Voting Conflicts of Interest Section 112.3143, Fla. Stat.

- Cannot vote if it would inure to your special private gain or loss, or similarly affects your client, your relative, or your business associate
- Board members cannot participate in the discussion when such a conflict exists – commissioners can, but should be careful to avoid misuse of position (Section 112.313(6), Fla. Stat.)

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Voting Conflicts of Interest Section 112.3143, Fla. Stat.

- **What to do if you think you have a conflict?**
  - If there is a conflict, must publicly announce the nature of the interest prior to the vote, and file a memorandum of voting conflict with the Clerk within 15 days after the vote, disclosing the nature of your interest in the matter
  - If the conflict is discovered at or after the meeting, must orally disclose interest at the meeting when it becomes apparent and file the memorandum within 15 days of disclosure
  - Consult with Town Attorney or Town Clerk for guidance

Nepotism
Section 112.3135, Fla. Stat.

- For a relative, broadly defined, a public official may not seek appointment, employment, promotion or advancement in the agency that the official is serving or over which the official exercises jurisdiction and control
- Includes commissioners and board members
- Not applicable to volunteer public safety

Code of Ethics for Public Officers and Employees Section 112.313, Fla. Stat.

- Gift restrictions for all reporting individuals who must file financial disclosures
  - Commission
  - Board members
- If under $100, no reporting required by you (PAC/lobbyist must report between $25 and $100)
- If over $100 and not from a PAC or a lobbyist, can accept and report it (except if from relatives)
- If over $100 and from a PAC or a lobbyist, may not accept
- Cannot solicit a gift from a PAC or a lobbyist for personal benefit

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Gifts Seeking To Influence You Section 112.313(4), Fla. Stat.

- May not accept anything of value when you know, or should know with the exercise of reasonable care, that it is being given to influence a vote or other official action

Misuse of Public Position Section 112.313(6), Fla. Stat.

- May not corruptly use or attempt to use your position to obtain a special privilege for you or for another

Disclosure/Use of Information Section 112.313(8), Fla. Stat.

- May not disclose or use information not available to the public and obtained by reason of your position to your personal benefit or the benefit of others

Solicit/Accept Honoraria Section 112.3149, Fla. Stat.

- May not solicit an honorarium related to your official duties
- May not accept an honorarium from a lobbyist – can accept reimbursement of expenses if reported and disclosed

Doing Business with Town Section 112.313(3), Fla. Stat.

- While acting in official capacity, may not purchase, rent or lease any realty, goods or services for the Town from a business entity in which you, your spouse, or your child own more than a 5% interest, or in which you are an officer/director/partner
- While acting in private capacity, may not sell, rent or lease any realty, goods or services to the Town
- There are a few exemptions. Consult with Town Attorney if questions.

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Conflicting Employment Section 112.313(7), Fla. Stat.

- May not have employment or contract with an entity doing business with or regulated by the Town
- May not have employment or contractual relationship that will pose a frequently recurring conflict between private interest and public duty, or which will impede the full and faithful discharge of public duties
- There are a few exemptions. Consult with Town Attorney if questions.

Penalties for Public Officers Under State Code of Ethics

Section 112.317(1)(a)-(b), Fla. Stat.:

- Impeachment, suspension or removal from office
- Public censure and reprimand
- Forfeiture of part of public salary or compensation
- Civil penalty not to exceed $10,000
- Restitution of pecuniary benefit received

Questions?

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HELFMAN
PASTORIZA
COLE &
BONISKE, P.L.

Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.L.

Memo

To: Town Commission and Advisory Board Members, Lauderdale-By-The-Sea

From: Susan L. Trevarthen, Town Attorney

Date: April 3, 2012

Re: State Ethics Guidelines

Town Commissioners and other city officers, employees and board members are subject to particular ethical restrictions and requirements pursuant to state law, the Code of Ethics for Public Officers and Employees, Sections 112.311-112.326, Fla. Stat. (the "State Ethics Code").[1]

I. APPLICABILITY

The general standards of conduct of the State Ethics Code apply to all public officers, candidates and employees. The more stringent gift restrictions and prohibitions established by Section 112.3148, Fla. Stat. (the "State Gift Law") apply to Commissioners and to all other Town officers, employees and board members, who are required to file financial disclosure under Section 112.3145, Fla. Stat. (State Form No. 1), (the "Reporting Individuals").[2]

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[1]/ Please note that the Broward County Code of Ethics, addressed separately, also regulates ethics and should be considered.

[2]/ Section 112.3145, Fla. Stat., requires state and local officers, and specified state employees to file a statement of financial interests no later than July 1 of each year. A "Local officer" pursuant to Section 112.3145, Fla. Stat., means:

(1) Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

(2) Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:

(a) the governing body of the political subdivision, if appointed;

(b) an expressway authority or transportation authority established by general law;

(c) a community college or junior college district board of trustees;

(d) a board having the power to enforce local code provisions;

(e) a planning or zoning board, board of adjustment, board of appeals, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen

II. STATE ETHICS CODE

The State Ethics Code sets forth a complex set of gift restrictions. Pursuant to Section 112.313(2), Fla. Stat., all public officers, candidates and employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, service, favor or promise of future employment that is based on any understanding that their vote, official action or judgment would be influenced by such gift. Additionally, Section 112.313(4) Fla. Stat., prohibits any public officer or employee (or his or her spouse or minor child) from accepting anything of value when such officer or employee knows or should know that it was given to influence action in which the officer or employee is expected to participate in his or her official capacity.

