

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WITHDRAWN	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: Government Operations
 2 Subcommittee

3 Representative Rodrigues, R. offered the following:

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

6 Remove everything after the enacting clause and insert:

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

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

11 (1) For purposes of this section, "board or commission"
 12 means a board or commission of any state agency or authority or
 13 of any agency or authority of a county, municipal corporation,
 14 or political subdivision.

15 (2) Members of the public shall be given a reasonable
 16 opportunity to be heard on a proposition before a board or
 17 commission. The opportunity to be heard need not occur at the
 18 same meeting at which the board or commission takes official
 19 action on the proposition if the opportunity occurs at a meeting
 20 that satisfies the same notice requirements as the meeting at

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21 which the board or commission takes official action on the
22 proposition, occurs at a meeting that is during the
23 decisionmaking process, and is within reasonable proximity in
24 time before the meeting at which the board or commission takes
25 the official action. This section does not prohibit a board or
26 commission from maintaining orderly conduct or proper decorum in
27 a public meeting. The opportunity to be heard is subject to
28 rules or policies adopted by the board or commission, as
29 provided in subsection (4).

30 (3) The requirements in subsection (2) do not apply to:

31 (a) An official act that must be taken to deal with an
32 emergency situation affecting the public health, welfare, or
33 safety, when compliance with the requirements would cause an
34 unreasonable delay in the ability of the board or commission to
35 act;

36 (b) An official act involving no more than a ministerial
37 act;

38 (c) A meeting that is exempt from s. 286.011; or

39 (d) A meeting during which the board or commission is
40 acting in a quasi-judicial capacity. This paragraph does not
41 affect the right of a person to be heard as otherwise provided
42 by law.

43 (4) Rules or policies of a board or commission which
44 govern the opportunity to be heard are limited to those that:

45 (a) Provide guidelines regarding the amount of time an
46 individual has to address the board or commission;

47 (b) Prescribe procedures for allowing representatives of
48 groups or factions on a proposition to address the board or

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49 commission, rather than all members of such groups or factions,
50 at meetings in which a large number of individuals wish to be
51 heard;

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

58 (d) Designate a specified period of time for public
59 comment.

60 (5) If a board or commission adopts rules or policies in
61 compliance with this section and follows such rules or policies
62 when providing an opportunity for members of the public to be
63 heard, the board or commission is deemed to be acting in
64 compliance with this section.

65 (6) A circuit court has jurisdiction to issue an
66 injunction for the purpose of enforcing this section upon the
67 filing of an application for such injunction by a citizen of
68 this state.

69 (7) (a) Whenever an action is filed against a board or
70 commission to enforce this section, the court shall assess
71 reasonable attorney fees against such board or commission if the
72 court determines that the defendant to such action acted in
73 violation of this section. The court may assess reasonable
74 attorney fees against the individual filing such an action if
75 the court finds that the action was filed in bad faith or was
76 frivolous. This paragraph does not apply to a state attorney or

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77 his or her duly authorized assistants or an officer charged with
78 enforcing this section.

79 (b) Whenever a board or commission appeals a court order
80 that has found the board or commission to have violated this
81 section, and such order is affirmed, the court shall assess
82 reasonable attorney fees for the appeal against such board or
83 commission.

84 (8) An action taken by a board or commission which is
85 found to be in violation of this section is not void as a result
86 of that violation.

87 Section 2. The Legislature finds that a proper and
88 legitimate state purpose is served when members of the public
89 have been given a reasonable opportunity to be heard on a
90 proposition before a board or commission of a state agency or
91 authority, or of an agency or authority of a county, municipal
92 corporation, or political subdivision. Therefore, the
93 Legislature determines and declares that this act fulfills an
94 important state interest.

95 Section 3. This act shall take effect October 1, 2013.

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

100 Remove everything before the enacting clause and insert:

101 A bill to be entitled

102 An act relating to public meetings; creating s.

103 286.0114, F.S.; defining "board or commission";

104 requiring that a member of the public be given a

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105 reasonable opportunity to be heard by a board or
106 commission before it takes official action on a
107 proposition; providing exceptions; establishing
108 requirements for rules or policies adopted by the
109 board or commission; providing that compliance with
110 the requirements of this section is deemed to have
111 occurred under certain circumstances; providing that a
112 circuit court has jurisdiction to issue an injunction
113 under certain circumstances; authorizing a court to
114 assess reasonable attorney fees in actions filed
115 against a board or commission; providing that an
116 action taken by a board or commission which is found
117 in violation of this section is not void; providing
118 that the act fulfills an important state interest;
119 providing an effective date.

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