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Adam Putnam
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Agenda
Florida Veterans' Hall of Fame Council Meeting
March 27, 2015
The Capitol
402 South Monroe St.
Tallahassee, Florida 32399
House Office Building 28*

1. Introduction, SGM Ray Quinn, FVHOF Chair
2. Summary of Sunshine and Public Records Law, David Herman, FDVA General Counsel
3. Remarks, COL Mike Prendergast, FDVA Executive Director
4. Florida Veterans Foundation Update, COL Washington Sanchez, FVF Chair
5. Status of Class of 2014, Colleen Krepstekies, FDVA Director of Legislative Affairs
 - a. FDVA Report
 - b. Induction Ceremony
 - c. Council Discussion
 - d. Public Comment
6. Class of 2015 Status, SGM Ray Quinn, FVHOF Chair
 - a. Council Discussion
 - b. Public Comment
7. Discussion of criteria and program for future Florida Veterans' Hall of Fame classes, SGM Ray Quinn, FVHOF Chair
 - a. Council Discussion
 - b. Public Comment
8. Recap and Next Steps
 - a. Next meeting date
 - b. Taskers from discussion

Adjournment

"Honoring those who served U.S."

As of March 26, 2015, 1731 *Change made is correction to room number from HOB 208 to HB 28

Contact: Colleen Krepstekies, Legislative & Cabinet Affairs Director, (850)487-1533, email: krepstekiesc@fdva.state.fl.us

Florida Public Records Law in Brief

FDVA General Counsel - Updated March 19, 2014

All records created or received in connection with the transaction of official public business are presumed to be public records.

Florida has the most open public records law in the entire country. The right to access public records is guaranteed by the Florida Constitution, Article I, Section 24. See also Ch. 119, F.S.

Any Format - A public record can be in any form: document, paper, letter, map, tape, photograph, film, sound recording, data processing software, text message, e-mail, calendar, travel receipt, meeting minutes, nomination application, etc.

Open for Inspection - Public records must be accessible by the public for inspection or copying upon request. Reasonable copying fees may be charged. A requestor does not have to make the request in writing, identify himself/herself or provide any personal information or justification to obtain the record. Records must be provided within a “reasonable” period of time.

Exemptions: A public record may only be withheld from inspection if there is a specific exemption mandated by the Florida legislature (or an overriding Federal law). Only the portion of the record that is exempt may be withheld (*example: redaction of a social security number*). The basis for the exemption and the statutory citation must be provided to the requestor. Only the Legislature can make exemptions – the board may not designate a record as “confidential” unless the record also happens to be confidential under the law.

Drafts: There is no “unfinished business” exemption. If the purpose of the record is to perpetuate, communicate, or formalize knowledge in connection with official public business, then it is a public record regardless of whether it is in final form or not. Accordingly, once a draft document is circulated for review, then it becomes a public record.

Personal Notes: Even personal handwritten notes may be considered public records, unless the note is designed for the Council member’s *own personal use* in remembering certain things, and the notes are not intended to perpetuate, communicate or formalize knowledge. If personal notes are circulated or published they become a public record.

Retention Time: The Secretary of State publishes retention schedules for public records based upon the type of record. For example, correspondence must be kept for three (3) years. All records concerning board business should be provided to the Council’s Executive Director for safekeeping as the board’s official records custodian.

Penalties: A person who knowingly violates the public records law commits a criminal misdemeanor of the first degree. Non-criminal infractions can be punished with a fine of up to \$500 and removal from public office.

Florida Sunshine Law in Brief

FDVA General Counsel - Updated March 19, 2015

Florida's Sunshine Law applies to **any gathering of two or more members of the same board or council to discuss some matter which will foreseeably come before that board for action.**

Discussion of Council business must be held "in the sunshine" in a publicly-noticed open meeting to give the public an opportunity to witness the board's deliberative process. Council members may not meet privately or use e-mail, texting, or telephone to discuss Council business.

Five (5) requirements for public meetings:

- 1) Meetings of the Council must be open to the public (telephone call-in is permitted, but a physical location must be provided for the public);
- 2) Reasonable notice of such meetings must be given (at least 7 days prior notice, include date, time and place of the meeting).
- 3) Agenda and meeting materials must be published on the agency's website at least 7 days prior to the meeting.
- 4) Minutes of meetings must be taken, promptly written and available for public inspection.
- 5) Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Council.

Open, Accessible Meetings:

Public meetings should be held in buildings that are open and accessible to the general public. Public meetings may not be held in private homes or clubs.

Decorum - The board may adopt reasonable policies to ensure orderly conduct of meetings, but may not ban non-disruptive videotaping, tape recording, or photography at public meetings.

"One-Way" Communication – If a board member wishes to distribute information to the other board members outside of a public meeting (such as a news article), this communication can be accomplished on a "one-way" basis by sending the document to the board's Executive Director or Secretary who will forward it to the other members. Board members may NOT respond to the document or discuss the information between each other except at the actual public meeting. The communication must be preserved as a public record.

No Liaisons – A Council member cannot ask a staff member to act as a "go between" to carry messages to other Council members regarding Council business outside of a public meeting.

Written Ballots - may be used to cast a vote as long as the votes are made openly at a public meeting, the name of the person who voted and his or her selection are written on the ballot and the ballots are maintained and made available for inspection as a public record.

Penalties - Any member of a board or council who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree. An unintentional violation may be prosecuted as a non-criminal infraction resulting in a civil penalty up to \$500. Council business conducted "outside of the sunshine" in violation of law may be overturned as if it never happened.