

By Senator Geller

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1 A bill to be entitled

2 An act relating to public meetings and records; amending
3 s. 286.011, F.S.; clarifying that the term "pending
4 litigation," with respect to an exemption allowing
5 officers of a governmental entity to meet with an
6 attorney, includes any matter that is addressed in a
7 mandatory notice of intent to initiate a tort claim
8 against the governmental entity; providing an effective
9 date.

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

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13 Section 1. Subsection (8) of section 286.011, Florida
14 Statutes, is amended to read:

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

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

25 (a) The entity's attorney shall advise the entity at a
26 public meeting that he or she desires advice concerning the
27 litigation.

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28 (b) The subject matter of the meeting shall be confined to
29 settlement negotiations or strategy sessions related to
30 litigation expenditures.

31 (c) The entire session shall be recorded by a certified
32 court reporter. The reporter shall record the times of
33 commencement and termination of the session, all discussion and
34 proceedings, the names of all persons present at any time, and
35 the names of all persons speaking. No portion of the session
36 shall be off the record. The court reporter's notes shall be
37 fully transcribed and filed with the entity's clerk within a
38 reasonable time after the meeting.

39 (d) The entity shall give reasonable public notice of the
40 time and date of the attorney-client session and the names of
41 persons who will be attending the session. The session shall
42 commence at an open meeting at which the persons chairing the
43 meeting shall announce the commencement and estimated length of
44 the attorney-client session and the names of the persons
45 attending. At the conclusion of the attorney-client session, the
46 meeting shall be reopened, and the person chairing the meeting
47 shall announce the termination of the session.

48 (e) The transcript shall be made part of the public record
49 upon conclusion of the litigation.

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51 As used in this subsection, the term "pending litigation"
52 includes any matter that is the subject of the mandatory 6-month
53 notice of intent to initiate a tort action lawsuit provided to a
54 governmental entity pursuant to s. 768.28 and for which a lawsuit
55 has not yet been filed.

56 Section 2. This act shall take effect July 1, 2008.