

Sunshine Law, Public Records, & Robert's Rules of Order



City of Port St. Lucie – City Attorney's Office
(772) 871-5294

Sunshine Law



Overview:



- The Florida Legislature established a right for persons to:
 - Receive notice of meetings of municipal councils and boards;
 - Attend meetings of municipal councils and boards;
 - Access the record of said meetings;
- This law is codified in Chapter 286, Florida Statutes and an amendment to the Florida Constitution was approved providing a constitutional right for any person to access public meetings.
- There is both a statutory and constitutional right to open access of municipal meetings.



What is a public meeting?

Any gathering between "two or more members" of the Council, City board, or committee to discuss a matter which foreseeably will come before them.

Must be in
the sunshine



Gatherings not in the Sunshine:



Examples:

Staff meetings; Council members attending meetings of another public board (the public board will have to comply); discussions between members of different bodies; council members attending a privately sponsored forum; council members attending a social event.




Notice:

Events & Meetings

Regular City Council

Date: 01/08/2024 1:00 PM - 4:59 PM
Location: City Hall
[121 S.W. Port St. Lucie Blvd.](#)
[Port St. Lucie, Florida 34984](#)

 [Add to my Calendar](#)

Regular City Council Meetings happen every second Monday of the month at 1 p.m. and every fourth Monday of the month at 6 p.m., except when those days fall on a holiday at which point the meeting will take place on the next business day.

[View Agenda](#)

Sign up to receive agendas by email by visiting psl.legistar.com and registering your email the top of the page.

There are 5 ways to watch a public meeting:

1. Watch in person at [Port St. Lucie City Hall](#)
2. Watch on [Facebook @cityofpsl](#)
3. Watch the [PSL TV Live Stream](#) on any device
4. PSL TV is available on channel 20 on Xfinity and Blue Stream Fiber.
5. Visit psl.legistar.com for all meeting agendas and video recordings.

Public Comments:

- [Fill out the Comments to be Heard Form](#): All comments must be received 2 hours prior to the meeting start time. City Staff will enter all comments received into the official record. Comments are subject to compliance with the rules of council and decorum. Comments submitted online will not be read aloud during the meeting but will be entered into the official record by City Staff. Any email received by the City on a non-agenda topic, requesting it to be considered at Public to be Heard, shall be distributed to the Council members prior to the meeting and retained by the City Clerk as a public record.

- Notice: rule of thumb is at least seven days notice for a regular meeting, under ideal circumstances. Different notice requirements for special meetings.
- Notice must detail the time and place of the meeting. Agenda is *always* preferred.
- Meeting site must be sufficient in size and in accessible location so that the public may attend.

Record:

City of Port St. Lucie
Planning and Zoning Board
Meeting Minutes

Deborah Beutel, Chair
Peter Previte, At-Large
Eric Reikenis, At-Large
Melody Creese, Alternate
Peter Louis Spatara, Alternate

121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984

Please visit www.cityofpsl.com/tv for new public comment options.

Tuesday, December 5, 2023 **6:00 PM** **Council Chambers, City Hall**

1. Meeting Called to Order
A Regular Meeting of the Planning and Zoning Board of the City of Port St. Lucie was called to order by Chair Beutel at 6:00 PM on December 5, 2023, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Florida.
2. Roll Call
Members Present:
Deborah Beutel, Chair
Peter Previte
Eric Reikenis
Melody Creese
Peter Spatara
3. Determination of a Quorum
Chair Beutel confirmed there was a quorum.
4. Pledge of Allegiance
Chair Beutel led the assembly in the Pledge of Allegiance.

- Minutes of a public meeting shall be taken promptly and made available for inspection.
- Minutes may be a brief summary or a verbatim transcript.
- Video taping does not substitute for meeting minutes but can be done in addition.

Failure to Comply:



Fines or Jail Time:

A “knowing” violation is a second-degree misdemeanor punishable by a fine of up to \$500 or any higher amount equal to double the pecuniary gain to the offender or pecuniary loss suffered by the victim, 60 days in jail, and court costs.



Elected Officials:

Suspension from office may occur if charged with a misdemeanor. A conviction may result in removal from office.

