

1                   A bill to be entitled  
2       An act relating to public records and public meetings;  
3       creating s. 70.90, F.S.; providing an exemption from  
4       public meetings requirements for meetings or portions  
5       of meetings between agencies and their attorneys to  
6       discuss certain claims concerning private property  
7       rights; specifying what may be discussed during such  
8       meetings; requiring that such meetings be transcribed;  
9       providing that such transcripts become public records  
10      at specified times; providing an exemption from public  
11      records requirements for transcripts, recordings,  
12      minutes, and records generated during the exempt  
13      meetings or portions of such meetings; providing for  
14      future legislative review and repeal of the  
15      exemptions; providing a statement of public necessity;  
16      providing an effective date.

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

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20       **Section 1.   Section 70.90, Florida Statutes, is created to**  
21 **read:**

22       70.90   Public meetings and records regarding a claim under  
23 the Bert J. Harris, Jr., Private Property Rights Protection  
24 Act.—

25       (1)   A meeting or portion of a meeting between an agency as

26 defined in s. 119.011, or the chief administrative or executive  
27 officer of an agency, and the agency's attorney during the 90-  
28 day notice period specified in s. 70.001(4) to discuss claims  
29 submitted in accordance with that subsection is exempt from s.  
30 286.011 and s. 24(b), Art. I of the State Constitution, provided  
31 that:

32 (a) The agency's attorney shall advise the agency at a  
33 public meeting that he or she desires advice concerning a claim  
34 submitted in accordance with s. 70.001(4).

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

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

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

51 the attorney-client session and the names of the persons  
52 attending. At the conclusion of the attorney-client session, the  
53 meeting must be reopened, and the person chairing the meeting  
54 shall announce the termination of the session.

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

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

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101 | public record exemption is a public necessity.

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