Beyond the basic prohibitions set forth in Section 112.313(2), and Section 112.313(4), Fla. Stat., a more complex set of restrictions is established by Section 112.3148, Fla. Stat., "Reporting and prohibited receipt of gifts. . ." (the "State Gift Law").

A. Provisions of State Gift Law

The core requirements of Section 112.3148, Fla. Stat., as applicable to Local Officials and Reporting Individuals, are provided in subsections (3), (4), and (8)(a):

> (3) A **reporting individual** or procurement employee **is prohibited from soliciting any gift from a political committee** or committee of continuous existence, as defined in s. 106.011, or **from a lobbyist** who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, **where such gift is for the personal benefit of the reporting individual** or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

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advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;

(f) a pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or

(g) any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

(3) Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(4) A **reporting individual** or procurement employee or any other person on his or her behalf **is prohibited from knowingly accepting,** directly or indirectly **a gift from a political committee** or committee of continuous existence, as defined in s. 106.011, **or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of $100;** however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(8)(a) **Each reporting individual** or procurement employee **shall file a statement with the Florida Commission on Ethics** on the last day of each calendar quarter, for the previous calendar quarter, **containing a list of gifts which he or she believes to be in excess of $100 in value, if any**, accepted by him or her, for which compensation was not provided by the donee to the donor within ninety (90) days of receipt of the gift to reduce the value to $100 or less, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s.112.313(4).[3]
3. Gifts otherwise required to be disclosed by this section. [emphasis added]

It should be noted that the term "lobbyist" is broadly defined in Section 112.3148(2)(b), Fla. Stat., to include any person who for compensation seeks, or sought during the preceding twelve (12) months, to influence the governmental decision-making of the Town Commission or the Town. As noted above, the term "Reporting Individual" includes Commissioners and all other persons required to file annual financial disclosure under Chapter 112, Florida Statutes.

B. Summary of State Law Restrictions

[3]/ This exception providing that illegal gifts are not required to be reported by the Reporting Individual, is apparently in recognition of the privilege against self incrimination.

The above-referenced gift restrictions provided by the State Gift Law may be summarized as follows:

1. A Reporting Individual is prohibited from soliciting or accepting anything of value upon the basis of any understanding that his or her vote, official action, or judgment will be influenced by such gift. Section 112.313(2), Fla. Stat.

2. A Reporting Individual is prohibited from soliciting any gift from a political committee or committee of continuous existence ("Political Committee"), or from a lobbyist who lobbies the Town (the "Lobbyist"), if such gift is for the personal benefit of the Reporting Individual, another Reporting Individual or procurement employee, or any member of the immediate family of any Reporting Individual or procurement employee. Section 112.3148(3), Fla. Stat.

3. A Reporting Individual is **prohibited from knowingly accepting**, directly or indirectly, a **gift from a Political Committee or from a Lobbyist** who lobbies the Town, **if he or she** (the Reporting Individual) **knows or reasonably believes that the gift has a value in excess of $100.**[4] Section 112.3148(4), Fla. Stat.

4. Reporting Individuals must file a statement with the Florida Commission on Ethics on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts required to be disclosed which he or she believes to be in excess of $100 in value, if any, accepted by such Reporting Individual. See Section 112.3148(8)(a), Fla. Stat. For example, gifts required to be disclosed which are believed to be of a value in excess of $100 would be required to be reported by the Reporting Individual by June 30, 2010 for the quarterly period of January 1 through March 31, 2010.

C. Gift Valuation

Section 112.3148(7), Fla. Stat., provides criteria for determining the value of a gift, as follows:

> (7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a

[4]/ However, a gift may be accepted by the Commissioner or other Reporting Individual on behalf of the Town. If so accepted, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for custody and ownership of the gift by the Town. Section 112.3148(4), Fla. Stat.

charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, if provided within 90 days after receipt of the gift, shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s.112.061(6)(a)1. less the meal allowance rate provided in s.112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a

> function for more than ten people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.
>
> (k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization. (Emphasis added.)

Some of these criteria have been addressed by provisions of the Florida Administrative Code and interpreted by opinions of the Florida Commission on Ethics. Additionally, it should be noted that the value of a gift may be reduced by the donee by paying compensation to the donor. See Section 112.3148(8)(a), Fla. Stat.

D. Definition of Gift

To guide a Reporting Individual's actions under the gift restrictions set forth in Section 112.3148, Fla. Stat., it is essential to focus on the definition of gift as set forth in Section 112.312(12), Fla. Stat., which provides as follows:

> (12)(a) **"Gift,"** for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given, including:
>
> 1. Real property.
>
> 2. The use of real property.
>
> 3. Tangible or intangible personal property.
>
> 4. The use of tangible or intangible personal property.
>
> 5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

6. Forgiveness of an indebtedness.

7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.