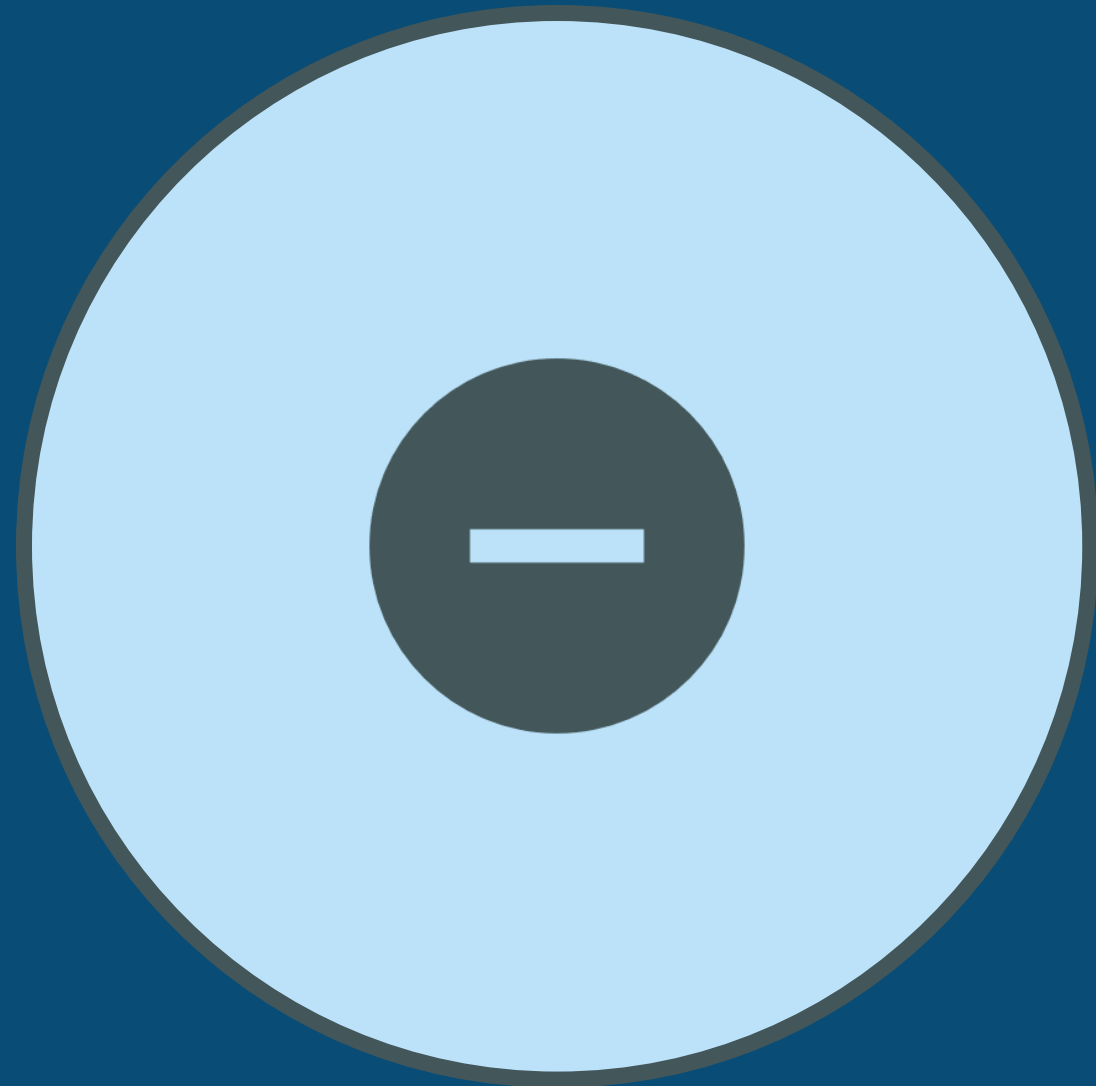


For the City:

Violations leave the City vulnerable to civil litigation and an awarding of attorneys’ fees.



Failure to Comply:



Nullify Actions at Issue:

Decisions made in violation of the Sunshine Law may be nullified costing the City time and money.



