

FDLE's Guide to Public Records Requests

How may I make a public records request?

Requests may be made by contacting FDLE's Office of General Counsel by phone at **850-410-7676**, by email at publicrecords@fdle.state.fl.us, by fax at **850-410-7699**, or in writing to:

Florida Department of Law Enforcement
Attn: Margaret Wells
P.O. Box 1489
Tallahassee, FL 32302

Must my request be in writing?

As stated above in the "Bill of Rights," public records requests do not have to be made in writing unless specifically required by a statute. However, FDLE receives many public records requests and to help us better focus on securing the records you seek, we ask you to voluntarily make your request in writing. This provides us with a specific list of what you seek, and helps us provide you a pertinent and accurate response. Providing the request in writing means precisely what you are seeking is defined. It is a good practice to be as specific and precise as you can when making a public records request. Making a request in writing also allows us to seek clarification if your request appears very broad or is too general to allow an appropriate response.

Will I receive acknowledgment of my public records request?

FDLE promptly acknowledges each received public records request. **If you make a request and do not receive an acknowledgment within a short time, please contact FDLE at 850-410-7676 or publicrecords@fdle.state.fl.us or by fax at 850-410-7699 to verify that we did in fact receive your request.**

Does FDLE have to respond to a broadly-stated request?

FDLE is obligated by law to respond to your request in good faith. If your request is broad, you may have to pay a large amount to cover the costs of the response (see below for cost breakdown). Sometimes a request is too broad for FDLE to identify any particular set of records to provide as a response. In that case, a representative of FDLE may discuss your request to see if it can be revised to be more specific.

Is there a cost to obtain records?

There are costs to public records requests. FDLE does not waive costs for indigent requestors. Pursuant to Section 119.07(4)(a), Florida Statutes, FDLE may impose the following fees:

- Duplicated copies - 15 cents per one-sided copy
- All other copies - Actual cost of duplication of the record (cost of materials and supplies used to duplicate the record, not including labor cost or overhead cost associated with such duplication)
- Certification of a copied record - \$1.00 per certified record

What about copies of criminal histories?

As established by statute, the cost of obtaining a Florida Criminal History is currently \$24 per history or per each individual's search requested (Click [here](#) for more information)

Can additional costs be assessed regarding a public records request?

Yes. FDLE will charge the statutory "extensive use" charge for any request requiring more than one-half hour of effort. Pursuant to Section 119.07(4)(d), Florida Statutes, if the nature or volume of the public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of FDLE, or both, a charge in addition to the actual cost of duplication will be assessed. Regarding labor costs, FDLE currently assesses a charge for personnel time at the hourly salary rate of personnel involved when clerical and/or supervisory assistance necessary to respond to a request exceeding one-half hour. No labor charge is assessed for up to and including one-half hour of clerical or supervisory personnel efforts. What

is considered to “require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of FDLE, or both” is determined on the basis of the required response to each public records request. In general, the narrower, and more focused your public records request can be, the less likely that “extensive” costs will become a factor.

Since as a state agency FDLE cannot extend credit, FDLE will require a deposit to cover all or a substantial portion of the costs estimated under F.S. 119.07(1)(b) before it begins the “extensive use” of resources or personnel as used in the statute. If you have previously received public records but have not paid the costs associated with that response, FDLE will not provide records for subsequent requests until such time as the due amounts have been paid.

Does FDLE have to create a record if I request it?

No. Florida’s public records law does not obligate agencies to create records. It requires agencies to make available to the public copies of the public records it already has.

Does FDLE have to answer questions I have about what is stated in records?

No. Florida’s public records law obligates agencies to provide copies of public records. It does not require agencies to “explain” records or answer questions based on the records’ content. Agencies are free to decide whether to answer questions about particular records or not.

What records are exempt?

Section 119.071, Florida Statutes, defines which records are exempt from inspection or copying. To view these exemptions, [click here](#). Please note, active criminal intelligence information, active criminal investigative information, and security system plans are among the statutory exemptions.

How long will my request take?

All public records requests are responded to promptly once the records have been retrieved, reviewed and redacted if necessary to prevent confidential or exempt information from being disclosed.

Can I impose a response deadline upon my request?

No. Agencies are obligated to respond to public records requests reasonably and promptly. Requests, and the amount of effort an agency puts forth to respond to them vary greatly. Your request will be handled as promptly as possible.

Who should I contact if I have questions or issues with the response I received?

James Martin, Assistant General Counsel is FDLE’s “Public Records” contact person.

James Martin, Assistant General Counsel
Florida Department of Law Enforcement
Office of General Counsel
PO Box 1489
Tallahassee, FL 32302

Email: JamesMartin@fdle.state.fl.us

Phone: 850-410-7676

Current as of 3/1/2011