



CS/HB 843, Engrossed 1

2017

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

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsection (9) is added to section 286.011,  
13   Florida Statutes, and subsections (1) and (2) of that section  
14   are republished, to read:

15           286.011 Public meetings and records; public inspection;  
16   criminal and civil penalties.—

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



26 | board or commission must provide reasonable notice of all such  
27 | meetings.

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

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

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

48 |       2. The members do not discuss an appropriation, a  
49 | contract, or any other public business that involves the direct  
50 | expenditure of public funds to a private vendor.



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

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

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



CS/HB 843, Engrossed 1

2017

76 | requirements is a public necessity.

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