Public Records Law



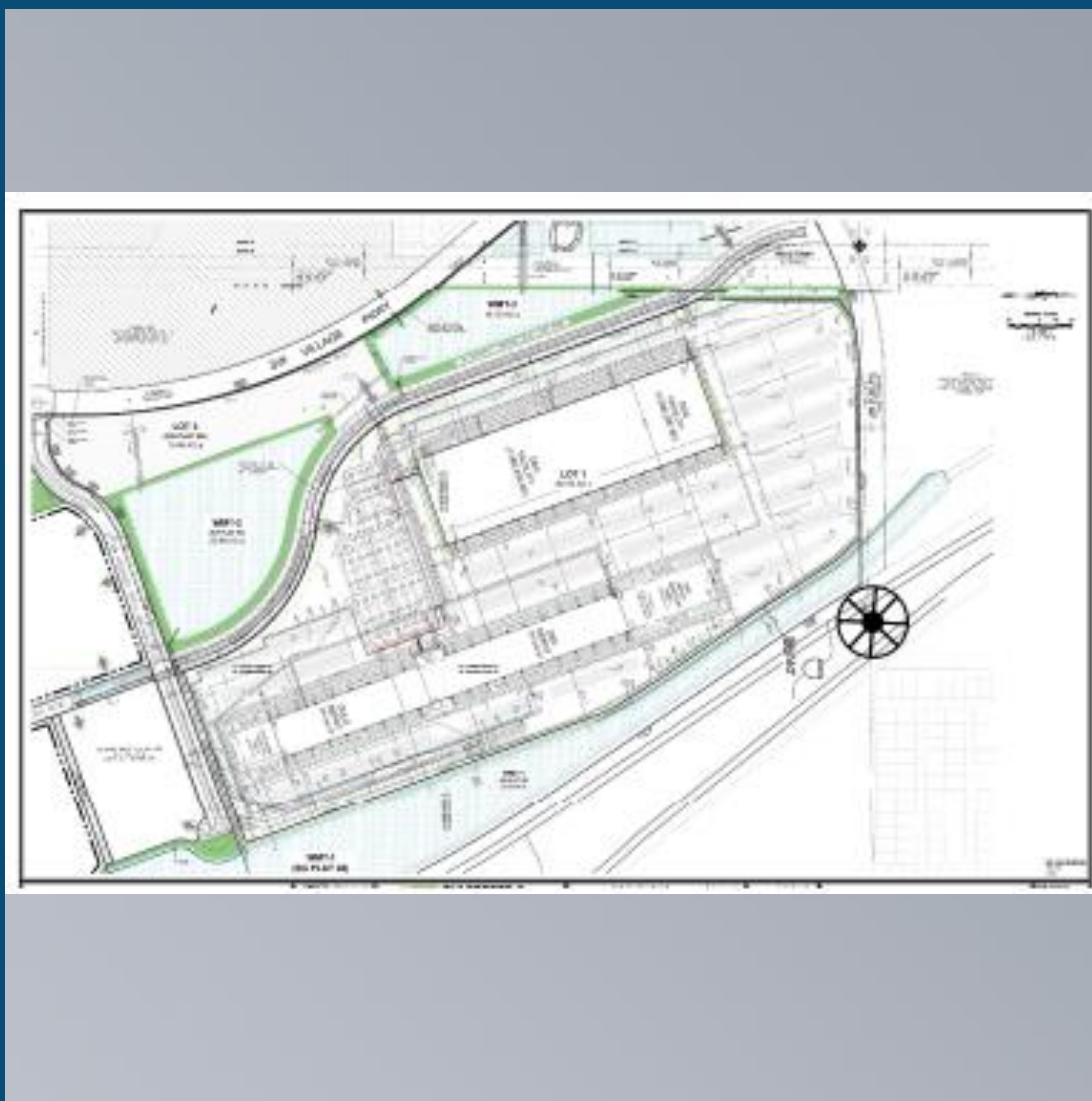
Overview:



- First Public Record Law was in 1909, entitling “citizens” to access municipal records.
- Has expanded since and entitles “any person” access to municipal records. Codified in Chapter 119, Florida Statutes and in 1992, an amendment to the Florida Constitution.
- There is a statutory and constitutional right to access municipal records.

