

By Senator Lynn

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1 A bill to be entitled

2 An act relating to public meeting requirements for  
3 governing boards of local government authorities; creating  
4 s. 286.0114, F.S.; creating the "Vox Populi - Voice of the  
5 People Act"; providing definitions; providing purpose;  
6 providing requirements with respect to decorum in meetings  
7 of the governing boards of local government authorities;  
8 requiring the governing body of a local government  
9 authority to provide specified opportunities for citizens  
10 to address issues at meetings of the governing body;  
11 prescribing allocations of time for citizen participation;  
12 providing restrictions with respect to the placement of  
13 non-agenda and citizen-participation orders of business  
14 within an order of consideration; providing procedures and  
15 requirements with respect to specified orders of business  
16 and agendas of meetings of governing boards of local  
17 government authorities; defining "public hearings";  
18 requiring local government authorities to adopt a written  
19 policy that implements the requirements of the act by a  
20 specified date; providing for public and electronic  
21 notification of policy; providing construction; providing  
22 an effective date.

23  
24 WHEREAS, despite Florida's reputation for having far-  
25 reaching and effective open government laws, some local  
26 governments in the state do not allow, or severely restrict  
27 without proper guidelines, the ability of citizens to speak or  
28 comment on agenda items during their public meetings, and

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29 WHEREAS, though some local governments have policies which  
30 provide for public participation, some have also developed a  
31 variety of methods for circumventing their own policies, such as  
32 characterizing agenda items as "workshops" or "discussions" or as  
33 items on which "no vote will be taken," and

34 WHEREAS, other methods of frustrating citizen participation  
35 include simple refusal by the chair of the local governing body  
36 to recognize a citizen who wishes to speak or the imposition of a  
37 precondition that a prospective speaker must contact the local  
38 government authority in advance of the meeting to advise them of  
39 his or her desire to address the body, and

40 WHEREAS, as a result, citizens are increasingly frustrated  
41 in their attempts to speak or comment at meetings of local  
42 government authorities, often traveling to such meetings multiple  
43 times, only to find that they are not given the opportunity to be  
44 heard, and

45 WHEREAS, the curtailment of citizen participation in local  
46 government is antithetical not only to the expressed intent of  
47 Florida's highly respected open government laws but to the  
48 principles on which this nation was founded, and

49 WHEREAS, it is the intent of the Legislature, through this  
50 act, to prevent local governments from thwarting their citizens'  
51 right to speak on issues of concern to them and to codify the  
52 entitlement to certain basic levels of citizen participation and  
53 input at meetings of local government authorities, NOW,  
54 THEREFORE,

55

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

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58 Section 1. Section 286.0114, Florida Statutes, is created  
59 to read:

60 286.0114 Meetings of governing bodies of local government  
61 authorities; citizen participation entitlement.--

62 (1) SHORT TITLE.--This act may be cited as the "Vox Populi  
63 - Voice of the People Act."

64 (2) DEFINITIONS.--For purposes of this section, the term:

65 (a) "Governing body" means the governing body or governing  
66 board of a local government authority as defined in paragraph  
67 (b), and includes both elected and appointed members thereof.

68 (b) "Local government authority" means any regional,  
69 county, or municipal governmental entity, special district,  
70 community college district, or school district, or any elected or  
71 appointed political subdivision thereof.

72 (c) "Public meeting" means any meeting of the governing  
73 body of a local government authority, whether designated as a  
74 regular meeting, special meeting, or emergency meeting, not  
75 otherwise exempt from public meeting requirements under state or  
76 federal law.

77 (3) PURPOSE.--The State of Florida is committed to  
78 democratic, participatory government that seeks to involve  
79 citizens in all aspects of the decisionmaking process. The  
80 purpose of this act is to delineate and prescribe uniform  
81 requirements with respect to opportunities for citizen input and  
82 full citizen participation at official meetings of governing  
83 bodies of local government authorities.

84 (4) MEETING DECORUM.--

85 (a) Meetings of the governing body of a local government  
86 authority are formal governmental meetings that are conducted to

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87 transact public business. In conducting the public's business,  
88 the governing body shall maintain a commitment to the principles  
89 of civility, honor, and dignity. Individuals appearing before the  
90 governing body of a local government authority are required to  
91 observe these principles when making comments on items and issues  
92 before the governing body for consideration.

