

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                        (Y/N)  
ADOPTED AS AMENDED                        (Y/N)  
ADOPTED W/O OBJECTION                        (Y/N)  
FAILED TO ADOPT                        (Y/N)  
WITHDRAWN                        (Y/N)  
OTHER                              

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation  
2 Subcommittee  
3 Representative Watson offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 286.011, Florida Statutes, is amended  
8 to read:

9 286.011 Public meetings and records; public inspection;  
10 criminal and civil penalties.—

11 (1) All meetings of any board or commission of any state  
12 agency or authority or of any agency or authority of any county,  
13 municipal corporation, or political subdivision, or of any  
14 entity created under general, special or local law, ~~except as~~  
15 ~~otherwise provided in the Constitution,~~ at which official acts  
16 are to be taken are declared to be public meetings open to the  
17 public at all times, and no resolution, rule, ordinance, code,  
18 or formal action shall be ~~considered~~ binding except as taken or

Amendment No. 1

19 made at such meeting. The following requirements shall apply as  
20 to all meetings formal or informal:

21 (a) The board, entity or commission must provide reasonable  
22 notice and the matters to be agendaed with all attachments no  
23 less than three days prior to of all such meetings, unless  
24 emergency in nature then it shall be no less than 24 hours. The  
25 agenda may be amended thereafter when necessary. At least two  
26 copies of the agenda with all attachments shall be available for  
27 public inspection the day of each meeting.

28 (b) Citizens or other persons shall have the right to speak  
29 within no less than three minutes, at the discretion of  
30 presiding officer such may me extended, on any matter within  
31 purview of the board, commission, or entity at the beginning of  
32 the meeting either after the call to order or pledge and  
33 invocation segment of the agenda as shown in the order printed.

34 (c) Citizens or other persons shall have the right to speak  
35 within no less than three minutes, at the discretion of  
36 presiding officer such may me extended, on all agenda items  
37 which effect appointment of public officers, land use, taxes,  
38 fees, rates, fines, rights, and interests of any given citizens,  
39 persons or businesses such matters shall not be placed as  
40 consent items on the agenda. All other matters such as awards,  
41 presentations, reports, minutes, announcements, and internally  
42 or solely administrative and ministerial or emergency in nature  
43 cited on the agenda shall be at the discretion of the presiding  
44 officer to allow public comment.

45 (d) On all matters listed on the agenda for public hearing  
46 citizens or other persons shall have the right to speak within

095665 - h0355-strike-1.docx

Published On: 2/2/2012 6:38:08 PM

Amendment No. 1

47 no less than three minutes, at the discretion of the presiding  
48 officer such may me extended, whether they are proponents,  
49 opponents or undecided on the item pending for action.

50 (e) Questions where clearly asked by citizens or other  
51 persons shall be responded to either at the meeting publicly or  
52 by some form of correspondence within ten days of the inquiry  
53 which answer shall be recorded with the minutes of the meeting  
54 for public inspection.

55 (f) At the discretion of the presiding officer over any  
56 meetings as prescribed in this section in which a large number  
57 of individuals wish to be heard, it may be required that  
58 representatives of groups or factions on an item, rather than  
59 all of the members of the groups or factions, address the board,  
60 entity, or commission.

61 (2) The minutes of a meeting of any such board or  
62 commission of any such state agency or authority, or entity  
63 shall be promptly recorded, and such records shall be open to  
64 public inspection. The circuit courts of this state shall have  
65 jurisdiction to issue injunctions to enforce the purposes of  
66 this section upon application by any citizen of this state or  
67 other person.

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

71 (b) Any person who is a member of a board or commission or  
72 of any state agency or authority of any county, municipal  
73 corporation, or political subdivision, or of any entity created  
74 under general, special or local law who knowingly violates the

Amendment No. 1

75 provisions of this section by attending a meeting not held in  
76 accordance with the provisions hereof is guilty of a misdemeanor  
77 of the second degree, punishable as provided in s. 775.082 or s.  
78 775.083.

79 (c) Conduct which occurs outside the state which would  
80 constitute a knowing violation of this section is a misdemeanor  
81 of the second degree, punishable as provided in s. 775.082 or s.  
82 775.083.

