

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

Item # SA -3

AGENDA ITEM SUMMARY

Meeting Date: April 8, 2025      ☐ Consent      ☒ Regular  
   ☐ Workshop      ☐ Public Hearing

Department: Human Resources Department

Submitted By: Administration

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: a Resolution of the Board of County Commissioner of Palm Beach County, Florida, establishing the County Administrator Task Force (CATF).

**Summary:** The County Administrator notified the Board of County Commissioners (BCC) of her upcoming retirement effective May 31, 2025. On March 18, 2025, the BCC approved a timeline and procedures for the Recruitment and Retention of a County Administrator. On March 27, 2025, the BCC amended the timeline and procedures. Staff respectfully requests the BCC's approval of the Resolution to establish the CATF to serve in the capacity as outlined in the Resolution. If approved, the CATF will assemble for training and operate under Florida's Sunshine Law, Palm Beach County Code of Ethics, and the County's Advisory Board Guidelines outlined in Resolution No. 2013-0193. Pursuant to the BCC's timeline and procedures, staff has completed the first step by posting the advertisement for a County Administrator and as the number of candidates currently exceeds five (5), the requirement to establish the CATF to reduce the number of candidates has been activated. **Countywide (DO)**

**Background and Policy Issues:** The current County Administrator has properly notified the BCC of her upcoming retirement effective May 31, 2025. In response the BCC developed and accepted a timeline and procedures to begin the recruitment and retention process for the position. Accordingly, staff has initiated and completed the first step by advertising the position. The BCC's timeline and procedures specify that should more than five (5) candidates apply for the position, the BCC will establish the CATF by each commissioner appointing one (1) person to serve on the CATF and an alternate, to serve on the CATF. The CATF will be tasked with the responsibility of reducing the number of candidates and recommend a maximum of five (5) to the BCC for its selection of a candidate to serve as County Administrator. As the current number of candidates exceeds five (5), that CATF provision is required.

The County's staff respectfully requests the approval of the Resolution to establish the CATF members to serve in the capacity outlined in the Resolution. If the Resolution is approved, the CATF will assemble and operate under Florida's Sunshine Law and the County's Ethics Code requirements, and the Advisory Board Guidelines outlined in Resolution No. 2013-0193.

**Attachments:**

1. Board Application
2. Member Requirements
3. Sunshine Law Advisory Board Requirements
4. Resolution
5. Resolution Number 2013-0193

Recommended by:   
Assistant County Administrator

Date

4/2/2025

Approved by:   
Deputy County Administrator

Date

4/3/25

## II. FISCAL IMPACT ANALYSIS

### A. Five-Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029	Operating Costs
Capital Expenditures						
External Revenues						
Program Income (County)						
In-Kind Match (County)						
NET FISCAL IMPACT						

Is the Item Included in Current Budget? Yes \_\_\_\_\_ No X  
Does this item include the use of Federal Funds? Yes \_\_\_\_\_ No X  
Does this item include the use of State Funds? Yes \_\_\_\_\_ No X

Budget Account No.

Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lara Martin 4/2/2025  
OFMB  
4/2/25  
9A412

Brenda Brach 4/2/25  
Contract Dev. and Control  
4/2/25

### B. Legal Sufficiency:

Cheryl  
Assistant County Attorney

### C. Other Department Review:

N/A  
Department Director

This summary is not to be used as a basis for payment.

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARDS/COMMITTEES APPLICATION

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. **Please attach a biography or résumé to this form.**

**Section I (Department):** (Please Print)

Board Name: \_\_\_\_\_ Advisory ☐ Not Advisory ☐

☐ At Large Appointment or ☐ District Appointment /District #: \_\_\_\_\_

Term of Appointment: \_\_\_\_\_ Years. From: \_\_\_\_\_ To: \_\_\_\_\_

Seat Requirement: \_\_\_\_\_ Seat #: \_\_\_\_\_

☐ \*Reappointment or ☐ New Appointment

or ☐ to complete the term of \_\_\_\_\_ Due to: ☐ resignation ☐ other

Completion of term to expire on: \_\_\_\_\_

**\*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners:** \_\_\_\_\_

**Section II (Applicant):** (Please Print)  
**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: \_\_\_\_\_  
Last First Middle

Occupation/Affiliation: \_\_\_\_\_  
Owner ☐ Employee ☐ Officer ☐

**Business Name:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

City & State \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Residence Address:** \_\_\_\_\_

City & State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Ext. \_\_\_\_\_

Cell Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address Preference: ☐ Business ☐ Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_

**Minority Identification Code:** ☐ Male ☐ Female

☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☐ Caucasian

**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks &amp; Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____
<b>(Attach Additional Sheet(s), if necessary)</b>			
<b>OR</b>			
NONE	<input type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII of the Palm Beach Code, the Palm Beach County Code of Ethics. Training on the Palm Beach County Code of Ethics can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment. All board members must also be familiar with the State of Florida Code of Ethics, (Chapter 112, part III of the Florida Statutes), and the Florida Sunshine Law.

