

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Waldman offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 286.011, Florida Statutes, is amended to read:

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

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, or of any entity created under general, special, or local law ~~except as otherwise provided in the Constitution~~, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public

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17 at all times, and a ~~no~~ resolution, rule, ordinance, code, or  
18 formal action may not shall be ~~considered~~ binding except as  
19 taken or made at such meeting. The following requirements shall  
20 apply to all formal meetings and informal meetings:

21 (a) The board, entity, or commission must provide  
22 reasonable notice of all such meetings, unless emergency in  
23 nature then it shall be no less than 24 hours. The agenda may be  
24 amended thereafter when necessary. At least two copies of the  
25 agenda with all attachments shall be available for public  
26 inspection the day and at the place of each meeting.

27 (b) Citizens or other persons shall have the right to speak  
28 within no less than 3 minutes, at the discretion of the  
29 presiding officer such may be extended, on any matter within the  
30 purview of the board, commission, or entity, not pending as  
31 regular or public hearing agenda items, at the beginning of the  
32 meeting either after the call to order or pledge of alliance and  
33 invocation, and also at the end of the meeting, as the last item  
34 on the agenda before adjournment in the order as printed. Such  
35 shall be known as the "Citizens To Be Heard" item.

36 (c) Citizens or other persons shall have the right to speak  
37 within no less than 3 minutes, at the discretion of the  
38 presiding officer such may be extended, on each pending regular  
39 agenda item which affects appointment of public officers, land  
40 use, taxes, fees, rates, fines, rights, and interests of any  
41 given citizens, persons or businesses such matters shall not be  
42 placed as items in the consent agenda. All other matters such as  
43 the consent agenda, awards, presentations, reports, minutes,  
44 announcements, and internally or solely administrative and

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45 ministerial or emergency in nature cited on the agenda shall be  
46 at the discretion of the presiding officer to allow public  
47 comment.

48 (d) On each pending item listed on the agenda for public  
49 hearing, citizens or other persons shall have the right to speak  
50 within no less than 3 minutes, at the discretion of the  
51 presiding officer such may be extended, whether they are  
52 proponents, opponents or undecided on the item pending for  
53 action.

54 (e) Any reasonable or legitimate questions that arise,  
55 where clearly inquired of the board, commission, or entity, from  
56 citizens or other persons while exercising their right to speak  
57 shall be responded to either at the meeting publicly or by some  
58 form of correspondence within ten days of the inquiry which  
59 response shall be recorded with the minutes of the meeting for  
60 public inspection.

61 (f) At the discretion of the presiding officer over any  
62 meetings as prescribed in this section in which a large number  
63 of individuals wish to be heard, it may be required that  
64 representatives of groups or factions on an item, rather than  
65 all of the members of the groups or factions, address the board,  
66 entity, or commission. Where there would be yet still a large  
67 number of individuals who wish to speak on an item, or in  
68 general there is a large number of individuals who wish to speak  
69 on an item, numbering over twenty, it shall be in the discretion  
70 of the presiding officer as to the time permitted per person  
71 which shall be no less than one minute as time would permit  
72 until adjournment, nevertheless, a time certain may be set for

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73 the citizens to be heard and each pending regular or public  
74 hearing agenda items.

75 (g) A general form shall be provided by the board,  
76 commission, or entity for citizens or other persons to register  
77 to speak as they wish on all matters in their purview and  
78 pending agenda items as required by law. The presiding officer  
79 shall have the discretion to control proper and ensure orderly  
80 protocol and decorum in all meetings.

81 (2) The minutes of a meeting of any such board or  
82 commission of any such state agency, ~~or~~ authority, or entity  
83 shall be promptly recorded, and such records shall be open to  
84 public inspection. The circuit courts of this state shall have  
85 jurisdiction to issue injunctions to enforce the purposes of  
86 this section upon application by any citizen of this state or  
87 other person.

88 (3) (a) Any public officer who violates any provision of  
89 this section is guilty of a noncriminal infraction, punishable  
90 by fine not exceeding \$500.

91 (b) Any person who is a member of a board or commission or  
92 of any state agency or authority of any county, municipal  
93 corporation, or political subdivision, or of any entity created  
94 under general, special, or local law, who knowingly violates the  
95 provisions of this section by attending a meeting not held in  
96 accordance with the provisions hereof is guilty of a misdemeanor  
97 of the second degree, punishable as provided in s. 775.082 or s.  
98 775.083.

99 (c) Conduct which occurs outside the state which would  
100 constitute a knowing violation of this section is a misdemeanor

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101 of the second degree, punishable as provided in s. 775.082 or s.  
102 775.083.

