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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

July 11, 2013

Press Release

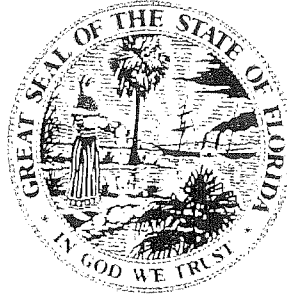
State Attorney Bill Eddins announced today the conclusion of a review involving the Pensacola Bay Area Chamber of Commerce (Greater Pensacola Chamber) and their obligations to comply with the Florida Government in the Sunshine Law. By letter to the Chamber, we have indicated our determination that they are required to comply with the Sunshine Law. Attached is a copy of a letter dated July 11, 2013 to James Hizer setting forth our findings.

For further information please contact Assistant State Attorney Greg Marcille at 595-4761.

WILLIAM "BILL" EDDINS
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FIRST JUDICIAL CIRCUIT OF FLORIDA

COPY

Please reply to Pensacola Office



July 11, 2013

James Hizer, President
Greater Pensacola Chamber
117 West Garden Street
Pensacola, FL 32502

RE: Sunshine Law

Dear Mr. Hizer:

As you are aware, concerns have been raised in the community regarding the Pensacola Bay Area Chamber of Commerce (Greater Pensacola Chamber) and Florida's Government in the Sunshine Law. As a result of these concerns, this office has reviewed the matter to determine if the Chamber is the type of private entity that is subject to the requirements of the Sunshine Law. Based upon our review, we have determined that the Chamber is a private organization that must comply with all requirements of the Sunshine Law.

In reaching this decision, we have reviewed numerous contracts between local governmental agencies and the Chamber. We have also reviewed the applicable law regarding both the Sunshine Law as well as the Public Records Law. In determining if a private entity is subject to the Sunshine Law, there are a number of factors that must be considered. Two of the most important of these are the level of public funding provided to the private organization and whether the private entity is performing a governmental function. Both Escambia County and the City of Pensacola have contracted with the Chamber to provide economic development services. These contracts provide more than \$500,000 for fiscal year 2012-2013 to the Chamber in public monies for providing these services. In addition, the Chamber also receives a total of \$270,000 in funds from the City and County through the Pensacola Economic Development Council. These funds are also to be used for economic development. It is clear that the Chamber receives a substantial level of public funds to provide economic development services. It is equally clear that economic development is a governmental function. Chapter 125, Florida Statutes, provides that economic development serves a public interest and that counties are authorized to spend public funds for this purpose.

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Post Office Box 12726
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6495 Caroline Street
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While these reasons alone establish that the Chamber is subject to the Sunshine Law, it is important to note that the Chamber receives substantial other public funds from Escambia County. The County also provides more than \$5,700,000 for the years 2012 and 2013 to the Chamber for tourism promotion activities. These funds are to be used for tourism promotion expenses such as advertising as well as the operation of the Visitors Information Center, Perdido Key Visitors Information Center, and the Pensacola Sports Association. While the funds are designated to be spent through the Tourism Administration and Convention Committee, many of the services are provided by Chamber employees. In addition, questions have been raised whether any of these funds have been co-mingled with other Chamber funds.

For these reasons, we have determined that the Pensacola Bay Area Chamber of Commerce (Greater Pensacola Chamber) is subject to the Florida Sunshine Law. This law was enacted so that the general public would know how governmental decisions are made and how their public money is spent. In light of the difficulties that private agencies sometimes face in dealing with the Sunshine Law, we recommend that you consider training for both employees and board members in fulfilling your obligations under this law. I ask that you provide a copy of this letter to all board members so that they are aware of their responsibilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Eddins", with a stylized, flowing script.

WILLIAM EDDINS
STATE ATTORNEY

WE/kll

cc: Sandy Sansing
Todd LaDouceur