

Counties Could Privately Strategize on Bert Harris Claims Before Litigation

HB 655 – Rep. Wyman Duggan (SB 332 – Sen. Jennifer Bradley)

General Bill Summary

CS/CS/HB 655 would create s. 70.90, F.S., to let a state or local agency, or its chief administrative or executive officer, meet privately with the agency's attorney during the 90-day pre-suit notice period for claims under the Bert J. Harris, Jr., Private Property Rights Protection Act. The closed session could only cover settlement negotiations or strategy related to the claim. The bill would require the attorney to announce the need for advice at a public meeting, require reasonable public notice, require the session to be recorded by a certified court reporter, and require the meeting to reopen afterward with a public announcement that the session ended. Transcripts and related records generated during the exempt session would remain confidential until the claim is settled or the limitations period expires without litigation or settlement. The exemption would sunset on October 2, 2031, unless reenacted. As of March 4, 2026, the bill had passed both chambers unanimously and was ordered enrolled.

Potential County Impact

Counties would be among the local agencies that could use this exemption because the bill applies to agencies as defined in s. 119.011, F.S., which includes county entities. In practice, the bill would give counties a clearer way to discuss Bert Harris claims with counsel in private before litigation begins, similar to existing attorney-client sessions for pending litigation. That could help counties evaluate exposure, shape settlement options, and negotiate land use disputes more candidly during the statutory notice period. It may also reduce pressure to litigate immediately and could improve the odds of earlier resolution in some property-rights disputes. At the same time, counties would still have procedural obligations: public notice, open-meeting announcements before and after the closed session, court-reporter transcription, clerk filing, and later public release of the transcript at the required time. House staff said the bill had no fiscal or economic impact, but counties could still see routine administrative costs tied to notice, transcription, and records handling.

Effective Date

July 1, 2026.

Primary Statutory References

- s. 70.90, F.S. (created)
- s. 70.001(4), F.S. (referenced for claim notice period)
- s. 119.011, F.S.
- s. 119.07(1), F.S.
- s. 119.15, F.S.
- s. 286.011, F.S.