By signing below I agree to abide by the Palm Beach County Code of Ethics, and acknowledge that I have received the required Ethics training (in the manner checked below):

☐ By watching the training program on the Web, DVD or VHS on \_\_\_\_\_ 20\_\_\_\_

☐ By attending a live presentation given on \_\_\_\_\_, 20\_\_\_\_

**AND**

By signing below I acknowledge that I have read, understand and agree to abide by the Florida Sunshine Law and the State of Florida Code of Ethics, Chapter 112, part III of the Florida Statutes:

\*Applicant's Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

(NOTE: Signature must be an actual signature or an electronic signature. A "typed" signature (name) will not be accepted)

Any questions and/or concerns regarding Article XIII of the Palm Beach County Code of Ethics, please visit the Commission on Ethics website [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 233-0724.

**Return this FORM to:**

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



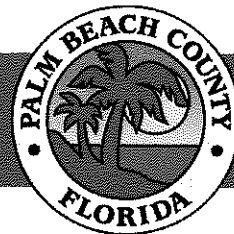
## Criteria for Taskforce Members

Consistent with those who serve on a PBC Board or Committee, an individual serving on the taskforce must complete and submit the *PBC Boards/Committees Application*.

This application includes:

- disclosing any contractual relationships with the County;
- requiring individuals to read and complete training on Article XIII of the Palm Beach Code (Code of Ethics) which includes Sunshine Laws, prohibited conduct, and ethics training; and
- emphasizing that members must be a Palm Beach County resident

Additionally, anyone serving on the taskforce will not be considered for the County Administrator position.



*Your success is our success!*

**#PBCGOV | [pbc.gov](http://pbc.gov)**

---

GOVERNMENT-IN-THE-SUNSHINE-MANUAL

---

PART I

GOVERNMENT IN THE SUNSHINE LAW

**A. SCOPE OF THE SUNSHINE LAW**

Florida's Government in the Sunshine Law, s. 286.011, F.S., commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings of public boards or commissions at both the state and local levels. The law is equally applicable to elected and appointed boards, and applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. See *Parris v. State*, 359 So. 3d 1178 (Fla. 4th DCA 2023) (Ciklin, J., concurring specially), noting that "[m]eetings of two or more fellow government officials who are subject to the Sunshine Law are not allowed if any words of any type pertaining to any possible foreseeable issue will be communicated in any way unless they are open to the public to whom reasonable notice has been provided." Members-elect to such boards or commissions are also subject to the Sunshine Law, even though they have not yet taken office. There are three basic requirements of s. 286.011, F.S.:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken and promptly recorded.

The complete text of the Government in the Sunshine Law and related statutes may be found in Appendix B.

A constitutional right of access to meetings of collegial public bodies is recognized in Art. I, s. 24, Fla. Const. See *Frankenmuth Mutual Insurance Company v. Magaha*, 769 So. 2d 1012, 1021 (Fla. 2000), noting that the Sunshine Law "is of both constitutional and statutory dimension." Virtually all collegial public bodies are covered by the open meetings mandate of this constitutional provision with the exception of the judiciary and the state Legislature, which has its own constitutional provision requiring access. The only exceptions are those established by law or by the Constitution. The complete text of Art. I, s. 24, Fla. Const., may be found in Appendix A of this manual.

The Government in the Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision." The statute thus applies to public collegial bodies within this state, at the local as well as state level. *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971). "All governmental entities in Florida are subject to the requirements of the Sunshine Law unless specifically exempted." *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010). *Accord Florida Citizens Alliance, Inc. v. School Board of Collier County*, 328 So. 3d 22 (Fla. 2d DCA 2021).

The Sunshine Law is equally applicable to elected and appointed boards or commissions. AGO 73-223. Special district boards (AGO 74-169) and boards created by interlocal agreement (AGO 84-16) are also included. And see Inf. Op. to Martelli, July 20, 2009 (State Fair Authority, created by statute as a public corporation, subject to Sunshine Law). Cf. *Turner v. Wainwright*, 379 So. 2d 148, 155 (Fla. 1st DCA 1980), *affirmed and remanded*, 389 So. 2d 1181 (Fla. 1980) (legislative requirement that certain board meetings must be open to the public does not imply that the board could meet privately to discuss other matters).

**B. WHAT ENTITIES ARE COVERED BY THE SUNSHINE LAW? APPLICATION OF THE SUNSHINE LAW TO:**

**1. Advisory boards**

Advisory boards and committees created by public agencies may be subject to the Sunshine

---

## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

---

Law, even though their recommendations are not binding upon the entities that create them. The “dispositive question” is whether the committee has been delegated “decision-making authority,” as opposed to mere “information-gathering or fact-finding authority.” *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010). “Where the committee has been delegated decision-making authority, the committee’s meetings must be open to public scrutiny, regardless of the review procedures eventually used by the traditional governmental body.” *Id.* *Accord Florida Citizens Alliance, Inc. v. School Board of Collier County*, 328 So. 3d 22 (Fla. 2d DCA 2021), quoting extensively from *Sarasota Citizens for Responsible Government*, in finding that textbook evaluation committees created by the superintendent pursuant to school board policy to recommend textbooks, had been delegated decision-making authority and were therefore subject to the Sunshine Law even though the school board made the final decision to approve the textbooks. *And see* AGO 23-04, noting that “the power to make recommendations may qualify as decision-making authority even though the entity delegating that authority has the power to reject the recommendation.”