8. Food or beverage.

9. Membership dues.

10. Entrance fees, admission fees, or tickets to events, performances or facilities.

11. Plants, flowers, or floral arrangements.

12. Services provided by persons pursuant to a professional license or certificate.

13. Other personal services for which a fee is normally charged by the person providing the services.

14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) **"Gift" does <u>not</u> include:**

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to Chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.[5]

[5]/ Honoraria (payment made for a public officer's speech, lecture or writing) are governed by Section 112.3149, Fla. Stat., which imposes restrictions, prohibitions and reporting requirements.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.[6]

E. Examples

Consideration of examples of the application of the "gift" definition is helpful to an understanding of the interpretation of these provisions.

Pursuant to Section 112.3148(4), Fla. Stat. and Section 112.312(12)(a)(8), Fla. Stat., it would generally be permissible for a Reporting Individual to simply accept food, beverages or other gift, of a value in excess of $100.00, from any person, except from a Political Committee or a Lobbyist.[7]

If the food, beverage or other gift is from a Political Committee or Lobbyist, it can not be accepted if the Reporting Individual knows or reasonably believes the value exceeds $100.00.

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[6]/ Items 7. and 8. of Sec. 112.312(12)(b), which excludes certain items from the definition of "gift," were enacted effective January 1, 1997.

[7]/ Please note that such permitted gift of food, beverages or other item must be reported by Commissioners and other Reporting Individuals under the State Ethics Code. Naturally, the gift could not be accepted if prohibited by Section 112.313(2)(4), Fla. Stat., as discussed above.

Further, it would not be proper for such Reporting Individual to solicit such food, beverages or other gift from a Political Committee or a Lobbyist who lobbies the Town, regardless of the value of the gift, since that is prohibited by Section 112.3148(3), Fla. Stat.

Under Section 112.312(12)(a)(10), Fla. Stat., a Reporting Individual would be prohibited from accepting tickets to a show from a Political Committee, or from a Lobbyist who lobbies the City, if the Reporting Individual knows or reasonably believes that the gift has a value in excess of $100. However, a Reporting Individual could accept such gift from a person other than a Lobbyist or Political Committee. Such gift would then be subject to reporting and disclosure by the Reporting Individual.[8]

Pursuant to Section 112.3148(5)(b), Fla. Stat., a Political Committee or Lobbyist who makes a gift having a value in excess of $25.00, but not in excess of $100.00, to a Reporting Individual, is required to file a quarterly gift disclosure report with the Commission on Ethics. That report describes the gift, its value and identifies the recipient. The donor is required to notify the donee that the gift will be reported. This provision places the burden for reporting such gifts (given by Political Committees or Lobbyists) on the donor rather than the donee, under the State Ethics Code.

Pursuant to Section 112.3148(4), Fla. Stat., a Reporting Individual could attend a catered luncheon hosted by a local law firm which lobbies the Town for zoning approvals for a private property owner, so long as the value of the luncheon gift does not exceed $100.00.[9] If the caterer charged the law firm $20.00 per person, the value of the gift for a Councilmember and his or her spouse would be $40.00. No gift disclosure would be required by the Reporting Individual; however, the law firm, as a lobbyist, would be required to file a quarterly gift disclosure report with the Commission on Ethics reporting the gift of $40.00.

F. Potential Penalties and Consequences.

While there are no criminal penalties for violation of the State Ethics Code, unless such conduct also violates some other law providing such penalty, the non-criminal violation by a Reporting Individual of the gift solicitation or acceptance prohibitions and gift reporting requirements can result in one or more of the following penalties:

Public officers:
Impeachment;
Removal from office;
Suspension from office;
Public censure and reprimand;
Forfeiture of part of public salary or compensation;

8/ Such report would be required under the State Ethics Code ($100.00 reporting threshold).

9/ This restriction would also apply to a luncheon hosted by a private property owner who utilizes the services of the Lobbyist, since such private property owner would be the "principal of a lobbyist", within the scope of Section 112.3148(4), Fla. Stat. See above.

Civil penalty not to exceed $10,000;
Restitution of any pecuniary benefits received because of the ethical violation committed.

Employees:
Dismissal;
Suspension;
Demotion;
Reduction or forfeiture of salary;
Civil penalty;
Restitution;
Public censure and reprimand.

Each of the above penalties is provided by Subsections 112.317(1)(a)-(b), Fla. Stat.

III. CONCLUSION

As can be seen from the above analysis and examples, the complexity of the applicable restrictions makes it very wise to seek legal advice and guidance on each specific instance which arises under the State gift laws. It is intended that this memo set forth general guidelines and promote awareness of restrictions, while encouraging the seeking of advice, from time to time, as necessary.

Please advise if there are any questions on the matters addressed above or if questions arise in the future.

The 2009 Florida Statutes
Title XIX PUBLIC BUSINESS
Chapter 286 PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.011 Public meetings and records; public inspection; criminal and civil penalties.--

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3) (a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding $500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and

such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

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

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

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

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

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

History.--s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353.