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FIRST AMENDMENT FOUNDATION

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LEGISLATIVE ALERT

March 02, 2017

S. Community Affairs Committee to hear SB 80, the Attorney Fee bill on Monday, March 6

The Senate Community Affairs Committee is scheduled to consider SB 80, the attorney fee bill, on Monday, March 6 at 4:00 PM in Room 301, Senate Office Building.

Senate Bill 80, sponsored by Senator Greg Steube (R-Sarasota) will be heard by its second committee of reference on Monday, March 6.

We have been talking to a numerous people in government and the private sector who have been targets of public record requests that seem designed to trigger a violation of law and have drafted an amendment to SB 80 that we hope will address the problem of these dubious requests while preserving the only method of enforcing our constitutional right of access to public records – the mandatory fee provision in ch. 119, our public records law.

Briefly, the proposed amendment:

- Retains the mandatory fee award, requiring courts to award reasonable attorney fees and court costs against an agency for violation of the public records law;
- Allows a court to deny reasonable attorney fees and court costs *if* the court finds the request was frivolous or was made in an attempt to trigger a violation of law; and
- Codifies case law making it clear that damages are not allowed for a violation of the public records law.

We sent the proposed amendment to Senator Steube this morning. I'll let you know if he responds. In the meantime, if you'd like to contact the members of the Senate Community Affairs Committee, here are the names, email addresses, and telephone numbers of the committee members.

Senator Jeff Clemens, Vice Chair	clemens.jeff@flsenate.gov	850/487-5031
Senator Aaron Bean	bean.aaron@flsenate.gov	850/487-5004
Senator Jeff Brandes	brandes.jeff@flsenate.gov	850/587-5024
Senator Daphne Campbell	campbell.daphne@flsenate.gov	850/487-5038
Senator Keith Perry	perry.keith@flsenate.gov	850/487-5008
Senator Jose Javier Rodriguez	rodriguez.jose@flsenate.gov	850/487-5037
Senator David Simmons	simmons.david@flsenate.gov	850/487-5009