

1                                   A bill to be entitled  
 2           An act relating to public meetings; amending s. 286.011,  
 3           F.S.; providing a right for members of the public to be  
 4           heard at meetings of certain governmental boards and  
 5           commissions; prescribing conditions qualifying, and  
 6           exceptions to, the right; providing for the adoption of  
 7           rules governing the conduct of, and behavior at, the  
 8           meetings; providing an effective date.

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

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 12           Section 1.   Section 286.011, Florida Statutes, is amended  
 13   to read:

14           286.011   Public meetings and records; public inspection;  
 15   criminal and civil penalties.—

16           (1) (a)   All meetings of any board or commission of any  
 17   state agency or authority or of any agency or authority of any  
 18   county, municipal corporation, or political subdivision, except  
 19   as otherwise provided in the Constitution, at which official  
 20   acts are to be taken:

21           1.   Are declared to be public meetings open to the public  
 22   at all times; ~~and~~

23           2.   Shall include an opportunity for members of the public  
 24   to be heard before or during consideration of any agenda item on  
 25   which an official act will be taken, subject to reasonable rules  
 26   or policies adopted by the board or commission to ensure the  
 27   orderly conduct of a public meeting.

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29 No resolution, rule, or formal action shall be considered  
30 binding except as taken or made at such meeting. The board or  
31 commission must provide reasonable notice of all such meetings.

32 (b) The requirements of subparagraph (a)2. do not apply  
33 to:

34 1. An official act that must be taken to deal with an  
35 emergency situation affecting the public health, welfare, or  
36 safety, when compliance with the requirements would cause an  
37 unreasonable delay in the ability of the board or commission to  
38 act; or

39 2. An official act involving no more than a ministerial  
40 act.

41 (c) A board or commission subject to chapter 120 shall  
42 adopt rules under ss. 120.536(1) and 120.54 as provided in  
43 subparagraph (a)2. which may:

44 1. Limit the time an individual has to address the board  
45 or commission;

46 2. Require, at meetings in which a large number of  
47 individuals may wish to be heard, that a representative of a  
48 group or faction on an issue, rather than all of the members of  
49 the group or faction, address the board or commission; or

50 3. Prescribe procedures or forms for an individual to use  
51 in order to inform the board or commission of a desire to be  
52 heard.

53 (2) The minutes of a meeting of any such board or  
54 commission of any such state agency or authority shall be  
55 promptly recorded, and such records shall be open to public  
56 inspection. The circuit courts of this state shall have

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57 jurisdiction to issue injunctions to enforce the purposes of  
58 this section upon application by any citizen of this state.

59 (3) (a) Any public officer who violates any provision of  
60 this section is guilty of a noncriminal infraction, punishable  
61 by fine not exceeding \$500.

62 (b) Any person who is a member of a board or commission or  
63 of any state agency or authority of any county, municipal  
64 corporation, or political subdivision who knowingly violates the  
65 provisions of this section by attending a meeting not held in  
66 accordance with the provisions hereof is guilty of a misdemeanor  
67 of the second degree, punishable as provided in s. 775.082 or s.  
68 775.083.

69 (c) Conduct which occurs outside the state which would  
70 constitute a knowing violation of this section is a misdemeanor  
71 of the second degree, punishable as provided in s. 775.082 or s.  
72 775.083.

73 (4) Whenever an action has been filed against any board or  
74 commission of any state agency or authority or any agency or  
75 authority of any county, municipal corporation, or political  
76 subdivision to enforce the provisions of this section or to  
77 invalidate the actions of any such board, commission, agency, or  
78 authority, which action was taken in violation of this section,  
79 and the court determines that the defendant or defendants to  
80 such action acted in violation of this section, the court shall  
81 assess a reasonable attorney's fee against such agency, and may  
82 assess a reasonable attorney's fee against the individual filing  
83 such an action if the court finds it was filed in bad faith or  
84 was frivolous. Any fees so assessed may be assessed against the

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85 individual member or members of such board or commission;  
86 provided, that in any case where the board or commission seeks  
87 the advice of its attorney and such advice is followed, no such  
88 fees shall be assessed against the individual member or members  
89 of the board or commission. However, this subsection shall not  
90 apply to a state attorney or his or her duly authorized  
91 assistants or any officer charged with enforcing the provisions  
92 of this section.

93 (5) Whenever any board or commission of any state agency  
94 or authority or any agency or authority of any county, municipal  
95 corporation, or political subdivision appeals any court order  
96 which has found said board, commission, agency, or authority to  
97 have violated this section, and such order is affirmed, the  
98 court shall assess a reasonable attorney's fee for the appeal  
99 against such board, commission, agency, or authority. Any fees  
100 so assessed may be assessed against the individual member or  
101 members of such board or commission; provided, that in any case  
102 where the board or commission seeks the advice of its attorney  
103 and such advice is followed, no such fees shall be assessed  
104 against the individual member or members of the board or  
105 commission.

106 (6) All persons subject to subsection (1) are prohibited  
107 from holding meetings at any facility or location which  
108 discriminates on the basis of sex, age, race, creed, color,  
109 origin, or economic status or which operates in such a manner as  
110 to unreasonably restrict public access to such a facility.

111 (7) Whenever any member of any board or commission of any  
112 state agency or authority or any agency or authority of any

113 county, municipal corporation, or political subdivision is  
114 charged with a violation of this section and is subsequently  
115 acquitted, the board or commission is authorized to reimburse  
116 said member for any portion of his or her reasonable attorney's  
117 fees.

118 (8) Notwithstanding the provisions of subsection (1), any  
119 board or commission of any state agency or authority or any  
120 agency or authority of any county, municipal corporation, or  
121 political subdivision, and the chief administrative or executive  
122 officer of the governmental entity, may meet in private with the  
123 entity's attorney to discuss pending litigation to which the  
124 entity is presently a party before a court or administrative  
125 agency, provided that the following conditions are met:

126 (a) The entity's attorney shall advise the entity at a  
127 public meeting that he or she desires advice concerning the  
128 litigation.

129 (b) The subject matter of the meeting shall be confined to  
130 settlement negotiations or strategy sessions related to  
131 litigation expenditures.

132 (c) The entire session shall be recorded by a certified  
133 court reporter. The reporter shall record the times of  
134 commencement and termination of the session, all discussion and  
135 proceedings, the names of all persons present at any time, and  
136 the names of all persons speaking. No portion of the session  
137 shall be off the record. The court reporter's notes shall be  
138 fully transcribed and filed with the entity's clerk within a  
139 reasonable time after the meeting.

140 (d) The entity shall give reasonable public notice of the

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141 time and date of the attorney-client session and the names of  
142 persons who will be attending the session. The session shall  
143 commence at an open meeting at which the persons chairing the  
144 meeting shall announce the commencement and estimated length of  
145 the attorney-client session and the names of the persons  
146 attending. At the conclusion of the attorney-client session, the  
147 meeting shall be reopened, and the person chairing the meeting  
148 shall announce the termination of the session.

149 (e) The transcript shall be made part of the public record  
150 upon conclusion of the litigation.

151 Section 2. This act shall take effect July 1, 2011.