

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, subsections (2) through (8) are renumbered  
 15 as subsections (3) through (9), respectively, and a new  
 16 subsection (2) is added to that section, to read:

17           286.011 Public meetings and records; public inspection;  
 18 criminal and civil penalties.—

19           (1) (a) As used in this section, the term:

20           1. "De facto meeting" means the use of board or commission  
 21 staff or third parties, acting as intermediaries, to facilitate  
 22 a discussion of public business between or among board or  
 23 commission members.

24           2. "Discussion" means a conversation between or among  
 25 board or commission members regardless of whether through oral,

26 written, electronic, or any other form of communication.

27 3. "Meeting" means a gathering, whether formal or  
28 informal, of two or more members of the same board or  
29 commission, even if they have not yet taken office.

30 4. "Official act" means the adoption of a resolution or  
31 rule or other formal action being taken by the board or  
32 commission.

33 5. "Public business" means any matter before, or  
34 foreseeably expected to come before, the board or commission.

35 (b) Except as otherwise provided in the State  
36 Constitution, all meetings or de facto meetings of any board or  
37 commission of any state agency or authority or of any agency or  
38 authority of any county, municipal corporation, or political  
39 subdivision at which official acts are to be taken or public  
40 business is to be transacted or discussed are declared to be  
41 public meetings open to the public., ~~except as otherwise~~  
42 ~~provided in the Constitution, including meetings with or~~  
43 ~~attended by any person elected to such board or commission, but~~  
44 ~~who has not yet taken office, at which official acts are to be~~  
45 ~~taken are declared to be public meetings open to the public at~~  
46 ~~all times, and~~

47 (c) Members of the same board or commission may  
48 participate in fact-finding exercises or excursions to research  
49 public business, and may participate in meetings with a member  
50 of the 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  
 57 video recordings are made and retained as a public record.

58           (d) A ~~no~~ resolution, rule, or formal action is not ~~shall~~  
 59 be 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) If official acts are not taken and public business is  
 63 not discussed, subsection (1) may not be construed to require  
 64 public notice of, and access to, any gathering of two or more  
 65 members of the same board or commission.

66           Section 2. This act shall take effect upon becoming a law.