

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

HB 991

2008

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
33 as 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
37 a 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
43 multiple times, only to find that they are not given the
44 opportunity to be 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:

HB 991

2008

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

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

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

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

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

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

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

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

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

(4) MEETING DECORUM.--

85 (a) Meetings of the governing body of a local government
86 authority are formal governmental meetings that are conducted to
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
90 the governing body of a local government authority are required
91 to observe these principles when making comments on items and
92 issues 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
97 accommodations and shall address the subject of the agenda item.
98 Members of the governing body, staff members, and citizens are
99 required to use civil and appropriate language when addressing
100 the governing body or the audience and must refrain from using
101 profanity, cursing, or exhibiting aggressive or threatening
102 behavior when addressing the governing body or other
103 participants. All comments must be directed to the presiding
104 officer and not to individual members of the governing body or
105 to the audience. No personal verbal attacks toward any
106 individual by either the governing body, staff, or citizens
107 shall be allowed during a meeting of the governing body.

108 (c) Participants shall adhere to their allotted time for
109 addressing the governing body as provided in this section and
110 may submit written documents in order to fully address their
111 concerns 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
115 meetings of the governing body during each order of business as
116 described 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,
126 but 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
138 and in no event shall the non-agenda or citizen-participation
139 order of business be the final item on the order of business,

140 unless provision is made for more than one non-agenda or
141 citizen-participation order of business per meeting.

142 (b) Agenda order of business.--

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
148 governing 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
157 request shall state the nature of the item and shall request
158 that the item be placed on an upcoming agenda of the governing
159 body. A copy of the letter must be provided to the governing
160 body on the day that it is received by the designated official's
161 office. The designated official shall ensure that a copy of the
162 letter is provided to the proper governmental department so that
163 research can be conducted and information provided to the
164 governing body as part of the agenda and to allow staff an
165 appropriate amount of time to prepare a staff report and provide
166 additional data to the governing body that will assist in making
167 a decision.

168 2. The individual making the request and the staff of the
 169 governing body shall be granted all the time necessary to make
 170 the presentation. Any other individual who wishes to address the
 171 governing body in either support of or opposition to the agenda
 172 item shall be allotted no less than 3 minutes to make his or her
 173 presentation. An extension of time may be granted by the
 174 presiding officer at the discretion of the presiding officer or
 175 upon a majority vote of the governing body. The presiding
 176 officer may rule an individual out of order if he or she begins
 177 repeating information that has already been presented by either
 178 the individual who made the request or another individual who
 179 has already spoken either in favor of or in opposition to the
 180 agenda item.

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

191 (d) Public hearings.--

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

195 (I) Be legally noticed.

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

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

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

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

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

223 (e) Regular agenda.--

HB 991

2008

224 1. The governing body must provide an opportunity for
225 citizens to address all other agenda items, allowing citizens to
226 speak in favor of or in opposition to a normal agenda item or to
227 ask questions about such item. If the item is on the governing
228 body's consent agenda and a citizen expresses a desire to speak
229 to or ask questions regarding the item, the governing body must
230 withdraw the item from the consent agenda. Citizens must be
231 allowed no less than 3 minutes to comment or ask questions
232 regarding the item. An extension of time may be granted by the
233 presiding officer at the discretion of the presiding officer or
234 upon a majority vote of the governing body. If the citizen's
235 questions cannot be answered in a reasonably brief amount of
236 time, the governing body may table the item and schedule it at a
237 regular meeting of the governing body or take final action on
238 the item. The presiding officer must recognize all who wish to
239 speak. The presiding officer may rule an individual out of order
240 if he or she begins to repeat information or present materials
241 presented by other speakers.

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

251 (f) Governing body reports and comments.--At the
252 conclusion of each meeting of the governing body, the governing
253 body must schedule an order of business during which the
254 governing body reports with respect to various boards,
255 committees, and groups on which the local government authority
256 is represented. The governing body must allocate time to make
257 general comments during which citizens who desire additional
258 information concerning such boards, committees, and groups and
259 the actions thereof may try to obtain information and during
260 which citizens can address or seek clarification on general
261 comments made by the governing body. The presiding officer must
262 allow citizens to comment on or ask questions regarding reports
263 or comments made by the governing body members. Citizens must be
264 given no less than 3 minutes to comment or ask questions. An
265 extension of time may be granted by the presiding officer at the
266 discretion of the presiding officer or upon a majority vote of
267 the governing body. The questions or comments must address the
268 item that is being presented to the governing body by the other
269 governing body members. The presiding officer must recognize an
270 individual who indicates a desire to speak on the item. The
271 presiding officer may rule an individual out of order if he or
272 she is not addressing the issue that is being discussed or is
273 repeating information or presenting materials that have been
274 presented by others.

275 (6) ADOPTION OF WRITTEN POLICY.--Each local government
276 authority must adopt a written policy that implements the
277 requirements of this section by October 1, 2008. The policy must
278 be prominently displayed at the site of all meetings of the

HB 991

2008

279 local government authority that are subject to the provisions of
280 this act. If the local government authority maintains a website,
281 the policy or a link thereto must be prominently displayed on
282 the home page of the website within 30 days after the adoption
283 of the policy.

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

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