93 (b) Individuals appearing before the governing body may,  
94 but shall not be required to, state their name and address for  
95 the public record. All comments must be made from an easily  
96 accessible central location or by other reasonable accommodations  
97 and shall address the subject of the agenda item. Members of the  
98 governing body, staff members, and citizens are required to use  
99 civil and appropriate language when addressing the governing body  
100 or the audience and must refrain from using profanity, cursing,  
101 or exhibiting aggressive or threatening behavior when addressing  
102 the governing body or other participants. All comments must be  
103 directed to the presiding officer and not to individual members  
104 of the governing body or to the audience. No personal verbal  
105 attacks toward any individual by either the governing body,  
106 staff, or citizens shall be allowed during a meeting of the  
107 governing body.

108 (c) Participants shall adhere to their allotted time for  
109 addressing the governing body as provided in this section and may  
110 submit written documents in order to fully address their concerns  
111 with the governing body.

112 (5) CITIZEN PARTICIPATION ENTITLEMENT; REQUIREMENTS.--The  
113 governing body of a local government authority must provide  
114 opportunities for citizens to address issues at official meetings

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115 of the governing body during each order of business as described  
116 in paragraphs (a)-(f):

117 (a) Non-agenda or citizen-participation order of  
118 business.--

119 1. The governing body of a local government authority must  
120 allocate, at a minimum, 15 minutes at the beginning of each  
121 meeting of the governing body for citizens who wish to appear  
122 before the governing body to make a request of the governing  
123 body, voice a complaint or concern, express an opinion, or  
124 express recognition. The presiding officer shall divide the  
125 allotted time equally among all who have registered to speak, but  
126 in no case may a citizen be allotted less than 3 minutes to  
127 speak. An extension of time may be granted by the presiding  
128 officer at the discretion of the presiding officer or upon a  
129 majority vote of the governing body. If an item presented under  
130 the citizen-participation portion of the non-agenda order of  
131 business requires a longer presentation by the citizen or  
132 requires staff research or materials, the item shall be  
133 rescheduled by the presiding officer for a future meeting of the  
134 governing body under the citizen-participation portion of the  
135 order of business dealing with agenda items.

136 2. The non-agenda or citizen-participation order of  
137 business shall be scheduled near the beginning of the meeting and  
138 in no event shall the non-agenda or citizen-participation order  
139 of business be the final item on the order of business, unless  
140 provision is made for more than one non-agenda or citizen-  
141 participation order of business per meeting.

142 (b) Agenda order of business.--

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143       1. An item brought before the governing body under the  
144 citizen-participation or non-agenda order of business which  
145 cannot be presented within the prescribed 3-minute timeframe or  
146 which requires additional research or materials in order for the  
147 governing body to properly respond may be placed on the governing  
148 body's agenda by either of the following means:

149           a. The presiding officer shall schedule the item for a  
150 future meeting of the governing body under the citizen-  
151 participation portion of the agenda; or

152           b. The citizen must submit a request in writing to appear  
153 on the governing body's agenda and file such request with the  
154 office of the appropriate official designated by the governing  
155 body for the filing of such request a minimum of 2 weeks in  
156 advance of the meeting of the governing body. The written request  
157 shall state the nature of the item and shall request that the  
158 item be placed on an upcoming agenda of the governing body. A  
159 copy of the letter must be provided to the governing body on the  
160 day that it is received by the designated official's office. The  
161 designated official shall ensure that a copy of the letter is  
162 provided to the proper governmental department so that research  
163 can be conducted and information provided to the governing body  
164 as part of the agenda and to allow staff an appropriate amount of  
165 time to prepare a staff report and provide additional data to the  
166 governing body that will assist in making a decision.

167       2. The individual making the request and the staff of the  
168 governing body shall be granted all the time necessary to make  
169 the presentation. Any other individual who wishes to address the  
170 governing body in either support of or opposition to the agenda  
171 item shall be allotted no less than 3 minutes to make his or her

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172 presentation. An extension of time may be granted by the  
173 presiding officer at the discretion of the presiding officer or  
174 upon a majority vote of the governing body. The presiding officer  
175 may rule an individual out of order if he or she begins repeating  
176 information that has already been presented by either the  
177 individual who made the request or another individual who has  
178 already spoken either in favor of or in opposition to the agenda  
179 item.

180 (c) Submission of petitions.--With respect to the order of  
181 business devoted to petitions to the governing body that are not  
182 part of another agenda item or that are part of the citizen-  
183 participation portion of the non-agenda order of business, the  
184 allotment of time for the presentation must be no less than 3  
185 minutes. An extension of time may be granted by the presiding  
186 officer at the discretion of the presiding officer or upon a  
187 majority vote of the governing body. If the extension is not  
188 granted, the citizen may request that the item be scheduled as an  
189 agenda item pursuant to subparagraph (a)1.

190 (d) Public hearings.--

191 1.a. For purposes of this section, "public hearings" are  
192 formal hearings conducted by the governing body of a local  
193 government authority pursuant to state or federal law which may:

194 (I) Be legally noticed.

