



909808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2016	.	
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The Committee on Governmental Oversight and Accountability  
(Hays) recommended the following:

1       **Senate Substitute for Amendment (723616) (with title**  
2 **amendment)**

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4       Delete everything after the enacting clause  
5 and insert:

6       Section 1. Section 119.12, Florida Statutes, is amended to  
7 read:

8       119.12 Attorney ~~Attorney's~~ fees.—If a civil action is filed  
9 against an agency to enforce the provisions of this chapter, and  
10 if the court determines that the complainant provided written



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11 notice of the public records request to the agency's custodian  
12 of public records at least 5 business days before filing the  
13 civil action and that such agency unlawfully refused to permit a  
14 public record to be inspected or copied, the court may ~~shall~~  
15 assess and award, ~~against the agency responsible,~~ the reasonable  
16 costs of enforcement, including reasonable attorney attorneys'  
17 fees, against the responsible agency. However, if the court  
18 determines that the request to inspect or copy a public record  
19 was made in bad faith or was frivolous, the court may not award  
20 any reasonable costs of enforcement, including reasonable  
21 attorney fees, against the responsible agency.

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

23  
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause  
27 and insert:

28 A bill to be entitled

29 An act relating to public records; amending s. 119.12,  
30 F.S.; specifying the circumstances under which a court  
31 may assess and award the reasonable costs of  
32 enforcement against an agency in a civil action to  
33 enforce ch. 119, F.S.; providing an effective date.