

By the Committee on Judiciary; and Senator Bradley

590-02242-26

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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 legislative
review and repeal; providing a statement of public
necessity; providing an effective date.

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

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

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

(1) Notwithstanding s. 286.011(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 during the 90-day-notice period specified in s.
70.001(4) to discuss claims submitted in accordance with that
subsection 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 a claim

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submitted in accordance with s. 70.001(4).

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

(c) The entire session must 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 may be off the record. The court reporter's notes must 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 must commence at an open meeting at which the person 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 must be reopened, and the person chairing the meeting shall announce the termination of the session.

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

(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal

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59 through reenactment by the Legislature.

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

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