

By Senator Garcia

38-01069-16

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1 A bill to be entitled

2 An act relating to public records; amending s. 119.12,  
3 F.S.; revising the circumstances under which a court  
4 may assess and award the reasonable costs of  
5 enforcement against an agency in a civil action to  
6 enforce ch. 119, F.S.; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Section 119.12, Florida Statutes, is amended to  
11 read:

12 119.12 Attorney ~~Attorney's~~ fees.—When ~~if~~ a civil action is  
13 filed against an agency to enforce the provisions of this  
14 chapter, and ~~if~~ the court determines that the complainant  
15 provided written notice of the public records request to the  
16 agency's custodian of public records at least 5 business days  
17 before filing the civil action and that such agency unlawfully  
18 refused to permit a public record to be inspected or copied, the  
19 court may ~~shall~~ assess and award, ~~against the agency~~  
20 ~~responsible,~~ the reasonable costs of enforcement, including  
21 reasonable attorney ~~attorneys'~~ fees, against the responsible  
22 agency.

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