195 (II) Be advertised hearings for specific items scheduled on  
196 the agenda of the governing body.

197 (III) Be quasi-judicial or legislative in nature.

198 (IV) Have specific formats that must be followed and that  
199 are established by law.

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200        b. All ordinance considerations are conducted as formal  
201 public hearings and are normally considered as a normal agenda  
202 item. In cases of ordinance consideration, the presiding officer  
203 shall announce that the hearing is a public hearing.

204        2. During a public hearing, a citizen other than an  
205 applicant who wishes to address the governing body may do so by  
206 either completing a citizen-participation form prior to the  
207 commencement of the meeting or by raising his or her hand at the  
208 time the presiding officer inquires as to the presence of  
209 citizens wishing to address the issue and waiting to be  
210 recognized by the presiding officer. Persons who have completed a  
211 citizen-participation form prior to the beginning of the meeting  
212 shall be allowed to speak first. All individuals addressing the  
213 governing body must clearly state their name and address for the  
214 record. Citizens shall be allotted no less than 3 minutes per  
215 person to address the governing body. An extension of time may be  
216 granted by the presiding officer at the discretion of the  
217 presiding officer or upon a majority vote of the governing body.  
218 The presiding officer may rule an individual out of order if he  
219 or she begins to repeat information or present material that has  
220 already been presented by the other speakers.

221        (e) Regular agenda.--

222        1. The governing body must provide an opportunity for  
223 citizens to address all other agenda items, allowing citizens to  
224 speak in favor of or in opposition to a normal agenda item or to  
225 ask questions about such item. If the item is on the governing  
226 body's consent agenda and a citizen expresses a desire to speak  
227 to or ask questions regarding the item, the governing body must  
228 withdraw the item from the consent agenda. Citizens must be

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229 allowed no less than 3 minutes to comment or ask questions  
230 regarding the item. An extension of time may be granted by the  
231 presiding officer at the discretion of the presiding officer or  
232 upon a majority vote of the governing body. If the citizen's  
233 questions cannot be answered in a reasonably brief amount of  
234 time, the governing body may table the item and schedule it at a  
235 regular meeting of the governing body or take final action on the  
236 item. The presiding officer must recognize all who wish to speak.  
237 The presiding officer may rule an individual out of order if he  
238 or she begins to repeat information or present materials  
239 presented by other speakers.

240 2. If the item is on the non-consent agenda, citizens must  
241 be given no less than 3 minutes to comment or ask questions about  
242 the agenda item, with an extension of time to be granted by the  
243 presiding officer at the discretion of the presiding officer or  
244 upon a majority vote of the governing body. The presiding officer  
245 must recognize all who wish to speak. The presiding officer may  
246 rule an individual out of order if he or she begins to repeat  
247 information or present materials presented by other speakers.

248 (f) Governing body reports and comments.--At the conclusion  
249 of each meeting of the governing body, the governing body must  
250 schedule an order of business during which the governing body  
251 reports with respect to various boards, committees, and groups on  
252 which the local government authority is represented. The  
253 governing body must allocate time to make general comments during  
254 which citizens who desire additional information concerning such  
255 boards, committees, and groups and the actions thereof may try to  
256 obtain information and during which citizens can address or seek  
257 clarification on general comments made by the governing body. The

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258 presiding officer must allow citizens to comment on or ask  
259 questions regarding reports or comments made by the governing  
260 body members. Citizens must be given no less than 3 minutes to  
261 comment or ask questions. An extension of time may be granted by  
262 the presiding officer at the discretion of the presiding officer  
263 or upon a majority vote of the governing body. The questions or  
264 comments must address the item that is being presented to the  
265 governing body by the other governing body members. The presiding  
266 officer must recognize an individual who indicates a desire to  
267 speak on the item. The presiding officer may rule an individual  
268 out of order if he or she is not addressing the issue that is  
269 being discussed or is repeating information or presenting  
270 materials that have been presented by others.

271 (6) ADOPTION OF WRITTEN POLICY.--Each local government  
272 authority must adopt a written policy that implements the  
273 requirements of this section by October 1, 2008. The policy must  
274 be prominently displayed at the site of all meetings of the local  
275 government authority that are subject to the provisions of this  
276 act. If the local government authority maintains a website, the  
277 policy or a link thereto must be prominently displayed on the  
278 home page of the website within 30 days after the adoption of the  
279 policy.

280 (7) CONSTRUCTION.--Nothing in this act shall preclude a  
281 local government authority from adopting a policy that provides  
282 for greater rights or opportunities for citizens to comment on or  
283 participate in public meetings of the governing body of a local  
284 government authority.

285 Section 2. This act shall take effect July 1, 2008.