

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 a board or commission of any state
 7 agency or authority or of any agency or authority of
 8 any county, municipal corporation, or political
 9 subdivision; providing that the opportunity to be
 10 heard is subject to rules or policies adopted by the
 11 board or commission; specifying certain exceptions;
 12 providing requirements for rules or policies governing
 13 the opportunity to be heard; providing that compliance
 14 with the requirements of the act is presumed under
 15 certain circumstances; authorizing a court to assess
 16 reasonable attorney fees in actions filed against a
 17 board or commission; providing that any action taken
 18 by a board or commission which is found in violation
 19 of the act is not void; providing that circuit courts
 20 have jurisdiction to issue injunctions for purposes of
 21 the act; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 286.0114, Florida Statutes, is created
 26 to read:

27 286.0114 Public meetings; reasonable opportunity to be
 28 heard; attorney fees.-

29 (1) Members of the public shall be given a reasonable
 30 opportunity to be heard on a proposition before a board or
 31 commission of any state agency or authority or of any agency or
 32 authority of any county, municipal corporation, or political
 33 subdivision. The opportunity to be heard need not occur at the
 34 same meeting at which the board or commission takes official
 35 action on the item, if the opportunity occurs at a meeting that
 36 meets the same notice requirements as the meeting at which the
 37 board or commission takes official action on the item, occurs at
 38 a meeting that is during the decisionmaking process, and is
 39 within reasonable proximity before the meeting at which the
 40 board or commission takes the official action. The opportunity
 41 to be heard is subject to reasonable rules or policies adopted
 42 by the board or commission to ensure the orderly conduct of a
 43 public meeting, as provided in subsection (3).

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

45 (a) An official act that must be taken to deal with an
 46 emergency situation affecting the public health, welfare, or
 47 safety, when compliance with the requirements would cause an
 48 unreasonable delay in the ability of the board or commission to
 49 act;

50 (b) An official act involving no more than a ministerial
 51 act;

52 (c) Any meeting that is exempt from the provisions of s.
 53 286.011; or

54 (d) A meeting in which the board or commission is acting
 55 in a quasi-judicial capacity with respect to the rights or
 56 interests of a person. This paragraph does not affect the right

57 of a person to be heard as otherwise provided by law.

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

60 (a) Limit the time an individual has to address the board
61 or commission;

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

66 (c) Prescribe procedures or forms for an individual to use
67 in order to inform the board or commission of a desire to be
68 heard; to indicate his or her support, opposition, or neutrality
69 on a proposition; and to indicate his or her designation of a
70 representative to speak for him or her or his or her group on a
71 proposition if he or she so chooses; or

72 (d) Designate a specified period of time for public
73 comment.

74 (4) (a) If a board or commission adopts rules or policies
75 in compliance with this section and follows such rules or
76 policies when providing an opportunity for members of the public
77 to be heard, it is presumed that the board or commission is
78 acting in compliance with this section.

79 (b) Whenever an action is filed against a board or
80 commission of any state agency or authority of a county,
81 municipal corporation, or political subdivision to enforce the
82 provisions of this section, the court shall assess reasonable
83 attorney fees against such agency or authority if the court
84 determines that the defendant to such action acted in violation

85 of this section. The court may assess reasonable attorney fees
86 against the individual filing such an action if the court finds
87 that the action was filed in bad faith or was frivolous. This
88 paragraph does not apply to a state attorney or his or her duly
89 authorized assistants or any officer charged with enforcing the
90 provisions of this section.

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

94 (d) The circuit courts shall have jurisdiction to issue
95 injunctions for the purpose of enforcing this section upon the
96 filing of an application for such injunction by any citizen of
97 this state.

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