For example, in *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974), a citizen planning committee appointed by a city council to assist in revision of zoning ordinances was found to be subject to the Sunshine Law. The *Gradison* court, concluding that the committee served as the alter ego of the council in making tentative decisions, stated that “any committee established by the Town Council to act in any type of advisory capacity would be subject to the provisions of the government in the sunshine law.” *Id.* at 476. *See also Spillis Candela & Partners, Inc. v. Centrust Savings Bank*, 535 So. 2d 694, 695 (Fla. 3d DCA 1988) (committee which compiled a report that was perfunctorily accepted by the board made a significant ruling affecting decision-making process and was subject to s. 286.011); and *Lyon v. Lake County*, 765 So. 2d 785 (Fla. 5th DCA 2000) (Sunshine Law applies to site plan review committee created by county ordinance to serve in an advisory capacity to the county manager). *Accord* AGOs 98-13 (citizen advisory committee appointed by city council to make recommendations to the council regarding city government and city services), and 01-84 (school advisory council created pursuant to former s. 229.58 [now s. 1001.452], F.S.).

The Sunshine Law does not establish a lesser standard for members of advisory committees that are subject to the Sunshine Law. *See Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994) (“[T]he Sunshine Law equally binds all members of governmental bodies, be they advisory committee members or elected officials”). Nor is there an exception from the Sunshine Law for an advisory group created by a county commissioner and composed of volunteers. *See* Inf. Op. to Wallace, January 7, 2019, emphasizing that it is the nature of the functions of an advisory group that determines the application of the Sunshine Law, not the manner of their appointment or their volunteer status.

### a. Advisory boards appointed by a single public official

The Sunshine Law applies to advisory committees appointed by a single public official as well as those appointed by a collegial board. *See* Inf. Op. to Wallace, January 7, 2019 (“In the first place, advisory groups appointed by a single public official are not immunized from the public meetings requirement”).

For example, in *Wood v. Marston*, 442 So. 2d 934 (Fla. 1983), the Florida Supreme Court determined that the Sunshine Law applied to an ad hoc advisory committee appointed by a university president to screen applications and make recommendations for the position of law school dean, because the committee, in deciding which applicants to reject from further consideration, performed a policy-based, decision-making function. *See also Silver Express Company v. District Board of Lower Tribunal Trustees*, 691 So. 2d 1099 (Fla. 3d DCA 1997) (committee established by agency purchasing director to consider and rank various contract proposals deemed subject to Sunshine Law); *Florida Citizens Alliance, Inc. v. School Board of Collier County*, 328 So. 3d 22 (Fla. 2d DCA 2021) (textbook committees created by the superintendent pursuant to school board policy to evaluate and rank textbooks for approval by

---

## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

---

the school board governed by s. 286.011, F.S., because they “clearly ‘helped to crystalize the decision to be made’ by the School Board,” quoting from *Silver Express*, 691 So. 2d at 1100); and *Linares v. District School Board of Pasco County*, No. 17-00230 (Fla. 6th Cir. Ct. January 10, 2018), available online in the Cases database at the open government site at [myfloridalegal.com](http://myfloridalegal.com) (Sunshine Law applies to committee formed by school board planning director to develop and recommend to the superintendent proposed new school attendance boundaries). Accord AGOs 05-05 (fact that advisory group was created by chief of police and not city commission and its recommendations were made to police chief would not remove group from ambit of the Sunshine Law); 85-76 (ad hoc committee appointed by mayor for purpose of making recommendations concerning legislation); 87-42 (ad hoc committee appointed by mayor to meet with Chamber of Commerce and draft proposal for transfer of city property). And see Inf. Op. to Lamar, August 2, 1993 (transition team appointed by mayor to make recommendations regarding governmental reorganization).

### b. Fact-finding committees

A limited exception to the applicability of the Sunshine Law to advisory committees has been recognized for advisory committees established for fact-finding only. “[A] committee is not subject to the Sunshine Law if the committee has only been delegated information-gathering or fact-finding authority and only conducts such activities.” *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010). See also *National Council on Compensation Insurance v. Fee*, 219 So. 3d 172 (Fla. 1st DCA 2017); and *Cape Publications, Inc. v. City of Palm Bay*, 473 So. 2d 222 (Fla. 5th DCA 1985). Accord AGO 95-06 (when a group, on behalf of a public entity, functions solely as a fact-finder or information gatherer with no decision-making authority, no “board or commission” subject to the Sunshine Law is created).

