

By Senator Baxley

12-00162D-17

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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.

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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 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

12-00162D-17

2017914__

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~~

12-00162D-17

2017914__

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.