

By Senator Gelber

35-00225-10

20101452\_\_

1                   A bill to be entitled  
2           An act relating to public records; amending s. 16.60,  
3           F.S.; authorizing a mediator for the public records  
4           mediation program within the Office of the Attorney  
5           General to issue an opinion as to whether a public  
6           record is open to the public upon payment of a fee;  
7           requiring the record to be released under certain  
8           circumstances; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Present subsection (4) of section 16.60, Florida  
13           Statutes, is redesignated as subsection (5), and a new  
14           subsection (4) is added to that section, to read:

15           16.60 Public records mediation program within the Office of  
16           the Attorney General; creation; duties.—

17           (4) Upon payment of a fee not to exceed \$50, as established  
18           by rule, a party who challenges an agency decision regarding  
19           access to records may request a mediator to issue an opinion as  
20           to whether all or part of the records are open to the public. If  
21           the mediator opines that a record is open to the public, the  
22           record must be released, unless the agency, within 5 business  
23           days after the opinion is issued, files suit in circuit court  
24           pursuant to s. 119.11. The fee shall be refunded unless the  
25           agency prevails in full.

26           (5)~~(4)~~ This section is intended to provide a method for  
27           resolving disputes relating to public records, and is intended  
28           to be supplemental to, not a substitution for, the other powers  
29           given to the Attorney General by law.

35-00225-10

20101452\_\_

30

Section 2. This act shall take effect July 1, 2010.