Parliamentary Procedure, Open Meetings, Public Records and Ethics Laws

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OUR NAME IS EASY TO REMEMBER. OUR WORK IS HARD TO FORGET.

Parliamentary Procedure

- Boards typically adopt procedural rules to ensure:
  - Meetings run efficiently and orderly
  - Equal opportunity for board member participation
  - Decision by majority
- Most common: Robert's Rules of Order (est. 1876)
- Governing Council adopted Roberts Rules via CSC Leon Bylaws
- Establishes basic structure/agenda format for meetings:
  - Call to order
  - Roll call/confirm quorum
  - Approval of minutes
  - Reports
  - New Business
  - Adjournment

Robert's Rules of Order

- Decisions are made through formal *motions*
  - A board member makes a motion
  - Motion is seconded by another member
    - If no second, measure dies
  - Discussion/debate by board members
  - Vote – majority rules
    - Tie vote = motion fails
- For public board decisions, public comment required prior to vote

Robert's Rules of Order

- Key Principles:
  - One item or measure discussed at a time
  - One speaker at a time
    - Speakers are recognized by the chairperson before speaking
    - Generally each member should have opportunity speak before second recognition
  - Collegiality, respect, decorum
  - Majority decision, minority is heard

Robert's Rules

- Robert's Rules describes types of motions and request points:
  - Main motion
  - Motion to amend
  - Motion to table/postpone
  - Motion to end discussion
  - Motion to reconsider
  - Point of order (breach of procedural rules
  - Point of inquiry (clarification)
- Boards may designate a rules referee (*parliamentarian)*
- Boards can adopt some or all of Robert's Rules, and may modify
- See agenda package for helpful handout
- *Robert's Rules vs. Sunshine Laws*

Open Meetings Law, Section 286.011, Fla. Stat.

- Known commonly as *the Sunshine Law*
- Basic Requirements:
  - Meetings must be open to the public
  - Reasonable notice of the meetings must be given
    - Publication or posting of agenda with topics to be discussed
    - Can discuss items not on agenda, but postpone decisions
    - Time/date/place of meeting
  - Minutes must be taken and kept as public records
- Plus, Public Comment Requirement (s. 286.0114, Fla. Stat.):
  - Members of the public must have a reasonable opportunity to be heard on a proposition before a board or commission takes official action.

=> *Allow public comment before voting on each measure*

What are Public Meetings?

- Discussions and deliberations taken by a public board, including advisory committees
- Applicable to:
  - Any meeting or gathering (formal or casual) of two or more members of the same public board, and
  - Communications between two or more members of the same public board, ***on***
  - Any matter which may foreseeably come before that board for action

- *Big Picture:* a "meeting" violating the Sunshine Law could occur if two board members ran into each other socially and discussed a matter scheduled for the next board meeting

Public Meetings

What forms of communication are subject to the Sunshine Law?

- All communications - in person, phone, letters, emails
- Includes electronic communications such as Twitter/X, Facebook, LinkedIn, instant messages, and text messages

- **Example:** Board member #1 makes a Facebook post about an agenda item. Board member #2 comments on it.

Public Meetings

Sunshine Law does not apply to:

- Staff meetings
- Meetings between staff or citizen and a single member of the Governing Council
- Purely fact-finding committees
- Discussions between board members attending community or social events which do not involve matters which could foreseeably come before that board

- *Limited Exception:* "Shade meetings" – board meetings to discuss matters related to expenditures/settlement of pending litigation

Public Records Law, Chapter 119, Fla. Stat.

- Broad public right of access to state and local government records

- Applies to all materials made or received by an agency in connection with the transaction of official business which are used to perpetuate, communicate or formalize knowledge

- **Section 119.07(1)(a)**
  - Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

What is a Public Record?

- All records and documents made or received in connection with the official business of a governmental entity

- Includes records created by staff, board/commissioners/council members, committees, advisory boards, and private entities acting on behalf of public agency

- Public records are subject to inspection and copying by the public

Public Records Include…

1) **Records contained and stored on a computer**.
2) **Draft documents.**
3) **All documents exchanged between the Board, its representatives and attorneys (limited exceptions for** pending litigation)
5) **Electronic messages – emails, PINS, texts, etc**.
6) **Website blogs and message boards**.
7) **Documents contained on a password protected website link** can be a public record if they are placed there to communicate official business of the agency.
8) **Communications on social networking sites**.

Personal Emails

- Purely personal e-mails are not public records, but there is no "expectation of privacy" for communications made a government-owned computer
- CSC Leon related e-mails, Facebook entries, Tweets and Instant Messages are public records

Public Records Requests

- Duty to promptly acknowledge receipt and respond in good faith
- Requests do not have to be for a special or legitimate interest

- Helpful Tips
  - Use a CSC Leon issued email account for CSC business. Avoid using personal email account if possible.
  - If using a personal email account, always copy the Records Custodian on communications.
  - When in doubt about whether a communication is subject to Sunshine and Public Records laws, consult with the legal counsel

Code of Ethics – Chapter 112, Part III, Fla. Stat.

- Florida's Code of Ethics applies to all public officers and employees, at the State, regional, and local levels, including members of an advisory board.

- The Code of Ethics prohibit certain actions and require certain disclosures be made to the public

Code of Ethics – Chapter 112, Part III, Fla. Stat.

- Statutory subjects:
  - Solicitation or acceptance of gifts (bribes)
  - Unauthorized compensation (gift for influence)
  - Misuse of public position
  - Disclosure or use of certain information
  - Doing business with one's agency
  - Conflicting employment or contractual relationship
  - Voting conflicts
  - Restriction on employment of relatives (nepotism)
  - Financial Disclosures (Form 6)

Code of Ethics – Prohibited Actions

1. Don't use public position or property for private gain or benefit.
2. Don't accept or solicit gifts for a vote/official action.
3. Don't permit spouse or children to accept or solicit gifts or compensation for a vote/official action.
4. Don't disclose or use information not available to the general public that was obtained because of your official position/employment.
5. Don't employ, appoint, promote or advance relatives into a position in your agency.
6. Don't do business with your agency.

Code of Ethics – Voting Conflicts

- Governing Council members who are present at meetings must vote on all official actions of CSC Leon, *except where there is, or appears to be, a possible conflict of interest for the councilmember.* (Sec. 286.012, Fla. Stat.)

- Governing Council members MUST ABSTAIN from knowingly voting on a measure which would inure to:
  - your special private gain or loss
  - the special private gain or loss of any principal by whom you are retained (or to a parent or subsidiary)
  - the special private gain or loss of your relative or business associate

- "Special private gain or loss" means an economic benefit or harm.

- In the event of a conflict of interest:

  announce…abstain….disclose….file… (COE Form 8B)

Resources

- *Robert's Rules of Order*, 12th Edition
- *Government in the Sunshine Manual*, 2025 Edition, published by Florida Attorney General's Office
  - Myfloridalegal.com
- *Guide to the Sunshine Amendment and Code of Ethics for Public Officials and Employees*, published by the Florida Commission on Ethics
  - Commission on Ethics opinions
- CSC Leon General Counsel