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LEGISLATIVE ALERT

February 18, 2018

A GOOD day for Sunshine in the Florida Legislature!



CS/SB 1220, the attorney fee bill, was amended in the Senate Fiscal Policy Committee yesterday and while not absolutely perfect, the compromise amendment is a *far cry* from where we started just four weeks ago.

If you remember, this bill would have made a dramatic change to current law which requires a court to award reasonable attorney fees and costs when the court finds that an agency violated the public records law. As originally drafted, SB 1220 changed the word *shall* to *may*, giving the courts full discretion in awarding attorney fees even after determining that an agency violated the public records law.

We were very concerned about what was referred to as a “simple” change and after meeting with Senator Rene Garcia, the bill’s sponsor, we engaged in serious negotiations with the League of Cities which was pushing the change.

Here’s how the bill reads now:

A court *shall* award reasonable attorney fees and costs when the court determines that the agency violated the law *and* the requestor provided written notice to the custodian of public records at least five business days before filing the lawsuit, provided that the agency

prominently posted information on how to contact the custodian.

A court *may not* award attorney fees if the court determines that the public record request was made for the primary purpose of (1) harassing the agency or (2) causing a violation of the public records law.

Here's a link to the amendment adopted yesterday: <http://bit.ly/1RaRiZL>

And in other good Sunshine-y news . . .

SB 702, creating a very broad public record exemption for voter registration information, including the voter's residential address, date of birth, telephone number, and email address, was **amended and narrowed** in the Senate Ethics and Elections Committee yesterday. As amended, CS/SB 702 now exempts only information concerning preregistered voter applicants who are 16 and 17 years of age, a *HUGE* improvement. Here's a link to the bill as amended: <http://bit.ly/21bHWBx>

And perhaps the BIGGEST SURPRISE was yesterday's vote in the Senate Rules Committee that killed **SB 1364** – aka **The Ted Nugent Relief Act** – creating a public record exemption for all personal identifying information in hunting and fishing licenses. The bill was amended to exempt only that information which identified hunting license holders, but the Rules Committee voted 3/6 against the bill. To see how the committee members voted, click here: <http://bit.ly/20GAc8l>

So all in all, not a bad week for Florida Sunshine. There are still a lot of bad bills in the pipeline, however, and lots of time for mischief to be made, so we'll stay vigilant and will continue to fight the good fight in support of open government.

For more information about these bills or anything else that's on our tracking list, please call Barbara Petersen at 800/337-3518 or email her at sunshine@floridafaf.org.