



750274

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/26/2015	.	
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The Committee on Fiscal Policy (Hays) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 100 - 111

and insert:

(4) CIVIL ACTION.-

(a) If a civil action is filed to compel production of public records relating to the public agency's contract for services, the court may assess and award against the contractor the reasonable costs of enforcement, including reasonable attorney fees, if the party filing the action provides written notice of the public records request, including a statement that



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12 the contractor has not complied with the request. The notice  
13 must be sent by common carrier delivery service or by  
14 registered, Global Express Guaranteed, or certified mail, with  
15 postage or shipping paid by the sender and with evidence of  
16 delivery, which may be in an electronic format, to the  
17 contractor at least 10 business days before filing the action.

18 (b) An award of the reasonable costs of enforcement against  
19 a public agency must be in accordance with s. 119.12.

20 Section 2. A public agency has until October 1, 2015, to  
21 amend a public agency contract for services, if needed, in order  
22 to comply with the amendment made by this act to section  
23 119.0701, Florida Statutes.

24 Section 3. Section 119.0702, Florida Statutes is created to  
25 read:

26 119.0702 Agency requirements for staff training and public  
27 postings.—

28 (1) Each agency shall determine and provide the appropriate  
29 amount of information or training on the requirements of this  
30 chapter for each agency employee, taking into consideration  
31 whether the employee's duties are performed in any office where  
32 public records are routinely created, sent, received,  
33 maintained, and requested.

34 (2) Each agency shall post the contact information for the  
35 agency's custodian of public records in any office to which the  
36 public has access in which public records are routinely created,  
37 sent, received, maintained, and requested, and shall post the  
38 contact information for the custodian of public records on the  
39 agency's website if the agency has a website.

40 (3) A violation of this section does not form the basis of



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41 an independent cause of action and may not be used to recover  
42 attorney fees under s. 119.12.

43 (4) If an agency provides information or training to agency  
44 staff and publicly posts contact information in accordance with  
45 the requirements of subsections (1) and (2), the agency is  
46 deemed to be in compliance with this section.

47 Section 4. Section 119.12, Florida Statutes, is amended to  
48 read:

49 119.12 Attorney ~~Attorney's~~ fees.—

50 (1) When ~~If~~ a civil action is filed against an agency to  
51 enforce the provisions of this chapter, ~~and~~ if the court  
52 determines that the agency was provided written notice of the  
53 public records request to the agency's custodian of public  
54 records, using contact information provided by the agency, at  
55 least 2 business days before filing the action and that the  
56 court determines that such agency unlawfully refused to permit a  
57 public record to be inspected or copied, the court shall assess  
58 and award, against the responsible agency ~~responsible~~, the  
59 reasonable costs of enforcement. The complainant is not required  
60 to provide written notice to the agency's custodian of public  
61 records if the agency failed to post contact information for its  
62 custodian of public records in accordance with s. 119.0702.

63 (2) The reasonable costs of enforcement include, but are  
64 not limited to, ~~including~~ reasonable attorney ~~attorneys'~~ fees.

65  
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Between lines 19 and 20

69 insert:



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70 providing for applicability; creating s. 119.0702,  
71 F.S.; requiring each agency to provide training and  
72 information on the requirements of ch. 119, F.S., to  
73 agency employees; requiring each agency to publicly  
74 post contact information for the custodian of public  
75 records; specifying that a violation may not be used  
76 as a basis for an independent cause of action or  
77 recovering attorney fees; specifying that an agency is  
78 in compliance if certain conditions are met; amending  
79 s. 119.12, F.S.; requiring a court to determine if a  
80 complainant provided certain written notice to an  
81 agency's custodian of public records in order to  
82 assess and award attorney fees in a civil action to  
83 enforce ch. 119, F.S.; providing an exception;