

By Senator Garcia

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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 must assess and award the reasonable costs of
 5 enforcement against an agency in a civil action to
 6 enforce ch. 119, F.S.; prohibiting a court from
 7 assessing and awarding the reasonable costs of
 8 enforcement against an agency if certain conditions
 9 exist; specifying circumstances under which a
 10 complainant is not required to provide certain written
 11 notice of a public records request; providing an
 12 effective date.

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

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

18 119.12 Attorney ~~Attorney's~~ fees.—

19 (1) If a civil action is filed against an agency to enforce
 20 the provisions of this chapter and if the court determines that
 21 such agency unlawfully refused to permit a public record to be
 22 inspected or copied, the court shall assess and award, against
 23 the agency responsible, the reasonable costs of enforcement,
 24 including reasonable attorney attorneys' fees, against the
 25 responsible agency if the court determines that:

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

28 (b) The complainant provided written notice identifying the
 29 public records request to the agency's custodian of public
 30 records at least 5 business days before filing the civil action,
 31 except as provided under subsection (3).

32 (2) The court may not assess or award any reasonable costs

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33 of enforcement, including reasonable attorney fees, against the
34 responsible agency if the court determines that the request to
35 inspect or copy the public record was made primarily to harass
36 the agency or cause a violation of this chapter.

37 (3) The complainant is not required to provide written
38 notice of the public records request to the agency's custodian
39 of public records as provided in paragraph (1)(b) if the agency
40 does not prominently post the contact information for the
41 agency's custodian of public records in the agency's primary
42 administrative building in which public records are routinely
43 created, sent, received, maintained, and requested and on the
44 agency's website, if the agency has a website.

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