

On the Question of Video Taping public meetings.....

When the dispute arose concerning the recording and or video taping of meetings at Indian Lake Estates, I decided to do some research on the matter.

The Website for the Attorney General of the State of Florida has a "Frequently Asked Questions" section. On the FAQ section it states that; "A public board may not prohibit a citizen from videotaping a public meeting through the use of non-disruptive video recording devices"

After reading the FAQ section I sent the following e-mail to the Attorney General's Office:

Subject/Category: Frequently Asked Questions information...

Questions/Comments:

The following Question and Answer are displayed on your FAQ page:

Q. As a private citizen, can I videotape a public meeting?

A. A public board may not prohibit a citizen from videotaping a public meeting through the use of non-disruptive video recording devices.

Please supply me with the appropriate statute that refers to this Video Taping.

Thank you,
Pat Landy

I received the following e-mail in response to my inquiry:

Subject: In response to your email
From: AG <.myfloridalegal.com> (Agency Net Incoming)
Date: Thu, 03 May 2007 08:00:57 -0400
To: patlandy@ [REDACTED]

The Office of Attorney General Bill McCollum has received your email asking about the statutory authority of citizens to video tape public meetings.

The Government in the Sunshine Law, section 286.011, Florida Statutes, requires that the meetings of public boards and commissions of this state be open to the public. The following is an excerpt from the 2007 Government in the Sunshine Manual (an abridged edition is available on this office's website at: www.myfloridalegal.com/ Click on "Open Government" from the menu on the left side of the screen):

"Reasonable rules and policies which ensure the orderly conduct of a public meeting and which require orderly behavior on the part of those persons attending a public meeting may be adopted by the board or commission. A rule or policy which prohibits the use of nondisruptive or silent tape recording devices, however, is unreasonable and arbitrary and is, therefore, invalid. AGO 77-122.

Moreover, the Legislature in Ch. 934, F.S., appears to implicitly recognize the public's right to silently record public meetings. AGO 91-28. Chapter 934, F.S., the Security of Communications Act, regulates the interception of oral communications. Section 934.02(2), F.S., however, defines "[o]ral communication" to specifically exclude "any public oral communication uttered at a public meeting." See also, Inf. Op. to Gerstein, July 16, 1976, stating that public officials may not complain that they are secretly being recorded during public meetings in violation of s. 934.03, F.S.

Similarly, a school board's refusal to allow unobtrusive videotaping of a public meeting violated the Sunshine Law. *Pinellas County School Board v. Suncam, Inc.*, 829 So. 2d 989 (Fla. 2d DCA 2002). Accord, AGO 91-28."

You may access the above Attorney General Opinions on this office's website. You may view the Florida Statutes online at:
<http://www.flsenate.gov/Statutes>

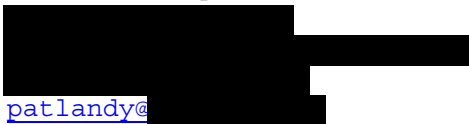
I hope that the above information may be of assistance. Thank you for contacting the Attorney General's Office.

Joslyn Wilson
Assistant Attorney General

PLEASE DO NOT REPLY TO THIS E-MAIL. THIS ADDRESS IS FOR PROCESSING ONLY.

To contact this office please visit the Attorney General's website at www.myfloridalegal.com and fill out the on-line contact form. Again, thank you for contacting the Office of the Florida Attorney General.

Patrick Landy


patlandy@

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Pat Landy

The Video Records of the meetings are for personal use, however, anyone wishing a copy is welcome to one.