

PUBLIC RECORDS: IMPLEMENTATION OF STATUTORY EXTENSIVE  
USE FEES IN TWO FLORIDA COUNTIES

By

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Florida's public records law permits custodians of public records to impose a special service charge where the nature or volume of requested records requires extensive use of information technology like computers or extensive use of clerical or supervisory assistance from government employees in order to satisfy the request. The charge must be reasonable, the statute says, and must be based on the expenses incurred by the agency in satisfying the request. The statute leaves to agency discretion how to define statutory terms like "extensive use" and "reasonable charge."

This study seeks to find how the extensive use provision, section 119.07(1)(b) of the Florida statutes, is being applied in two Florida counties. In-depth personal

interviews with journalists and agency employees suggested the following results and conclusions:

1. Most of the journalists and agency employees had never personally encountered an instance where an extensive use service charge was imposed. No agency had applied the provision on more than three occasions. The extensive use provision is infrequently applied by county and municipal agencies in Alachua and Levy counties because extensive requests for public records are rare.

2. None of the agencies had an articulated standard for what constitutes "extensive use." Requests are considered on a case-by-case basis. The primary reason given for the lack of a standardized definition was lack of need because extensive requests never or rarely occurred.

3. All agencies said they have or likely would base an extensive use charge on the salary of the employee who actually performed the work, except two agencies which named a specific hourly rate representing the lowest pay rate in the agency.

4. All of the agency employees and most of the journalists supported the inclusion of the extensive use provision in Florida's public records law. Some journalists expressed concern that the provision could be abused by agency employees.