

HB 843

2017

1 A bill to be entitled
2 An act relating to public meetings and public records;
3 amending s. 286.011, F.S.; exempting meetings between
4 two members of certain boards or commissions from
5 public meetings and public records requirements;
6 providing restrictions on such meetings; providing for
7 future legislative review and repeal of the exemption;
8 providing a statement of public necessity; providing
9 an effective date.

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

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13 Section 1. Subsection (9) is added to section 286.011,
14 Florida Statutes, and subsections (1) and (2) of that section
15 are republished, to read:

16 286.011 Public meetings and records; public inspection;
17 criminal and civil penalties.—

18 (1) All meetings of any board or commission of any state
19 agency or authority or of any agency or authority of any county,
20 municipal corporation, or political subdivision, except as
21 otherwise provided in the Constitution, including meetings with
22 or attended by any person elected to such board or commission,
23 but who has not yet taken office, at which official acts are to
24 be taken are declared to be public meetings open to the public
25 at all times, and no resolution, rule, or formal action shall be

26 | considered binding except as taken or made at such meeting. The
 27 | board or commission must provide reasonable notice of all such
 28 | meetings.

29 | (2) The minutes of a meeting of any such board or
 30 | commission of any such state agency or authority shall be
 31 | promptly recorded, and such records shall be open to public
 32 | inspection. The circuit courts of this state shall have
 33 | jurisdiction to issue injunctions to enforce the purposes of
 34 | this section upon application by any citizen of this state.

35 | (9) (a) Notwithstanding subsections (1) and (2), two
 36 | members of any board or commission, including persons elected or
 37 | appointed to such board or commission who have not yet taken
 38 | office, of any state agency or authority or any agency or
 39 | authority of any county, municipal corporation, or political
 40 | subdivision with a total membership of at least five members may
 41 | meet in private and discuss public business without providing
 42 | notice of such meeting, recording such meeting, or making such
 43 | records open to public inspection, and such meetings are exempt
 44 | from this section, s. 119.07(1), and s. 24(a) and (b), Art. I of
 45 | the State Constitution, if:

46 | 1. The members do not adopt a resolution or rule or take
 47 | any other formal action, or agree to do so at a future meeting,
 48 | at such meeting. A resolution or rule adopted, or any other
 49 | formal action taken, in violation of this subparagraph is void.

50 | 2. The members do not discuss an appropriation, a

51 contract, or any other public business that involves the direct
52 expenditure of public funds to a private vendor.

53 3. The meeting is not intended to frustrate or circumvent
54 the purpose of this section.

55 (b) This subsection is subject to the Open Government
56 Sunset Review Act in accordance with s. 119.15 and shall stand
57 repealed on October 2, 2022, unless reviewed and saved from
58 repeal through reenactment by the Legislature.

59 Section 2. The Legislature finds that it is a public
60 necessity that meetings between two members of any board or
61 commission, including persons elected or appointed to such board
62 or commission who have not yet taken office, of any state agency
63 or authority or any agency or authority of any county, municipal
64 corporation, or political subdivision with a total membership of
65 at least five members should be exempt from ss. 286.011 and
66 119.07(1), Florida Statutes, and s. 24(a) and (b), Article I of
67 the State Constitution, and should be authorized to meet and
68 discuss public business without providing notice of such
69 meeting, recording such meeting, or making such records open to
70 public inspection. Individual members of any board or commission
71 are authorized to gather information and discuss topics, ideas,
72 and issues in private, one-on-one meetings in order to
73 facilitate a more thorough vetting of policies and
74 appropriations that such members are responsible for examining
75 and understanding. Exempting such one-on-one meetings from

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76 public meetings and records requirements will allow such members
77 to better serve the interests of the public which they have been
78 elected or appointed to represent. Therefore, the Legislature
79 finds that this exemption from public meetings and public
80 records requirements is a public necessity.

81 Section 3. This act shall take effect July 1, 2017.