

By Senator Cruz

18-00109-22

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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 to conduct meetings
9 during declared states of emergency; providing that
10 certain remote participation by a governing body
11 member in a meeting constitutes that individual's
12 presence at such meeting and counts toward a quorum
13 during a declared state of emergency; requiring
14 meetings conducted through communications media
15 technology during a declared state of emergency to
16 function as if they are being conducted in person;
17 authorizing members of a governing body to attend
18 certain meetings in person or through communications
19 media technology; providing an effective date.

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

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

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

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

28 (a) "Governing body" means the council, commission, or
29 other board or body in which the general legislative powers of a

18-00109-22

2022674__

30 local or regional governmental entity are vested.

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

35 (c) "Regional governmental entity" means a regional
36 planning council, a metropolitan planning organization, a water
37 supply authority that includes more than one county, a local
38 health council, a water management district, and any other
39 regional entity that is authorized and created by general or
40 special law which have duties or responsibilities extending
41 beyond the jurisdiction of a single county.

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

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

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

18-00109-22

2022674__

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

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

65 Section 2. This act shall take effect July 1, 2022.