

1 A bill to be entitled
 2 An act relating to public meetings; amending s.
 3 286.011, F.S.; defining terms; specifying conditions
 4 under which members of any board or commission of any
 5 state agency or authority or of any agency or
 6 authority of any county, municipal corporation, or
 7 political subdivision may participate in fact-finding
 8 exercises or excursions; providing for construction;
 9 providing 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 (1) of section 286.011, Florida
 14 Statutes, is amended, present subsections (2) through (8) of
 15 that section are renumbered as subsections (3) through (9),
 16 respectively, and a new subsection (2) is added to that section,
 17 to read:

18 286.011 Public meetings and records; public inspection;
 19 criminal and civil penalties.—

20 (1) (a) As used in this section, the term:

21 1. "De facto meeting" means the use of board or commission
 22 staff or third parties, acting as intermediaries, to facilitate
 23 discussion of public business between board or commission
 24 members.

25 2. "Discussion" means a conversation between or among

26 | board or commission members regardless of whether through oral,
 27 | written, electronic, or any other form of communication.

28 | 3. "Meeting" means a gathering, whether formal or
 29 | informal, of two or more members of the same board or
 30 | commission, even if they have not yet taken office.

31 | 4. "Official act" means the adoption of a resolution or
 32 | rule or other formal action being taken by the board or
 33 | commission.

34 | 5. "Public business" means any matter before, or
 35 | foreseeably expected to come before, the board or commission.

36 | (b) Except as otherwise provided in the State
 37 | Constitution, all meetings or de facto meetings of any board or
 38 | commission of any state agency or authority or of any agency or
 39 | authority of any county, municipal corporation, or political
 40 | subdivision at which official acts are to be taken or public
 41 | business is to be transacted or discussed, are declared to be
 42 | public meetings open to the public., ~~except as otherwise~~
 43 | ~~provided in the Constitution, including meetings with or~~
 44 | ~~attended by any person elected to such board or commission, but~~
 45 | ~~who has not yet taken office, at which official acts are to be~~
 46 | ~~taken are declared to be public meetings open to the public at~~
 47 | ~~all times, and~~

48 | (c) Members of the same board or commission may
 49 | participate in fact-finding exercises or excursions to research
 50 | public business, and may participate in meetings with a member

51 of the Legislature, if:

52 1. The board or commission provides reasonable notice;

53 2. A vote, an official act, or an agreement regarding an
 54 action at a future meeting does not occur;

55 3. A discussion of public business, as those terms are
 56 defined in paragraph (a), does not occur; and

57 4. Appropriate records, minutes, audio recordings, or
 58 video recordings are made and retained as a public record.

59 (d) A ~~ne~~ resolution, rule, or formal action is not ~~shall~~
 60 be considered binding unless ~~except as~~ taken or made at a public
 61 ~~such~~ meeting. The board or commission must provide reasonable
 62 notice of all such meetings.

63 (2) So long as no official acts are taken and any public
 64 business is not discussed, subsection (1) may not be construed
 65 to require public notice of, and access to, any gathering of two
 66 or more members of the same board or commission.

67 Section 2. This act shall take effect upon becoming a law.