

By Senator Rich

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1 A bill to be entitled
2 An act relating to public meetings; amending s.
3 286.011, F.S.; adding the risk manager and certain
4 division heads of a governmental entity to the persons
5 who may attend a private meeting discussing pending
6 litigation; authorizing the required public
7 announcement of an attorney-client session to be made
8 immediately before the session; prohibiting an adverse
9 party from attending the attorney-client session;
10 prohibiting a person who attends an attorney-client
11 session from disclosing any part of the discussion
12 until the conclusion of the litigation unless ordered
13 by the court; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 286.011 Public meetings and records; public inspection;
20 criminal and civil penalties.—

21 (8) Notwithstanding ~~the provisions of~~ subsection (1), any
22 board or commission of any state agency or authority or any
23 agency or authority of any county, municipal corporation, or
24 political subdivision, and the chief administrative or executive
25 officer of the governmental entity, the risk manager of the
26 governmental entity, and the division heads of the governmental
27 entity that is involved in pending litigation, as identified by
28 the chief administrative or executive officer, may meet in
29 private with the entity's attorneys ~~attorney~~ to discuss pending

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30 litigation to which the entity is presently a party before a
31 court or administrative agency, if provided that the following
32 conditions are met:

33 (a) The entity gives reasonable public notice of the time
34 and date of the attorney-client session and the names of persons
35 who will be attending the session.

36 (b) The session commences as an open meeting at which the
37 person chairing the meeting announces the commencement and
38 estimated length of the attorney-client session and the names of
39 the persons attending.

40 (c) The entity's attorney advises shall advise the entity
41 at the a public meeting that he or she desires advice concerning
42 the litigation, which advisory announcement may be made
43 immediately before the attorney-client session begins.

44 (d) ~~(b)~~ The subject matter of the session is meeting shall
45 be confined to settlement negotiations or strategy sessions
46 relating related to litigation expenditures.

47 (e) A person who is an adverse party to the litigation is
48 not permitted to attend the attorney-client session.

49 (f) ~~(e)~~ The entire session is shall be recorded by a
50 certified court reporter. The reporter shall record the times of
51 commencement and termination of the session, all discussion and
52 proceedings, the names of all persons present at any time, and
53 the names of all persons speaking. No portion of the session
54 shall be off the record. The court reporter's notes must shall
55 be fully transcribed and filed with the entity's clerk within a
56 reasonable time after the meeting.

57 (g) ~~(d)~~ The entity shall give reasonable public notice of
58 the time and date of the attorney-client session and the names

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59 ~~of persons who will be attending the session. The session shall~~
60 ~~commence at an open meeting at which the persons chairing the~~
61 ~~meeting shall announce the commencement and estimated length of~~
62 ~~the attorney-client session and the names of the persons~~
63 ~~attending.~~ At the conclusion of the attorney-client session, the
64 meeting is ~~shall be~~ reopened, and the person chairing the
65 meeting announces ~~shall announce~~ the termination of the
66 attorney-client session.

67 (h) ~~(e)~~ The transcript is ~~shall be~~ made part of the public
68 record upon conclusion of the litigation.

69 (i) A person in attendance at the attorney-client session
70 agrees not to disclose any part of the discussion that took
71 place during the session until the conclusion of the litigation
72 unless ordered by the court.

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