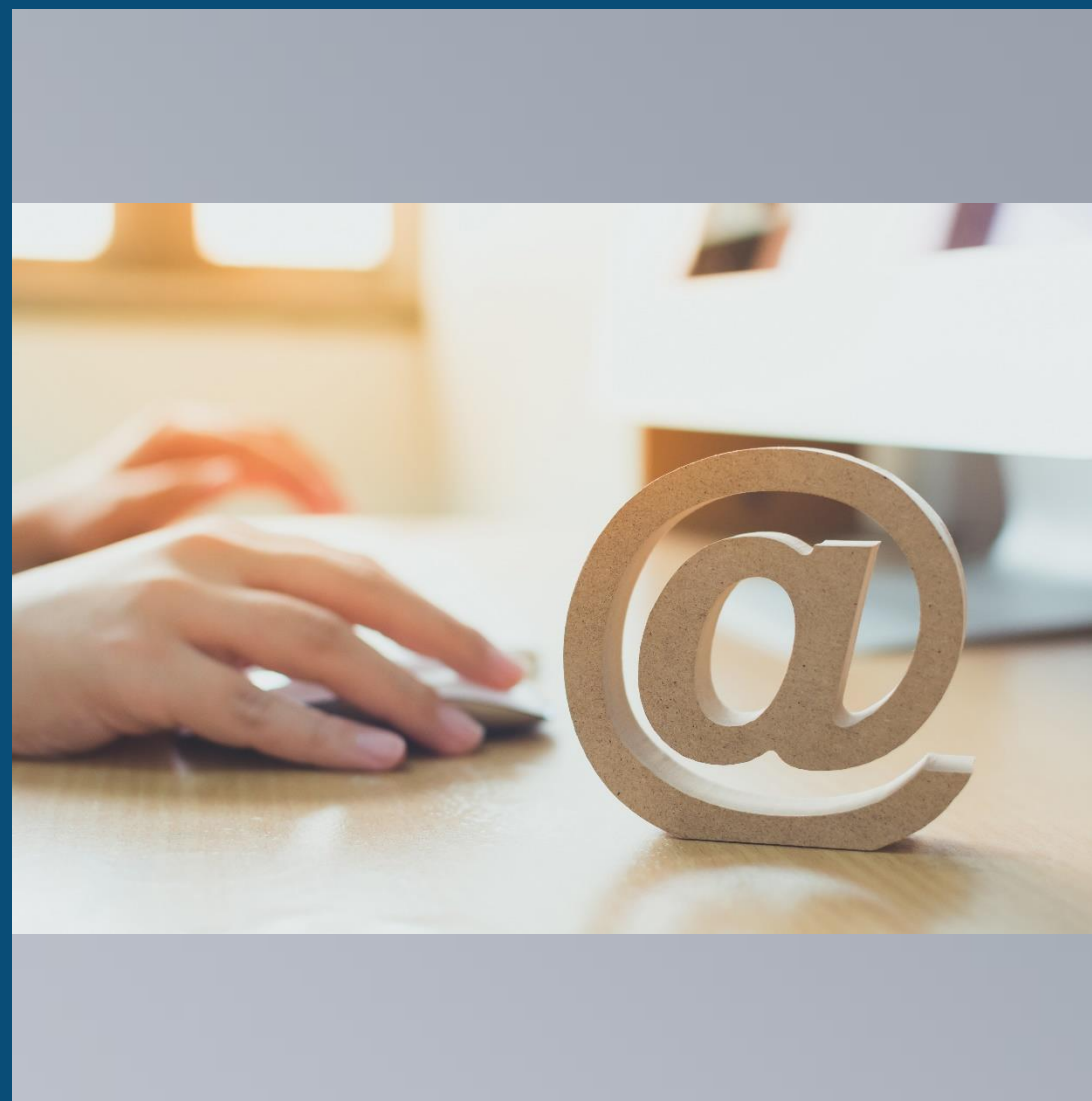


What are Public Records?



1

Materials made or received by the City;



2

In connection with official business and used to;



3

Perpetuate, communicate or formalize knowledge of some type.



Materials:



Include:

Papers (documents, letters, maps, faxes, books, etc.), electronic files/papers (email, data processing files, calendar, text messages, and internet posts, such as social media), photographs, videos, audio recordings.



Official City Business



Include:

Materials sent or received by employees in connection with their job, materials sent or received by Council or Board members in connection with their official capacity. Those of a personal nature are not City business.



Intended to perpetuate, communicate or formalize knowledge:



Include:

Email sent or received by Council members to constituents about an upcoming ordinance vote, draft documents shown to others for review or comment, taking meeting minutes, surveys sent out by the City, notes used to create documents for distribution. Intent and purpose is important.



