

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

Committee/Subcommittee hearing bill: Government Operations
Subcommittee

Representative Kiar offered the following:

Amendment (with title amendment)

Remove 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.-

(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
meets the same notice requirements as the meeting at which the
board or commission takes official action on the item, occurs at
a meeting that is during the decisionmaking process, and is
within reasonable proximity before the meeting at which the

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20 board or commission takes the official action. The opportunity
21 to be heard is subject to reasonable rules or policies adopted
22 by the board or commission to ensure the orderly conduct of a
23 public meeting, as provided in subsection (3).

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

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

30 (b) An official act involving no more than a ministerial
31 act; or

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

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

38 (a) Limit the time an individual has to address the board
39 or commission;

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

44 (c) Prescribe procedures or forms for an individual to use
45 in order to inform the board or commission of a desire to be
46 heard, to indicate his or her support, opposition, or neutrality
47 on a proposition, and to indicate his or her designation of a

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48 representative to speak for him or her or his or her group on a
49 proposition if he or she so chooses.

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

55 (5) Each board or commission that is subject to chapter
56 120 shall adopt rules under ss. 120.536(1) and 120.54 to
57 administer this section.

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

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

63 Remove the entire title and insert:

64 A bill to be entitled
65 An act relating to public meetings; creating s. 286.0114, F.S.;
66 requiring that a member of the public be given a reasonable
67 opportunity to be heard before a board or commission takes
68 official action on a proposition before the board or commission;
69 providing that the opportunity to be heard is subject to rules
70 or policies adopted by the board or commission; specifying
71 certain exceptions; providing requirements for rules or policies
72 governing the opportunity to be heard; providing that compliance
73 with the requirements of the act is presumed under certain
74 circumstances; requiring that a board or commission that is

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75 subject to ch. 120, F.S., adopt rules; providing an effective
76 date.