

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2026)

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
2 Subcommittee

3 Representative Duggan offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 70.90 Public meetings and records regarding a claim under
10 the Bert J. Harris, Jr. Private Property Rights Protection Act.-
11 (1) Notwithstanding section 286.011(1), any board or
12 commission of any state agency or authority or any agency or
13 authority of any county, municipal corporation, or political
14 subdivision, and the chief administrative or executive officer
15 of the governmental entity may meet in private with the entity's
16 attorney during the 90-day-notice period specified in s.

739647 - h0655-strikeall.docx

Published On: 1/13/2026 4:41:18 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2026)

Amendment No.1

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
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 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 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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2026)

Amendment No.1

43 upon settlement of a claim under s. 70.001, or upon the
44 expiration of the statute of limitations for the claim arising
45 under chapter 70 in the event that no litigation is filed and
46 there is no settlement of a claim under s. 70.001.

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48 Review Act in accordance with s. 119.15 and shall stand repealed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

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

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

68

739647 - h0655-strikeall.docx

Published On: 1/13/2026 4:41:18 PM

Amendment No.1

69

70

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

71 Remove everything before the enacting clause and insert:
72 An act relating to public meetings; creating s. 70.90,
73 F.S.; providing that specified entities may meet in
74 private with their attorneys to discuss certain claims
75 concerning private property rights; specifying what
76 may be discussed during such closed meetings;
77 requiring that such meetings be transcribed; providing
78 that such transcripts become public records at
79 specified times; providing for future review;
80 providing a public necessity statement; providing an
81 effective date.