



HSJ-PP-05: EMERGENCY BRIEFINGS PUBLIC MEETING EXEMPTION

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: FAC **SUPPORTS** legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

BACKGROUND: Charlotte County is seeking FAC's support for a bill amending s. 286.011, F.S., providing an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

The terrible COVID-19 pandemic has revealed serious opportunities across all levels of government to improve efficiency and effectiveness during a declared state of emergency. Several times throughout this rolling crisis it has become increasingly clear that allowing an exemption for county elected officials to participate in emergency-related briefings would allow for a more fluid and responsive discussion and execution of policy issues among our county leadership.

ANALYSIS:

- Charlotte County is concerned that our counties response in future rolling crises or multiple crises will be limited without such an exemption.
- Charlotte County believes that the exemption provides a reasonable prevention of abuse given that this exemption only occurs during a declared state of emergency. This means that the initiating agent for this exemption of Sunshine Law isn't rooted in the county elected officials but the Governor of the State of Florida.

FISCAL IMPACT: The requested changes to the sunshine laws are expected to yield an indeterminate reduction in the County's overall cost of servicing these requests.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - HSJ-PP-05 was recommended to be adopted by the committee.

Statutes

- [s. 286.011, F.S.](#) - Public meetings and records; public inspection; criminal and civil penalties.
 - The proposal seeks to amend this statute to provide county officials exemption to participate in emergency-related briefings during a declared state of emergency.

Bills:



- **2022:**
 - **[SB 782 - Public Meetings and Records/Conditional Medical Release Program by Sen. Perry](#) – **FAILED:** Bill stated that the Legislature finds that it is a public necessity that the hearings or portions of hearings during which exempt or confidential information is discussed by the review panel considering an inmate’s conditional medical release be made exempt.**
- **2021:**
 - **HB 1311 – Pub. Rec. and Meetings/Public Service Commission by Commerce Committee - Passed:** Provides exemption from public meetings requirements for portions of hearings before Public Service Commission wherein proprietary confidential business information is discussed
 - [Ch. 2021-72, L.O.F.](#)
- **2020:**
 - **SB 1060 - Public Records and Meetings/911, E911, or Public Safety Radio Communication System by Rules Committee – PASSED:** Providing an exemption from public records requirements for certain documents which depict the structural elements of certain 911, E911, or public safety radio communication system infrastructure, structures, or facilities
 - [Ch. 2020-13, L.O.F.](#)
- Past FAC statements:
 - **HSJ-PP-08 (2021-22): EXEMPTION FOR EMERGENCY BRIEFINGS (SUNSHINE LAW – COUNTY STATE OF EMERGENCY)**
 - **POLICY:** SUPPORT legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.
 - Guiding Principles: FAC does not have any applicable Guiding Principles for this proposal.

SUBMITTING COUNTY AND CONTACT: Charlotte –Cameron Pennant
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ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT:

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes