

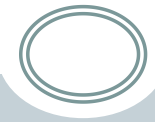
ELC BOARD TRAINING

Ethics, Sunshine Law & Board Procedure



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FLORIDA'S CODE OF ETHICS

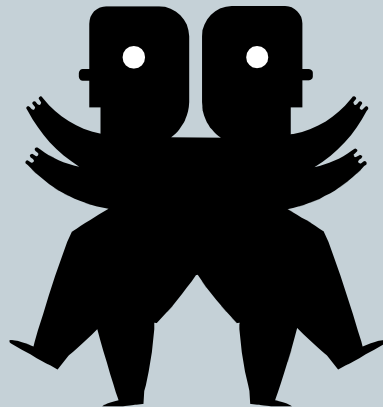


PART III, CHAPTER 112, F.S.



Form 8b – Voting Conflict Disclosure

- Where to file: Board Secretary
- When to file: Within 15 days after the vote occurs



Voting Conflicts



A public official must abstain from voting on a measure which would inure to the special gain or loss of:

- 1) the official;
- 2) a business associate;
- 3) a relative;
- 4) a person who has retained the official; or
- 5) the parent subsidiary, or sibling organization or subsidiary of a principal which has retained the official.

Standards of Conduct for Public Officers and Employees



- **Solicitation of Acceptance of Gifts** – Quid Pro Quo Prohibited
- **Doing Business with One's agency**
- **Unauthorized Compensation** – Quid Pro Quo Prohibited. Applies to compensation to spouse and minor children.
- **Misuse of Public Position** – No corrupt use or attempted use of official position or the resources thereof to obtain a special privilege or benefit for yourselves or others.
- **Conflicting Employment or Contractual Relationship**

Florida's Sunshine Law

What is it anyway?



Government-in-the-Sunshine

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- §286.011, Florida Statutes

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the constitution, at which **official acts are to be taken** are declared to be public meetings **open to the public** at all times.

Requirements of §286.011, Fla. Stat.

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- (1) Meetings of public boards or commissions must be open to the public;
- (2) Reasonable notice of such meetings must be given; and
- (3) Minutes of the meetings must be taken.

Purpose

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The purpose of the Sunshine Law is to ensure that decisions by public bodies are made in an open forum **accessible** to members of the public. Myers v. News-Press Publishing Company, Inc., 514 So.2d 408 (Fla. 2nd DCA 1987).

“Decisions” are official action which may include, but are not limited to:

- * Recommendations
- * Discussions
- * Deliberations



What is a “Meeting?”

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- Any gathering, formal or informal, of two or more members of the same collegial body to discuss some matter on which it is foreseeable that action will be taken by the body at some future point. See, Hough v. Stembridge, 278 So.2d 288 (Fla. 3rd DCA 1973).
- Discussions and deliberations, as well as formal action taken by a collegial body (interactive communication).
- No requirement that a quorum be present for Sunshine law to apply.

Violating the Sunshine Law

- Board member who violates the Sunshine Law is guilty of a noncriminal infraction, punishable by fine not exceeding \$500. §286.011(3)(a), Fla. Stat.
- Board member who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree. §286.011(3)(b), Fla. Stat.

Board Procedure

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- **General Rule:** action requires a **motion** and **second** to place a matter before the Board for a vote.
 - A second ensures that more than one member of the Board is interested in considering an item.
 - Without a second, the proposition dies and no further discussion or action is held.
- **Committee Recommendations:**
 - **Prior Practice:** if coming from a committee, no motion was made, only a second.
 - Committee chair or designee makes the motion based upon the committee's vote.

Questions?