

FDLE's Guide to Public Records Requests

How may I make a public records request?

Requests may be made by contacting FDLE's records custodian in the Office of General Counsel by phone at **850-410-7676**, email at publicrecords@fdle.state.fl.us, facsimile at **850-410-7699**, contacting any of the FDLE offices and submitting the public records request in person, or in writing to:

Florida Department of Law Enforcement
Attn: Office of General Counsel Public Records
P.O. Box 1489
Tallahassee, FL 32302-1489

Must my request be in writing?

No. Public records requests do not have to be made in writing unless specifically required by statute. However, FDLE receives many public records requests and to help us better identify your responsive records, we ask you to voluntarily make your request in writing. This provides an accurate description of the public records requested and helps us provide you with a pertinent and accurate response. Providing the request in writing tells us precisely what records you are seeking. It is good practice to be as specific and precise as you can when making a public records request.

Will I receive acknowledgment of my public records request?

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

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

FDLE is obligated by law to respond to your request. However, if your request is broad and results in a large volume of responsive records, you may be invoiced and assessed costs according to Florida Statutes Chapter 119 (see below for cost information). Sometimes a request is too broad for FDLE to identify particular records responsive to your request. In such instances, a representative of FDLE may discuss your request with you to see if it can be clarified or revised to be more specific.

Are there duplication and materials costs to obtain records?

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

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

Can additional costs be assessed regarding a public records request?

Yes. FDLE will assess a statutory "extensive use" charge for any request requiring more than thirty (30) minutes of clerical, supervisory, or information technology resources. FDLE

voluntarily waives the first 30 minutes of resources required to fulfill your request. Pursuant to section 119.07(4)(d), Florida Statutes, if the nature or volume of public records requested to be inspected or copied requires extensive use of information technology resources or extensive clerical or supervisory assistance by FDLE and/or agency vendors/contractors, or both, a special service charge will be incurred. The special service charge is in addition to the actual cost of duplication.

When possible, good-faith deposit invoices will be provided prior to significant extensive use costs being incurred to fulfill public records requests. However, depending on the nature, volume, and specificity of the request, labor costs may be incurred prior to the issuance of a good-faith invoice, and these costs cannot be waived.

What types of payment can FDLE accept if I receive a good-faith deposit invoice or a final invoice for my public records request?

FDLE accepts personal or company checks that include the account-holder's name and address imprinted on the check (not hand-written on the check), money orders, and cashiers' checks.

Will a good-faith deposit invoice for requests requiring extensive use of agency resources always be provided before a special service fee cost is incurred?

At FDLE, we make our best effort to provide a good-faith deposit invoice prior to labor costs being assessed for requests. However, we cannot guarantee that a good-faith deposit invoice can be provided for every request prior to costs being incurred. Public records requests and the amount of resources the agency puts forth to respond, vary greatly. Good-faith deposit invoices for estimated costs to fulfill public records requests are provided as soon as possible once the research for the request is conducted. Research and/or retrieval of records may exceed thirty (30) minutes before a good-faith deposit invoice amount can be projected. Costs for the agency resources expended to fulfill the request will be charged whether or not a good-faith deposit invoice is provided prior to costs being incurred.

The results for some requests requiring extensive clerical or supervisory labor may be negative and FDLE may not have records responsive to the public records request. Good-faith deposits will not be returned for labor expended researching requests even if the results are negative.

Because FDLE is a state agency, credit cannot be extended. If you have previously received public records or an invoice for labor time already expended on your request, and you 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.

How can costs be reduced?

In general, narrowing, focusing and making your public records request as specific as possible may reduce the "extensive use" costs. Labor costs can be reduced significantly if requests include keywords instead of open-ended terms such as "any and all records." Similarly, narrowing a request to certain individuals, a specific event, or a particular date range can greatly reduce the use of extensive labor.

Is a criminal history available at no cost?

As established by Florida Statute 943.053(3)(e), the cost of obtaining a Florida Criminal History report is currently \$24.00 per record (per name submitted). Information about Florida Criminal History requests is on our website, www.fdle.state.fl.us.

Florida Statute 943.056 affords individuals the right to request a copy of their Florida criminal history record for purposes of personal review, to ensure that it is accurate and complete. The requestor may examine the record and challenge any inaccurate or incomplete information. A “no record” response will be returned if the requestor is found to have no criminal record on file with the Florida Department of Law Enforcement (FDLE). There is no charge assessed by FDLE for this service.

Please call our Division of Criminal Justice Information Services at (850) 410-7100 for additional information and assistance.

Is FDLE the custodian of all public records for the state of Florida?

No. FDLE is the custodian of records FDLE has made or received in connection with the transaction of FDLE’s official business which are used to perpetuate, communicate, or formalize knowledge.

Can FDLE get public records from another agency or business on my behalf?

No. Florida’s public records law requires agencies to make available to the public copies of the custodial agency’s existing public records.

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 records it already has.

If I receive a response to my public records request notifying me that the records I requested are currently exempt from public disclosure, do I have to submit a new public records request in the future for the records?

Yes. If you receive a response to your public records request notifying you that the records are currently exempt your public records request is considered completed. Should you wish to request the records in the future you should submit a new public records request.

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 in the records’ content.

Can FDLE give me legal advice?

No. Please be advised that FDLE cannot provide legal advice or assistance. If you have questions concerning your legal rights, the rules of criminal procedure, or the laws of Florida, you should consult with an attorney.

What records are exempt?

Various types of records are considered exempt and/or confidential and therefore, not available through a public records request. Specific statutory exemptions are contained throughout Florida Statutes. Specifically, Florida Statutes Section 119.071 defines which records are exempt from inspection or copying and contains some commonly cited exemptions which include active criminal intelligence information, active criminal investigative information, and security system plans. To view these exemptions, please visit www.leg.state.fl.us/statutes.

How long will my request take?

All public records requests are promptly docketed and a confirmation of the request is sent to the requestor. Each request is unique and requires time to research and review. The nature and volume of the responsive records may increase the time it takes to fulfill requests. Invoices may be issued for public records requests and payment is due within 30 days of an issued invoice. If an invoice is issued, payment must be remitted before additional work is conducted on the public records request. Additionally, once the responsive records have been retrieved, the records must be manually reviewed, and redaction may be required 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 within a reasonable time. Each request and the time required to respond to each request, varies greatly. Your request will be handled as promptly as possible.

Will my request be closed if I don't pay the invoice amount or return a response for clarification pertaining to my public records request?

Yes. Public records requests will be closed if the requesting party fails to pay the final or good-faith deposit invoice, or fails to respond to clarification inquiries pertaining to a public records request for thirty (30) days following the issuance of the invoice or clarification inquiry. If you have previously received a final invoice or a good-faith deposit invoice for labor and/or duplication costs incurred for your request and you have not paid the costs associated with that request, FDLE will not provide records for subsequent requests until such time as the due amounts have been paid. After payment is received, the outstanding request will be resubmitted and processed as a new request. If a response to an inquiry for clarification is made after 30 days from the inquiry, the request will be resubmitted and processed as new request.

Who is the records custodian to contact if I have questions?

Kate Holmes, Assistant General Counsel, is FDLE's "Public Records" records custodian.

Kate Holmes, Assistant General Counsel
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Tallahassee, FL 32302-1489
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