

By Commissioner Heuchan

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1                   A proposal to amend  
2           Section 24 of Article I and Section 4 of Article III  
3           of the State Constitution to require that all meetings  
4           of the Legislature, the judicial branch, and any  
5           commission or task force at which official acts are to  
6           be taken or at which public business of such body is  
7           to be transacted or discussed be open and noticed to  
8           the public.

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10 Be It Proposed by the Constitution Revision Commission of  
11 Florida:

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13           Section 24 of Article I of the State Constitution is  
14 amended to read:

15                                   ARTICLE I

16                                   DECLARATION OF RIGHTS

17           SECTION 24. Access to public records and meetings.—

18           (a) Every person has the right to inspect or copy any  
19 public record made or received in connection with the official  
20 business of any public body, officer, or employee of the state,  
21 or persons acting on their behalf, except with respect to  
22 records exempted pursuant to this section or specifically made  
23 confidential by this Constitution. This section specifically  
24 includes the legislative, executive, and judicial branches of  
25 government and each agency or department created thereunder;  
26 counties, municipalities, and districts; and each constitutional  
27 officer, board, and commission, or entity created pursuant to  
28 law or this Constitution.

29           (b) All meetings of the legislature; the judicial branch,  
30 including meetings between judges and justices; any collegial  
31 public body of the executive branch of state government; ~~or of~~  
32 any collegial public body of a county, municipality, school

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33 district, or special district; or any commission or task force,  
34 at which official acts are to be taken or at which public  
35 business of such body is to be transacted or discussed, shall be  
36 open and noticed to the public ~~and meetings of the legislature~~  
37 ~~shall be open and noticed as provided in Article III, Section~~  
38 ~~4(e),~~ except with respect to meetings exempted pursuant to this  
39 section or specifically closed by this Constitution.

40 (c) This section shall be self-executing. The legislature,  
41 however, may provide by general law passed by a two-thirds vote  
42 of each house for the exemption of records from the requirements  
43 of subsection (a) and the exemption of meetings from the  
44 requirements of subsection (b), provided that such law shall  
45 state with specificity the public necessity justifying the  
46 exemption and shall be no broader than necessary to accomplish  
47 the stated purpose of the law. The legislature shall enact laws  
48 governing the enforcement of this section, including the  
49 maintenance, control, destruction, disposal, and disposition of  
50 records made public by this section, ~~except that each house of~~  
51 ~~the legislature may adopt rules governing the enforcement of~~  
52 ~~this section in relation to records of the legislative branch.~~  
53 Laws enacted pursuant to this subsection shall contain only  
54 exemptions from the requirements of subsections (a) or (b) and  
55 provisions governing the enforcement of this section, and shall  
56 relate to one subject.

57 (d) All laws that are in effect on July 1, 1993 that limit  
58 public access to records or meetings shall remain in force, and  
59 such laws apply to records of the legislative and judicial  
60 branches, until they are repealed. Rules of court that are in  
61 effect on the date of adoption of this section that limit access

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62 to records shall remain in effect until they are repealed.

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64 Section 4 of Article III of the State Constitution is  
65 amended to read:

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ARTICLE III

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LEGISLATURE

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SECTION 4. Quorum and procedure.—

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(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

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(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

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(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.

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(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

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(e) The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, ~~shall~~ be open

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91 and noticed to the public in accordance with Article I, section  
92 24. ~~The rules of procedure of each house shall further provide~~  
93 ~~that all prearranged gatherings, between more than two members~~  
94 ~~of the legislature, or between the governor, the president of~~  
95 ~~the senate, or the speaker of the house of representatives, the~~  
96 ~~purpose of which is to agree upon formal legislative action that~~  
97 ~~will be taken at a subsequent time, or at which formal~~  
98 ~~legislative action is taken, regarding pending legislation or~~  
99 ~~amendments, shall be reasonably open to the public. All open~~  
100 meetings shall be subject to order and decorum. This section  
101 shall be implemented ~~and defined~~ by the rules of each house, and  
102 such rules shall control admission to the floor of each  
103 legislative chamber and may, where reasonably necessary for  
104 security purposes or to protect a witness appearing before a  
105 committee, provide for the closure of committee meetings. ~~Each~~  
106 ~~house shall be the sole judge for the interpretation,~~  
107 ~~implementation, and enforcement of this section.~~