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LEGISLATIVE ACTION

Senate

House

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02/13/2012 01:57 PM

Senator Negron moved the following:

Senate Amendment (with title amendment)

Delete lines 58 - 98

and insert:

(3) Rules or policies of a board or commission must be limited to rules or policies that:

(a) Limit the time an individual has to address the board or commission;

(b) Require, at meetings in which a large number of individuals wish to be heard, that representatives of groups or factions on an item, rather than all of the members of the groups or factions, address the board or commission;

(c) Prescribe procedures or forms for an individual to use



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14 in order to inform the board or commission of a desire to be
15 heard; to indicate his or her support, opposition, or neutrality
16 on a proposition; and to indicate his or her designation of a
17 representative to speak for him or her or his or her group on a
18 proposition if he or she so chooses; or

19 (d) Designate a specified period of time for public
20 comment.

21 (4) (a) If a board or commission adopts rules or policies in
22 compliance with this section and follows such rules or policies
23 when providing an opportunity for members of the public to be
24 heard, it is presumed that the board or commission is acting in
25 compliance with this section.

26 (b) Whenever an action is filed against a board or
27 commission of any state agency or authority of a county,
28 municipal corporation, or political subdivision to enforce the
29 provisions of this section, the court shall assess reasonable
30 attorney fees against such agency or authority if the court
31 determines that the defendant to such action acted in violation
32 of this section. The court may assess reasonable attorney fees
33 against the individual filing such an action if the court finds
34 that the action was filed in bad faith or was frivolous. This
35 paragraph does not apply to a state attorney or his or her duly
36 authorized assistants or any officer charged with enforcing the
37 provisions of this section.

38 (c) Any action taken by a board or commission which is
39 found to be in violation of this section is not void as a result
40 of that violation.

41 (d) The circuit courts shall have jurisdiction to issue
42 injunctions for the purpose of enforcing this section upon the



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43 filing of an application for such injunction by any citizen of
44 this state.

45
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete lines 21 - 22

49 and insert:

50 the act; providing an