“In determining whether a committee is subject to the Sunshine Law, the actual function of the committee must be scrutinized to determine whether it is exercising part of the decision-making function by sorting through options and making recommendations to the governmental body.” Inf. Op. to Randolph, June 10, 2010. Thus, if an advisory committee has a decision-making function in addition to fact-finding, the Sunshine Law is applicable. See *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983), recognizing that while a “search and screen” committee had a fact-gathering role in soliciting and compiling applications, the committee also “had an equally undisputed decision-making function in screening the applicants” by deciding which of the applicants to reject from further consideration, and thus was subject to the Sunshine Law. And see AGO 94-21 (application of Sunshine Law to members of a negotiating team created by a city commission). Cf. *Collier County Public Schools v. Mason Classical Academy*, 342 So. 3d 753 (Fla. 2d DCA 2022), noting that discussions between two school district employees and the school district attorney conducted as part of the fact-finding process in an investigation of a charter school “clearly were not meetings pursuant to section 286.011(1) because neither employee was a school board member or part of a decision-making committee”).

Accordingly, the determination as to whether an advisory committee created by a public official is subject to the Sunshine Law will necessarily depend on the duties and responsibilities performed by the committee. See Inf. Op. to Wallace, January 7, 2019, noting that the mere designation of a committee’s function as “providing feedback” to the public official is not dispositive of the status of the committee for Sunshine Law purposes; instead, “the key determination will be the exact nature of the feedback being requested and provided.” See also AGO 98-13 (application of the Sunshine Law to a community advisory committee appointed by a city commission).

Moreover, the “fact-finding exception” applies only to advisory committees and not to boards that have “ultimate decision-making governmental authority.” *Finch v. Seminole County School Board*, 995 So. 2d 1068, 1071-1072 (Fla. 5th DCA 2008). In *Finch*, the court held that the “fact-finding exception” did not apply to a school board as the ultimate decision-making body; thus the board could not take a fact-finding bus tour without complying with the Sunshine Law even though school board members were separated from each other by several rows of seats, did not discuss their preferences or opinions, and no vote was taken during the trip. And see Inf.



---

## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

---

Op. to Sugarman, August 5, 2015 (pension board not authorized to travel out of state to meet with financial consultants).

### c. Staff committees

The Sunshine Law applies to meetings of elected or appointed boards; it does not ordinarily apply to staff committees or meetings. See, e.g., *Occidental Chemical Company v. Mayo*, 351 So. 2d 336 (Fla. 1977), *disapproved in part on other grounds*, *Citizens v. Beard*, 613 So. 2d 403 (Fla. 1992); *School Board of Duval County v. Florida Publishing Company*, 670 So. 2d 99, 101 (Fla. 1st DCA 1996); and AGO 89-39. The Sunshine Law does not apply “when a governmental executive uses staff for a fact-finding and advisory function in fulfilling his or her duties.” *Knox v. District School Board of Brevard*, 821 So.2d 311, 315 (Fla. 5th DCA 2002).

Thus, a committee composed of staff that is responsible for advising and informing the decision-maker through fact-finding consultations is not subject to the Sunshine Law. *Bennett v. Warden*, 333 So. 2d 97 (Fla. 2d DCA 1976) (meetings of committee appointed by public college president to report on employee working conditions not subject to Sunshine Law). Cf. AGO 08-63 (although Sunshine Law does not apply to orientation sessions held by counties for special magistrates hired to hear value adjustment board petitions, “nothing would preclude a county from allowing the public to attend such orientations in order to enhance the knowledge of citizens who appear before value adjustment boards”).

Accordingly, a state agency did not violate the Sunshine Law when agency employees conducted an investigation into a licensee’s alleged failure to follow state law, and an assistant director made the decision to file a complaint as “[c]ommunication among administrative staff in fulfilling investigatory, advisory, or charging functions does not constitute a ‘Sunshine’ Law violation.” *Baker v. Florida Department of Agriculture and Consumer Services*, 937 So. 2d 1161 (Fla. 4th DCA 2006), *review denied*, 954 So. 2d 27 (Fla. 2007). And see *Knox v. District School Board of Brevard*, *supra*, concluding that a team of employees appointed by an area superintendent to meet with her to interview, evaluate and recommend applicants to the superintendent served only in a “fact-finding or advisory” capacity since the superintendent received all applications for the position and he decided which applicants he would interview and nominate to the school board.

Similarly, the court in *Lyon v. Lake County*, 765 So. 2d 785 (Fla. 5th DCA 2000), ruled that the Sunshine Law did not apply to informal meetings of staff where the discussions were “merely informational,” where none of the individuals attending the meetings had any decision-making authority during the meetings, and where no formal action was taken or could have been taken at the meetings.

Accordingly, “meetings among agency staff to assess and make recommendations regarding contract management do not implicate” open meetings requirements. *Florida Environmental Regulation Specialists, Inc. v. Florida Department of Environmental Protection*, 342 So. 3d 710 (Fla. 1st DCA 2022). The court observed that “there was no delegation of policy making authority to any group of staff members at the department and the decision to terminate the contract was made by the agency official tasked with doing so.” *Id.* See also *Molina v. City of Miami*, 837 So. 2d 462, 463 (Fla. 3d DCA 2002) (police discharge of firearms committee not subject to Sunshine Law because the committee “is nothing more than a meeting of staff members who serve in a fact-finding advisory capacity to the chief”); *J.I. v. Department of Children and Families*, 922 So. 2d 405 (Fla. 4th DCA 2006) (Sunshine Law not applicable to Department of Children and Families permanency staffing meetings conducted to determine whether to file a petition to terminate parental rights); and *National Council on Compensation Insurance v. Fee*, 219 So. 3d 172, 179 (Fla. 1st DCA 2017) (Sunshine Law inapplicable to meetings “held solely for the purpose of gathering information”).

