

HB 851

2009

1 A bill to be entitled
 2 An act relating to public meetings; amending s. 286.011,
 3 F.S.; expanding persons authorized to attend a private
 4 meeting between a governmental entity and the entity's
 5 attorneys to discuss pending litigation to which the
 6 governmental entity is a party before a court or
 7 administrative agency; revising and providing additional
 8 conditions precedent to such private meetings; providing
 9 an effective 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, the risk manager of the
 22 governmental entity, and the division heads of the governmental
 23 entity that are involved in pending litigation, as identified by
 24 the chief administrative or executive officer, may meet in
 25 private with the entity's attorneys ~~attorney~~ to discuss pending
 26 litigation to which the entity is presently a party before a
 27 court or administrative agency, if ~~provided that the following~~
 28 ~~conditions are met:~~

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29 (a) The entity's attorney advises ~~shall advise~~ the entity
30 at a public meeting that he or she desires advice concerning the
31 litigation, which advisory announcement may be made immediately
32 before the attorney-client session.

33 (b) The subject matter of the meeting is ~~shall be~~ confined
34 to settlement negotiations or strategy sessions relating ~~related~~
35 to litigation expenditures.

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

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

54 (e) The transcript is ~~shall be~~ made part of the public
55 record upon conclusion of the litigation.

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56 (f) A person who is an adverse party to the litigation is
57 not permitted to attend the attorney-client session.

58 (g) A person in attendance at the attorney-client session
59 agrees not to disclose any part of the discussion that took
60 place during the session until the conclusion of the litigation
61 unless ordered by the court.

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