

Amendment No.

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WITHDRAWN _____ (Y/N)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: State Affairs Committee
2 Representative Kiar offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 286.0114 Public meetings; reasonable opportunity to be
9 heard; attorney fees.-

10 (1) Members of the public shall be given a reasonable
11 opportunity to be heard on a proposition before a board or
12 commission of any state agency or authority or of any agency or
13 authority of any county, municipal corporation, or political
14 subdivision. The opportunity to be heard need not occur at the
15 same meeting at which the board or commission takes official
16 action on the item, if the opportunity occurs at a meeting that
17 meets the same notice requirements as the meeting at which the
18 board or commission takes official action on the item, occurs at
19 a meeting that is during the decisionmaking process, and is

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Amendment No.

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

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

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

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

33 (c) Any meeting that is exempt from the provisions of s.
34 286.011; or

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

39 (3) Rules or policies of a board or commission must be
40 limited to rules or policies that:

41 (a) Limit the time an individual has to address the board
42 or commission;

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

Amendment No.

47 (c) Prescribe procedures or forms for an individual to use
48 in order to inform the board or commission of a desire to be
49 heard; to indicate his or her support, opposition, or neutrality
50 on a proposition; and to indicate his or her designation of a
51 representative to speak for him or her or his or her group on a
52 proposition if he or she so chooses; or

53 (d) Designate a specified period of time for public
54 comment.

55 (4) (a) If a board or commission adopts rules or policies
56 in compliance with this section and follows such rules or
57 policies when providing an opportunity for members of the public
58 to be heard, it is presumed that the board or commission is
59 acting in compliance with this section.

60 (b) Whenever an action is filed against a board or
61 commission of any state agency or authority of a county,
62 municipal corporation, or political subdivision to enforce the
63 provisions of this section, the court shall assess reasonable
64 attorney fees against such agency or authority if the court
65 determines that the defendant to such action acted in violation
66 of this section. The court may assess reasonable attorney fees
67 against the individual filing such an action if the court finds
68 that the action was filed in bad faith or was frivolous. This
69 paragraph does not apply to a state attorney or his or her duly
70 authorized assistants or any officer charged with enforcing the
71 provisions of this section.

72 (c) Any action taken by a board or commission which is
73 found to be in violation of this section is not void as a result
74 of that violation.

Amendment No.

75 (d) The circuit courts shall have jurisdiction to issue
76 injunctions for the purpose of enforcing this section upon the
77 filing of an application for such injunction by any citizen of
78 this state.

79 Section 2. This act shall take effect July 1, 2012.
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81

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

84 Remove the entire title and insert:

85 A bill to be entitled

86 An act relating to public meetings; creating s.
87 286.0114, F.S.; requiring that a member of the public
88 be given a reasonable opportunity to be heard before a
89 board or commission takes official action on a
90 proposition before a board or commission of any state
91 agency or authority or of any agency or authority of
92 any county, municipal corporation, or political
93 subdivision; providing that the opportunity to be
94 heard is subject to rules or policies adopted by the
95 board or commission; specifying certain exceptions;
96 providing requirements for rules or policies governing
97 the opportunity to be heard; providing that compliance
98 with the requirements of the act is presumed under
99 certain circumstances; authorizing a court to assess
100 reasonable attorney fees in actions filed against a
101 board or commission; providing that any action taken
102 by a board or commission which is found in violation

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 355 (2012)

Amendment No.

103 of the act is not void; providing that circuit courts
104 have jurisdiction to issue injunctions for purposes of
105 the act; providing an effective date.