However, if a staff committee has been delegated decision-making authority as opposed to mere fact-finding or information-gathering, the Sunshine Law applies to the committee. See

---

## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

---

*Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983). It is the nature of the act performed, not the makeup of the committee or the proximity of the act to the final decision, which determines whether a committee composed of staff is subject to the Sunshine Law. *Id.* See *News-Press Publishing Company, Inc. v. Carlson*, 410 So. 2d 546, 548 (Fla. 2d DCA 1982), concluding that it would be “ludicrous” to hold that “a certain committee is governed by the Sunshine Law when it consists of members of the public, who are presumably acting for the public, but hold that a committee may escape the Sunshine Law if it consists of individuals who owe their allegiance to, and receive their salaries from, the governing authority;” and *Evergreen the Tree Treasurers of Charlotte County, Inc. v. Charlotte County Board of County Commissioners*, 810 So. 2d 526, 531-532 (Fla. 2d DCA 2002) (staff committee members delegated decision-making authority from public officials no longer function as staff members but “stand in the shoes of such public officials” insofar as the Sunshine Law is concerned).

Thus, in *Silver Express Company v. District Board of Lower Tribunal Trustees*, 691 So. 2d 1099 (Fla. 3d DCA 1997), the district court determined that a committee composed primarily of staff that was created by a college purchasing director to assist and advise her in evaluating contract proposals was subject to the Sunshine Law. The committee’s job to “weed through the various proposals, to determine which were acceptable and to rank them accordingly” was sufficient to bring the committee within the scope of the Sunshine Law. See also *Roscow v. Abreu*, No. 03-CA-1833 (Fla. 2d Cir. Ct. August 6, 2004), available in the Cases database at the open government site at [myfloridalegal.com](http://myfloridalegal.com) (committee created by the state department of transportation and composed of officials from state, local, and federal agencies was subject to the Sunshine Law because the committee was responsible for screening and evaluating potential corridors and alignments for a possible expansion of the Suncoast Parkway); AGO 05-06 (city development review committee, composed of several city officials and representatives of various city departments to review and approve development applications, is subject to the Sunshine Law); and AGO 86-51 (land selection committee appointed by water management district and delegated decision-making authority to consider projects for inclusion on a list of proposed acquisition projects must comply with Sunshine Law “even though such committee may be composed entirely of district staff and its decisions and recommendations are subject to further action by the district’s governing board”).

The *Silver Express* decision was cited in a recent case finding that textbook committees established by a school superintendent to evaluate textbooks using a “quantitative ‘rubric for evaluation’” as provided in a school board policy were subject to the Sunshine Law. The court noted that even though the superintendent had the statutory duty to recommend textbooks to the school board, the school board had the authority to select the textbooks. Because the textbooks with the highest number of points were selected for recommendation to the school board, the textbook committee selections constituted rankings and “clearly ‘helped to crystalize the decision to be made by’” the school board. *Florida Citizens Alliance, Inc. v. School Board of Collier County*, 328 So. 3d 22 (Fla. 2d DCA 2021), quoting *Silver Express*, 691 So. 2d at 1100.

Similarly, in *Dascott v. Palm Beach County*, 877 So. 2d 8 (Fla. 4th DCA 2004), the court held that a meeting of a pre-termination conference panel established pursuant to a county ordinance and composed of a department head, personnel director, and equal opportunity director should have been held in the Sunshine. Even though the county administrator had the sole authority to discipline employees, that authority had been delegated to the department head who in turn chose to share that authority with the other members of the panel.

By contrast, in *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 763 (Fla. 2010), the Court found that a county administrator’s discussions with staff and consultants while negotiating a memorandum of understanding with a baseball team did not violate the Sunshine Law because the administrator’s “so-called negotiations team only served an informational role.” According to the Court, “[t]his is not a situation where [the administrator] and the individuals he consulted made joint decisions. *Cf. Dascott v. Palm Beach County*, [supra].”

---

## GOVERNMENT-IN-THE-SUNSHINE-MANUAL

---

See also *McDougall v. Culver*, 3 So. 3d 391 (Fla. 2d DCA 2009) and *Jordan v. Jenne*, 938 So. 2d 526 (Fla. 4th DCA 2006).

### 2. Candidates or members-elect

#### a. Candidates

The Sunshine Law does not apply to candidates for office, unless the candidate is an incumbent seeking reelection. AGO 92-05.

