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January 14, 2016

The Honorable Mark S. Pafford  
The Florida House of Representatives  
316 The Capitol  
402 South Monroe Street  
Tallahassee, Fla. 32399-1300

Re: HB 857, Public Records – Custodial Liability

Dear Representative Pafford:

We are writing to express our enthusiastic support for HB 857, which squarely places responsibility on the custodian of the public record for failure to comply with our public records law. The bill provides that the court may hold the custodian of the public record personally liable for the reasonable cost of enforcement in a civil action if the court makes certain findings.

As we know from recent news reports, it is the citizens of the State who pick up the tab when an official is found to have violated our right of access to government records. For example, the Governor recently settled a public records lawsuit in which the plaintiff received \$700,000 – tax dollars – in settlement. This means that we pay to defend our elected representatives when they've violated our rights. This is simply wrong and we thank you for filing this meritorious legislation.

House Bill 857 is an important statement of public policy, Representative Pafford, and will serve to enhance the public's constitutional right to oversee its government and hold it accountable. If we can be of any assistance to you, please don't hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Steve Crisafulli, Speaker, Florida House of Representatives  
Jon Kaney, General Counsel, First Amendment Foundation  
Sam Morley, General Counsel, Florida Press Association