



# Florida Department of Environmental Protection

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Tallahassee, Florida 32399-3000

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Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

October 1, 2008

Commissioner Frederick C. Brummer  
Orange County Government  
Post Office Box 1393  
Orlando, Florida 32808-1393

Dear Commissioner Brummer:

I have been asked to respond to your letter of inquiry dated September 8, 2008, regarding applicability of Florida's Sunshine Laws to the Department's Lake Jessup Technical Working Group ("Technical Group"). As you know, the Technical Group was envisioned as a way to gather comment and input regarding highly technical matters facing the Department's Lake Jessup Basin Working Group, ("Basin Working Group"). The Basin Working Group was created to serve as a collegial, decision-making body in the Lake Jessup Basin Management Action Plan process.

Through discussions with Department staff, I have been informed that no formally-designated group of specific individuals comprise the Technical Group, that the meetings of the Technical Group are open to the public, and that such meetings are similar to a "town hall" meeting to which are all invited, and all input solicited. Based on this information, meetings of the Technical Group are subject to the provisions of section 120.525, Florida Statutes, which applies to agency "meetings, hearings, and workshops".

On the other hand, I am informed that the Basin Working Group is composed of specifically-appointed individuals, and that this formally-designated body is expected to explore and make recommendations concerning different alternatives in the Lake Jessup Basin Management Action Plan process. Based on this information, the Basin Working Group is subject to the provisions of section 286.011, Florida Statutes, applicable to "meetings of any board or commission of any state agency...at which official acts are to be taken." Minutes of such meetings are required to be taken, and are subject to public inspection. Accordingly, with respect to that group, the prohibition on discussions regarding Lake Jessup Basin Management Action Plan issues between two or more Basin Working Group members outside a publicly-noticed meeting applies. I

Commissioner Brummer

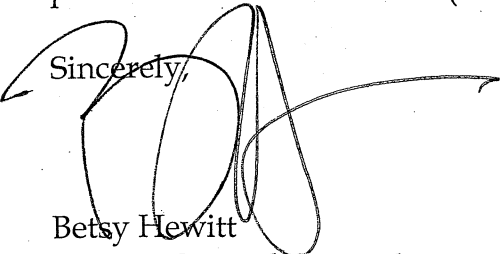
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have spoken with individuals in the Department that coordinate meetings of the Technical Group and who act as staff to Basin Working Group, and thoroughly discussed the above points with them.

Please be assured that the Department seeks to make the information and decisions that will affect citizens of the Lake Jessup basin open to public input and review, and that all meetings of the Technical Working Group will fully comply with the requirements set forth in section 120.525, Florida Statutes. Should you have any further questions, please feel free to call me at (850) 245-2242.

Sincerely,



Betsy Hewitt  
Deputy General Counsel

cc: Vivian Garfein, DEP, Central District Director  
Eric Livingston, DEP, Bureau Chief of Watershed Management

BH/lb