

CS/HB 355

2012

1 A bill to be entitled

2 An act relating to public meetings; creating s.
3 286.0114, F.S.; requiring that a member of the public
4 be given a reasonable opportunity to be heard before a
5 board or commission takes official action on a
6 proposition before the board or commission; providing
7 that the opportunity to be heard is subject to rules
8 or policies adopted by the board or commission;
9 specifying certain exceptions; providing requirements
10 for rules or policies governing the opportunity to be
11 heard; providing that compliance with the requirements
12 of the act is presumed under certain circumstances;
13 requiring that a board or commission that is subject
14 to ch. 120, F.S., adopt rules; providing an effective
15 date.

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

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19 Section 1. Section 286.0114, Florida Statutes, is created
20 to read:

21 286.0114 Public meetings; reasonable opportunity to be
22 heard.—

23 (1) Members of the public shall be given a reasonable
24 opportunity to be heard on a proposition before a board or
25 commission. The opportunity to be heard need not occur at the
26 same meeting at which the board or commission takes official
27 action on the item, if the opportunity occurs at a meeting that
28 meets the same notice requirements as the meeting at which the

29 board or commission takes official action on the item, occurs at
30 a meeting that is during the decisionmaking process, and is
31 within reasonable proximity before the meeting at which the
32 board or commission takes the official action. The opportunity
33 to be heard is subject to reasonable rules or policies adopted
34 by the board or commission to ensure the orderly conduct of a
35 public meeting, as provided in subsection (3).

36 (2) The requirements in subsection (1) do not apply to:

37 (a) An official act that must be taken to deal with an
38 emergency situation affecting the public health, welfare, or
39 safety, when compliance with the requirements would cause an
40 unreasonable delay in the ability of the board or commission to
41 act;

42 (b) An official act involving no more than a ministerial
43 act; or

44 (c) A meeting in which the board or commission is acting
45 in a quasi-judicial capacity with respect to the rights or
46 interests of a person. This paragraph does not affect the right
47 of a person to be heard as otherwise provided by law.

48 (3) Rules or policies of a board or commission adopted
49 under subsection (5) must be limited to rules or policies that:

50 (a) Designate a specified period of time for public
51 comment;

52 (b) Limit the time an individual has to address the board
53 or commission;

54 (c) Require, at meetings in which a large number of
55 individuals wish to be heard, that representatives of groups or
56 factions on an item, rather than all of the members of the

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57 groups or factions, address the board or commission; or

58 (d) Prescribe procedures or forms for an individual to use
59 in order to inform the board or commission of a desire to be
60 heard, to indicate his or her support, opposition, or neutrality
61 on a proposition, and to indicate his or her designation of a
62 representative to speak for him or her or his or her group on a
63 proposition if he or she so chooses.

64 (4) If a board or commission adopts rules or policies in
65 compliance with this section and follows such rules or policies
66 when providing an opportunity for members of the public to be
67 heard, it is presumed that the board or commission is acting in
68 compliance with this section.

69 (5) Each board or commission that is subject to chapter
70 120 shall adopt rules under ss. 120.536(1) and 120.54 to
71 administer this section.

72 Section 2. This act shall take effect July 1, 2012.