



418164

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/22/2013 | . | |
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The Committee on Appropriations (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Before line 44
insert:

Section 1. Section 119.0701, Florida Statutes, is created
to read:

119.0701 Contracts; public records.-

(1) For purposes of this section, the term:

(a) "Contractor" means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).



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13 (b) "Public agency" means a state, county, district,
14 authority, or municipal officer, or department, division, board,
15 bureau, commission, or other separate unit of government created
16 or established by law.

17 (2) In addition to other contract requirements provided by
18 law, each public agency contract for services must include a
19 provision that requires the contractor and its subcontractors to
20 comply with public records laws, specifically to:

21 (a) Keep and maintain public records that ordinarily and
22 necessarily would be required by the public agency in order to
23 perform the service.

24 (b) Provide the public with access to public records on the
25 same terms and conditions that the public agency would provide
26 the records and at a cost that does not exceed the cost provided
27 in this chapter or as otherwise provided by law.

28 (c) Ensure that public records that are exempt or
29 confidential and exempt from public records disclosure
30 requirements are not disclosed except as authorized by law.

31 (d) Meet all requirements for retaining public records and
32 transfer, at no cost, to the public agency all public records in
33 possession of the contractor upon termination of the contract
34 and destroy any duplicate public records that are exempt or
35 confidential and exempt from public records disclosure
36 requirements. All records stored electronically must be provided
37 to the public agency in a format that is compatible with the
38 information technology systems of the public agency.

39 (3) If a contractor or its subcontractor does not comply
40 with a public records request, the public agency shall enforce
41 the contract provisions in accordance with the contract.



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42 Section 2. Section 119.12, Florida Statutes, is amended to
43 read:

44 119.12 Attorney ~~Attorney's~~ fees.—If a civil action is filed
45 against an agency to enforce the provisions of this chapter and
46 if the court determines that such agency unlawfully refused to
47 permit a public record to be inspected or copied, the court
48 shall assess and award, against the agency responsible, the
49 reasonable costs of enforcement. The reasonable costs of
50 enforcement include, but are not limited to, including
51 reasonable attorney attorneys' fees, including those reasonable
52 attorney fees incurred in litigating entitlement to and the
53 determination or quantification of attorney fees for the
54 underlying matter.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete line 2

59 and insert:

60 An act relating to governmental accountability;
61 creating s. 119.0701, F.S.; providing definitions;
62 providing that each public agency contract for
63 services must meet specified requirements; requiring
64 the public agency to enforce contract provisions if a
65 contractor does not comply with a public records
66 request; amending s. 119.12, F.S.; specifying what
67 constitutes reasonable costs of enforcement in a civil
68 action against an agency to enforce ch. 119, F.S.;

69 amending s.