



March 7, 2017

Public Records Reform – Support HB 163 – Update on SB 80

HB 163 (Burgess) will be considered by the **House Oversight, Transparency and Administration Subcommittee** on Wednesday, March 8, at 12:00 p.m.

HB 163 provides another alternative to solving the public records problem. The bill would amend statutes to clarify when judges can award attorney fees in public record lawsuits.

Please contact members of this subcommittee and urge them to support HB 163.

House Oversight, Transparency & Administration Subcommittee

Representative	District	TLH Ph.	E-mail
Neil Combee, Chair	R-39	(850) 717-5039	Neil.Combee@myfloridahouse.gov
Blaise Ingoglia, V. Chr.	R-35	(850) 717-5035	Blaise.Ingoglia@myfloridahouse.gov
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Daniel Raulerson	R-58	(850) 717-5058	Dan.Raulerson@myfloridahouse.gov
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Rick Roth	R-85	(850) 717-5085	Rick.Roth@myfloridahouse.gov
Clay Yarborough	R-12	(850) 717-5012	clay.yarborough@myfloridahouse.gov

The Florida League of Cities believes that access to public records is a fundamental right. While every city incurs some level of expenses in complying with public records requests, numerous cities have incurred extraordinary or unreasonable costs.

The reasons for these extraordinary costs can vary, but include records requests clearly designed to be harassing in nature (either by the frequency of requests or the extent of any particular request); requests designed to generate a technical violation of the public records laws; and

requests designed to do nothing more than serve as the basis of a lawsuit, typically with offers to the city to settle and pay attorney's fees and costs.

Examples of various issues with public records laws:

- Town of Gulf Stream: Since 2013, the town has received more than 1,500 public records requests and has been the subject of 42 different public records lawsuits. The town has expended over \$350,000 in litigation defense.
- Two related "public records" seeking entities have filed more than 140 lawsuits in 27 counties within one year (against governmental entities and those having contracts with governmental entities).
- In the City of Oldsmar, a frequent public records requestor sends long emails and email strings containing public records requests "embedded" within the emails.

Update on SB 80 - Public Records Reform

On Monday, March 6 [SB 80 \(Steube\)](#) passed the [Senate Community Affairs Committee](#) by a vote of 6-1.

Here is the vote on SB 80:

Yeas:

Tom Lee
Jeff Clemens
Aaron Bean
Jeff Brandes
Keith Perry
David Simmons

Nays:

Jose Javier Rodriguez

Please contact Senators who voted "Yea" on SB 80 and thank them for their support of Public Records Reform.

To view the Senate Community Affairs committee meeting, please click here:
<http://thefloridachannel.org/videos/3617-senate-community-affairs-committee/>
Consideration of **SB 80** begins at 1:10:30.

SB 80 would give a judge discretion to determine whether or not attorney fees are awarded in a public record lawsuit by changing "shall" to "may" in Section 119.12, Florida Statutes. Current law requires that attorney fees be awarded in public record cases if a violation has occurred under any circumstance. The bill would also add a provision requiring the complainant to notify the agency's custodian of records at least five days before filing the civil action in order to qualify to receive attorney fees.

SB 80 was amended to put in place guidelines that should be considered when determining whether fees are awarded. Additionally, the language allows for the court to assess and award reasonable attorney fees against the complainant (requestor) if the court finds the public records request was filed in bad faith or was frivolous.

Senate Community Affairs Committee – Thank Senators Who Voted Yea on SB 80

Senator	District	TLH Ph.	E-mail
Tom Lee, Chair	R-20	(850) 487-5020	lee.tom@flsenate.gov
Jeff Clemens, V. Chr.	D-31	(850) 487-5031	clemens.jeff@flsenate.gov
Aaron Bean	R-4	(850) 487-5004	bean.aaron@flsenate.gov
Jeff Brandes	R-24	(850) 487-5024	brandes.jeff@flsenate.gov
Daphne Campbell	D-38	(850) 487-5038	campbell.daphne@flsenate.gov
Keith Perry	R-8	(850) 487-5008	perry.keith@flsenate.gov
Jose Javier Rodriguez	D-37	(850) 487-5037	rodriguez.jose@flsenate.gov
David Simmons	R-9	(850) 487-5009	simmons.david@flsenate.gov

You can also use the League's [Contact Your Legislator](#) advocacy tool to e-mail your legislators.

Should you have any questions, please contact: Casey Cook at ccook@flcities.com or 850-228-8559 (cell).

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Thank you for your advocacy efforts!