

Bond Case Briefs

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Brown v. Denton

District Court of Appeal of Florida, First District - October 21, 2014 - So.3d - 39 Fla. L. Weekly D2203

In February 2013, the Jacksonville Association of Fire Fighters filed suit against the City of Jacksonville and the Jacksonville Police and Fire Pension Fund Board of Trustees ("Board") in District Court.

All parties voluntarily sought mediation in the federal case. For the next few months, several closed-door mediation sessions were held at a stipulated mediator's office. No party informed the federal court that the negotiations would entail collective bargaining or that the provisions of the Florida Statutes and Constitution may require such collective bargaining to be conducted in public. There was no public notice of the mediation sessions nor was any transcript made of the proceedings.

The end result of the private mediation sessions was a Mediation Settlement Agreement (MSA), which, on its face, changed the specific, defined pension benefits of City employees in the Unions. The parties were to use their best efforts to obtain approval from their respected officials necessary for implementation of the MSA.

Newspaper editor brought action for declaratory and injunctive relief, alleging that closed-door federal mediation sessions violated the state Sunshine Law.

The circuit court found that the Board acted as the Unions' representative and bargaining agent in the negotiations or the Unions themselves participated to some degree in negotiating the MSA. As such, the circuit court held that the federal mediation sessions violated the Sunshine Law, voided the MSA ab initio, and enjoined "the parties from conducting further proceedings entailing collective bargaining of the police officer and firefighter pension funds in private outside of the sunshine."

The District Court of Appeal affirmed.