

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

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

(3) 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 through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that meetings or portions of meetings between an agency as defined in s. 119.011, Florida Statutes, 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), Florida Statutes, to discuss claims submitted in accordance with that subsection be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution, provided that certain conditions are met. When those meetings are conducted in an open meeting, the agency cannot effectively review, discuss, and prepare strategies for resolution of the claim. Similar meetings regarding ongoing litigation are currently confidential. Making these meetings, or portions of these meetings, closed to the public encourages agencies to reasonably develop negotiation strategies that make prelitigation resolution more likely. Requiring meetings relating to a Bert Harris claim to be public defeats the purpose of having a prelitigation claim process, namely, to foster settlement quickly while limiting attorney fees of all parties. The public is protected by the requirement that the records of

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the meeting be open once the claim is settled.

(2) The Legislature finds that it is a public necessity that the transcripts, recordings, minutes, and records generated during meetings or portions of meetings between an agency as defined in s. 119.011, Florida Statutes, 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), Florida Statutes, to discuss claims submitted in accordance with that subsection be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Release of such information during negotiations or settlement discussions would negate the public meeting exemption. As such, the Legislature finds that the public record exemption is a public necessity.

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