

A bill to be entitled
An act relating to public records; amending s. 119.011, F.S.; revising the definition of the term "actual cost of duplication"; amending s. 119.07, F.S.; providing that it is a violation of ch. 119, F.S., to fail to acknowledge a public records request promptly and respond to such request in good faith; requiring a custodian of public records to perform specified actions within a specified timeframe; prohibiting an agency from imposing costs or fees if the custodian fails to take such actions in the required timeframe; requiring a custodian to state in writing certain justifications and citations; prohibiting an agency from asserting that a record was exempt or confidential and exempt under specified circumstances; prohibiting an agency from asserting certain justifications under specified circumstances; removing provisions authorizing a fee for accessing a public record electronically under a contractual agreement; defining the term "any electronic medium stored, maintained, or used by an agency"; requiring an agency to provide public records requests in specified formats; authorizing an agency to charge a fee for such provision; prohibiting an agency from charging certain costs or fees for specified public

26 records requests; providing for the reduction or
27 waiver of fees under specified conditions; requiring a
28 written, detailed cost estimate to be provided upon
29 request to persons seeking to inspect or copy a public
30 record; prohibiting an agency from charging fees for
31 review and redaction of certain records; amending s.
32 119.10, F.S.; providing that a violation of any law
33 that provides access to public records is a violation
34 of ch. 119, F.S.; providing a civil penalty for a
35 person who violates provisions relating to accessing
36 public records; providing criminal penalties for a
37 person outside this state who knowingly violates such
38 provisions; requiring the court to assess specified
39 penalties if it makes certain determinations; amending
40 s. 119.12, F.S.; requiring the court to assess and
41 award against the agency certain costs and fees;
42 removing a provision exempting a complainant from
43 providing certain written notice; authorizing agency
44 reimbursement of attorney fees under specified
45 conditions; repealing s. 282.711, F.S., relating to
46 remote electronic access services, to conform to
47 changes made by the act; amending s. 921.0022, F.S.;
48 conforming a provision to changes made by the act;
49 providing an effective date.
50

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

52

53 **Section 1. Subsection (1) of section 119.011, Florida**

54 **Statutes, is amended to read:**

55 119.011 Definitions.—As used in this chapter, the term:

56 (1) "Actual cost of duplication" means the cost of the
57 material and supplies used to duplicate the public record. The
58 term includes the cost of agency resources, including the cost
59 of clerical and supervisory assistance and costs incurred for
60 the use of agency information technology associated with such
61 duplication which are incurred by the agency in complying with a
62 request for public records. The cost of clerical or supervisory
63 assistance may not be greater than the base hourly rate of the
64 lowest paid personnel capable of providing such clerical or
65 supervisory assistance. The term does not include overhead costs
66 associated with duplication of a public record, but does not
67 include labor cost or overhead cost associated with such
68 duplication.

69 **Section 2. Paragraphs (c), (f), and (g) of subsection (1),**
70 **paragraph (c) of subsection (2), paragraph (d) of subsection**
71 **(3), and subsection (4) of section 119.07, Florida Statutes, are**
72 **amended to read:**

73 119.07 Inspection and copying of records; photographing
74 public records; fees; exemptions.—

75 (1)

76 (c)1. A custodian of public records and his or her
77 designee must acknowledge requests to inspect or copy records
78 promptly and respond to such requests in good faith. A good
79 faith response includes making reasonable efforts to determine
80 from other officers or employees within the agency whether such
81 a record exists and, if so, the location at which the record can
82 be accessed. Failure to acknowledge a public records request
83 promptly and respond to such request in good faith is a
84 violation of this chapter.

85 2.a. No later than 3 business days after receiving a
86 public records request, a custodian of public records must:

87 (I) Provide the requested records;

88 (II) Provide the requester a good faith estimate of a
89 reasonable amount of time in which the custodian will provide
90 the records and a good faith estimate of any costs that will be
91 assessed for complying with the request; or

92 (III) To the extent any records request, or any portion
93 thereof, is denied, deny the request, in whole or in part, and
94 cite the statutory exemption authorizing the denial as provided
95 in paragraphs (e) and (f).

96 b. If the custodian of public records fails to take any of
97 the actions described in sub-subparagraph a. within 3 business
98 days after receiving the public records request, the agency may
99 not impose costs or fees for providing the requested public
100 record.

101 c. Notwithstanding sub-subparagraph a., there is no
102 presumption in any civil action brought to enforce a requester's
103 right to inspect or copy public records that a request was not
104 unlawfully delayed because an agency complied with sub-
105 subparagraph a.

