

Sunshine Law in Plain Speak

As a 501(c)3 instrumentality of government, COCA operates under Florida's Sunshine Law (Section 286.011 Florida Statutes and Article 1, Section 24 Florida Constitution).

So...what exactly does that mean?

The Bottom Line

All communication between board members (voting or non-voting) about COCA business must take place during officially noticed public meetings where minutes are taken. This includes issues already scheduled to come before the board as well as issues that could reasonably be considered to potentially come before the board in the future.

But this doesn't mean you can't meet and communicate between regularly scheduled board meetings. COCA's staff is always available and happy to arrange and publically notice any meeting of two or more board members needing to discuss COCA business. What can't take place between meetings are telephone calls, emails, web chats, working lunches, or water cooler talk regarding COCA business.

What Does a Public Meeting Look Like?

At minimum, it's posted to the Public Notices page of COCA's website at <http://www.cocanet.org/public-notice/>. The notices page includes the time and place for each meeting as well as contact information to request accommodations for participation. Meetings of COCA's Board, Executive Committee and Board Subcommittees are all posted here. Any committees that have delegated authority to act as an "alter ego of the board" are required to meet in the Sunshine as well. While most meetings of COCA's citizen committees are of a fact-finding nature and not required to be held in the Sunshine, they are usually posted here too, in the spirit of public access.

The law requires "reasonable notice." We follow the County's recommendation of at least 48 hours notice, except in the case of emergencies.

Minutes are taken and added to COCA's meeting records. Minutes can be taken by staff or by board members themselves and should at minimum be approved by the meeting's chairperson. At minimum, they include names of those in attendance, the location/date/time of the meeting, issues discussed, and any decisions made or actions identified for follow-up. You don't have to record everything that's said—they are intended to be summaries of the meetings, not transcripts.

Meetings are held in spaces that are open to the public, accessible to people with disabilities, and provide enough seating for visitors. When choosing a location, please keep in mind the spirit of the law. Your living room or a two-seater table in the back corner of a crowded restaurant might "technically" be a public place but it's not what

we're going for. COCA has two onsite meeting rooms as well as many suggestions for other free or low-cost meeting spaces.

Only in unavoidable or emergency situations should board members attend a meeting via speakerphone. It is always preferable for members to attend a meeting in person.

The Conduit Rule

It is a violation of the Sunshine Law for two or more board members (voting or non-voting) to communicate about COCA business outside of a public meeting via any source—including telephone, email, or a third-party (including COCA Staff).

You can contact staff anytime. And staff can contact you. But we cannot serve as a messenger service between board members on issues coming before the board. Similarly, we can poll board members for input in preparing an agenda item, but we cannot summarize the feedback and share it outside the context of a public meeting.

And remember, when staff sends an email to board members, you can reply directly back to staff. However, it is a violation of the Sunshine Law if you “reply all” or copy other board members on your response.

What if we attend other meetings on behalf of COCA?

If you will be at a non-COCA meeting with other members of COCA's board (voting or non-voting) where you expect one or more of you to speak about COCA-related business, then your attendance must be noticed and minutes of the COCA-related discussion must be submitted into the formal record. Remember, this includes our ex officio members as well. Example: If one or more COCA board members plan to attend a City or County Commission meeting where COCA business is scheduled to be discussed, we need to notice your attendance and ask you to submit minutes on the COCA-related issue that is discussed (since COCA's ex officio City or County Commission member is likely to be on the dais during the meeting).

If two or more board members are attending a non-COCA meeting just to listen to COCA-related business and don't expect to speak (or hear other COCA board members speak), there is no need to notice your attendance. Example: Board members attend a presentation by Visit Tallahassee on advertising priorities for the coming year, including cultural tourism (assuming no COCA board members will be participating on behalf of VisitTallahassee.).

In either case, remember that “intermission talk” with fellow board members is not allowed. Any discussion about the meeting in relation to COCA-business must take place in the Sunshine. So while you can't lean over and whisper during a meeting or circle wagons in the lobby afterwards, you absolutely can schedule a quick public meeting immediately following an event to allow you to debrief in the Sunshine.

What if we serve on other boards that might address cultural issues?

If two COCA members (voting or non-voting) are also decision makers on another board, then any attendance at or participation in meetings with discussion of issues that could reasonably be considered COCA-related has to take place in the Sunshine. Example:

Javier and Samantha sit on COCA's board. They also sit on the board of the Tallahassee Educators Guild where applications for COCA grant funding, a proposal requesting COCA's assistance with coordinating continuing education opportunities for arts teachers, and participating in community-wide cultural planning has the potential to be discussed.

That means the meeting has to be noticed by COCA as a special meeting of its board members. The portions of the meeting potentially impacting COCA must be open to the public regardless if the other board is required to operate under the Sunshine. And minutes of any discussion potentially impacting COCA must be submitted into COCA's meeting record.

COCA will poll its board members annually about involvement on other boards in order to help coordinate Sunshine compliance.

Can't we just be friends?

Of course! Members of COCA's board can call, have lunch or bump into each other anytime. You can talk about life, our community and the arts in general. You just can't talk about any business that could feasibly come before COCA's board. If you are eager to share ideas between regularly scheduled meetings, contact staff and we'll happily help arrange a meeting for you.

A few more thoughts.

The Sunshine Law assures that decisions are made in the open and that the public has an opportunity for input. It doesn't have to slow down our work or deter collaboration. It simply requires remaining cognizant of the guidelines and coordinating with staff to facilitate communication via public meetings.

COCA Staff includes information about the Sunshine Law in the orientation materials for new board members, presents a reminder to the full board annually, and will provide periodic reminders throughout the year.

It is recommended that the scheduling of all meetings (regardless of how small) is done through COCA Staff so that board members are not in a position of inadvertently communicating directly with each other. While it's fine to just compare meeting schedules with each other, it's too tempting to go ahead and communicate on the topics to be discussed at the meeting as well.