



453772

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/01/2015	.	
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The Committee on Judiciary (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 101 - 118
and insert:

(c) A contractor who fails to provide the public records to the public agency within a reasonable time commits a noncriminal infraction, punishable by a fine not to exceed \$500. A contractor who willfully and knowingly fails to provide the public records to the public agency within a reasonable time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.



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12 (4) CIVIL ACTION.-

13 (a) If a civil action is filed to compel production of
14 public records relating to the public agency's contract for
15 services, the court shall assess and award against the
16 contractor the reasonable costs of enforcement, including
17 reasonable attorney fees, if:

18 1. The court determines that a contractor unlawfully
19 refused to comply with the public records request within a
20 reasonable time; and

21 2. At least 8 business days before filing the action, the
22 plaintiff provided written notice of the public records request,
23 including a statement that the contractor has not complied with
24 the request, to the public agency and to the contractor.

25 (b) A notice complies with subparagraph (a)2. if it is sent
26 to the public agency's records custodian and to the contractor
27 at the contractor's address listed on its contract with the
28 public agency or to the contractor's registered agent. Such
29 notices must also be sent by common carrier delivery service or
30 by registered, Global Express Guaranteed, or certified mail,
31 with postage or shipping paid by the sender and with evidence of
32 delivery, which may be in an electronic format.

33 (c) A contractor who complies with a public records request
34 within 8 business days after the notice is sent is not liable
35 for the reasonable costs of enforcement.

36 (d) An award of the reasonable costs of enforcement against

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete lines 15 - 19



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41 and insert:
42 specified circumstances; providing penalties;
43 specifying circumstances under which a court must
44 assess the reasonable costs of enforcement against a
45 contractor; specifying what constitutes sufficient
46 notice; providing that a contractor who takes certain
47 actions is not liable for the reasonable costs of
48 enforcement; specifying