



MEMORANDUM

AGENDA ITEM #VI.A

DATE: SEPTEMBER 9, 2013

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: CORRESPONDENCE AND ATTENDANCE FORM

Information only.

ATTENDANCE RECORD - 2013

	1/7	2/4	3/4	4/1	5/6	6/3	7/1						
ASSEFF, Patricia Governor's Appointee	P	CC	P	P	P	P	P						
BATES, Margaret Vice Mayor, Lauderdale	P	P	*	*	*	*	*						
CAPLAN, Frank Mayor, Key Biscayne	-	-	-	-	P	CC	P						
CARRUTHERS, Heather Monroe County Commission	P	P	P	*	P	CC	*						
KIAR, Martin Broward County Commission	-	P	*	P	CC	P	P						
MONESTIME, Jean Miami-Dade Co. Commission	A	P	*	CC	CC	P	P						
NEUGENT, George Monroe County Commission	P	P	P	P	P	*	P						
RIESCO, Jose Governor's Appointee	CC	CC	CC	P	P	P	CC						
RITTER, Stacy Mayor, Broward County	P	P	*	P	*	P	*						
RYAN, Tim Broward County Commission	-	P	P	*	CC	CC	P						
SCUOTTO, Joseph Deputy Mayor, Sunrise	A	CC	A	CC	P	P	CC						
SUAREZ, Xavier Miami-Dade Co. Commission	-	-	*	P	*	CC	P						
WALLACE, Paul Governor's Appointee	P	P	P	P	P	P	*						
WALTERS, Sandra Governor's Appointee	P	P	P	P	P	P	P						
WEEKLEY, Jimmy Commissioner, Key West	P	P	*	CC	P	P	*						
ZAPATA, Juan Miami-Dade Co. Commission	-	-	-	P	A	A	P						

	1/7	2/4	3/4	4/1	5/6	6/3	7/1					
Ex Officio Members –												
BOUCLE, Aileen Florida Dept. of Transportation	CC	P	P	P	P	*	P					
CORRY, Laura South Florida Water Management District	-	-	-	-	-	*	P					

P = Present

A = Absent

D = Designee Present

* = Excused Absence

- = Not Yet Appointed



CC = Via Conference Call

** Please note – July & August Meetings Executive Committee Only

MEMORANDUM

TO: James F. Murley, Executive Director

CC: Rhonda Noah, Chief Administrative Manager
Bob Cambric, Director of Policy and Planning

FROM: Samuel S. Goren, General Counsel 
Stacey R. Weinger, Assistant General Counsel 

RE: South Florida Regional Planning Council ("SFRPC") / Legal Update / Summary of Senate Bill 50 Pertaining to the Public's Right to Speak at Public Meetings

DATE: August 20, 2013

Senate Bill 50 was signed into law by the Governor as Chapter 2013-227 Laws of Florida, on July 1, 2013 (hereinafter the "Act"). The Act created Section 286.0114, Fla. Stat.; and requires that members of the public be given a reasonable opportunity to be heard by the SFRPC before it takes official action on a proposition. The SFRPC is not required to provide the public with an opportunity to speak at the same meeting where official action is taken; so long as, the "right to speak" occurs at a meeting during the decision making process and is within a reasonable period time before the SFRPC takes official action on an item.

Chapter 8.0 of the SFRPC's Statement of Organization contains policies governing meetings. Our office has reviewed the Statement of Organization, which expressly requires compliance with Chapter 286, Florida Statutes. The SFRPC does not currently have specific written guidelines related to the public's right to speak at its meetings. If, in the future, the SFRPC decides to adopt additional regulations governing the public's right to speak, such regulations must comply with the provisions discussed herein.

Effective Date

The Act becomes effective on October 1, 2013.

Effect of the Bill

The Act authorizes the SFRPC to adopt certain rules and policies governing the public's right to speak at meetings. If the SFRPC adopts such rules or policies in accordance with the Act; and thereafter complies with them, it is deemed to be acting in compliance with the law.

1. Policy Limitations

The Act provides that the SFRPC may **only** adopt policies governing the opportunity to be heard, as follows:

- Guidelines regarding the amount of time an individual has to address the Council;
- Procedures for allowing representatives of groups or factions on a proposition to address the Council, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
- Procedures or forms for an individual to use in order to inform the Council of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak on behalf of an individual or a group on a proposition if he or she so chooses; or
- Policies designating a specified period of time at a meeting for public comment.

2. Exceptions

The public's right to speak does not apply in the following circumstances:

- An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, when compliance with the requirements would cause an unreasonable delay in the ability of the Council to act;
- An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- A meeting that is exempt from the open meeting requirements of Section 286.011, Fla. Stat.; or
- Meetings in which the Council is acting in a quasi-judicial capacity. The Act specifies that this exclusion does not affect the right of a person to be heard as otherwise provided by law.

3. Penalties for Violation of the Act

The Act authorizes any Florida citizen to petition a Court to issue an injunction to enforce the provisions of the Act, and to award reasonable attorney's fees if the Court finds the SFRPC violated the provisions of the Act. However, if a Court finds that the petition was filed in bad faith or was frivolous, the Court may also award the SFRPC its reasonable attorney's fees.

Conclusion

Based upon the foregoing, the SFRPC will need to ensure that any rules and policies it adopts governing the opportunity for the public to be heard at public meetings comply with the provisions outlined above. Please contact our office if there is any additional information that we can provide.

SRW

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