

1 A bill to be entitled
 2 An act relating to public meetings; amending s. 286.011,
 3 F.S.; revising an exception to the public meetings law
 4 that allows specified governmental entities and the chief
 5 administrative or executive officers thereof to meet in
 6 private with the entity's attorney to discuss specified
 7 pending litigation; expanding the exception to include
 8 public employees or agents who possess relevant
 9 information needed by the entity's attorney among those
 10 authorized to attend such private meeting; revising a
 11 condition precedent to such private meeting; providing for
 12 future legislative review and repeal of the exemption;
 13 providing a statement of public necessity; providing an
 14 effective date.

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

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

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

22 (8) (a) Notwithstanding the provisions of subsection (1),
 23 any board or commission of any state agency or authority or any
 24 agency or authority of any county, municipal corporation, or
 25 political subdivision, ~~and~~ the chief administrative or executive
 26 officer of the governmental entity, and any public employees or
 27 agents who possess relevant information needed by the entity's
 28 attorney may meet in private with the entity's attorney to

HB 1065

2011

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

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

35 2.~~(b)~~ The subject matter of the meeting shall be confined
36 to advice ~~settlement negotiations or strategy sessions~~ related
37 to matters regarding the litigation ~~expenditures~~.

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

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

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

HB 1065

2011

57 (b) This subsection is subject to the Open Government
58 Sunset Review Act in accordance with s. 119.15 and shall stand
59 repealed on October 2, 2016, unless reviewed and saved from
60 repeal through reenactment by the Legislature.

61 Section 2. The Legislature finds that it is a public
62 necessity to expand the current exemption from public meeting
63 requirements for those meetings wherein any board or commission
64 of any state agency or authority or any agency or authority of
65 any county, municipal corporation, or political subdivision, and
66 the chief administrative or executive officer of the
67 governmental entity meet in private with the entity's attorneys
68 to discuss pending litigation to which the entity is presently a
69 party before a court or administrative agency. The Legislature
70 finds that it is a public necessity to allow public employees or
71 agents identified by the officer, the entity, or its attorney as
72 possessing relevant information to attend such meetings. The
73 Legislature finds that allowing those employees or agents to
74 attend such meetings will allow the entity to fully explore the
75 facts of the case, obtain the best possible legal advice, and
76 make better-informed decisions with respect to pending
77 litigation. The Legislature also finds that this measure will
78 ensure fair treatment of a public body as part of the judicial
79 and administrative process.

80 Section 3. This act shall take effect July 1, 2011.