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## TERRA FIRMA

YOUR GUIDE FOR SOLID LAND USE PLANNING

August 2009

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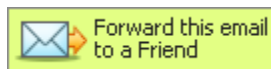
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### NAVIGATING FLORIDA'S SUNSHINE LAWS

Understanding Florida's Sunshine Law is imperative when navigating through the local government approval process, however many people find this topic less than clear. To help shed some "light" on this important matter, **Land Planning Solutions, Inc.** has compiled the below information to assist our clients and friends better understand these regulations.



In basic terms, Florida Sunshine Law is a series of law designed to guarantee that the general public has access to the public records of governmental bodies throughout the state, and that decisions regarding public matters are made in an open, public forum.

Governed by Florida Statutes, Sunshine Law requires that any discussion between elected officials or members of decision-making bodies regarding public business is conducted in front of the general public or in the "Sunshine". Sunshine Law also outlines the rules for conducting public meetings and the right of the citizenry to access, inspect and copy public records.

One common misconception regarding Sunshine Law is that it only applies to elected officials. In fact, the law applies to appointed boards, advisory boards and any community organization that performs governmental functions or engages in governmental decision-making. In fact, even individuals are subject to Sunshine Laws if they act as a conduit to transfer information between board members.

Another important aspect of Sunshine Law is the proper advertisement and noticing of public hearings and meetings. While some local governments within Florida handle public advertisements and mailing notices internally, many jurisdictions place this burden on the applicant or their agent. When errors occur in legal advertisements or notices, the results can be costly to client and/or taxpayers. Therefore, it is imperative to closely review and monitor any advertisements associated with land use projects in order to ensure the applicant is protected from avoidable costs and delays.

There are penalties involved with Sunshine Law violations ranging from nominal fees all the way to incarceration and removal from office. In cases of ambiguity, which is quite probable for these types of violations, Florida courts generally rule in favor of "open government".



It is important to remember that the intent of Sunshine Laws is to prevent closed-door, back-room discussions, negotiations and deals that don't serve the greater public interest. When applied judiciously, these Laws serve to protect the citizenry, and in the case of land use planning, help keep growth management and land use decisions

in the public forum. As a rule of thumb, if you are considering doing something that you would not want people to know about in the bright light of public scrutiny... you probably shouldn't do it!

For more information on Sunshine Laws go to [www.myfloridasunshine.com](http://www.myfloridasunshine.com)



## MEGRATH & TEAM TO SPEAK AT STATE PLANNING CONFERENCE



Allison D. Megrath, AICP, President and Principal Planner at **Land Planning Solutions, Inc** together with Dennis Gilkey of Gilkey Organization, Jeffrey Rapson of Court Street Partners LLC, and Ruth Hamberg of Ruth Hamberg

Landscape Architecture and Urban Design, have been selected as a panel of presenters for the 2009 American Planning Association Florida Chapter State Conference in Jacksonville in September.

The four-some have prepared a presentation entitled **"Sustainable Regional Planning: From Implementation through Design."** This session recognizes that a move towards better growth management is imperative given the recent economic environment and climate change concerns. The presentation will include examples and explanation of how regional consensus plans are becoming increasingly more important to support sustainable land development. Various tools, best practices, innovative ideas and new perspectives will be explored.

Coming from different areas of expertise, this panel seeks to provide an interdisciplinary approach to looking at sustainability as it relates to the future of Florida.

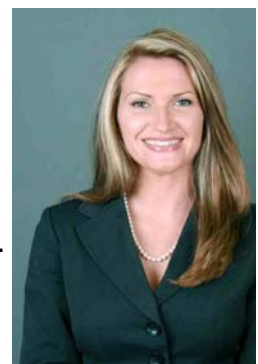
For more information about the 2009 APA FL State Conference, please visit:

[2009 APA Florida State Conference](#)



## CRESPO ASSUMES APA FL PROMISED LANDS VICE-CHAIR RESPONSIBILITIES

Alexis V. Crespo, AICP, LEED AP, Senior Planner at **Land Planning Solutions, Inc.**, has been elected as the 2009 -2011 Vice-Chair of the Promised Lands Section of the American Planning Association, Florida Chapter. In her new role, Ms. Crespo will serve as a liaison between the State Executive Committee and the local membership, as well as assist the Section in providing educational and networking opportunities.



Additionally, Ms. Crespo was re-elected in July as the 2009-2010 President of the Calusa Chapter of the

Florida Planning and Zoning Association (FPZA).

These roles show her commitment to the furthering of the planning profession and speak of her ability and willingness to assume leadership positions. The membership of both groups will be well-served by Ms. Crespo. Please contact her at [Alexis@lpsfl.us](mailto:Alexis@lpsfl.us) if you have any questions regarding either organization.

## HOMETOWN DEMOCRACY

Requests continue for **Land Planning Solutions, Inc.** to give a presentation on the fundamentals of Hometown Democracy. The 30-minute presentation is structured to provide the audience with an overview of the origins of the initiative, what it is, where it would fit into the planning process, as well as Hometown Democracy truths & myths. The presentation also includes where additional information may be found for individuals to be able to make an informed decision come the November 2010 election.

In August, **Land Planning Solutions, Inc.** gave presentations to the Heartland Realtors Association, the Rotary Club of Naples Bay, the Gulfshore Rotary Club and the Lee County Bar Association - Land Use Division.

Future presentations currently scheduled include:

- October 29, 2009: Highlands County Republicans
- January 13, 2010: Lake Placid Chamber of Commerce

If your organization would like an update on the status of this movement, please call us at (239) 405-7983 to schedule a presentation. Reasonable costs.

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