

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 718

INTRODUCER: Senator Legg

SUBJECT: Public Meetings

DATE: March 3, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 718 requires that notice of a public meeting include a description of each matter to be considered at the meeting. The bill prohibits board or commission members from taking action on any matter that is not described on the notice. An exception is provided for emergency situations requiring immediate action so long as consideration of the matter is approved by a super majority of the board or commission.

II. Present Situation:

Florida Constitution: Public Meetings

The Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.¹

Government in the Sunshine Law

Access to government meetings is also governed by s. 286.011, F.S., also known as the "Government in the Sunshine Law" or "Sunshine Law." Section 286.011, F.S., requires all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken to be open to the public at all times. The board or commission must provide reasonable notice of the time and place of all public meetings. However, there is no requirement in the Florida Statutes or Constitution that the notice describe specific matters to be addressed by

¹ Article I, s. 24(b) of the Florida Constitution.

the public body in advance of the meeting.² There simply must be reasonable notice of when and where the meeting will be held and the meeting must be conducted openly.³

III. Effect of Proposed Changes:

Section 1 amends s. 286.011, F.S., to require that the notice of a public meeting include a description of each matter to be considered at the meeting. The bill prohibits a public body from acting on any matter that was not included in the meeting notice unless the matter concerns an emergency that requires immediate action and the consideration of the matter is approved by a super majority of the members of the board or commission.

The bill also makes technical changes to the existing statute.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

While this bill relates to public meetings, it does not create a new exemption from the constitutional requirements for open meetings. Therefore, a two-thirds vote of the legislature is not required for passage.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

² *Law and Info. Servs., Inc. v. City of Riviera Beach*, 670 So.2d 114, 1015 (Fla. 4th DCA 1996).

³ *Id.* at 1016.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 286.011 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.