



851136

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/25/2018	.	
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The Committee on Rules (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 83
and insert:
officer of the governmental entity or his or her designee, is exempt from this section and s. 24(b), Art. I of the State Constitution for the limited purpose of meeting ~~may meet~~ in private with the entity's attorneys and technical experts ~~attorney~~ to discuss imminent or pending litigation to which the entity is or may in the foreseeable future be ~~presently~~ a party before a court or administrative agency, provided that the



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12 following conditions are met:

13 1.-(a) The entity's attorney shall advise the entity at a
14 public meeting that he or she desires advice concerning the
15 imminent or pending litigation. For imminent litigation, the
16 entity's attorney shall identify the name of the potential
17 claimant or litigant.

18 2.-(b) The subject matter of the meeting must ~~shall~~ be
19 confined to settlement negotiations or strategy sessions related
20 to litigation expenditures.

21 3.-(c) The entire session shall be recorded by a certified
22 court reporter. The reporter shall record the times of
23 commencement and termination of the session, all discussion and
24 proceedings, the names of all persons present at any time, and
25 the names of all persons speaking. No portion of the session may
26 ~~shall~~ be off the record. The court reporter's notes must ~~shall~~
27 be fully transcribed and filed with the entity's clerk within a
28 reasonable time after the meeting.

29 4.-(d) The entity shall give reasonable public notice of the
30 time and date of the attorney-client session and the names of
31 persons who will be attending the session. The session must
32 ~~shall~~ commence at an open meeting at which the persons chairing
33 the meeting shall announce the commencement and estimated length
34 of the attorney-client session and the names of the persons
35 attending. At the conclusion of the attorney-client session, the
36 meeting must ~~shall~~ be reopened, and the person chairing the
37 meeting shall announce the termination of the session.

38 5.-(e) The transcript must ~~shall~~ be made part of the public
39 record upon conclusion of the litigation. If imminent litigation
40 does not commence, the transcript must be made part of the



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41 public record within a reasonable time after the matter
42 underlying the imminent litigation is resolved or upon the
43 expiration of the statute of limitations applicable to the
44 matter underlying the imminent litigation, whichever occurs
45 first.

46 (b) Litigation is considered imminent when the entity has
47 received notice of a claim or demand by a party threatening
48 litigation before a court or administrative agency.

49 (c) This subsection is subject to the Open Government
50 Sunset Review Act in accordance with s. 119.15 and shall stand
51 repealed on October 2, 2023, unless reviewed and saved from
52 repeal through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public
54 necessity to expand the exemption from public meetings
55 requirements currently applicable to meetings at which any board
56 or commission of any state agency or authority, or any agency or
57 authority of any county, municipal corporation, or political
58 subdivision, and the chief administrative or executive officer
59 of the governmental entity meet in private with the entity's
60 attorneys to discuss pending litigation to which the entity is
61 presently a party before a court or administrative agency. The
62 exemption is expanded to include such meetings when the designee
63 of the chief administrative or executive officer of the
64 governmental entity is present, when technical experts of the
65 entity are present, and when such meetings are related to
66 certain imminent litigation.

67
68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:



70 Delete line 5
71 and insert:
72 entities to meet in private with attorneys and
73 technical experts to