

By Senator Joyner

19-00715-16

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1 A bill to be entitled
 2 An act relating to public records; amending s. 119.12,
 3 F.S.; authorizing a court to hold a custodian of a
 4 public record personally liable for the reasonable
 5 costs of enforcement, including attorney fees, in a
 6 civil action to enforce ch. 119, F.S., if certain
 7 conditions exist; 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. Section 119.12, Florida Statutes, is amended to
 12 read:

13 119.12 Attorney ~~Attorney's~~ fees.—

14 (1) If a civil action is filed against an agency to enforce
 15 the provisions of this chapter and ~~if~~ the court determines that
 16 ~~the such~~ agency unlawfully refused to permit a public record to
 17 be inspected or copied, the court shall assess and award
 18 against such agency ~~the agency responsible,~~ the reasonable costs
 19 of enforcement, including reasonable attorney ~~attorneys'~~ fees.

20 (2) The court, on motion by the party who filed the civil
 21 action or in its own discretion, may hold the custodian of the
 22 public record that is the subject matter of such civil action
 23 personally liable for the reasonable costs of enforcement,
 24 including reasonable attorney fees, if the court finds that:

25 (a) The agency or the custodian of the public record
 26 unlawfully refused to permit a public record to be inspected or
 27 copied; and

28 (b) The agency or the custodian of the public record has
 29 asserted any claim or defense during the pendency of the civil

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30 action which the agency or the custodian knew was not supported
31 by the material facts necessary to establish such a claim or
32 defense.

33 Section 2. This act shall take effect July 1, 2016.