



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (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 Act.-
9 (1) Notwithstanding section 286.011(1), any board or
10 commission of any state agency or authority or any agency or
11 authority of any county, municipal corporation, or political



12 subdivision, and the chief administrative or executive officer
13 of the governmental entity may meet in private with the entity's
14 attorney during the 90-day-notice period specified in s.

15 70.001(4) to discuss claims submitted in accordance with that
16 subsection provided that the following conditions are met:

17 (a) The entity's attorney shall advise the entity 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 entity's clerk within a
30 reasonable time after the meeting.

31 (d) The entity 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



865486

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 chapter 70 in the event that no litigation is filed and
44 there is no settlement of a claim under s. 70.001.

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46 Review Act in accordance with s. 119.15 and shall stand repealed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

49 Section 2. The Legislature finds that it is a public
50 necessity that meetings to discuss a presuit claim under the
51 Bert J. Harris, Jr., Private Property Rights Protection Act be
52 made confidential and closed to the public. When those meetings
53 are conducted in an open meeting, the governing body cannot
54 effectively review, discuss, and prepare strategies for
55 resolution of the claim. Similar meetings regarding ongoing
56 litigation are currently confidential. Making these hearings
57 confidential and closed to the public encourages a local
58 government to reasonably develop negotiation strategies that
59 make presuit resolution more likely. Requiring public hearings
60 relating to a Bert Harris claim defeats the purpose of having a
61 presuit claim process, namely, to foster settlement quickly
62 while limiting attorney fees of all parties. The public is
63 protected by the requirement that the records of the meeting is
64 open once the claim is settled.

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

66
67 ===== T I T L E A M E N D M E N T =====
68 And the title is amended as follows:

69 Delete everything before the enacting clause



865486

70 | and insert:

A bill to be entitled

An act relating to public meetings; creating s. 70.90, F.S.; providing that specified entities may meet in private with their attorneys to discuss certain claims concerning private property rights; specifying what may be discussed during such closed meetings; requiring that such meetings be transcribed; providing that such transcripts become public records at specified times; providing for future review; providing a public necessity statement; providing an effective date.