



803518

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Rules (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

286.0114 Public meetings; reasonable opportunity to be
heard; attorney fees.-

(1) Members of the public shall be given a reasonable
opportunity to be heard on a proposition before a board or
commission. The opportunity to be heard need not occur at the
same meeting at which the board or commission takes official
action on the item, if the opportunity occurs at a meeting that



14 meets the same notice requirements as the meeting at which the
15 board or commission takes official action on the item, occurs at
16 a meeting that is during the decisionmaking process, and is
17 within reasonable proximity before the meeting at which the
18 board or commission takes the official action. The opportunity
19 to be heard is subject to reasonable rules or policies adopted
20 by the board or commission to ensure the orderly conduct of a
21 public meeting, as provided in subsection (3).

22 (2) The requirements in subsection (1) do not apply to:

23 (a) An official act that must be taken to deal with an
24 emergency situation affecting the public health, welfare, or
25 safety, when compliance with the requirements would cause an
26 unreasonable delay in the ability of the board or commission to
27 act;

28 (b) An official act involving no more than a ministerial
29 act; or

30 (c) A meeting in which the board or commission is acting in
31 a quasi-judicial capacity with respect to the rights or
32 interests of a person. This paragraph does not affect the right
33 of a person to be heard as otherwise provided by law.

34 (3) Rules or policies of a board or commission adopted
35 under subsection (6) must be limited to rules or policies that:

36 (a) Limit the time an individual has to address the board
37 or commission;

38 (b) Require, at meetings in which a large number of
39 individuals wish to be heard, that representatives of groups or
40 factions on an item, rather than all of the members of the
41 groups or factions, address the board or commission; or

42 (c) Prescribe procedures or forms for an individual to use



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43 in order to inform the board or commission of a desire to be
44 heard, to indicate his or her support, opposition, or neutrality
45 on a proposition, and to indicate his or her designation of a
46 representative to speak for him or her or his or her group on a
47 proposition if he or she so chooses.

48 (4) If a board or commission adopts rules or policies in
49 compliance with this section and follows such rules or policies
50 when providing an opportunity for members of the public to be
51 heard, it is presumed that the board or commission is acting in
52 compliance with this section.

53 (5) Whenever an action is filed against a board or
54 commission of any state agency or authority or any agency or
55 authority of a county, municipal corporation, or political
56 subdivision to enforce the provisions of this section or to
57 invalidate the actions of any such board, commission, agency, or
58 authority which were taken in violation of this section, the
59 court shall assess reasonable attorney fees against such agency
60 or authority if the court determines that the defendant to such
61 action acted in violation of this section. The court may assess
62 reasonable attorney fees against the individual filing such an
63 action if the court finds that the action was filed in bad faith
64 or was frivolous. Fees may be assessed against an individual
65 member or members of the board or commission of the agency or
66 authority; however, if the board or commission seeks the advice
67 of its attorney and such advice is followed, fees may not be
68 assessed against the individual member or members of the board
69 or commission. This subsection does not apply to a state
70 attorney or his or her duly authorized assistants or any officer
71 charged with enforcing the provisions of this section.



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72 (6) Each board or commission that is subject to chapter 120
73 shall adopt rules under ss. 120.536(1) and 120.54 to administer
74 this section.

75 Section 2. This act shall take effect July 1, 2012.

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77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled
82 An act relating to public meetings; creating s.
83 286.0114, F.S.; requiring that a member of the public
84 be given a reasonable opportunity to be heard before a
85 board or commission takes official action on a
86 proposition before the board or commission; providing
87 that the opportunity to be heard is subject to rules
88 or policies adopted by the board or commission;
89 specifying certain exceptions; providing requirements
90 for rules or policies governing the opportunity to be
91 heard; providing that compliance with the requirements
92 of the act is presumed under certain circumstances;
93 providing for attorney fees if an action is filed
94 against a board or commission; specifying certain
95 exceptions; requiring that a board or commission that
96 is subject to ch. 120, F.S., adopt rules; providing an
97 effective date.