83 (4) Whenever an action has been filed against any board or  
84 commission of any state agency or authority or any agency or  
85 authority of any county, municipal corporation, or political  
86 subdivision, or of any entity created under general, special or  
87 local law to enforce the provisions of this section or to  
88 invalidate the actions of any such board, entity, commission,  
89 agency, or authority, which action was taken in violation of  
90 this section, and the court determines that the defendant or  
91 defendants to such action acted in violation of this section,  
92 the court shall assess a reasonable attorney's fee against such  
93 agency, and may assess a reasonable attorney's fee against the  
94 individual filing such an action if the court finds it was filed  
95 in bad faith or was frivolous. Any fees so assessed may be  
96 assessed against the individual member or members of such board  
97 or commission; provided, that in any case where the board or  
98 commission seeks the advice of its attorney and such advice is  
99 followed, no such fees shall be assessed against the individual  
100 member or members of the board, entity or commission. However,  
101 this subsection shall not apply to a state attorney or his or

Amendment No. 1

102 her duly authorized assistants or any officer charged with  
103 enforcing the provisions of this section.

104 (5) Whenever any board or commission of any state agency  
105 or authority or any agency or authority of any county, municipal  
106 corporation, ~~or political subdivision~~, or of any entity created  
107 under general, special or local law appeals any court order  
108 which has found said board, entity, commission, agency, or  
109 authority to have violated this section, and such order is  
110 affirmed, the court shall assess a reasonable attorney's fee for  
111 the appeal against such board, entity, commission, agency, or  
112 authority. Any fees so assessed may be assessed against the  
113 individual member or members of such board, entity or  
114 commission; provided, that in any case where the board, entity  
115 or commission seeks the advice of its attorney and such advice  
116 is followed, no such fees shall be assessed against the  
117 individual member or members of the board, entity or commission.

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

123 (7) Whenever any member of any board or commission of any  
124 state agency or authority or any agency or authority of any  
125 county, municipal corporation, ~~or political subdivision~~, or of  
126 any entity created under general, special or local law is  
127 charged with a violation of this section and is subsequently  
128 acquitted, the board, entity or commission is authorized to

Amendment No. 1

129 reimburse said member for any portion of his or her reasonable  
130 attorney's fees.

131 (8) Notwithstanding the provisions of subsection (1), any  
132 board or commission of any state agency or authority or any  
133 agency or authority of any county, municipal corporation, or  
134 political subdivision, or of any entity created under general,  
135 special or local law, and the chief administrative or executive  
136 officer of the governmental entity, may meet in private with the  
137 entity's attorney to discuss pending litigation to which the  
138 entity is presently a party before a court or administrative  
139 agency, provided that the following conditions are met:

140 (a) The board, entity or commission ~~entity's~~ attorney  
141 shall advise the entity at a public meeting that he or she  
142 desires advice concerning the litigation.

143 (b) The subject matter of the meeting shall be confined to  
144 settlement negotiations or strategy sessions related to  
145 litigation expenditures.

146 (c) The entire session shall be recorded by a certified  
147 court reporter. The reporter shall record the times of  
148 commencement and termination of the session, all discussion and  
149 proceedings, the names of all persons present at any time, and  
150 the names of all persons speaking. No portion of the session  
151 shall be off the record. The court reporter's notes shall be  
152 fully transcribed and filed with the entity's clerk within a  
153 reasonable time after the meeting.

154 (d) The board, entity or commission ~~entity~~ shall give  
155 reasonable public notice of the time and date of the attorney-  
156 client session and the names of persons who will be attending

095665 - h0355-strike-1.docx

Published On: 2/2/2012 6:38:08 PM

Amendment No. 1

157 the session. The session shall commence at an open meeting at  
158 which the persons chairing the meeting shall announce the  
159 commencement and estimated length of the attorney-client session  
160 and the names of the persons attending. At the conclusion of the  
161 attorney-client session, the meeting shall be reopened, and the  
162 person chairing the meeting shall announce the termination of  
163 the session.

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

166 (9) This section shall preempt all other laws on public  
167 meetings unless stated otherwise by the constitution or general  
168 law and shall be supplementary to the constitution, general law  
169 or court precedent which are not in conflict herewith.

170 Section 2. The bill shall take effect July 1, 2012

171

172

173

-----

174

**T I T L E A M E N D M E N T**

175

Remove the entire title and insert:

176