



October 6, 2017

The Honorable Dennis Baxley, Chair  
Senate Governmental Oversight and Accountability Committee  
404 S. Monroe Street, Room 525 Knott  
Tallahassee, FL 32399-1100

Re: SB 192, Public Meetings

Dear Senator Baxley:

We are writing in response to SB 192, amending Florida's sunshine law, which is scheduled for consideration by the Senate Ethics and Elections Committee on Tuesday, October 10. While generally supportive of the bill, we do have a concern regarding subparagraph (2), which stipulates that the requirements of the sunshine law do not apply to meetings of two or more members of a collegial body "[s]o long as no official acts are taken and any public 63 business is not discussed . . ."

From discussion with staff last session, it is our understanding that this section of the bill is intended to codify case law which allows members of a board or commission to socialize with one another. While we don't oppose such codification, we are concerned that the language as currently drafted is too vague and could easily be misconstrued. Thus, we've taken the liberty of drafting an amendment to that section of SB 192 which addresses our concerns and clarifies that the exception applies only to social gatherings. That amendment is attached.

If you have any questions or would like additional information about our proposed amendment, please don't hesitate to contact me.

Sincerely,

**B.**

Barbara A. Petersen, President

cc: The Honorable Joe Negron, President, The Florida Senate  
The Honorable Keith Perry, Chair, Senate Ethics and Elections Committee

Carol LoCicero, Chair, First Amendment Foundation  
Samuel Morley, General Counsel, Florida Press Association  
Gil Thelen, Executive Director, Florida Society of News Editors

**PROPOSED AMENDMENT TO SB 192**

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On page 2, lines 62 – 65, delete all of said lines and insert:

(2) Subsection (1) may not be construed to require public notice of and access to any social gathering of two or more members of the same board or commission where:

(a) they may be part of a large group;

(b) the gathering is not directly related to their official duties; or

(c) the contact between two or more members of the same board or commission is coincidental;

and

(d) no official acts are taken and any public business is not discussed.