

By the Committee on Governmental Oversight and Accountability;
and Senator Garcia

585-02626-16

20161220c1

1 A bill to be entitled

2 An act relating to public records; amending s. 119.12,
3 F.S.; specifying 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.

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

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

12 119.12 Attorney ~~Attorney's~~ fees.—If a civil action is filed
13 against an agency to enforce the provisions of this chapter, and
14 if the court determines that the complainant provided written
15 notice of the public records request to the agency's custodian
16 of public records at least 5 business days before filing the
17 civil action and that such agency unlawfully refused to permit a
18 public record to be inspected or copied, the court may ~~shall~~
19 assess and award, ~~against the agency responsible,~~ the reasonable
20 costs of enforcement, including reasonable attorney attorneys'
21 fees, against the responsible agency. However, if the court
22 determines that the request to inspect or copy a public record
23 was made in bad faith or was frivolous, the court may not award
24 any reasonable costs of enforcement, including reasonable
25 attorney fees, against the responsible agency.

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