

2-G-4 | REQUESTS FOR INFORMATION REGARDING COSTS TO OBTAIN PUBLIC RECORDS

In order to comply with the statutory directive that an agency provide copies of public records upon payment of the statutory fee, an agency must respond to requests for information as to copying costs. *Wootton v. Cook*, supra. See also *Woodard v. State*, 885 So. 2d 444 (Fla. 4th DCA 2004), remanding a case for further proceedings where the custodian forwarded only information relating to the statutory fee schedule rather than the total cost to copy the requested records. And see, *Herskovitz v. Leon County*, No. 98-22 (Fla. 2d Cir. Ct. June 9, 1998), available online in the Cases database at the open government site at myfloridalegal.com, in which the court said that if an agency is asked for a large number of records, the fee should be communicated to the requestor before the work is undertaken. "If the agency gives the requesting party an estimate of the total charge, or the hourly rate to be applied, the party can then determine whether it appears reasonable under the circumstances." Id.

In *Miami Dade College v. Nader + Museu I, LLP*, 47 F.L.W. D1814 (Fla. 3d DCA August 31, 2022), the court affirmed the trial court's refusal to grant an agency's motion to collect fees under s. 119.07(4)(d), F.S., because the agency failed to provide the requester with an estimate or invoice prior to production thereby violating both its own policies and procedures and the language of s. 119.07(4), F.S. And see AGO 13-03, in which the Attorney General's Office strongly encouraged agencies to adopt a public records procedure that addresses imposition of special service charge.

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