#### b. Members-elect

The requirements of the Sunshine Law apply not only to meetings of covered boards or commissions but also to “meetings with or attended by any person elected to such board or commission, but who has not yet taken office.” Section 286.011(1), F.S. Thus, members-elect are subject to the Sunshine Law in the same manner as board members who are currently in office. See also *Hough v. Stembbridge*, 278 So. 2d 288, 289 (Fla. 3d DCA 1973) (individual, upon election to public office, loses his or her status as a private individual and acquires a position more akin to that of a public trustee and therefore is subject to s. 286.011, F.S.). Cf. Inf. Op. to Lamar, August 2, 1993 (Sunshine Law applies to transition team made up of citizens appointed by the mayor to make recommendations on city government reorganization). And see *Linares v. District School Board of Pasco County*, No. 17-00230 (Fla. 6th Cir. Ct. January 10, 2018), available in the Cases database at the open government site at [myfloridalegal.com](http://myfloridalegal.com) (Sunshine Law applied to advisory committee members “from the moment each member was selected to be on the [committee]”).

A candidate who is unopposed is not considered to be a member-elect subject to the Sunshine Law until the election has been held. AGO 98-60. Accord Inf. Op. to Popowitz, August 12, 2016. The Popowitz opinion references a 2010 opinion from the Division of Elections (Div. of Elections Op. 10-09, July 26, 2010), finding that the date of a candidate’s election to office could be deemed to be either the date specified by a court in an election case, election day itself, the date the final canvassing board certifies the election results, or some other date, depending upon the particular factual situation involved.

### 3. Commissions created by the Florida Constitution

Boards or commissions created by the Constitution which prescribes the manner of the exercise of their constitutional powers are not subject to s. 286.011, F.S., when carrying out such constitutionally prescribed duties. See *Kanner v. Frumkes*, 353 So. 2d 196 (Fla. 3d DCA 1977) (judicial nominating commissions are not subject to s. 286.011, F.S.). Cf. *In re Advisory Opinion of the Governor*, 334 So. 2d 561 (Fla. 1976) (clemency power does not exist by virtue of legislative enactment; rather Constitution sufficiently prescribes rules for the manner of exercise of the power); and AGO 77-65 (Ch. 120, F.S., inapplicable to Constitution Revision Commission established by Art. XI, s. 2, Fla. Const.). Compare *Turner v. Wainwright*, 379 So. 2d 148 (Fla. 1st DCA), affirmed and remanded, 389 So. 2d 1181 (Fla. 1980), holding that the Parole Commission [now known as the Florida Commission on Offender Review, see s. 1, Ch. 14-191, Laws of Florida] which Art. IV, s. 8(c), Fla. Const., recognizes may be created by law, is subject to s. 286.011, F.S.

However, Art. I, s. 24, Fla. Const., establishes a constitutional right of access to meetings of any collegial public body of the executive branch of state government by providing that such meetings must be open and noticed to the public unless exempted by the Legislature pursuant to Art. I, s. 24, Fla. Const., or specifically closed by the Constitution.

### 4. Ex officio board members

An ex officio board member is subject to the Sunshine Law regardless of whether he or she is serving in a voting or non-voting capacity. AGO 05-18. Accord Inf. Op. to Ardaman, June 24, 2021 (mayor who serves as a non-voting ex officio member of various municipal boards is subject

RESOLUTION NO. R-2025 \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR ESTABLISHMENT OF THE COUNTY ADMINISTRATOR TASK FORCE; PROVIDING FOR MEMBERSHIP REQUIREMENTS; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR MEMBER REMOVAL; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING THAT COMMITTEE ACTIONS AND DECISIONS ARE ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFORMANCE WITH THE UNIFORM POLICIES AND PROCEDURES FOR COUNTY ADVISORY BOARDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County desires to create the County Administrator Task Force to assist with the selection of a County Administrator;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

**Section 1. Establishment of the County Administrator Task Force.**

An Advisory Committee is hereby established to be known as the County Administrator Task Force, which shall serve at the pleasure of the Board of County Commissioners of Palm Beach County until a full-time permanent County Administrator is hired, or such time as determined by the Board of County Commissioners of Palm Beach County.

**Section 2. Membership Requirements.** The County Administrator Task Force shall consist of seven (7) members, appointed by the Board of County Commissioners of Palm Beach County, based on the following requirements:

- a. One nomination from each County Commissioner, in addition to an alternate member.

The mayor's appointee will serve as the Task Force's Chairperson.

- b. Nominees shall be residents of Palm Beach County, knowledgeable about Public Administration and government operations, and committed to serving the needs of the committee and the citizens of Palm Beach County.

**Section 3. Meetings and Organization.** The Task Force, in conjunction with the Task Force Liaison, shall establish a time and place for holding meetings as deemed necessary and shall adopt such rules of organization and procedure as may be required. Meetings shall be governed by Robert's Rules of Order. A majority of the members present for meetings shall constitute a quorum for the business transaction, and the concurrence of a majority of members present and voting shall

be required to take any official action. The applicable provisions of the Palm Beach County Code of Ethics shall govern members. All meetings shall be open to the public, properly advertised, and meet all meeting requirements prescribed in Florida's "Sunshine" Law as outlined in Chapter 286 of Florida Statutes. Minutes shall be taken at each meeting.

