

By the Committees on Rules; and Rules Subcommittee on Ethics and Elections; and Senators Negrón, Gaetz, and Evers

595-02196-12

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1                   A bill to be entitled  
2           An act relating to public meetings; creating s.  
3           286.0114, F.S.; requiring that a member of the public  
4           be given a reasonable opportunity to be heard before a  
5           board or commission takes official action on a  
6           proposition before the board or commission; providing  
7           that the opportunity to be heard is subject to rules  
8           or policies adopted by the board or commission;  
9           specifying certain exceptions; providing requirements  
10          for rules or policies governing the opportunity to be  
11          heard; providing that compliance with the requirements  
12          of the act is presumed under certain circumstances;  
13          requiring that a board or commission that is subject  
14          to ch. 120, F.S., adopt rules; providing an effective  
15          date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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

21           286.0114 Public meetings; reasonable opportunity to be  
22 heard; attorney fees.-

23           (1) Members of the public shall be given a reasonable  
24 opportunity to be heard on a proposition before a board or  
25 commission. The opportunity to be heard need not occur at the  
26 same meeting at which the board or commission takes official  
27 action on the item, if the opportunity occurs at a meeting that  
28 meets the same notice requirements as the meeting at which the  
29 board or commission takes official action on the item, occurs at

595-02196-12

2012206c2

30 a meeting that is during the decisionmaking process, and is  
31 within reasonable proximity before the meeting at which the  
32 board or commission takes the official action. The opportunity  
33 to be heard is subject to reasonable rules or policies adopted  
34 by the board or commission to ensure the orderly conduct of a  
35 public meeting, as provided in subsection (3).

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

37 (a) An official act that must be taken to deal with an  
38 emergency situation affecting the public health, welfare, or  
39 safety, when compliance with the requirements would cause an  
40 unreasonable delay in the ability of the board or commission to  
41 act;

42 (b) An official act involving no more than a ministerial  
43 act; or

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

48 (3) Rules or policies of a board or commission adopted  
49 under subsection (5) must be limited to rules or policies that:

50 (a) Limit the time an individual has to address the board  
51 or commission;

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

56 (c) Prescribe procedures or forms for an individual to use  
57 in order to inform the board or commission of a desire to be  
58 heard, to indicate his or her support, opposition, or neutrality

595-02196-12

2012206c2

59 on a proposition, and to indicate his or her designation of a  
60 representative to speak for him or her or his or her group on a  
61 proposition if he or she so chooses.

62 (4) If a board or commission adopts rules or policies in  
63 compliance with this section and follows such rules or policies  
64 when providing an opportunity for members of the public to be  
65 heard, it is presumed that the board or commission is acting in  
66 compliance with this section.

67 (5) Each board or commission that is subject to chapter 120  
68 shall adopt rules under ss. 120.536(1) and 120.54 to administer  
69 this section.

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