



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2026	.	
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The Committee on Governmental Oversight and Accountability (Bradley) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Section 70.90, Florida Statutes, is created to
6 read:

7 70.90 Public meetings and records regarding a claim under
8 the Bert J. Harris, Jr., Private Property Rights Protection
9 Act.—

10 (1) A meeting or portion of a meeting between an agency as



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11 defined in s. 119.011, or the chief administrative or executive
12 officer of an agency, and the agency's attorney during the 90-
13 day notice period specified in s. 70.001(4) to discuss claims
14 submitted in accordance with that subsection is exempt from s.
15 286.011 and s. 24(b), Art. I of the State Constitution, provided
16 that:

17 (a) The agency's attorney shall advise the agency at a
18 public meeting that he or she desires advice concerning a claim
19 submitted in accordance with s. 70.001(4).

20 (b) The subject matter of the meeting must be confined to
21 settlement negotiations or strategy sessions relating to a claim
22 submitted in accordance with s. 70.001(4).

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

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



40 (e) The transcript must be made part of the public record
41 upon settlement of a claim under s. 70.001, or upon the
42 expiration of the statute of limitations for the claim arising
43 under this chapter in the event that no litigation is filed and
44 there is no settlement of a claim under s. 70.001.

45 (2) Transcripts, recordings, minutes, and records generated
46 during an exempt meeting or portion of such a meeting, pursuant
47 to subsection (1), are exempt from s. 119.07(1) and s. 24(a),
48 Art. I of the State Constitution.

49 (3) This section is subject to the Open Government Sunset
50 Review Act in accordance with s. 119.15 and shall stand repealed
51 on October 2, 2031, unless reviewed and saved from repeal
52 through reenactment by the Legislature.

53 Section 2. (1) The Legislature finds that it is a public
54 necessity that meetings or portions of meetings between an
55 agency as defined in s. 119.011, Florida Statutes, or the chief
56 administrative or executive officer of an agency, and the
57 agency's attorney during the 90-day notice period specified in
58 s. 70.001(4), Florida Statutes, to discuss claims submitted in
59 accordance with that subsection be made exempt from s. 286.011,
60 Florida Statutes, and s. 24(b), Article I of the State
61 Constitution, provided that certain conditions are met. When
62 those meetings are conducted in an open meeting, the agency
63 cannot effectively review, discuss, and prepare strategies for
64 resolution of the claim. Similar meetings regarding ongoing
65 litigation are currently confidential. Making these meetings, or
66 portions of these meetings, closed to the public encourages
67 agencies to reasonably develop negotiation strategies that make
68 prelitigation resolution more likely. Requiring meetings



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69 relating to a Bert Harris claim to be public defeats the purpose
70 of having a prelitigation claim process, namely, to foster
71 settlement quickly while limiting attorney fees of all parties.
72 The public is protected by the requirement that the records of
73 the meeting be open once the claim is settled.

74 (2) The Legislature finds that it is a public necessity
75 that the transcripts, recordings, minutes, and records generated
76 during meetings or portions of meetings between an agency as
77 defined in s. 119.011, Florida Statutes, or the chief
78 administrative or executive officer of an agency, and the
79 agency's attorney during the 90-day notice period specified in
80 s. 70.001(4), Florida Statutes, to discuss claims submitted in
81 accordance with that subsection be made exempt from s.
82 119.07(1), Florida Statutes, and s. 24(a), Article I of the
83 State Constitution. Release of such information during
84 negotiations or settlement discussions would negate the public
85 meeting exemption. As such, the Legislature finds that the
86 public record exemption is a public necessity.

87 Section 3. This act shall take effect July 1, 2026.

88

89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete everything before the enacting clause
92 and insert:

93 A bill to be entitled
94 An act relating to public records and public meetings;
95 creating s. 70.90, F.S.; providing an exemption from
96 public meetings requirements for meetings or portions
97 of meetings between agencies and their attorneys to



98 discuss certain claims concerning private property
99 rights; specifying what may be discussed during such
100 meetings; requiring that such meetings be transcribed;
101 providing that such transcripts become public records
102 at specified times; providing an exemption from public
103 records requirements for transcripts, recordings,
104 minutes, and records generated during the exempt
105 meetings or portions of such meetings; providing for
106 future legislative review and repeal of the
107 exemptions; providing a statement of public necessity;
108 providing an effective date.