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## MEMORANDUM

William C. Potter  
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June 6, 2001

TO:            The Board of Directors of Brevard Workforce Development Board, Inc.

FROM:        William C. Potter

RE:            Compliance with section 286.011, Florida Statutes

Although the Brevard Workforce Development Board, Inc. ("BWDB") is a not for profit corporation, it performs a governmental function and, thus, is subject to the provisions of section 286.011, Florida Statutes, commonly known as the Government in the Sunshine Law. This statute prohibits members of the board from discussing any of the BWDB's business or issues that may reasonably lead to action by the BWDB other than at a public meeting which has been properly advertised in accordance with the statute.

This prohibits two or more board members from discussing any matters relating to BWDB in any forum other than a properly advertised meeting of the board or one of its committees. This, for example, prohibits two or more members of the board from meeting with a staff member to discuss issues relating to BWDB. Further, it prohibits two or more members of the board who are members of another organization from discussing BWDB issues during a meeting of that other organization. This prohibition of non-public discussion extends not merely to formal decisions by BWDB but to any discussions that may result in action by the board. See Zorc v. City of Vero Beach, 722 S. 2d 891 (Fla. App. 4 Dist. 1998).

Violation of this statute is a second degree misdemeanor. Moreover, it may invalidate action taken by BWDB as a result of such unauthorized meetings.

If you have any questions in regard to the applicability of this statute, please feel free to call upon me.