106 (f) If requested by the person seeking to inspect or copy
107 the record, the custodian of public records shall state in
108 writing and with particularity:

109 1. The reasons for taking more than 15 days to provide the
110 requested record; or

111 2. The reasons for the conclusion that the record is
112 exempt or confidential, including all statutory citations relied
113 upon in determining that the record is exempt or confidential.

114 (g)1. In any civil action in which an exemption to this
115 section is asserted, if the exemption is alleged to exist under
116 or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or
117 (4)(c), the public record or part thereof in question shall be
118 submitted to the court for an inspection in camera. If an
119 exemption is alleged to exist under or by virtue of s.
120 119.071(2)(c), an inspection in camera is discretionary with the
121 court. If the court finds that the asserted exemption is not
122 applicable, it shall order the public record or part thereof in
123 question to be immediately produced for inspection or copying as
124 requested by the person seeking such access.

125 2. In any civil action brought by a requester to enforce

126 the right to public records, an agency may not assert any
127 exemption or justification for not providing the public records
128 requested which it has not previously raised in a written
129 response to the requester before the civil action was filed to
130 justify the agency's nondisclosure or delay in providing the
131 public records requested.

132 3. In any civil action brought by a requester alleging
133 that an agency unlawfully delayed providing public records, a
134 public records request backlog or other unfulfilled public
135 records requests to the agency is not deemed a justification, in
136 whole or in part, for the alleged delay.

137 (2)

138 ~~(e) Unless otherwise required by law, the custodian of~~
139 ~~public records may charge a fee for remote electronic access,~~
140 ~~granted under a contractual arrangement with a user, which fee~~
141 ~~may include the direct and indirect costs of providing such~~
142 ~~access. Fees for remote electronic access provided to the~~
143 ~~general public shall be in accordance with the provisions of~~
144 ~~this section.~~

145 (3)

146 (d) Photographing of public records shall be done in the
147 room where the public records are kept. If, in the judgment of
148 the custodian of public records, this is impossible or
149 impracticable, photographing shall be done in another room or
150 place, as nearly adjacent as possible to the room where the

151 public records are kept, to be determined by the custodian of
152 public records. Where provision of another room or place for
153 photographing is required, the expense of providing the same
154 shall be paid by the person desiring to photograph the public
155 record pursuant to paragraph (4) (h) +4)(e).

156 (4) The custodian of public records shall furnish a copy
157 or a certified copy of the record upon payment of the fee
158 prescribed by law.

159 (a) If a fee is not prescribed by law, the following fees
160 are authorized:

161 (a)

162 1. Up to 15 cents per one-sided copy for duplicated copies
163 of not more than 14 inches by 8 1/2 inches;

164 2. No more than an additional 5 cents for each two-sided
165 copy; and

166 3. For all other copies, the actual cost of duplication of
167 the public record.

168

169 If the nature or volume of the public records requested to be
170 inspected or copied is such that they require less than 30
171 minutes to prepare, the agency may not charge the actual cost of
172 duplication or any other costs or fees to the requester.

173 (b)1. For purposes of this paragraph, the term "any
174 electronic medium stored, maintained, or used by an agency"
175 means any electronic format that the agency can reasonably

176 provide as part of the standard operation of its electronic
177 recordkeeping system. If an agency is able to convert the record
178 into the electronic format requested as a step in the process of
179 copying or exporting the requested record, the agency must
180 provide the record in the format requested and may charge a fee
181 authorized by this subsection.

182 2. For a copy of a public record in any electronic medium
183 stored, maintained, or used by an agency, the actual cost of
184 duplication. However, if the nature or volume of the public
185 records requested to be duplicated is such that such duplication
186 requires less than 30 minutes, the agency may not charge the
187 actual cost of duplication or any other costs or fees to the
188 requester.

189 3. An agency may not charge a requester the actual cost of
190 duplication or any other cost or fee for providing any public
191 record that has been previously disclosed under another public
192 records request made to that agency.

193 (c)-(b) The charge for copies of county maps or aerial
194 photographs supplied by county constitutional officers may also
195 include a reasonable charge for the labor and overhead
196 associated with their duplication.

197 (d)-(e) An agency may charge up to \$1 per copy for a
198 certified copy of a public record.

199 (e) All fees authorized under this subsection may be
200 reduced or waived in full, or in part, for a public purpose,

201 including public agency program support, nonprofit activities,
202 journalistic activities, and academic or other research. For a
203 public records request meeting the public purposes provided in
204 this paragraph, an agency may not charge the requester any cost
205 or fee for the first 10 hours of time the agency estimates it
206 would take to comply with the request.

