

**OFFICE OF THE COUNTY ATTORNEY
MEMORANDUM**

TO: Anthony P. Pires, Jr., Esq., Chairman
Coastal Advisory Committee Clam Bay Subcommittee

FROM: Colleen M. Greene, Assistant County Attorney *CMG*

DATE: March 18, 2010

RE: **Sunshine Law and Agenda question**

The issue presented is whether the Sunshine Law requires that an agenda be made available prior to board meetings. In summary, the answer is no.

The Sunshine Law Manual (2009 Ed. Vol. 31) provides the following:

The Attorney General's Office recommends publication of an agenda, if available, in the notice of the meeting; if an agenda is not available, subject matter summations might be used. However, the courts have held that the Sunshine Law does not *mandate* that an agency provide notice of each item to be discussed via a published agenda. Such a specific requirement has been rejected because it could effectively preclude access to meetings by members of the general public who wish to bring specific issues before a governmental body. *See Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973). *And see Yarbrough v. Young*, 462 So. 2d 515 (Fla. 1st DCA 1985) (posted agenda unnecessary; public body not required to postpone meeting due to inaccurate press report which was not part of the public body's official notice efforts). Thus, the Sunshine Law has been interpreted to require notice of meetings, not of the individual items which may be considered at that meeting. However, other statutes, codes or ordinances may impose such a requirement and agencies subject to those provisions must follow them.

Accordingly, the Sunshine Law does not require boards to consider only those matters on a published agenda. "[W]hether to impose a requirement that restricts every relevant commission or board from considering matters not on an agenda is a policy decision to be made by the legislature." *Law and Information Services, Inc. v. City of Riviera Beach*, 670 So. 2d 1014, 1016 (Fla. 4th DCA 1996).

Today's Coastal Advisory Committee Clam Bay Subcommittee was properly noticed in compliance with the Sunshine Law on or about February 1, 2010. Further, the agenda for today's meeting was also publically noticed on the County's website on Monday, March 15, 2010. The related back-up materials for the agenda were supplemented and available on the County's website on Wednesday, March 17, 2010. In addition, a number of these materials also appeared on the agenda for the Coastal Advisory Committee meeting on Thursday, March 11, 2010.

In my opinion, there is no violation of the Sunshine Law and no legal issue regarding the date the agenda was published.

cc: Gary McAlpin, Director, Coastal Zone Management