

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WITHDRAWN	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>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Waldman offered the following:

Amendment (with title amendment)

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

8 286.011 Public meetings and records; public inspection;
 9 criminal and civil penalties.—

10 (1) All meetings of any board or commission of any state
 11 agency or authority or of any agency or authority of any county,
 12 municipal corporation, or political subdivision, or of any
 13 entity created under general, special, or local law, except as
 14 otherwise provided in the Constitution, including meetings with
 15 or attended by any person elected to such board or commission,
 16 but who has not yet taken office, at which official acts are to
 17 be taken are declared to be public meetings open to the public
 18 at all times, and no resolution, rule, ordinance, code, or
 19 formal action shall be considered binding except as taken or

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20 made at such meeting. The following requirements shall apply to
21 all meetings:

22 (a) The board, entity, or commission must provide
23 reasonable notice of all such meetings no less than three days
24 prior to the meeting, unless emergency in nature and then notice
25 must be provided no less than 24 hours prior to the meeting. The
26 notice must include the matters to be placed on the agenda,
27 including any attachments, and the agenda may be amended
28 thereafter if necessary. At least two copies of the agenda and
29 attachments shall be available for public inspection the day of
30 the meeting.

31 (b) Citizens or other persons shall have the right to
32 speak for no less than three minutes on any matter within the
33 purview of the board, entity, or commission, which is not
34 pending on the agenda or for public hearing. At the discretion
35 of the presiding officer, such time may be extended. Citizens or
36 other persons shall have such right to speak at the beginning of
37 the meeting either after the call to order or pledge of
38 allegiance and invocation segment of the agenda, as shown in the
39 order printed.

40 (c) Citizens or other persons shall have the right to
41 speak for no less than three minutes on each pending agenda item
42 which may affect the appointment of public officers, land use,
43 taxes, fees, rates, fines, rights, and interests of any given
44 citizens, persons, or businesses. Such matters may not be placed
45 as consent items on the agenda. Such time may be extended at the
46 discretion of the presiding officer. At the discretion of the
47 presiding officer, public comment may be allowed for all other

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48 matters such as awards, presentations, reports, minutes,
49 announcements, and matters that are solely administrative,
50 ministerial, or emergency in nature and that are cited on the
51 agenda.

52 (d) On each pending item listed on the agenda of a
53 meeting, citizens or other persons shall have the right to speak
54 for no less than three minutes. Such time may be extended at the
55 discretion of the presiding officer, whether the citizen or
56 other person is a proponent, opponent, or undecided on the item
57 pending for action.

58 (e) Any reasonable or legitimate question that is clearly
59 presented to the board, entity, or commission by a citizen or
60 other person while exercising the right to speak under this
61 section shall be responded to either at the meeting publicly or
62 by some form of correspondence within 10 days of the inquiry.
63 Such response shall be recorded with the minutes of the meeting
64 and shall be available for public inspection.

65 (f) At the discretion of the presiding officer, it may be
66 required that representatives of groups or factions on an item,
67 rather than all of the members of the groups or factions,
68 address the board, entity, or commission at any meeting as
69 prescribed in this section in which a large number of
70 individuals wish to be heard. Where a large number of
71 individuals who wish to speak on an item numbers more than 20,
72 it shall be the discretion of the presiding officer to prescribe
73 the time permitted per person to speak, which shall be no less
74 than one minute as time would permit until adjournment. A time

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75 certain may be set for each pending agenda item or public
76 hearing matter for disposition.

77 (g) A form shall be provided by the board, entity, or
78 commission for citizens or other persons to register to speak at
79 meetings as provided for by this section. The presiding officer
80 shall have the authority to ensure proper order and decorum in
81 all meetings.

82 (2) The minutes of a meeting of any such board or
83 commission of any such state agency, ~~or~~ authority, or entity
84 shall be promptly recorded, and such records shall be open to
85 public inspection. The circuit courts of this state shall have
86 jurisdiction to issue injunctions to enforce the purposes of
87 this section upon application by any citizen of this state or
88 other person.

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

92 (b) Any person who is a member of a board or commission or
93 of any state agency or authority of any county, municipal
94 corporation, or political subdivision, or of any entity created
95 under general, special, or local law, who knowingly violates the
96 provisions of this section by attending a meeting not held in
97 accordance with the provisions hereof is guilty of a misdemeanor
98 of the second degree, punishable as provided in s. 775.082 or s.
99 775.083.

100 (c) Conduct which occurs outside the state which would
101 constitute a knowing violation of this section is a misdemeanor

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102 of the second degree, punishable as provided in s. 775.082 or s.
103 775.083.

