

1 A bill to be entitled
2 An act relating to public meetings; amending s.
3 286.011, F.S.; exempting meetings between two members
4 of certain boards or commissions from public meetings
5 requirements; providing restrictions on such meetings;
6 providing for future legislative review and repeal of
7 the exemption; providing a statement of public
8 necessity; providing an effective date.

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

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12 Section 1. Subsection (9) is added to section 286.011,
13 Florida Statutes, and subsections (1) and (2) of that section
14 are republished, to read:

15 286.011 Public meetings and records; public inspection;
16 criminal and civil penalties.—

17 (1) All meetings of any board or commission of any state
18 agency or authority or of any agency or authority of any county,
19 municipal corporation, or political subdivision, except as
20 otherwise provided in the Constitution, including meetings with
21 or attended by any person elected to such board or commission,
22 but who has not yet taken office, at which official acts are to
23 be taken are declared to be public meetings open to the public
24 at all times, and no resolution, rule, or formal action shall be
25 considered binding except as taken or made at such meeting. The

26 board or commission must provide reasonable notice of all such
27 meetings.

28 (2) The minutes of a meeting of any such board or
29 commission of any such state agency or authority shall be
30 promptly recorded, and such records shall be open to public
31 inspection. The circuit courts of this state shall have
32 jurisdiction to issue injunctions to enforce the purposes of
33 this section upon application by any citizen of this state.

34 (9) (a) Notwithstanding subsections (1) and (2), two
35 members of any board or commission, including persons elected or
36 appointed to such board or commission who have not yet taken
37 office, of any state agency or authority or any agency or
38 authority of any county, municipal corporation, or political
39 subdivision with a total membership of at least five members may
40 meet in private and discuss public business without providing
41 notice of such meeting or recording such meeting, and such
42 meetings are exempt from this section and s. 24(b), Art. I of
43 the State Constitution, if:

44 1. The members do not adopt a resolution or rule or take
45 any other formal action, or agree to do so at a future meeting,
46 at such meeting. A resolution or rule adopted, or any other
47 formal action taken, in violation of this subparagraph is void.

48 2. The members do not discuss an appropriation, a
49 contract, or any other public business that involves the direct
50 expenditure of public funds to a private vendor.

51 3. The meeting is not intended to frustrate or circumvent
52 the purpose of this section.

53 (b) This subsection is subject to the Open Government
54 Sunset Review Act in accordance with s. 119.15 and shall stand
55 repealed on October 2, 2022, unless reviewed and saved from
56 repeal through reenactment by the Legislature.

57 Section 2. The Legislature finds that it is a public
58 necessity that meetings between two members of any board or
59 commission, including persons elected or appointed to such board
60 or commission who have not yet taken office, of any state agency
61 or authority or any agency or authority of any county, municipal
62 corporation, or political subdivision with a total membership of
63 at least five members should be exempt from s. 286.011, Florida
64 Statutes, and s. 24(b), Article I of the State Constitution, and
65 should be authorized to meet and discuss public business without
66 providing notice of such meeting or recording such meeting.
67 Individual members of any board or commission are authorized to
68 gather information and discuss topics, ideas, and issues in
69 private, one-on-one meetings in order to facilitate a more
70 thorough vetting of policies and appropriations that such
71 members are responsible for examining and understanding.
72 Exempting such one-on-one meetings from public meetings
73 requirements will allow such members to better serve the
74 interests of the public which they have been elected or
75 appointed to represent. Therefore, the Legislature finds that

76 | this exemption from public meetings requirements is a public
77 | necessity.

78 | Section 3. This act shall take effect July 1, 2017.