Who must comply with Public Records:



- Members of the City Council, City officials and all City employees, City Board and Committee members, and City Volunteers.
- Store public records in your control in an organized filing system. You are the custodian of any record under your control.
- Only the City Clerk's office is permitted to destroy records in accordance with the Record Retention Schedule

How does a person gain access to a public record?

- A person may contact any city employee to make public records request to inspect and/or copy a record.
- The request may be in writing OR made verbally and no explanation or reason is needed (request may be anonymous).
- A person may take photographs of the record while they are in the possession, custody and control of the records custodian.

How does the City respond:

- Response is a governmental service and must be done promptly and the request must be acknowledged within 48 hours of receiving the request.
- Compiles the request, whether electronically or paper copies, and provides necessary equipment for inspection or copying.
- There are 1,084 exemptions and whether it is exempt or confidential is a question directed towards the City Attorney's Office

Exempt v. Confidential

- If information is designated confidential in the statutes, the information is not subject to inspection by the public and may only be released to the persons or organizations in the statute.
- If records are not confidential but are only exempt from the Public Records Act, the exemption does not prohibit the showing of such information.

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.

(b)1. For purposes of this paragraph, “competitive solicitation” means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

2. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.

3. If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

(c) Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution.

(d)1. A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency or employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney’s express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution until the conclusion of the litigation or adversarial administrative proceedings. For purposes of capital collateral litigation as set forth in s. [27.7001](#), the Attorney General’s office is entitled to claim this exemption for those public records prepared for direct appeal as well as for all capital collateral litigation after direct appeal until execution of sentence or imposition of a life sentence.

2. This exemption is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney. When asserting the right to withhold a public record pursuant to this paragraph, the agency shall identify the potential parties to any such criminal or civil litigation or adversarial administrative proceedings. If a court finds that the document or other record has been improperly withheld under this paragraph, the party seeking access to such document or record shall be awarded reasonable attorney’s fees and costs in addition to any other remedy ordered by the court.

(e) Any videotape or video signal that, under an agreement with an agency, is produced, made, or received by, or is in the custody of, a federally licensed radio or television station or its agent is exempt from s. [119.07\(1\)](#).

(f) Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. [812.081](#), and agency-produced data processing

Failure to Comply:



1

A “knowing” violation is a first-degree misdemeanor;



2

All other violations are noncriminal and punishable by fines;



3

Violations leave the City vulnerable to civil litigation and an awarding of attorneys fees.



Robert Rules of Order



ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).



Role of the Chairperson:



Includes:

Calling the meeting to order, announces the purpose and topic of items to be discussed, recognizes members on the floor who are going to speak, protects quorum from digressing from topic on the floor, protects integrity of meeting from disruption or distraction

Should not:

Close debate before every member has had the opportunity to speak

Best practice:

To assist in fairly and impartially running meeting, may wish to generally refrain from making motions if another member is willing to make them



Decorum in debate:



- The speaker must be recognized by the Chairperson before speaking, should limit speech to ten minutes, and should not speak more than twice on the motion. Decorum should be kept at all times including confining statements to merits of pending questions, not attacking a member's motives for a motion, not speaking adversely on an item that is not pending or has been finalized.
- A member may not interrupt except in urgent situations such as a point of order, raising a question of privilege, or calling attention that that speaking rules are not being observed.

Accomplish in meetings:



Main Motion

“Madame Chairman, I move that...”



Amending a Motion

“I move that the motion be amended by adding the following words/striking the following words/striking and adding in their place...”



Limit Discussion

“Madam Chair, “I move to limit discussion to two minutes per speaker”



Additional considerations:



- Quorum: the minimum number of voting members who must be present at a properly called meeting to conduct business.

The Chair may wish to abstain from making and seconding motions to act in a more impartial manner. However, Florida law still requires all members to vote on all matters unless there is a conflict.
- Only one motion can be discussed at a time. Everyone has the right to participate in a discussion but only urgent matters may interrupt a speaker.

Florida's Code of Ethics

A faint, circular seal of the Florida State Board of Ethics is visible in the background. The seal features a central sunburst design with a scale of justice and a sword. The text "FLORIDA STATE BOARD OF ETHICS" is written around the top inner edge, and "FLORIDA" is written along the bottom inner edge.