104 (4) Whenever an action has been filed against any board or
105 commission of any state agency or authority or any agency or
106 authority of any county, municipal corporation, or political
107 subdivision, or of any entity created under general, special, or
108 local law, to enforce the provisions of this section or to
109 invalidate the actions of any such board, entity, commission,
110 agency, or authority, which action was taken in violation of
111 this section, and the court determines that the defendant or
112 defendants to such action acted in violation of this section,
113 the court shall assess a reasonable attorney's fee against such
114 agency, and may assess a reasonable attorney's fee against the
115 individual filing such an action if the court finds it was filed
116 in bad faith or was frivolous. Any fees so assessed may be
117 assessed against the individual member or members of such board,
118 entity, or commission; provided, that in any case where the
119 board, entity, or commission seeks the advice of its attorney
120 and such advice is followed, no such fees shall be assessed
121 against the individual member or members of the board, entity,
122 or commission. However, this subsection shall not apply to a
123 state attorney or his or her duly authorized assistants or any
124 officer charged with enforcing the provisions of this section.

125 (5) Whenever any board or commission of any state agency
126 or authority or any agency or authority of any county, municipal
127 corporation, or political subdivision, or of any entity created
128 under general, special, or local law, appeals any court order
129 which has found said board, entity, commission, agency, or

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130 authority to have violated this section, and such order is
131 affirmed, the court shall assess a reasonable attorney's fee for
132 the appeal against such board, entity, commission, agency, or
133 authority. Any fees so assessed may be assessed against the
134 individual member or members of such board, entity, or
135 commission; provided, that in any case where the board, entity,
136 or commission seeks the advice of its attorney and such advice
137 is followed, no such fees shall be assessed against the
138 individual member or members of the board, entity, or
139 commission.

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

145 (7) Whenever any member of any board or commission of any
146 state agency or authority or any agency or authority of any
147 county, municipal corporation, or political subdivision, or of
148 any entity created under general, special or local law is
149 charged with a violation of this section and is subsequently
150 acquitted, the board, entity, or commission is authorized to
151 reimburse said member for any portion of his or her reasonable
152 attorney's fees.

153 (8) Notwithstanding the provisions of subsection (1), any
154 board or commission of any state agency or authority or any
155 agency or authority of any county, municipal corporation, or
156 political subdivision, or of any entity created under general,
157 special, or local law, and the chief administrative or executive

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158 officer of the governmental entity, may meet in private with the
159 entity's attorney to discuss pending litigation to which the
160 entity is presently a party before a court or administrative
161 agency, provided that the following conditions are met:

162 (a) The ~~entity's~~ attorney for the board, entity, or
163 commission shall advise the entity at a public meeting that he
164 or she desires advice concerning the litigation.

165 (b) The subject matter of the meeting shall be confined to
166 settlement negotiations or strategy sessions related to
167 litigation expenditures.

168 (c) The entire session shall be recorded by a certified
169 court reporter. The reporter shall record the times of
170 commencement and termination of the session, all discussion and
171 proceedings, the names of all persons present at any time, and
172 the names of all persons speaking. No portion of the session
173 shall be off the record. The court reporter's notes shall be
174 fully transcribed and filed with the entity's clerk within a
175 reasonable time after the meeting.

176 (d) The board, entity, or commission shall give reasonable
177 public notice of the time and date of the attorney-client
178 session and the names of persons who will be attending the
179 session. The session shall commence at an open meeting at which
180 the persons chairing the meeting shall announce the commencement
181 and estimated length of the attorney-client session and the
182 names of the persons attending. At the conclusion of the
183 attorney-client session, the meeting shall be reopened, and the
184 person chairing the meeting shall announce the termination of
185 the session.

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

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

192 Section 2. This act shall take effect July 1, 2013.
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196 **T I T L E A M E N D M E N T**

197 Remove everything before the enacting clause and insert:

198 A bill to be entitled

199 An act relating to public meetings; amending s. 286.011, F.S.;
200 revising provisions governing public meetings of any board or
201 commission of any state agency or authority or of any agency or
202 authority of any county, municipal corporation, or political
203 subdivision to include meetings of any entity created under
204 general, special, or local law; providing that an ordinance or
205 code may not be binding except as taken or made at such meeting;
206 revising and providing additional requirements with respect to
207 such meetings; providing meeting notice requirements; providing
208 a right of citizens and other persons to speak on any matter
209 within the purview of an entity regardless of whether such
210 matter is on the meeting agenda; providing a right of citizens
211 and other persons to speak on any matter on a meeting agenda;
212 establishing time limits within which the opportunity to speak
213 shall be provided; specifying discretionary authority of a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 23 (2013)

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214 presiding officer; requiring a board, commission, or entity to
215 respond to questions posed at public meetings within a specified
216 time limit; requiring a board, entity, or commission to provide
217 a form on which individuals may register to speak at meetings;
218 providing civil and criminal penalties; conforming provisions
219 relating to assessment of attorney fees and authority to meet in
220 private to discuss pending litigation; providing for preemption
221 of other laws on public meetings; providing an effective date.