

By the Committees on Governmental Oversight and Accountability; and Judiciary; and Senator Bradley

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A bill to be entitled

An act relating to public records and public meetings; creating s. 70.90, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings between agencies and their attorneys to discuss certain claims concerning private property rights; specifying what may be discussed during such meetings; requiring that such meetings be transcribed; providing that such transcripts become public records at specified times; providing an exemption from public records requirements for transcripts, recordings, minutes, and records generated during the exempt meetings or portions of such meetings; providing for future legislative review and repeal of the exemptions; 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) A meeting or portion of a meeting between an agency as defined in s. 119.011, or the chief administrative or executive officer of an agency, and the agency's attorney during the 90-day notice period specified in s. 70.001(4) to discuss claims submitted in accordance with that subsection is exempt from s.

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286.011 and s. 24(b), Art. I of the State Constitution, provided that:

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

(d) The agency 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 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

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59 there is no settlement of a claim under s. 70.001.

60 (2) Transcripts, recordings, minutes, and records generated
61 during an exempt meeting or portion of such a meeting, pursuant
62 to subsection (1), are exempt from s. 119.07(1) and s. 24(a),
63 Art. I of the State Constitution.

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65 Review Act in accordance with s. 119.15 and shall stand repealed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

68 Section 2. (1) The Legislature finds that it is a public
69 necessity that meetings or portions of meetings between an
70 agency as defined in s. 119.011, Florida Statutes, or the chief
71 administrative or executive officer of an agency, and the
72 agency's attorney during the 90-day notice period specified in
73 s. 70.001(4), Florida Statutes, to discuss claims submitted in
74 accordance with that subsection be made exempt from s. 286.011,
75 Florida Statutes, and s. 24(b), Article I of the State
76 Constitution, provided that certain conditions are met. When
77 those meetings are conducted in an open meeting, the agency
78 cannot effectively review, discuss, and prepare strategies for
79 resolution of the claim. Similar meetings regarding ongoing
80 litigation are currently confidential. Making these meetings, or
81 portions of these meetings, closed to the public encourages
82 agencies to reasonably develop negotiation strategies that make
83 prelitigation resolution more likely. Requiring meetings
84 relating to a Bert Harris claim to be public defeats the purpose
85 of having a prelitigation claim process, namely, to foster
86 settlement quickly while limiting attorney fees of all parties.
87 The public is protected by the requirement that the records of

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88 the meeting be open once the claim is settled.

89 (2) The Legislature finds that it is a public necessity
90 that the transcripts, recordings, minutes, and records generated
91 during meetings or portions of meetings between an agency as
92 defined in s. 119.011, Florida Statutes, or the chief
93 administrative or executive officer of an agency, and the
94 agency's attorney during the 90-day notice period specified in
95 s. 70.001(4), Florida Statutes, to discuss claims submitted in
96 accordance with that subsection be made exempt from s.
97 119.07(1), Florida Statutes, and s. 24(a), Article I of the
98 State Constitution. Release of such information during
99 negotiations or settlement discussions would negate the public
100 meeting exemption. As such, the Legislature finds that the
101 public record exemption is a public necessity.

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