

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to public meetings; amending s.
3 286.011, F.S.; revising an exemption from public-
4 meetings requirements which authorizes a board or
5 commission of a state agency, authority, county,
6 municipal corporation, or political subdivision and
7 the chief administrative or executive officer of such
8 governmental entity to meet in private with the
9 entity's attorney to discuss pending litigation;
10 including within the exemption a public employee or
11 agent having relevant information needed by the
12 entity's attorney; revising a provision limiting what
13 may be discussed at such a meeting; providing for
14 future legislative review and repeal of the exemption
15 under the Open Government Sunset Review Act; providing
16 a statement of public necessity; providing an
17 effective date.

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

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

23 286.011 Public meetings and records; public inspection;
24 criminal and civil penalties.—

25 (8) Notwithstanding ~~the provisions of~~ subsection (1), a any
26 board or commission of any state agency or authority or of 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, and a public employee or

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30 agent who possesses relevant information needed by the entity's
31 attorney may meet in private with the entity's attorney to
32 discuss pending litigation to which the entity is presently a
33 party before a court or administrative agency, provided that the
34 following conditions are met:

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

38 (b) The subject matter of the meeting shall be confined to
39 advice ~~settlement negotiations or strategy sessions~~ related to
40 matters regarding the litigation ~~expenditures~~.

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

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

58 (e) The transcript shall be made part of the public record

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59 upon conclusion of the litigation.

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61 This subsection is subject to the Open Government Sunset Review
62 Act in accordance with s. 119.15 and shall stand repealed on
63 October 2, 2016, unless reviewed and saved from repeal through
64 reenactment by the Legislature.

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

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