

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; authorizing local government
 22 authorities to opt out of the requirements of the act;
 23 providing requirements and criteria with respect thereto;
 24 providing construction; providing an effective date.

25
 26 WHEREAS, despite Florida's reputation for having far-
 27 reaching and effective open government laws, some local
 28 governments in the state do not allow, or severely restrict

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29 | without proper guidelines, the ability of citizens to speak or
30 | comment on agenda items during their public meetings, and

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

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

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

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

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

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

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

84 full citizen participation at official meetings of governing
85 bodies of local government authorities.

86 (4) MEETING DECORUM.--

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

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

110 (c) Participants shall adhere to their allotted time for
111 addressing the governing body as provided in this section and

112 may submit written documents in order to fully address their
 113 concerns with the governing body.

114 (5) CITIZEN PARTICIPATION ENTITLEMENT; REQUIREMENTS.--The
 115 governing body of a local government authority must provide
 116 opportunities for citizens to address issues at official
 117 meetings of the governing body during each order of business as
 118 described in paragraphs (a) - (f):

119 (a) Non-agenda or citizen-participation order of
 120 business.--

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

138 2. The non-agenda or citizen-participation order of
 139 business shall be scheduled near the beginning of the meeting

140 and in no event shall the non-agenda or citizen-participation
141 order of business be the final item on the order of business,
142 unless provision is made for more than one non-agenda or
143 citizen-participation order of business per meeting.

144 (b) Agenda order of business.--

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

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

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

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168 additional data to the governing body that will assist in making
169 a decision.

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

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

193 (d) Public hearings.--

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

197 (I) Be legally noticed.

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

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

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

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

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

222 out of order if he or she begins to repeat information or
223 present material that has already been presented by the other
224 speakers.

225 (e) Regular agenda.--

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

244 2. If the item is on the non-consent agenda, citizens must
245 be given no less than 3 minutes to comment or ask questions
246 about the agenda item, with an extension of time to be granted
247 by the presiding officer at the discretion of the presiding
248 officer or upon a majority vote of the governing body. The
249 presiding officer must recognize all who wish to speak. The

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250 presiding officer may rule an individual out of order if he or
251 she begins to repeat information or present materials presented
252 by other speakers.

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

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

286 (7) OPTIONAL EXEMPTION FROM REQUIREMENTS.--

287 (a) Each local government authority may opt out of the
288 requirements of subsections (1) through (6) by adopting a
289 written policy which sets forth the local government authority's
290 policies with regard to public participation in the meetings of
291 the authority. Such written policy must be adopted by the local
292 government authority by October 1, 2008, in order for the
293 authority to exempt itself from the requirements of subsections
294 (1) through (6). Such exemption shall be subject to the
295 requirements and criteria in paragraph (b):

296 (b)1. A local government authority choosing to opt out of
297 the requirements of subsections (1) through (6) as provided
298 under paragraph (a) must conduct at least one public workshop,
299 the purpose of which is to solicit the input of the public with
300 respect to public participation in the meetings of the authority
301 and to develop the authority's written policy with participation
302 from the public. The workshop or workshops shall be advertised
303 pursuant to the authority's requirements for noticing public
304 meetings.

305 2. At a minimum, the workshop or workshops shall address
306 the following:

307 a. An explanation of the authority's current procedures
308 for public participation in meetings of the authority, if any;

309 b. Suggestions from the public regarding changes to any
310 current procedures of the authority with respect to public
311 participation in meetings or for the development of new
312 procedures with respect to public participation in such
313 meetings;

314 c. The scheduling of public testimony for various types of
315 issues and agendas at meetings of the local government authority
316 and the specification of appropriate duration of public
317 testimony;

318 d. A process by which members of the public can submit
319 written documents or petitions to the authority; and

320 e. A process for members of the local government authority
321 to present reports on the various boards, committees, or groups
322 organized under the local government authority on which the
323 members of the local government authority serve.

324 (c) If the local government authority maintains a website,
325 the written policy adopted under this subsection or a link
326 thereto shall be available on the homepage of the website within
327 30 days after the adoption of the policy.

328 (8) CONSTRUCTION.--Nothing in subsections (1) through (6)
329 shall preclude a local government authority from adopting a
330 policy that provides for greater rights or opportunities for
331 citizens to comment on or participate in public meetings of the
332 governing body of a local government authority.

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