

1                                   A bill to be entitled  
 2           An act relating to public records; amending s. 119.12,  
 3           F.S.; authorizing a court to hold a custodian of a  
 4           public record personally liable for the reasonable  
 5           costs of enforcement, including attorney fees, in a  
 6           civil action to enforce ch. 119, F.S., if certain  
 7           conditions exist; providing an effective date.

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

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

13           119.12 Attorney ~~Attorney's~~ fees.—

14           (1) If a civil action is filed against an agency to  
 15           enforce the provisions of this chapter and ~~if~~ the court  
 16           determines that the ~~such~~ agency unlawfully refused to permit a  
 17           public record to be inspected or copied, the court shall assess  
 18           and award, against such agency ~~the agency responsible,~~ the  
 19           reasonable costs of enforcement, including reasonable attorney  
 20           ~~attorneys'~~ fees.

21           (2) The court, on motion by the party who filed the civil  
 22           action or in its own discretion, may hold the custodian of the  
 23           public record that is the subject matter of such civil action  
 24           personally liable for the reasonable costs of enforcement,  
 25           including reasonable attorney fees, if the court finds that:

26           (a) The agency or the custodian of the public record

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27 unlawfully refused to permit a public record to be inspected or  
28 copied; and

29 (b) The agency or the custodian of the public record has  
30 asserted any claim or defense during the pendency of the civil  
31 action which the agency or the custodian knew was not supported  
32 by the material facts necessary to establish such a claim or  
33 defense.

34 Section 2. This act shall take effect July 1, 2016.