



234664

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: WD   | . |       |
| 03/12/2015 | . |       |
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The Committee on Judiciary (Simpson) recommended the following:

1           **Senate Amendment to Amendment (474230) (with title**  
2 **amendment)**

3  
4           Between lines 92 and 93

5 insert:

6           Section 2. Section 119.12, Florida Statutes, is amended to  
7 read:

8           119.12 Attorney ~~Attorney's~~ fees.-

9           (1) When ~~If~~ a civil action is filed against an agency to  
10 enforce the provisions of this chapter, ~~and~~ if the court  
11 determines that the complainant provided written notice of the



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12 public records request to the agency's custodian of public  
13 records using contact information provided by the agency at  
14 least 3 business days before filing the action and that the such  
15 agency unlawfully refused to permit a public record to be  
16 inspected or copied, the court shall assess and award, against  
17 the responsible agency ~~responsible~~, the reasonable costs of  
18 enforcement including reasonable attorney ~~attorneys'~~ fees.

19 (2) A complainant is not required to provide written notice  
20 to the agency's custodian of public records if:

21 (a) The agency does not post contact information for its  
22 custodian of public records in an office accessible to the  
23 public where public records are either routinely maintained or  
24 requested, or both; and

25 (b) The agency does not post contact information for its  
26 custodian of public records on the agency's website, if the  
27 agency has a website.

28 (3) The court may assess and award reasonable attorney fees  
29 against the complainant filing such an action if the court  
30 determines that it was filed in bad faith or was frivolous.

31  
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Between lines 117 and 118

35 insert:

36 amending s. 119.12, F.S.; requiring a court to  
37 determine if a complainant provided certain written  
38 notice to an agency's custodian of public records in  
39 order to assess and award attorney fees in a civil  
40 action to enforce ch. 119, F.S.; providing exceptions;



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41           authorizing a court to assess and award attorney fees  
42           against a complainant if the action was filed in bad  
43           faith or was frivolous;