



246092

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/3R

.

03/07/2016 05:01 PM

.

.

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Before line 111

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 such agency unlawfully refused to permit a public record to be inspected or copied,~~ the court shall assess and award, against



246092

12 ~~the agency responsible,~~ the reasonable costs of enforcement,
13 including reasonable attorney attorneys' fees, against the
14 responsible agency if the court determines that:

15 (a) The agency unlawfully refused to permit a public record
16 to be inspected or copied; and

17 (b) The complainant provided written notice identifying the
18 public record request to the agency's custodian of public
19 records at least 5 business days before filing the civil action,
20 except as provided under subsection (3).

21 (2) The court may not assess and award any reasonable costs
22 of enforcement, including reasonable attorney fees, against the
23 responsible agency if the court determines that the request to
24 inspect or copy the public record was made primarily to harass
25 the agency or cause a violation of this chapter.

26 (3) The complainant is not required to provide written
27 notice of the public record request to the agency's custodian of
28 public records as provided in paragraph (1)(b) if the agency
29 does not prominently post the contact information for the
30 agency's custodian of public records in the agency's primary
31 administrative building in which public records are routinely
32 created, sent, received, maintained, and requested and on the
33 agency's website, if the agency has a website.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 2 - 3

38 and insert:

39 An act relating to public agencies; amending s.

40 119.12, F.S.; revising the circumstances under which a



246092

41 court must assess and award the reasonable costs of
42 enforcement against an agency in a civil action to
43 enforce ch. 119, F.S.; prohibiting a court from
44 assessing and awarding the reasonable costs of
45 enforcement against an agency if certain conditions
46 exist; specifying circumstances under which a
47 complainant is not required to provide certain written
48 notice of a public record request; amending s. 48.151,
49 F.S.; authorizing the