SUNSHINE LAW

a. Scope: Applied to gathering of two or more members of the same board to discuss some matter which will foreseeably come before their board for action. There are three basic requirements:
   i. Meetings of public boards must be open to the public
   ii. Reasonable notice of the meetings must be given
   iii. Minutes of the meeting must be taken

b. Applicable to:
   i. District Board of Trustees and their meetings
   ii. Foundation Board of Directors and their meetings
   iii. Advisory Boards which make recommendations
      1. Committee established by community college purchasing director to consider and rank various contract proposals
      2. Business assistance center advisory council created by community college board of trustees
      3. Fact finding committees are exempt: Committee appointed by community college president to report to him on employee working conditions is not subject to Sunshine Law

c. Purpose is to assure public access to the decision-making processes of public boards or commissions

d. Not a violation to receive written report from one board member to all other board members on a subject prior to meeting at which subject will be discussed

e. Is violation if comments to written report are solicited and when those comments are shared with the others outside the meeting because there is an exchange of communications

f. Members of same board are not prohibited from meeting together socially, provided that matters which may come before the board are not discussed.

h. Discussions of public business need to be audible to those present, not just the board members at the table

j. Cannot vote by secret ballot

k. Reasonable notice of the meeting must be provided - no set time, but general guidelines are no less than 24 hours notice for special meetings

l. Minutes must be promptly recorded and open to public inspection – they must be written minutes

m. Penalties for violations:
   i. Criminal penalties, misdemeanor
   ii. May be removed from office if indicted or convicted
   iii. Noncriminal fine
   iv. Action taken in violation is not valid and must be reconsidered at a meeting in conformance with the Sunshine Law.
PUBLIC RECORDS ACT

a. All materials made or received by an agency in connection with official business which is used to perpetuate, communicate or formalize knowledge.

*Florida Supreme Court in Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633 (Fla. 1980)

b. All such materials, regardless of whether they are in final form, are open for public inspection unless the Legislature has exempted them from disclosure.

*Waite v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979)

c. E-mail messages made or received in connection with official business are public records and subject to disclosure in the absence of an exemption.

d. Private e-mail messages stored in public computers does not automatically become a public record by virtue of that storage.

e. Agencies that operate a website and use electronic mail must post the following statement in a conspicuous location on its website: "If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

f. Generally, an agency is only required to provide the requested records in the format held by the agency and not in a medium requested.

g. The agency may charge the cost for providing the requested documents.

Prepared by Anita Geraci-Carver, Esq.
Executive Summary:

The 2008 Legislature created the State College Pilot Project and the Florida College System Task Force to make recommendations relating to the transition of community colleges to baccalaureate-degree-granting institutions.

This bill synthesizes those recommendations and:

- Revises s. 20.15, F.S., Department of Education Divisions, to reflect the 2008 creation of the Florida College System (FCS) by redesignating community colleges as Florida colleges and the Division of Community Colleges as the Division of Florida Colleges (DFC);
- Revises s. 1000.21, F.S., Systemwide Definitions, to identify service districts for each institution within the Florida College System and rename the following colleges:
  - Florida Community College at Jacksonville to Florida State College at Jacksonville,
  - Manatee Community College to State College of Florida, Manatee-Sarasota,
  - Polk Community College to Polk State College,
  - Daytona Beach College to Daytona State College,
  - Edison College to Edison State College,
  - Indian River College to Indian River State College,
  - Okaloosa Walton College to Northwest Florida State College.
- Revises ss. 1001.60 and 1004.65 F.S., Florida College System to:
  - Reaffirm the FCS as a single system, with each college locally governed by a district Board of Trustees, under statutory authority and rules of the State Board of Education (SBE);
  - Require all FCS institutions to maintain their historic, primary mission, including open admission for lower division, offering remediation, responding to community needs for postsecondary education, outreach to underserved populations, and complying with statewide articulation agreements;
  - Specify that FCS baccalaureate degrees shall be delivered in a manner that represents substantial savings to the student and to the state over the cost of providing the degree at a state university;
  - Allow a Florida college that has been approved to offer baccalaureate degrees by the State Board of Education (SBE) and has also been granted Level II accreditation from the
Southern Association of Colleges and Schools (SACS) to use the name “state college,” subject to statutory codification by the legislature;

- Provide a process whereby the Board of Trustees of a community college may request approval from the SBE for dropping “community” from its name, irrespective of degrees it is authorized to offer, subject to statutory codification by the legislature;
- Add the award of baccalaureate degrees as authorized by law to the primary mission of Florida colleges; and
- Prohibit Florida colleges from offering graduate degree programs and participating in intercollegiate athletics beyond the 2-year college level.

- Revises s. 1007.23, F.S., to:
  - Guarantee admission of students who graduate from a Florida college with an Associate in Arts degree to the upper division of a Florida college, as well as to a state university;
  - Provide for the continuation and/or implementation of baccalaureate degree programs authorized by law and approved by the SBE prior to the bill’s effective date of July 1, 2009;
  - Permit St. Petersburg College’s (SPC) Board of Trustees to continue, as in current law, to authorize Bachelor in Applied Science degree programs based on workforce need, and per criteria detailed in statute, without specific State Board of Education approval;
  - Specify SBE oversight for the criteria and approval process for initial and subsequent baccalaureate degree proposals for all Florida colleges specifically excepting SPC;
  - Specify the criteria, timeline, and submission process for alternative baccalaureate proposals from public or private universities;
  - Direct the (SBE) to adopt rules to prescribe format and content requirements and submission procedures for notices of intent, proposals and alternative proposals;
  - Beginning July 1, 2010, afford Florida colleges authorized to award baccalaureate degrees by the SBE, and accredited by SACS at Level II, to request three years after initial approval, an exemption from further SBE review, and specifies the criteria and process for such exemption; and
  - Require all Florida colleges with exemptions from SBE baccalaureate approval to submit new programs to the Division of Florida Colleges (DFC) for compliance review prior to implementation per criteria detailed.

General Implementation Timeline:

July 1, 2009 The act becomes effective.