207 (f) If requested by the person seeking to inspect or copy
208 the record, the custodian of public records must provide the
209 person a written, detailed estimate of all costs associated with
210 the request sufficient to permit the person to assess the
211 lawfulness of the estimate.

212 (g) An agency may not charge a fee for costs associated
213 with review and redaction of exempt or confidential and exempt
214 information from a public record that has been requested to be
215 inspected or copied.

216 ~~(d) If the nature or volume of public records requested to~~
217 ~~be inspected or copied pursuant to this subsection is such as to~~
218 ~~require extensive use of information technology resources or~~
219 ~~extensive clerical or supervisory assistance by personnel of the~~
220 ~~agency involved, or both, the agency may charge, in addition to~~
221 ~~the actual cost of duplication, a special service charge, which~~
222 ~~shall be reasonable and shall be based on the cost incurred for~~
223 ~~such extensive use of information technology resources or the~~
224 ~~labor cost of the personnel providing the service that is~~
225 ~~actually incurred by the agency or attributable to the agency~~

226 ~~for the clerical and supervisory assistance required, or both.~~

227 (h) ~~(e)~~1. When ~~Where~~ provision of another room or place is
228 necessary to photograph public records, the expense of providing
229 the same must ~~shall~~ be paid by the person desiring to photograph
230 the public records.

231 2. The custodian of public records may charge the person
232 making the photographs for supervision services at a rate of
233 compensation to be agreed upon by the person desiring to make
234 the photographs and the custodian of public records. If they
235 fail to agree as to the appropriate charge, the charge shall be
236 determined by the custodian of public records.

237 **Section 3. Section 119.10, Florida Statutes, is amended to**
238 **read:**

239 (Substantial rewording of section. See
240 s. 119.10, F.S., for present text.)

241 119.10 Violation of chapter; penalties.—

242 (1) A violation of any law that provides access to public
243 records, including those laws that limit public access to such
244 records, is a violation of this chapter.

245 (2) A person who violates this section commits a
246 noncriminal infraction, punishable by a fine not to exceed \$500.

247 (3) A person who willfully and knowingly violates this
248 chapter commits a misdemeanor of the first degree, punishable as
249 provided in s. 775.082 or s. 775.083.

250 (4) A person outside this state who knowingly violates

251 this chapter commits a misdemeanor of the first degree,
252 punishable as provided in s. 775.082 or s. 775.083.

253 (5) A court must assess a penalty against the agency
254 payable to the requester in an amount equal to twice the amount
255 awarded pursuant to s. 119.12, in addition to a penalty of \$200
256 for each day the agency unlawfully denied the right to inspect
257 or copy the public records, if the court determines that an
258 agency has:

259 (a) Violated s. 119.07(1); and
260 (b) Shown intentional disregard for the public's
261 constitutional right of access under s. 24(a), Art. I of the
262 State Constitution; or
263 (c) Engaged in a pattern or practice of abuse of the
264 requirements of this chapter.

265 **Section 4. Section 119.12, Florida Statutes, is amended to**
266 **read:**

267 119.12 Attorney fees.—

268 (1) The court must assess and award against the agency
269 responsible the reasonable costs of enforcement, including
270 reasonable attorney fees and costs incurred in litigation, if:
271 (a) A civil action is filed against an agency to seek
272 access to records under ~~enforce the provisions of~~ this chapter
273 or any other law that relates to access to public records.

274 (b) The court determines that such agency violated such
275 law.

276 (2) Fees assessed pursuant to this section may not be
277 assessed against a person acting on the advice of an agency
278 attorney but must be assessed against the agency., ~~the court~~
279 ~~shall assess and award the reasonable costs of enforcement,~~
280 ~~including reasonable attorney fees, against the responsible~~
281 ~~agency if the court determines that.~~

282 ~~(a) The agency unlawfully refused to permit a public~~
283 ~~record to be inspected or copied; and~~

284 ~~(b) The complainant provided written notice identifying~~
285 ~~the public record request to the agency's custodian of public~~
286 ~~records at least 5 business days before filing the civil action,~~
287 ~~except as provided under subsection (2). The notice period~~
288 ~~begins on the day the written notice of the request is received~~
289 ~~by the custodian of public records, excluding Saturday, Sunday,~~
290 ~~and legal holidays, and runs until 5 business days have elapsed.~~

291 ~~(2) The complainant is not required to provide written~~
292 ~~notice of the public record request to the agency's custodian of~~
293 ~~public records as provided in paragraph (1) (b) if the agency~~
294 ~~does not prominently post the contact information for the~~
295 ~~agency's custodian of public records in the agency's primary~~
296 ~~administrative building in which public records are routinely~~
297 ~~created, sent, received, maintained, and requested and on the~~
298 ~~agency's website, if the agency has a website.~~

