

HB 2725 -- SUNSHINE LAW

SPONSOR: Coleman (97)

This bill modifies provisions relating to the Sunshine Law.

Currently, certain specified documents consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of a governmental body are not considered public records unless they are retained by the body or presented at a public meeting. This bill adds internal communications and drafts to the list of documents and removes the requirement that the body not retain the documents.

The bill also allows records or meetings to be closed if they relate to individually identifiable information such as telephone numbers, email and physical addresses, driver's license numbers, or tax information; records of any correspondence between a member or employee of a public governmental body and a constituent's request for information or assistance. For this purpose a constituent does not include a lobbyist or lobbyist principal.

This bill allows any public governmental body to deny a request for continuous or repeated access to certain records and require that each request be made separately.

Currently, when a public record contains material that is public and material that is exempt the exempt and public material is separated and the public material made available. This bill specifies that the public governmental body must inform the person requesting the records that there are materials exempt from disclosure and allows the materials exempt from disclosure to be redacted or closed.

The bill prohibits any member or employee of a public governmental body from using any software or application that encrypts or automatically deletes any communication to conduct any official business except, when a software or application is recommended by a law enforcement agency to protect the safety or security of members or employees of the public governmental body.

Currently, anyone requesting information may be charged for the actual cost of time to research the request. This bill adds the time to review the information, including a legal review.

A public governmental body may request payment prior to the production of records as long as the requester is given at least 30 days to remit the payment. If the requester does not remit the payment within the given time frame the request may be considered

closed.