

ETHICS IN A NUTSHELL 2012-1

Government in the Sunshine: A Guideline for Boards and Commissions



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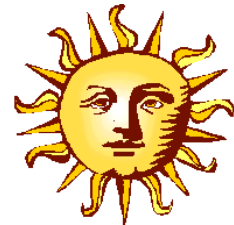
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This is a summary of the state Sunshine and Public Records laws. Please review this information and contact your city liaison, the Ethics Officer or General Counsel's office if you have any questions.

All members of Boards and Commissions must know about and follow two important Florida laws: the Sunshine Law and Public Records Law. The purpose of these laws is to give the citizens of our community more transparency and information about their government.

I. SUNSHINE LAW

(Sec. 286.011 F.S.)



There are 3 major requirements of this law:

- 1) Your Board meetings must be open and accessible to the public
- 2) Reasonable advance notice of the meetings must be given
- 3) Written minutes must be taken and open for inspection

What is considered a “meeting”?

A meeting is any time you communicate (phone, mail, email, talking) with another member of your commission and you are talking about subjects that are likely to come up in front of your commission/board. *This includes sub-committee meetings.*

You cannot discuss any public business or matters connected with your board with another member of your board outside of a “noticed meeting”. This includes: casual gatherings, talking in the hall, chance meetings, emails, telephone conversations, and letters or emails that are used to develop a position.

How much notice do I have to give?

Notice of meetings should be sent out at least 24 hours before the meeting, but it is much better to allow for 3 or more days. Your city liaison will send out the notice for you.

Do I have to take the minutes?

You are responsible for keeping the minutes of your meetings, but usually this is done for you by a city employee assigned to your board. If no one from the city is there, you must take minutes yourself. (This usually happens in sub-committee meetings.)

What is the penalty for violating the Sunshine Law?

Violation of the above laws is a criminal offense with up to 60 days in jail; even if you didn't mean to do it (no intent), you can be fined a civil penalty of up to \$500. You can also be sued in a civil lawsuit if these laws are violated.

What activities are OK?:

DO talk with other board members about your family or sports

DO have a holiday party with other board members

DO NOT discuss ANY board business at the party

DO speak with another commission member on a panel at a community forum

DO NOT talk back and forth on issues with the other member from your board

DO send out an email on an article you find interesting (but you can't put in the email: "What do you think about this for our Board? Email your comments to me")

DO NOT respond to any emails like this. If you receive an email like this from another board member, do NOT respond to it! In other words, don't start a conversation about it. It is considered an unnoticed meeting!!

DO talk to city staff

DO NOT use the staff to go back and forth with other members to work something out (to staff member: Can you go ask the other board members what they think of this and get back to me? That is not OK!)

DO send an email or letter sending a report as to what will be discussed at the meeting is OK

DO NOT interact with any of the members or talk to them about it or ask for comments. All of the discussion and comments should be at the noticed meeting.

DO send out a statement of your position or future actions you intend on taking.

DO NOT ask for comments or feedback or start a conversation with other board members about it. (Check with your city liaison if you have any questions before sending something like this out.)

DO engage in fact finding activities only (but check with your board liaison if any question on this);

Something to think about...

Because it can give the **appearance** to others that business is being discussed, try to avoid talking privately or whispering to another board member in an actual meeting. Don't chat about board matters right before the meeting officially starts or after the meeting has been officially adjourned.

PUBLIC RECORDS

(Sec. 119 F.S.)



Requirements:

Documents generated by a commission or board are public records and **must** be open for public inspection and copying.

If you receive any request for the records or documents of your board or commission, immediately forward them to your city liaison so it can be handled correctly and in a timely fashion.

What items are covered as “public documents”?

Everything—all documents, papers, emails, letters, books, tapes, photos, software, videos, audio recordings, or other material regardless of how it is kept; if it is made in connection with the official business of your board or commission.

Does this include drafts?

This can even include non-final documents, such as draft documents or notes you take to remember events.

What documents are not covered?

Personal notes used to prepare other documents, strictly personal emails or other personal writings; and notes given by you to someone else to type up a final document.

Something to think about...

It is very important that all documents you work on, including electronic documents (email, Word, Excel, PowerPoint documents, etc) are properly saved in accordance with Florida’s laws. Please see your city contact person to make sure that all of your public records are saved properly.

In general, however, you should assume that all of your writings in connection with your board duties may become public records as you write them and that citizens can ask for copies of them.

What is the penalty for violating Public Records laws?

Penalties can be up to one year in jail and fines; or a civil fine of \$500 or civil law suits.

II. OTHER ETHICS LAWS

The above laws are not the only ones that apply to Board and Commission members. There are other laws that apply to you under Chapter 112 Florida Statutes and Chapter 602, Jacksonville Ordinance Code. Here are some of the laws that apply to you:

GIFTS (Chap. 602, Part 7 Ord. Code; Sec. 112.3148, 3139 F.S.)

Don't take gifts in connection with your city board duties from interested parties!

CONFLICTS OF INTEREST (Chap. 602, Part 43 Ord. Code; Sec. 112.313 F.S.)

If you or a family member could benefit by your board's action; ask questions first!

DUAL OFFICE HOLDING (FL Const. Art II, § 5(A))

Do you have another city or state position in addition to your board position?

MISUSE OF PUBLIC POSITION (Chap. 602.601, Ord. Code; Sec. 112.313 F.S.)

Do you know who I am???? Don't use your title or position wrongfully

MISUSE OF CITY PROPERTY

Don't misuse city property; travel expenses, computers, etc.

NEPOTISM (Sec.112. 3133 F.S.)

Don't try and get a relative a job on a board or in an agency that your board has control/influence over!

**There may be other laws that apply,
see your city liaison if you have any questions!**

ASK QUESTIONS IF YOU ARE IN DOUBT ABOUT ANYTHING!

If any of these issues come up, talk to your city liaison or call the Ethics Office for guidance.

REPORT UNETHICAL BEHAVIOR

Call the **Ethics Hotline** at **630-1015**

You can always email the **Ethics Director, Carla Miller**, with any questions
ECOethics@coj.net