Code of Ethics cont.

Encouraging Employees to Conscientiously Maintain High Ethical Standards
Florida Constitution, Art. II, Sec. 8 and Florida Statutes, Chapter 112, Part III

- **The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III).**
- **Goals:**
 - **To promote the public interest and maintain the respect of the people for their government.**
 - **To ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.**
- **The term “public official” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory board.**

Code of Ethics cont.

Encouraging Employees to Conscientiously Maintain High Ethical Standards
Florida Constitution, Art. II, Sec. 8 and Florida Statutes, Chapter 112, Part III

Prohibited Actions or Conduct

1. Solicitation and Acceptance of Gifts – Prohibited from soliciting or accepting anything of value that is based on an understanding that a vote, official action, or judgment would be influenced by such gift. § 112.313(2), Fla. Stat. (2025);

SUMMARY- Don't Ask For Bribes. Don't Accept Bribes.

2. Unauthorized Compensation - Public Officers are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. § 112.313(4), Fla. Stat. (2025);

SUMMARY- Don't Accept ANYTHING of Value (physical or not) that the Giver Intends as a Bribe, Even if you Know it won't or can't Change your Decision.

Code of Ethics cont.

Encouraging Employees to Conscientiously Maintain High Ethical Standards
Florida Constitution, Art. II, Sec. 8 and Florida Statutes, Chapter 112, Part III

3. Misuse of Public Position - Public Officers are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. § 112.313(6), Fla. Stat. (2025); Art. II. Sec. 8(h)(2), Florida Constitution (prohibits similar conduct)

Does not have to benefit you or your relatives/friends. Any person or entity.

SUMMARY- Don't do special favors for anyone. Ask yourself if there is primarily a public purpose to the action.

4. Disclosure or Use of Certain Information – Public Officers are prohibited from disclosing or using information not available to the public and obtained by reason of their public position for the personal benefit of themselves or others. § 112.313(8), Fla. Stat. (2025);

SUMMARY- If the public doesn't have a right to know it yet, you do not have the right to share it or use it for personal gain of any person.

Code of Ethics cont.

Encouraging Employees to Conscientiously Maintain High Ethical Standards
Florida Constitution, Art. II, Sec. 8 and Florida Statutes, Chapter 112, Part III

5. Conflicting Employment or Contractual Relationship – A public officer is prohibited from holding any employment or having a contractual relationship with any entity subject to the regulation of or doing business with the agency or any employment or contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or that would impede the full and faithful discharge of the official's public duties.

§ 112.313(7), Fla. Stat. (2025).

Preventative- No Bad Act is Actually Required.

SUMMARY- If a Business Relationship could tempt you to dishonor your public duties, it creates a conflict.

6. Doing Business with One's Agency – A public officer may not rent, lease, or sell any realty, goods, or services to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. § 112.313(3), Fla. Stat. (2025).

Prohibition may be waived by City Council for Advisory Board Members

SUMMARY: If you want to sell something to the City, you need the City Council to specially and particularly waive the conflict for that transaction.

Code of Ethics cont.

Encouraging Employees to Conscientiously Maintain High Ethical Standards
Florida Constitution, Art. II, Sec. 8 and Florida Statutes, Chapter 112, Part III

Voting Conflicts- § 112.3143, Fla. Stat. (2025).

- **No local public officer shall vote upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer.**
- **Even if not voting, must disclose nature of conflict to be able to participate in the discussion of that item.**
- **Within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.**

Reporting Disclosures

Members of most advisory boards do not have to file financial disclosure forms with the State, as they are not enumerated parties listed in § 112.3145, Fla. Stat. (2025).

- **Code Enforcement Board, Planning and Zoning Board, and any board with power to recommend, create, or modify land planning or zoning are the exceptions.**

Code of Ethics cont.

Encouraging Employees to Conscientiously Maintain High Ethical Standards
Florida Constitution, Art. II, Sec. 8 and Florida Statutes, Chapter 112, Part III

Penalties for violation of the code of ethics may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000.00, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

The Florida Commission on Ethics posts its rules, orders, and opinions at www.ethics.state.fl.us.

A public officer can seek an advisory opinion from the Commission when in doubt about the applicability of the standards of conduct or disclosure laws that may be applicable.

Thank you

Any questions?

