

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

[2015s0224.hms]

BILL: CS/CS/SB 224

INTRODUCER: Senators Simpson, Margolis, Gibson, Hays, Latvala and Lee and Governmental Oversight and Accountability Committee

SUBJECT: Public Records/Public Agency Contracts

DATE: April 27, 2015

I. Amendments Contained in Message:

House Amendment 049065 (body and title)

II. Summary of Amendments Contained in Message:

This is a delete-all amendment to the Senate Bill.

The Senate Bill provides that public records requests for records related to an agency's contract for services must be made directly to an agency's records custodian. The House amendment does not include this provision.

The Senate Bill provides that if a civil action is filed to enforce a public records request, the cost of enforcement (including attorney fees) will only be granted if the plaintiff provides written notice to a contractor eight (8) days in advance of filing the enforcement action. In addition, the Senate Bill provides that the costs of enforcement (including attorney fees) may only be granted if the plaintiff gives the public agency's records custodian two (2) days written notice. The House amendment does not contain these notice requirements. The House amendment provides that a contractor is liable for enforcement costs (including attorney fees) only if the public records request is made to the contractor's registered agent.

The House amendment also does not contain a Senate provision which makes a contractor who fails to provide public records within a reasonable time subject to a first degree misdemeanor or a third degree felony. This provision already exists elsewhere in the law.

The Senate Bill give agencies until October 1, 2015, to update their contracts to include a statement providing the contractor the agency's public records custodian's contact information and make other changes conforming to the Bill. The House amendment does not require that all agencies revise their contracts and instead provides that the records custodian's contact information will be placed in contracts entered into after July 1, 2015.

The Senate Bill requires all agencies to train their employees about public records laws and publically post the contact information of the public records custodian in offices where records

are usually kept as well as on the agency's website. The House amendment does not contain this provision.