103 (4) Whenever an action has been filed against any board or  
104 commission of any state agency or authority or any agency or  
105 authority of any county, municipal corporation, or political  
106 subdivision, or of any entity created under general, special, or  
107 local law, to enforce the provisions of this section or to  
108 invalidate the actions of any such board, entity, commission,  
109 agency, or authority, which action was taken in violation of  
110 this section, and the court determines that the defendant or  
111 defendants to such action acted in violation of this section,  
112 the court shall assess a reasonable attorney's fee against such  
113 agency, and may assess a reasonable attorney's fee against the  
114 individual filing such an action if the court finds it was filed  
115 in bad faith or was frivolous. Any fees so assessed may be  
116 assessed against the individual member or members of such board,  
117 entity, or commission; provided, that in any case where the  
118 board, entity, or commission seeks the advice of its attorney  
119 and such advice is followed, no such fees shall be assessed  
120 against the individual member or members of the board, entity,  
121 or commission. However, this subsection shall not apply to a  
122 state attorney or his or her duly authorized assistants or any  
123 officer charged with enforcing the provisions of this section.

124 (5) Whenever any board or commission of any state agency or  
125 authority or any agency or authority of any county, municipal  
126 corporation, or political subdivision, or of any entity created  
127 under general, special, or local law, appeals any court order  
128 which has found said board, entity, commission, agency, or

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129 authority to have violated this section, and such order is  
130 affirmed, the court shall assess a reasonable attorney's fee for  
131 the appeal against such board, entity, commission, agency, or  
132 authority. Any fees so assessed may be assessed against the  
133 individual member or members of such board, entity, or  
134 commission; provided, that in any case where the board, entity,  
135 or commission seeks the advice of its attorney and such advice  
136 is followed, no such fees shall be assessed against the  
137 individual member or members of the board, entity, or  
138 commission.

139 (6) All persons subject to subsection (1) are prohibited  
140 from holding meetings at any facility or location which  
141 discriminates on the basis of sex, age, race, creed, color,  
142 origin, or economic status or which operates in such a manner as  
143 to unreasonably restrict public access to such a facility.

144 (7) Whenever any member of any board or commission of any  
145 state agency or authority or any agency or authority of any  
146 county, municipal corporation, or political subdivision, or of  
147 any entity created under general, special, or local law, is  
148 charged with a violation of this section and is subsequently  
149 acquitted, the board, entity, or commission is authorized to  
150 reimburse said member for any portion of his or her reasonable  
151 attorney's fees.

152 (8) Notwithstanding the provisions of subsection (1), any  
153 board or commission of any state agency or authority or any  
154 agency or authority of any county, municipal corporation, or  
155 political subdivision, or of any entity created under general,  
156 special, or local law, and the chief administrative or executive

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157 officer of the governmental entity, may meet in private with the  
158 entity's attorney to discuss pending litigation to which the  
159 entity is presently a party before a court or administrative  
160 agency, provided that the following conditions are met:

161 (a) The ~~entity's~~ attorney for the board, entity, or  
162 commission shall advise the board, entity, or commission at a  
163 public meeting that he or she desires advice concerning the  
164 litigation.

165 (b) The subject matter of the meeting shall be confined to  
166 settlement negotiations or strategy sessions related to  
167 litigation expenditures.

168 (c) The entire session shall be recorded by a certified  
169 court reporter. The reporter shall record the times of  
170 commencement and termination of the session, all discussion and  
171 proceedings, the names of all persons present at any time, and  
172 the names of all persons speaking. No portion of the session  
173 shall be off the record. The court reporter's notes shall be  
174 fully transcribed and filed with the entity's clerk within a  
175 reasonable time after the meeting.

176 (d) The board, entity, or commission shall give reasonable  
177 public notice of the time and date of the attorney-client  
178 session and the names of persons who will be attending the  
179 session. The session shall commence at an open meeting at which  
180 the persons chairing the meeting shall announce the commencement  
181 and estimated length of the attorney-client session and the  
182 names of the persons attending. At the conclusion of the  
183 attorney-client session, the meeting shall be reopened, and the  
184 person chairing the meeting shall announce the termination of

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the session.

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(e) The transcript shall be made part of the public record upon conclusion of the litigation.

(9) This section shall preempt all other laws on public meetings unless stated otherwise by the constitution or general law and shall be supplementary to the constitution, general law, or court precedent that are not in conflict herewith.

Section 2. This act shall take effect October 1, 2013.

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**T I T L E A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to public meetings; amending s. 286.011, F.S.; revising provisions governing public meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision to include meetings of any entity created under general, special, or local law; providing that an ordinance or code may not be binding except as taken or made at such meeting; revising and providing additional requirements with respect to such meetings; providing meeting notice requirements; providing a right of citizens and other persons to speak on any matter within the purview of an entity regardless of whether such matter is on the meeting agenda; providing a right of citizens and other persons to



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213 speak on any matter on a meeting agenda; establishing  
214 time limits within which the opportunity to speak  
215 shall be provided; specifying discretionary authority  
216 of a presiding officer; requiring a board, commission,  
217 or entity to respond to questions posed at public  
218 meetings within a specified time limit; requiring a  
219 board, entity, or commission to provide a form on  
220 which individuals may register to speak at meetings;  
221 providing civil and criminal penalties; conforming  
222 provisions relating to assessment of attorney fees and  
223 authority to meet in private to discuss pending  
224 litigation; providing for preemption of other laws on  
225 public meetings; providing an effective date.