

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:

70.50 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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30 submitted in accordance with s. 70.001(4).

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

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

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

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

56 (2) This section is subject to the Open Government Sunset
57 Review Act in accordance with s. 119.15 and shall stand repealed
58 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.