299 (3) The court shall determine whether the complainant
300 requested to inspect or copy a public record or participated in

301 the civil action for an improper purpose. If the court
302 determines there was an improper purpose, the court may not
303 assess and award the reasonable costs of enforcement, including
304 reasonable attorney fees, to the complainant, and shall assess
305 and award against the complainant and to the agency the
306 reasonable costs, including reasonable attorney fees, incurred
307 by the agency in responding to the civil action. For purposes of
308 this subsection, the term "improper purpose" means a request to
309 inspect or copy a public record or to participate in the civil
310 action primarily to cause a violation of this chapter or for a
311 frivolous purpose.

312 (4) This section does not create a private right of action
313 authorizing the award of monetary damages for a person who
314 brings an action to enforce ~~the provisions of~~ this chapter.
315 Payments by the responsible agency may include only the
316 reasonable costs of enforcement, including reasonable attorney
317 fees, directly attributable to a civil action brought to enforce
318 ~~the provisions of~~ this chapter.

319 (5) If a person is charged with a violation of this
320 chapter and is subsequently acquitted, the agency may reimburse
321 the person for any portion of his or her reasonable attorney
322 fees.

323 **Section 5. Section 282.711, Florida Statutes, is repealed.**

324 **Section 6. Paragraph (c) of subsection (3) of section**
325 **921.0022, Florida Statutes, is amended to read:**

CS/HB 437

2026

921.0022 Criminal Punishment Code; offense severity ranking chart.-

328 (3) OFFENSE SEVERITY RANKING CHART

329 (c) LEVEL 3

Florida Statute	Felony Degree	Description
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119.10 (2) (b) 3rd Unlawful use of confidential information from police reports.

332 316.066 3rd Unlawfully obtaining or using
(3) (b) - (d) confidential crash reports.

316.193(2)(b) 3rd Felony DUI: 3rd conviction.

316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

336	319.33(1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
337	319.33(1) (c)	3rd	Procure or pass title on stolen vehicle.
338	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
339	327.35(2) (b)	3rd	Felony BUI.
340	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
341	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
342	376.302(5)	3rd	Fraud related to reimbursement

for cleanup expenses under the Inland Protection Trust Fund.

343

379.2431 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

344

379.2431 3rd Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

345

379.2431 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

346

	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
347	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
348	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
349	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
350	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
351	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than

352			\$20,000.
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
353	697.08	3rd	Equity skimming.
354	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
355	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
356	800.045(3)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image.
357	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

358	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
359	810.09 (2) (b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
360	810.145 (2) (c)	3rd	Digital voyeurism; 19 years of age or older.
361	812.014 (2) (c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
362	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
363	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
364	812.081 (2)	3rd	Theft of a trade secret.
365			

366	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
367	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
368	817.233	3rd	Burning to defraud insurer.
369	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
370	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
371	817.236	3rd	Filing a false motor vehicle insurance application.
372	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
373	817.49(2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
374	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
375	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
376	836.13(2)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
377	836.13(4)	3rd	Promoting, or possessing with intent to promote, an altered

			sexual depiction of an identifiable person without consent.
378	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
379	847.01385	3rd	Harmful communication to a minor.
380	860.15 (3)	3rd	Overcharging for repairs and parts.
381	870.01 (2)	3rd	Riot.
382	870.01 (4)	3rd	Inciting a riot.
383	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
384	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver

s. 893.03(1) (c), (2) (c)1.,
(2) (c)2., (2) (c)3., (2) (c)6.,
(2) (c)7., (2) (c)8., (2) (c)9.,
(2) (c)10., (3), or (4) drugs
within 1,000 feet of
university.

385

893.13(1) (f)2. 2nd Sell, manufacture, or deliver
s. 893.03(1) (c), (2) (c)1.,
(2) (c)2., (2) (c)3., (2) (c)6.,
(2) (c)7., (2) (c)8., (2) (c)9.,
(2) (c)10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

386

893.13(4) (c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

387

893.13(6) (a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

388

893.13(7) (a)8. 3rd Withhold information from
practitioner regarding previous

			receipt of or prescription for a controlled substance.
389	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
390	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
391	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
392	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

393	893.13(8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
394	893.13(8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
395	893.13(8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
396	918.13(1)	3rd	Tampering with or fabricating physical evidence.
397	944.47 (1) (a)1. & 2.	3rd	Introduce contraband to correctional facility.

398

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

399

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

400

401 **Section 7.** This act shall take effect July 1, 2026.