

By Senator Cruz

18-00741D-21

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1 A bill to be entitled
2 An act relating to public meetings during declared
3 states of emergency; creating s. 252.386, F.S.;
4 defining terms; providing for the suspension of
5 certain statutory provisions during declared states of
6 emergency for a specified timeframe; providing an
7 exception; authorizing governing bodies to use
8 communications media technology during declared states
9 of emergency; providing that certain remote
10 participation by a governing body member in a meeting
11 constitutes that individual's presence at such meeting
12 and counts toward a quorum during the declared state
13 of emergency; requiring meetings conducted through
14 communications media technology to function as if they
15 are being conducted in person; authorizing members of
16 a governing body to attend certain meetings in person
17 or through communications media technology; providing
18 an effective date.

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

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22 Section 1. Section 252.386, Florida Statutes, is created to
23 read:

24 252.386 Suspension of statutory provisions during states of
25 emergency.—

26 (1) For purposes of this section, the term:

27 (a) "Governing body" means the council, commission, or
28 other board or body in which the general legislative powers of a
29 local or regional governmental entity are vested.

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30 (b) "Local governmental entity" means a municipality, a
31 county, a school board, a special district, or any other local
32 entity within the jurisdiction of one county created by general
33 or special law or local ordinance.

34 (c) "Regional governmental entity" means regional planning
35 councils, metropolitan planning organizations, water supply
36 authorities that include more than one county, local health
37 councils, water management districts, and other regional
38 entities that are authorized and created by general or special
39 law which have duties or responsibilities extending beyond the
40 jurisdiction of a single county.

41 (2) Any statutory provision that requires the physical
42 presence of members to satisfy a quorum or that requires the
43 members of a governing body to be physically present at a
44 specified public place is suspended if a state of emergency is
45 declared by the Governor, for a period not to exceed 6 months
46 from the date on which the state of emergency is declared,
47 unless the state of emergency is extended by the Governor
48 pursuant to executive order.

49 (a) If a county is declared to be under a state of
50 emergency by the Governor, a governing body within that county
51 may use communications media technology, including telephonic
52 and video conferencing, as provided in s. 120.54(5)(b)2.

53 (b) The participation by a member of a governing body in a
54 meeting conducted through communications media technology as
55 provided in paragraph (a) constitutes that member's presence at
56 such meeting and counts toward a quorum.

57 (c) A meeting conducted through communications media
58 technology must function as if it is being conducted in person.

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59 (d) If a meeting is conducted through communications media
60 technology, a member of the governing body is entitled to attend
61 the meeting by convening in person or to attend the meeting
62 through communications media technology.

63 Section 2. This act shall take effect July 1, 2021.