**Section 4. Member Removal.** All members serve at the pleasure of the Board of County Commissioners of Palm Beach County and may be removed at any time without cause upon a majority vote by the Board of County Commissioners of Palm Beach County. Any member who fails to attend three (3) consecutive meetings or fails to attend more than half of the meeting scheduled shall be automatically removed for lack of attendance. Attendance but lack of participation in less than three-fourths of a meeting shall be the same as failure to attend a meeting.

**Section 5. Duties and Functions.** The Task Force shall assist the Board of County Commissioners by short-listing individual applicants selected by Human Resources who meet the minimum qualifications and other criteria as determined by the Task Force. The Task Force shall recommend a maximum of five (5) applicants to the Board of County Commissioners of Palm Beach County, for as the County Administrator.

**Section 6. Task Force Action Advisory Only.** The Task Force's actions, decisions, and recommendations shall not be final or binding on the Palm Beach County Board of County Commission but shall be advisory only.

**Section 7. Assistance to the Committee.** The Task Force may call upon the Task Force Liaison to facilitate requests from county departments. The Task Force may also contact other counties, regional, state, or local governments for information or advice in the performance of its work. The County Attorney's Office shall act as legal counsel to the Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Committee.

**Section 8. Severability.** If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a court of competent jurisdiction, then said holdings shall not affect the validity of the remaining portions of this Resolution.

**Section 9. Uniform Policies and Procedures of Task Force.** The Task Force shall be subject to the uniform policies and procedures established by the Board of County Commissioners of Palm Beach County for Advisory Boards as currently set forth in Resolution No. 2013-0193, as may be further amended by action of the Palm Beach County Board of County Commissioners.

**Section 10. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption by the Palm Beach County Board of County Commissioners.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved for its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, was as follows:

- |                                      |   |       |
|--------------------------------------|---|-------|
| Commissioner Maria G. Marino, Mayor  | - | _____ |
| Commissioner Sara Baxter, Vice Mayor | - | _____ |
| Commissioner Gregg K. Weiss          | - | _____ |
| Commissioner Joel G. Flores          | - | _____ |
| Commissioner Marci Woodward          | - | _____ |
| Commissioner Maria Sachs             | - | _____ |
| Commissioner Bobby Powell Jr.        | - | _____ |

The Mayor Thereupon declared the Resolution duly passed and adopted this 8th day of April 2025.

Palm Beach County, Florida by its  
Board of County Commissioners

Joseph Abruzzo, Clerk & Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

Approved as to Form and  
Legal Sufficiency

By: \_\_\_\_\_  
Assistant County Attorney

**Resolution No. 2013- 0193**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING AND UPDATING THE UNIFORM POLICIES AND PROCEDURES FOR PALM BEACH COUNTY ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS; REPEALING RESOLUTIONS R95-1806, R2002-1606, R2010-1941, AND R2011-0946 RESPECTIVELY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, is served by a number of advisory boards, committees, commissions, task forces, and authorities which have been established by the Board of County Commissioners from time to time; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, adopted Resolution R95-1806, which established uniform policies and procedures for said advisory boards; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, adopted Resolution R2002-1606, which established attendance policies for said advisory boards; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, adopted Resolution R2010-1941, providing for approval authority to the County Administrator and Deputy County Administrator for advisory board member travel; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida adopted Resolution R2011-0946, which modified the policy to allow a County employee to serve on said advisory board when County employee is an elected official within Palm Beach County; and

**WHEREAS**, it is desirable to repeal Resolutions R95-1806, R2002-1606, R2010-1941, and R2011-0946 and reestablish up-to-date policies into one all encompassing

document which includes specific procedures to ensure compliance with the Board of County Commissioners directives.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1. Repeal of Prior Resolutions**

Resolutions R95-1806, R2002-1606, R2010-1941, and R2011-0946 are repealed in their entirety.

**Section 2. Board Appointments**

The procedure for at-large and district appointments to advisory boards, committees, commissions, task forces, and authorities (hereinafter referred to as "boards" shall be established by a Countywide Policy and Procedure Memorandum (hereinafter referred to as a "PPM") to ensure consistency with agenda submittal and review procedures. Included in the PPM shall be post-appointment procedures to make sure appointees are aware of the requirements of serving on the board. The provisions in this Resolution shall be applicable to boards created by the Board of County Commissioners and may be waived upon majority vote by the Board of County Commissioners.

**Section 3. Maximum Number of Boards**

The maximum number of boards that an individual appointed by the Board of County Commissioners may serve on at one time shall be three (3), except that no individual may serve on more than one (1) board if doing so would violate Article II, Section 5(a) of the Florida Constitution, which prohibits dual-office holding.

**Section 4. Terms of Office**

Terms of office for board members shall be three years. This term shall not apply to any board created by statute or other binding rule which specifies a different term.



**Section 5. Vacancies**

Vacancies occurring during a term shall be filled for the unexpired term.

**Section 6. Number of Terms Served**

There shall be a limit of three consecutive three year terms, unless dictated otherwise by statute or other binding rule.

