

HB 825

2007

1 A bill to be entitled
2 An act relating to statutorily authorized private meetings
3 of a state or local governmental entity; amending s.
4 286.011, F.S.; revising a condition under which specified
5 state and local governmental entities are authorized to
6 meet in private with the governmental entity's attorney to
7 discuss certain pending litigation; clarifying the term
8 "pending litigation"; 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 (8) of section 286.011, Florida
13 Statutes, is amended to read:

14 286.011 Public meetings and records; public inspection;
15 criminal and civil penalties.--

16 (1) All meetings of any board or commission of any state
17 agency or authority or of any agency or authority of any county,
18 municipal corporation, or political subdivision, except as
19 otherwise provided in the Constitution, at which official acts
20 are to be taken are declared to be public meetings open to the
21 public at all times, and no resolution, rule, or formal action
22 shall be considered binding except as taken or made at such
23 meeting. The board or commission must provide reasonable notice
24 of all such meetings.

25 (8) Notwithstanding the provisions of subsection (1), any
26 board or commission of any state agency or authority or any
27 agency or authority of any county, municipal corporation, or
28 political subdivision, and the chief administrative or executive

29 officer of the governmental entity, may meet in private with the
30 entity's attorney to discuss pending litigation to which the
31 entity is presently a party before a court or administrative
32 agency, provided that the following conditions are met:

33 (a) The entity's attorney shall advise the entity at a
34 public meeting that he or she desires advice concerning the
35 litigation.

36 (b) The subject matter of the meeting shall be confined to
37 settlement negotiations or strategy sessions related to
38 litigation expenditures.

39 (c) The entire session shall be recorded by a certified
40 court reporter. The reporter shall record the times of
41 commencement and termination of the session, all discussion and
42 proceedings, the names of all persons present at any time, and
43 the names of all persons speaking. No portion of the session
44 shall be off the record. The court reporter's notes shall be
45 fully transcribed and filed with the entity's clerk within a
46 reasonable time after the meeting.

47 (d) The entity shall give reasonable public notice of the
48 time and date of the attorney-client session and the names of
49 persons who will be attending the session. The session shall
50 commence at an open meeting at which the persons chairing the
51 meeting shall announce the commencement and estimated length of
52 the attorney-client session and the names of the persons
53 attending. At the conclusion of the attorney-client session, the
54 meeting shall be reopened, and the person chairing the meeting
55 shall announce the termination of the session.

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56 (e) The transcript shall be made part of the public record
57 upon conclusion of the litigation or as soon as practicable
58 after the governmental entity determines that it will not
59 commence litigation.

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61 For purposes of this subsection, "pending litigation" shall
62 include matters which are the subject of notice given to a
63 governmental entity pursuant to s. 768.28 and for which a
64 lawsuit has not yet been filed, and matters about which the
65 governmental entity is contemplating litigation.

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