

By Senator Baxley

12-01459A-17

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1                   A bill to be entitled  
2       An act relating to public meetings and public records;  
3       amending s. 286.011, F.S.; exempting meetings between  
4       two members of certain boards or commissions from  
5       public meetings and public records requirements;  
6       providing restrictions on such meetings; providing for  
7       future legislative review and repeal of the exemption;  
8       providing a statement of public necessity; providing  
9       an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Subsection (9) is added to section 286.011,  
14       Florida Statutes, and subsections (1) and (2) of that section  
15       are republished, to read:

16       286.011 Public meetings and records; public inspection;  
17       criminal and civil penalties.—

18       (1) All meetings of any board or commission of any state  
19       agency or authority or of any agency or authority of any county,  
20       municipal corporation, or political subdivision, except as  
21       otherwise provided in the Constitution, including meetings with  
22       or attended by any person elected to such board or commission,  
23       but who has not yet taken office, at which official acts are to  
24       be taken are declared to be public meetings open to the public  
25       at all times, and no resolution, rule, or formal action shall be  
26       considered binding except as taken or made at such meeting. The  
27       board or commission must provide reasonable notice of all such  
28       meetings.

29       (2) The minutes of a meeting of any such board or

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30 commission of any such state agency or authority shall be  
31 promptly recorded, and such records shall be open to public  
32 inspection. The circuit courts of this state shall have  
33 jurisdiction to issue injunctions to enforce the purposes of  
34 this section upon application by any citizen of this state.

35 (9) (a) Notwithstanding subsections (1) and (2), two members  
36 of any board or commission, including persons elected or  
37 appointed to such board or commission who have not yet taken  
38 office, of any state agency or authority or any agency or  
39 authority of any county, municipal corporation, or political  
40 subdivision with a total membership of at least five members may  
41 meet in private and discuss public business without providing  
42 notice of such meeting, recording such meeting, or making such  
43 records open to public inspection, and such meetings are exempt  
44 from this section, s. 119.07(1), and s. 24(a) and (b), Art. I of  
45 the State Constitution, if:

46 1. The members do not adopt a resolution or rule or take  
47 any other formal action, or agree to do so at a future meeting,  
48 at such meeting. A resolution or rule adopted, or any other  
49 formal action taken, in violation of this subparagraph is void.

50 2. The members do not discuss an appropriation, a contract,  
51 or any other public business that involves the direct  
52 expenditure of public funds to a private vendor.

53 3. The meeting is not intended to frustrate or circumvent  
54 the purpose of this section.

55 (b) This subsection is subject to the Open Government  
56 Sunset Review Act in accordance with s. 119.15 and shall stand  
57 repealed on October 2, 2022, unless reviewed and saved from  
58 repeal through reenactment by the Legislature.

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59           Section 2. The Legislature finds that it is a public  
60 necessity that meetings between two members of any board or  
61 commission, including persons elected or appointed to such board  
62 or commission who have not yet taken office, of any state agency  
63 or authority or any agency or authority of any county, municipal  
64 corporation, or political subdivision with a total membership of  
65 at least five members should be exempt from ss. 286.011 and  
66 119.07(1), Florida Statutes, and s. 24(a) and (b), Article I of  
67 the State Constitution, and should be authorized to meet and  
68 discuss public business without providing notice of such  
69 meeting, recording such meeting, or making such records open to  
70 public inspection. Individual members of any board or commission  
71 are authorized to gather information and discuss topics, ideas,  
72 and issues in private, one-on-one meetings in order to  
73 facilitate a more thorough vetting of policies and  
74 appropriations that such members are responsible for examining  
75 and understanding. Exempting such one-on-one meetings from  
76 public meetings and records requirements will allow such members  
77 to better serve the interests of the public which they have been  
78 elected or appointed to represent. Therefore, the Legislature  
79 finds that this exemption from public meetings and public  
80 records requirements is a public necessity.

81           Section 3. This act shall take effect July 1, 2017.