

By Senator Baxley

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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.

10  
 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 board  
 26       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 informal,  
 29       of two or more members of the same board or commission, even if

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

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

51 1. The board or commission provides reasonable notice;

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

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

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

58 (d) A ~~no~~ resolution, rule, or formal action is not ~~shall be~~

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59 considered binding unless ~~except as~~ taken or made at a public  
60 ~~such~~ meeting. The board or commission must provide reasonable  
61 notice of all such meetings.

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

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