



859582

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
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The Committee on Judiciary (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 119.12, Florida Statutes, is amended to  
read:

119.12 Attorney ~~Attorney's~~ fees.-

(1) If a civil action is filed against an agency to enforce  
the provisions of this chapter and ~~if~~ the court determines that  
the complainant provided written notice clearly and  
conspicuously identifying the public record request to the



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12 agency's custodian of public records at least 5 business days  
13 before filing the civil action, except as provided under  
14 subsection (3), and that the ~~such~~ agency unlawfully refused to  
15 permit a public record to be inspected or copied, the court  
16 shall assess and award, ~~against the agency responsible,~~ the  
17 reasonable costs of enforcement, including reasonable attorney  
18 attorneys' fees, against the responsible agency.

19 (2) The court may not assess and award any reasonable costs  
20 of enforcement, including reasonable attorney fees, against the  
21 responsible agency if the court determines that:

22 (a) The civil action or the request to inspect or copy a  
23 public record was frivolous, malicious, or reasonably appears to  
24 have been intended to harass the agency, or was brought or made  
25 for the primary purpose of causing a violation of this chapter;  
26 or

27 (b) Any alleged delay or error in permitting a public  
28 record to be inspected or copied was a technical violation of  
29 this chapter which constituted harmless error under the  
30 circumstances.

31 (3) The complainant is not required to provide written  
32 notice of the public record request to the agency's custodian of  
33 public records as provided in subsection (1) if the agency does  
34 not post the contact information for the agency's custodian of  
35 public records in the agency's primary administrative building  
36 in which public records are routinely created, sent, received,  
37 maintained, and requested or on the agency's website.

38 Section 2. This act shall take effect upon becoming a law.

39  
40 ===== T I T L E A M E N D M E N T =====



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41 And the title is amended as follows:

42 Delete everything before the enacting clause  
43 and insert:

44 A bill to be entitled

45 An act relating to public records; amending s. 119.12,  
46 F.S.; requiring a complainant to provide specified  
47 written notice to an agency's custodian of public  
48 records in order to be awarded the reasonable costs of  
49 enforcement in a civil action for enforcement of ch.  
50 119, F.S.; specifying circumstances under which a  
51 court may not assess and award the reasonable costs of  
52 enforcement against a responsible agency; providing an  
53 exception to the requirement that a complainant  
54 provide written notice before filing a civil action;  
55 providing an effective date.