Please excuse duplicate postings.

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LEGISLATIVE ALERT

March 26, 2014

It's a chilly day here in Tallahassee, but the birds are singing the praises of the Florida Senate which unanimously approved SB 1648 this morning.

SB 1648 is on its way to the House!

A little refresher:

SB 1648 makes major changes to chapter 119, Florida's public records law, including:

- Amends s. 119.01 prohibiting an agency from paying dues with public funds to any organization unless certain records of the organization are open for inspection and copying, including all financial, business, and membership records pertaining to the agency paying dues, and all other records that the organization shares publicly or with its members.
- Amends s. 119.011 to include definitions of "confidential and exempt" and "exempt."
- Amends s. 119.07(1), codifying case law by stipulating that an agency can require that a public record request be made in writing *only if* there is a specific statute requiring that requests be made in writing, and requiring the custodian provide the requestor with the statutory citation.
- Amends the extensive use fee provision in s. 119.071(4)(d), 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 relating to the recovery of attorney fees and court costs to
  - allow recovery of such fees and costs incurred in litigating the entitlement to recover such fees; and
  - stipulate that when suing a public agency for enforcement of the public records law and seeking attorney fees, notice to the Department of Financial Services is *not* required.
- Amends s. 286.011, F.S., to stipulate that when suing a public agency for enforcement of the open meetings law and seeking attorney fees, notice to the Department of Financial Services is *not* required.

We need to give a BIG thanks to Senate President Don Gaetz for his leadership on this very important bill!

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