

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**, contacting any of the FDLE offices and submitting the public records request in person, and in writing to:

Florida Department of Law Enforcement
Attn: Office of General Counsel
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 focus on securing the records you seek, we ask you to voluntarily make your request in writing. This provides us with specific details 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 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?

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 any particular set of records to provide as a response. 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 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 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.

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?

FDLE will 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, the narrower and more focused your public records request can be, the less likely that “extensive use” costs will become a factor. 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.

What about copies of criminal histories?

As established by statute, the cost of obtaining a Florida Criminal History is currently \$24.00 per history or per each individual’s search requested. Information about Florida Criminal History requests is on our website, www.fdle.state.fl.us.

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.

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. Agencies are free to decide whether to answer questions about particular records or not.

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. Once the responsive records have been retrieved, review and redaction may be required to prevent confidential or exempt information from being disclosed. Each request is unique and requires time to research and review. The nature and volume of records requested may increase the time it takes to fulfill requests.

Can I impose a response deadline upon my request?

No. Agencies are obligated to respond to public records requests in a reasonable time. Requests and the amount of effort an agency puts forth 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?

Requests will be closed if a requesting party fails to pay the final invoice, deposit invoice, or fails to respond to inquiries for clarification pertaining to a public records request for thirty (30) days following 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. Once payment is received, the request will be resubmitted 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 processed as new request.

Who can I contact if I have questions?

Janine Robinson, Assistant General Counsel, is FDLE's "Public Records" agency contact.

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