By Senator Aronberg

27-1571-07

A bill to be entitled

An act relating to public meetings; amending s. 286.011, F.S.; requiring that the confidential transcript of a meeting between officers of a governmental entity and an attorney relating to pending litigation be made part of the public record if the governmental entity determines not to commence the litigation; defining the term "pending litigation"; providing an effective date.

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

Section 1. Paragraph (e) of subsection (8) of section 286.011, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

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

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(e) The transcript shall be made part of the public record upon conclusion of the litigation <u>or as soon as practicable after the governmental entity determines that it will not commence litigation</u>.

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

(f) The term "pending litigation" includes matters that are the subject of notice given to a governmental entity pursuant to s. 768.28 with respect to which a lawsuit has not yet been filed and matters about which the governmental entity is contemplating litigation.

Section 2. This act shall take effect July 1, 2007.

****

SENATE SUMMARY

Requires that the transcript of a meeting between officers of a governmental entity and an attorney which deals with pending litigation and which is exempted from statutory requirements relating to public meetings and records be made public if the governmental entity determines not to commence the litigation. Defines the term "pending litigation" for purposes of the exemption.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.