

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

585-04140-19

2019602c1

1 A bill to be entitled

2 An act relating to public records; amending s. 119.07,
3 F.S.; requiring a court to assess the reasonable costs
4 of enforcement against an agency upon the court's
5 determination in an action for a declaratory judgment
6 that certain records are not subject to a public
7 records exemption; 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. Subsection (9) is added to section 119.07,
12 Florida Statutes, to read:

13 119.07 Inspection and copying of records; photographing
14 public records; fees; exemptions.-

15 (9) If an agency files an action for declaratory judgment
16 for a declaration that certain public records are exempt, or
17 confidential and exempt, from subsection (1) and s. 24(a), Art.
18 I of the State Constitution, and the court determines that the
19 records are either not exempt or not confidential and exempt,
20 the court must assess the reasonable costs of enforcement,
21 including reasonable attorney fees, against the responsible
22 agency for the benefit of the named respondent.

23 Section 2. This act shall take effect July 1, 2019.