

By Senator Childers

1-1508-99

See HB

1 A bill to be entitled
2 An act relating to public meetings; amending s.
3 286.011, F.S.; revising provisions which
4 authorize state and local governmental entities
5 to meet with the entity's attorney in private
6 under certain conditions; providing additional
7 persons who may attend such meetings; revising
8 the subjects that may be discussed at such
9 meetings; revising notice requirements;
10 revising provisions which specify when the
11 transcript becomes a public record; revising
12 the penalty for violation; providing for
13 liberal construction; providing an effective
14 date.

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

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18 Section 1. Subsection (8) of section 286.011, Florida
19 Statutes, is amended to read.

20 286.011 Public meetings and records; public
21 inspection; criminal and civil penalties.--

22 (8)(a) Notwithstanding the provisions of subsection
23 (1), any board or commission of any state agency or authority
24 or any agency or authority of any county, municipal
25 corporation, or political subdivision, and the chief
26 administrative or executive officer of the governmental
27 entity, and any other official, employee, or agent of the
28 governmental entity having relevant information or expertise
29 pertaining to the matter, may meet in private with the
30 entity's attorney to discuss pending or imminent litigation to
31 which the entity is or may be ~~presently~~ a party before a court

1 or administrative agency, provided that the following
2 conditions are met:

3 1.(a) The entity's attorney shall advise the entity at
4 a public meeting that he or she desires advice concerning the
5 litigation.

6 2.(b) The subject matter of the meeting shall be
7 confined to settlement negotiations and ~~or~~ strategy sessions
8 related to litigation ~~expenditures~~.

9 3.(c) The entire session shall be recorded by a
10 certified court reporter. The reporter shall record the times
11 of commencement and termination of the session, all discussion
12 and proceedings, the names of all persons present at any time,
13 and the names of all persons speaking. No portion of the
14 session shall be off the record. The court reporter's notes
15 shall be fully transcribed and filed with the entity's clerk
16 within a reasonable time after the meeting.

17 4.(d) The entity shall give reasonable public notice
18 of the time and date of the attorney-client session ~~and the~~
19 ~~names of persons who will be attending the session~~. The
20 session shall commence at an open meeting at which the person
21 ~~persons~~ chairing the meeting shall announce the commencement
22 and estimated length of the attorney-client session ~~and the~~
23 ~~names of the persons attending~~. At the conclusion of the
24 attorney-client session, the meeting shall be reopened, and
25 the person chairing the meeting shall announce the termination
26 of the session.

27 5.(e) The transcript shall be made part of the public
28 record upon conclusion of the litigation. For purposes of this
29 subparagraph, "conclusion of the litigation" includes
30 settlement, dismissal of the action with prejudice, or running
31 of the statute of limitations.

1 (b) In lieu of the penalties provided in subsection
2 (3), a violation of this subsection shall be a noncriminal
3 infraction and shall subject the entity to a fine not
4 exceeding \$500. In no event shall a remedy for a violation of
5 this subsection include the release of a transcript, except as
6 provided in subparagraph (a)5.

7 (c) This subsection shall be liberally construed to
8 effectuate the intent of providing for attorney-client
9 sessions, and a good-faith attempt to comply with the
10 provisions of this subsection shall be a complete defense to
11 any challenge to the attorney-client session.

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

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16 LEGISLATIVE SUMMARY

17 Revises provisions which authorize state and local
18 governmental entities to meet with the entity's attorney
19 in private under certain conditions. Provides additional
20 persons who may attend such meetings and revises the
21 subjects that may be discussed at such meetings. Removes
22 a requirement that the names of persons attending the
23 meeting be announced. Revises provisions relating to when
24 the transcript becomes a public record. Revises the
25 penalty for violation and provides for liberal
26 construction.
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