

1 A bill to be entitled
 2 An act relating to public meetings; creating s.
 3 286.0114, F.S.; defining the term "board" or
 4 "commission"; requiring that a member of the public be
 5 given a reasonable opportunity to be heard by a board
 6 or commission before it takes official action on a
 7 proposition; providing exceptions; establishing
 8 requirements for rules or policies adopted by the
 9 board or commission which govern the opportunity to be
 10 heard; providing that compliance with the requirements
 11 of this section is deemed to have occurred under
 12 certain circumstances; providing that a circuit court
 13 has jurisdiction to issue an injunction for
 14 enforcement under certain circumstances; authorizing a
 15 court to assess reasonable attorney fees in actions
 16 filed against a board or commission; providing that an
 17 action taken by a board or commission that violates
 18 this section is not void; providing that the act
 19 fulfills an important state interest; providing an
 20 effective date.

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

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

26 286.0114 Public meetings; reasonable opportunity to be
 27 heard; attorney fees.-

28 | (1) For purposes of this section, the term "board" or
 29 | "commission" means a board or commission of any state agency or
 30 | authority or of any agency or authority of a county, municipal
 31 | corporation, or political subdivision.

32 | (2) Members of the public shall be given a reasonable
 33 | opportunity to be heard on a proposition before a board or
 34 | commission. The opportunity to be heard need not occur at the
 35 | same meeting at which the board or commission takes official
 36 | action on the proposition if the opportunity occurs at a meeting
 37 | that is held during the decisionmaking process and is within
 38 | reasonable proximity in time before the meeting at which the
 39 | board or commission takes the official action. This section does
 40 | not prohibit a board or commission from maintaining orderly
 41 | conduct or proper decorum in a public meeting. The opportunity
 42 | to be heard is subject to rules or policies adopted by the board
 43 | or commission, as provided in subsection (4).

44 | (3) The requirements in subsection (2) 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, if 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, including, but not limited to, approval of minutes and
 52 | ceremonial proclamations;

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

54 | (d) A meeting during which the board or commission is
 55 | acting in a quasi-judicial capacity. This paragraph does not

56 affect the right of a person to be heard as otherwise provided
57 by law.

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

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

62 (b) Prescribe procedures for allowing representatives of
63 groups or factions on a proposition to address the board or
64 commission, rather than all members of such groups or factions,
65 at meetings in which a large number of individuals wish to be
66 heard;

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

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

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

80 (6) A circuit court has jurisdiction to issue an
81 injunction for the purpose of enforcing this section upon the
82 filing of an application for such injunction by a citizen of
83 this state.

84 (7) (a) Whenever an action is filed against a board or
85 commission to enforce this section, the court shall assess
86 reasonable attorney fees against such board or commission if the
87 court determines that the defendant to such action acted in
88 violation of this section. The court may assess reasonable
89 attorney fees against the individual filing such an action if
90 the court finds that the action was filed in bad faith or was
91 frivolous. This paragraph does not apply to a state attorney or
92 the state attorney's duly authorized assistants or an officer
93 charged with enforcing this section.

94 (b) Whenever a board or commission appeals a court order
95 that has found the board or commission to have violated this
96 section, and such order is affirmed, the court shall assess
97 reasonable attorney fees for the appeal against such board or
98 commission.

99 (8) An action taken by a board or commission that is found
100 to be in violation of this section is not void as a result of
101 that violation.

102 Section 2. The Legislature finds that a proper and
103 legitimate state purpose is served when members of the public
104 are given a reasonable opportunity to be heard on a proposition
105 before a board or commission of a state agency or authority, or
106 of an agency or authority of a county, municipal corporation, or
107 political subdivision. Therefore, the Legislature determines and
108 declares that this act fulfills an important state interest.

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