

FEB 10 1975

Honorable W. W. Caldwell, Jr.  
City Attorney, Fort Lauderdale  
Post Office Drawer 1181  
Ft. Lauderdale, Florida 33302

Re: SUNSHINE LAW--"public notice" pursuant to §286.011,  
F.S.

Dear Mr. Caldwell:

This is in response to your request for an opinion concerning what constitutes reasonable "public notice" pursuant to §286.011, F.S., especially in light of the recent decision of the Florida Supreme Court construing the Sunshine Law, *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974).

In AGO 073-170, this office concluded that the meaning of "due public notice" is variable depending on the facts of each situation. For example, the timely posting of notice of a public meeting on an official city bulletin board should suffice in most instances in a small community, while the same procedure in a large community probably would prove to be inadequate in many situations. In the absence of statutory directive or home rule ordinance not prohibited by general law, due notice requirements are generally met by any notice reasonable under the particular attending circumstances and, when due process is involved, reasonable notice must meet the minimum and essential requirements of due process. Of course, any specific notice requirements contained within a statute, home rule ordinance or a charter provision converted to an ordinance by Ch. 116, must be followed. Certain tax laws, for example, specifically provide for and control the form, content and time of notice.

Funds for newspaper and other advertising and for mass direct mailing should be duly appropriated and budgeted for those purposes. The decision to authorize such expenditures and to appropriate moneys therefor is the prerogative of the governing body.

With the above prefatory comments in mind, the following notice procedures should be considered as mere suggestions which will vary depending upon the circumstances in each particular situation.

1. Initially, the notice itself should contain the time and place of the meeting. If there is an established, predetermined agenda, it should be disseminated. In the event an agenda is not available, consideration might be given to using subject matter summations.
2. Notices of local meetings should be prominently displayed at city hall in an area set aside for this purpose.
3. If the subject matter of the meeting is governed by Ch. 120, the Administrative Procedure Act, the notice requirements of that statute must be considered.
4. Special meetings should have at least 24 hours' reasonable notice to the public and actual notice to the members. The use of press releases and/or phone calls to the wire services and other media is highly effective. The wire services (AP, UPI) and local media should be the first to be contacted.
5. Emergency sessions should be afforded the most appropriate and effective form of notice under the circumstances.
6. Agencies regulating trades, occupations, professions and special interest activities which have regularly scheduled publications directed to affected persons should, when time permits, provide such publication with notice of regular and special meetings.

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7. On matters of critical public concern involving such topics as large scale rezoning, budgeting, taxation, appointment of public officers, etc., advertising in local newspapers of general circulation would seem appropriate when funds are budgeted and available to defray the costs of such advertising.

While the above procedures should not be considered applicable in all circumstances, they are examples of public notice which might be given consideration. Common sense and a genuine interest in complying with the spirit as well as the letter of the law should also be factors in determining the adequacy of "due public notice" pursuant to §286.011, F.S.

Sincerely,

ROBERT L. SHEVIN  
ATTORNEY GENERAL

RLS/SLS/cb