when they are serving on the executive committee of the Orange County Community Action Agency?

SUMMARY:

Federal agencies operating within the state do not come within the purview of the state's Sunshine Law?

Your interest in calling to my attention possible violations of the Sunshine Law is genuinely appreciated; however, as you know, the Community Action Agency and its governing board were established pursuant to federal law—the Economic Opportunity Act of 1964—and are controlled by the provisions of that law. Thus, even though the members of a local governing body such as the county commissioners are authorized to serve on the fifty-one member administrative or "governing board" of a community action agency and on the "executive committee or similar group" which the board is authorized to appoint "to transact the board's business between its meetings," the governing board and its executive committee are essentially *federal* and not state boards; and the county commissioners serve on such boards to carry out a purpose declared by a *federal* act and under the rules and regulations prescribed therefor by the director as authorized by s. 211(d)(1) of the act as follows:

"The director shall promulgate such standards or rules relating to the scheduling and notice of meetings, quorums (which shall not be less than 50 per centum of the total membership), procedures, establishment of committees, and similar matters as he may deem necessary . . . . Such standards or rules shall not preclude any such board from appointing an executive committee or similar group, which fairly reflects the composition of the board, to transact the board's business between its meetings . . . ."

It is further provided in s. 213(a), *Id.*, that each community action agency

". . . shall also provide for reasonable public access to information, including but not limited to public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. . . ."

In addition to the fact that the director is authorized by federal law to provide rules and regulations for the conduct of the board's meetings, the Sunshine Law [s. 286.011, F. S.] applies in terms only to ". . . any board or commission of any *state* agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision . . . ." (Emphasis supplied.) I find nothing in the Economic Act of 1964 that either expressly or implicitly provides that the governing board and executive committee of a community action agency shall be deemed to be state or local governmental agencies within the purview of the Sunshine Law.

It must, therefore, be concluded that the meetings referred to by you must be conducted in accordance with the rules and regulations promulgated by the director and not under the state's Sunshine Law.