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## **FIRST AMENDMENT FOUNDATION**

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### **LEGISLATIVE ALERT**

March 12, 2014



**We're singing the *hap-hap-HAPPY* song!**

Tomorrow, the **Senate Appropriations Committee** will hear **SB 1648** at **1:00 PM** in **Room 412** of the **Knott Building**. This is the open government bill that came out of the Senate Governmental Oversight and Accountability Committee last week – SPB 7064 – that makes substantive – and *POSITIVE* – changes to Florida's open government laws.

There were some minor changes made to the proposed bill before it left the committee, and now SB 1648:

- Amends s. 119.01(3), prohibiting public agencies from paying membership dues with public funds to a foundation or association unless all financial, business, and membership records *pertaining to the agency paying dues* are open for inspection and copying. It also requires access to records generally shared with foundation and association members.
- Amends s. 119.07(1), stipulating that an agency can't require that a public record request be made in writing *unless* there is a specific statute requiring that requests be made in writing (and there are only a few!).
- Amends s. 119.071(4)(d), the extensive use fee provision, stipulating that the cost of clerical or supervisory assistance can be no greater than the hourly rate, less benefits, of the lowest paid person capable of performing the task.
- Amends s. 119.0701, relating to contracts between a public agency and a contractor, to require contractors to notify the public agency (1) before denying a request to inspect or copy public records held by the contractor, and (2) if the contractor is going to be sued for failure to comply with the public records law.
- Creates s. 119.0702, requiring public records law training of all agency employees who deal with public record requests.
- Amends s. 119.12 and s. 286.011, allowing recovery of attorney fees and court costs incurred in litigating the entitlement to recover such fees.

This is an *excellent* bill and the Senate Appropriations Committee is its last stop before going to the Senate Floor. And if it passes, it will be the

first time since the mid-90s that our public records law has seen major improvements.

If you have questions about SB 1648, please contact Barbara Petersen at 800/337-3518 or [sunshine@floridafaf.org](mailto:sunshine@floridafaf.org).