

Youth Council Change

City of Port St. Lucie City Attorney's Office

Objective

To make a change to the Port St. Lucie Youth Council allowing for the group to serve without subject to Sunshine Law guidelines.

Students may interact outside of meetings and due to members being minors, concerns related to Sunshine Law implications.



Relevant Research:

Attorney General
Opinion which states
that a committee
established for “fact
finding” purposes.^{1 2}



Cape Coral
changed their Youth
Council from an
Advisory to Fact
Finding Board.³

Two Main Changes

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Carve out an exception regarding Florida's Government in the Sunshine Law Training.

The Port St. Lucie Youth Council will not be required to undergo yearly training & are not subject to the Sunshine Law

VI. Operating Procedures.

- A. Robert's Rule of Order. Except to the extent there is a conflict with Florida Statutes or City Code, "Robert's Rule of Order" shall govern all meetings of Boards and Committees. All members of Boards and Committees must vote unless there is an executed conflict form submitted to the City Clerk disclosing such conflict.
- B. Florida's Government in the Sunshine Law Training. With the exception of the Port St. Lucie Youth Council, ~~All~~ all meetings shall be open to the public and properly noticed according to State Law. All Board members shall undergo yearly Sunshine training.

Two Main Changes

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Bylaws for the Port St. Lucie Youth Council will clarify that the students prepare reports and make presentations.

The Youth Council is not an advisory board, does not make recommendations, and therefore, is not subject to the Sunshine Law.

RESOLUTION 23-R__

EXHIBIT "J" Port St. Lucie Youth Council 2023

ARTICLE I. POWERS AND DUTIES.

- A. **Creation.** There is created a board to be known as the Port St. Lucie Youth Council, which shall consist of up to nine members from local high schools. The members will be City residents who are actively enrolled in a public or private high school in grades nine (9) through twelve (12). The members shall be appointed by the Mayor and City Council and each member appointed shall serve an initial term to expire in May 2024. The Port St. Lucie Youth Council is created to gather facts and furnish helpful information-gathering and fact-finding reports to City Council and City Staff. The Port St. Lucie Youth Council is not subject to the Florida Government in the Sunshine Law.
- B. **Board Terms.** Unlike other boards, the initial term began in July 2023 and shall expire in May 2024. Beginning in 2024, each board member shall be appointed in May of each year thereafter, and may serve subsequent one (1) year terms, provided the individual is a current high school student
- C. **DUTIES.** The Youth Council members will attend board meetings along with city staff, coordinate activities, and prepare reports and make presentations to the City Council and City staff on Youth Council activities, provide recommendation to City Council.

Effect of Changes

These changes allow students to meet without being subject to Sunshine but allows students to still learn and abide by typical governmental decorum such as:

- Having a quorum
- Using Robert's Rules of Order
- Abiding by attendance requirements
- Being formally appointed their membership



Timeline:



Staff and Legal hope to present this change, via resolution, by **December 04, 2023.**



This change would alleviate concerns related to events that the Youth Council has planned this winter.

Questions or Concerns?

Thank you.

1. Sunshine Law, Fact-Finding Committees (Jun. 09, 2010).

2. *Cape Publications, Inc. v. City of Palm Bay*, 473 So. 2d 222 (Fla. 5th DCA 1985).

3. Section 2-120.49, Code of Ordinances of the City of Cape Coral, Florida (2023).

References: