



March 1, 2017

[SB 80 \(Steube\)](#) will be considered by the [Senate Community Affairs Committee](#) on **Monday, March 6 at 4:00 p.m.**

Please Contact the Members of the Senate Community Affairs Committee and Urge them to Support SB 80.

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.

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.

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).
- City of Cooper City: One individual has made approximately 600 public records requests in one year, requiring extensive time by city attorney, city manager, city clerk and other managers to properly respond.

Please contact members of the Senate Community Affairs Committee and urge them to support SB 80.

Senate Community Affairs Committee- Support SB 80

Senator	District	District Ph.	TLH Ph.	E-mail
Tom Lee, Chair	R-20	(813) 653-7061	(850) 487-5020	lee.tom@flsenate.gov
Jeff Clemens, V. Chr.	D-31	(561) 540-1140	(850) 487-5031	clemens.jeff@flsenate.gov
Aaron Bean	R-4	(904) 757-5039	(850) 487-5004	bean.aaron@flsenate.gov
Jeff Brandes	R-24	(727) 563-2100	(850) 487-5024	brandes.jeff@flsenate.gov
Daphne Campbell	D-38	(305) 493-6009	(850) 487-5038	campbell.daphne@flsenate.gov
Keith Perry	R-8	(352) 264-4040	(850) 487-5008	perry.keith@flsenate.gov
Jose Javier Rodriguez	D-37	(305) 854-0365	(850) 487-5037	rodriguez.jose@flsenate.gov
David Simmons	R-9	(407) 262-7578	(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).

Thank you for your advocacy efforts.