**Section 7. Removal**

All at-large members of boards appointed by the Board of County Commissioners serve at the pleasure of the Board of County Commissioners and may be removed without cause upon majority vote by the Board of County Commissioners. All members of boards that are classified as District appointees serve at the pleasure of their district Commissioner and may removed without cause by the District Commissioner. This provision shall not apply if a statute or other binding rule provides for a different removal process.

**Section 8. Removal for Lack of Attendance**

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three (3) consecutive meetings or a failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as failure to attend a meeting. Members removed pursuant to this paragraph shall not continue to serve on the board and such removal shall create a vacancy, unless otherwise provided by statute or other binding rule.

**Section 9. Qualification as a Candidate**

Board members shall not be prohibited from qualifying as a candidate for elected office.

**Section 10. Eligibility to Serve**

County employees, other than Commissioners Aides, may not be appointed to boards except where technical/professional representation and county employee eligibility are specifically set forth in the document creating the board or where the County employee is an elected official within Palm Beach County and is nominated for inclusion on the board by an entity other than the Board of County Commissioners. Employees of other units of local government may **not** represent their respective governments on boards, unless otherwise provided by statute or other rule of law. Former Board of County Commission members may not be appointed to boards for at least two years following their last day in office as a County Commissioner.

**Section 11. Number of Members**

The preferred limit on the number of members on a board shall be nine (9), provided, and the maximum number of members shall not exceed eleven (11). This limitation shall not apply to any board created by statute or other binding rule requiring a different specified number of members.

**Section 12. Residency Requirement**

All board members must be residents of Palm Beach County at the time of appointment and while serving on the board. Exemptions to this requirement are allowed when circumstances warrant outside technical/professional representation, or if statute or other rule specifies.

**Section 13. Sunshine Law and State Code of Ethics**

All boards are to comply with the Sunshine Law and State Code of Ethics. Reasonable public notice of all board meetings shall be provided. All meetings of the board shall be open to the public at all times and minutes shall be taken at each meeting.

#### **Section 14. Palm Beach County Code of Ethics**

Board members are to comply with the applicable provisions of the Palm Beach County Code of Ethics as codified in Section 2-254 through 2-260 of the Palm Beach County Code.

#### **Section 15. State Financial Disclosure**

Appointees to boards that are required to submit a Statement of Financial Interests with the State of Florida Commission on Ethics will be notified that failure to submit a Statement of Financial Interests within 30 days of appointment shall result in invalidation of the appointment.

#### **Section 16. Travel Expenses, Reimbursement and Approval Authority**

Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill board member responsibilities when sufficient funds have been budgeted and are available as set forth in PPM CW-O-038. No other expenses are reimbursable except documented long distance phone calls to the liaison County department. Approval authority for pre-authorized board member travel is designated to the County Administrator and Deputy County Administrator and shall be in accordance with Countywide Policy and Procedures memoranda (PPM) CW-F-009.

#### **Section 17. Annual Narrative Report**

Each board listed in PPM CW-O-60, as may be amended from time to time, shall submit an annual narrative report to the Agenda Coordinator. The form, substance, and submittal dates for annual narrative reports are established by PPM CW-O-060. An Annual Narrative Report does not have to be submitted if the board is required to submit a report at least quarterly through ordinance, law, or some other legal document.

#### **Section 18. Conduct of Meeting**

A quorum must be present for the conduct of all board meetings. A majority of the members appointed shall constitute a quorum. All meetings shall be governed by Robert's Rules of Order.

**Section 19. Conflict with Federal or State Law or County Charter**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 20. Effective Date**

The provisions of this Resolution shall be effective March 1, 2013.

The foregoing resolution was offered by Commissioner Taylor, who moved its adoption. The motion was seconded by Commissioner Vana, and upon being put to a vote, the vote was as follows:

Commissioner Steven L. Abrams, Mayor	-	<u>Aye</u>
Commissioner Priscilla A. Taylor, Vice Mayor	-	<u>Aye</u>
Commissioner Hal R. Valeche	-	<u>Nay</u>
Commissioner Paulette Burdick	-	<u>Nay</u>
Commissioner Shelley Vana	-	<u>Aye</u>
Commissioner Mary Lou Berger	-	<u>Aye</u>
Commissioner Jess R. Santamaria	-	<u>Nay</u>

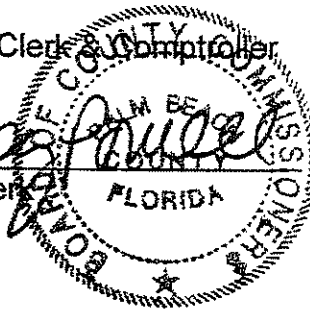
The Chair thereupon declared the Resolution duly passed and adopted this 5th day of February, 2013.

Palm Beach County, Florida by its  
Board of County Commissioners

Sharon R. Bock, Clerk & Comptroller

BY:

*[Signature]*  
Deputy Clerk



Approved as to Form and  
Legal Sufficiency

By:

*[Signature]*  
Assistant County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on FEB 05 2013  
dated at West Palm Beach, FL on FEB 05 2013  
*[Signature]*