



594238

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
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The Committee on Governmental Oversight and Accountability
(Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 66
and insert:

(4) (a) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, it is presumed that the board or commission is acting in compliance with this section.

(b) Whenever an action is filed against a board or commission of any state agency or authority of a county, municipal corporation, or political subdivision to enforce the



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13 provisions of this section, the court shall assess reasonable
14 attorney fees against such agency or authority if the court
15 determines that the defendant to such action acted in violation
16 of this section. The court may assess reasonable attorney fees
17 against the individual filing such an action if the court finds
18 that the action was filed in bad faith or was frivolous. This
19 paragraph does not apply to a state attorney or his or her duly
20 authorized assistants or any officer charged with enforcing the
21 provisions of this section.

22 (c) Any action taken by a board or commission which is
23 found to be in violation of this section is not void as a result
24 of that violation.

25 (d) The circuit courts shall have jurisdiction to issue
26 injunctions for the purpose of enforcing this section upon the
27 filing of an application for such injunction by any citizen of
28 this state.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Between lines 12 and 13

33 insert:

34 authorizing a court to assess reasonable attorney fees
35 in actions filed against a board or commission;
36 providing that any action taken by a board or
37 commission which is found in violation of the act is
38 not void; providing that circuit courts have
39 jurisdiction to issue injunctions for purposes of the
40 act;