

1                   A bill to be entitled  
2       An act relating to public meetings; creating s. 70.90,  
3       F.S.; providing that specified entities may meet in  
4       private with their attorneys to discuss certain claims  
5       concerning private property rights; specifying what  
6       may be discussed during such closed meetings;  
7       requiring that such meetings be transcribed; providing  
8       that such transcripts become public records at  
9       specified times; providing for future review;  
10      providing a public necessity statement; providing an  
11      effective date.

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

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

18       70.90   Public meetings and records regarding a claim under  
19   the Bert J. Harris, Jr., Private Property Rights Protection  
20   Act.—

21       (1)   Notwithstanding s. 286.011(1), any board or commission  
22   of any state agency or authority or any agency or authority of  
23   any county, municipal corporation, or political subdivision, and  
24   the chief administrative or executive officer of the  
25   governmental entity may meet in private with the entity's

26 attorney during the 90-day-notice period specified in s.  
27 70.001(4) to discuss claims submitted in accordance with that  
28 subsection provided that the following conditions are met:

29 (a) The entity's attorney shall advise the entity at a  
30 public meeting that he or she desires advice concerning a claim  
31 submitted in accordance with s. 70.001(4).

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

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

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

51 shall announce the termination of the session.

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

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

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

76 | open once the claim is settled.

77 |       **Section 3.** This act shall take effect July 1, 2026.