Public Record Request

NOTE: CLIENT CASE FILES ARE CONFIDENTIAL AND NOT SUBJECT TO PUBLIC RECORD REQUEST UNDER CHAPTER 119, FLORIDA STATUTES

What is a Public Record?

Public Records are documents, papers, letters, maps, books, audio and video files, photographs, films, sound recordings, or other material regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Department, which are used to perpetuate, communicate or formalize knowledge.

Requests and Fulfillment

Public records held by the Office of the Public Defender 16th Judicial Circuit are available upon request for inspection or copying pursuant to Chapter 119, Florida Statutes, and Article I, s. 24 of the State Constitution.

Time-line

Records are not always readily available and will have to be located, reviewed for exempt or confidential information, and redacted if necessary. As such, the time to fulfill a public records request will vary depending upon the particular record or records requested and the volume of the request. Department personnel are committed to fulfilling your request as quickly and efficiently as is reasonably possible.

Making a Public Record Request

You can make your public record request in a variety of ways:

By E-Mail: kkocis@pd16.org

By Regular Mail to:

Department of Public Records

Office of the Public Defender 16th Judicial Circuit

316 Simonton St.

Key West, FL 33040

By Telephone: (305) 295-3100 (Kim Kocis- Administrative Director)

Or contact Kim Kocis in person at the address above.

Cost Recovery Policy

Estimates:

Upon receiving requests for public records, if applicable, the Office of the Public Defender may provide an itemized estimate to the person initiating the request. The estimate may include the hours required, the estimated service charge for extensive labor, and actual duplicating or other material costs.

If upon receiving an initial estimate of charges a request is changed or otherwise limited in scope, the person initiating the request may be provided with a new estimate of charges.

Fee Guidelines - Special Service Charge:

A special service charge may be imposed if the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both.

Clerical or supervisory assistance includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying the requested record(s).

A special service charge may be warranted if the nature or volume of the public records requested to be inspected or copied requires more than 1 hour of agency resources or greater than 100 pages of documentation.

The charge for clerical or supervisory resources might be no greater than the hourly rate, including benefits, of the lowest paid personnel capable of providing such services.

In those cases where legal review is necessary, the charge may be at the lowest attorney rate (salary and benefits) employed by the Office of the Public Defender.

When documents can be sent by e-mail, we may do so in the interest of efficiency and to minimize costs. In these cases we may only charge a service charge for extensive time. However, when a large volume of documents is requested and must therefore be placed on a USB flash drive, the costs of those materials may be recovered.

If the record is readily available in electronic form, then we may copy onto USB flash drive, as needed. You may be charged for the actual costs of the USB flash drive, not for the time to copy the documents onto the media.

If the cost for providing paper or electronic copies of records is less than $25.00, including postage and special service charges, the records may be provided at no charge as long as it is not cost-effective to collect such fees.

Collecting Recovered Costs:

If fees are imposed for copies and/or the special service imposed, the requestor may be advised of estimated costs.

Payment may be collected before documents are copied, reviewed, redacted, or otherwise processed for release if their production meets the threshold for extensive time or material costs.

If the actual costs incurred are less than such payment as estimated, the overpayment may be refunded to the requestor. The requestor may be required to remit additional monies upon release of the documents to pay for any costs in excess of the estimate.

In the event the requestor fails to remit additional monies to cover costs in excess of the deposit, the requested public records may not be released.

Material Costs:

One-sided Copy: $ 0.15 per page

Double-sided copy: $ 0.20 per page

Reducing Costs and Limiting Charges:

Labor costs can be reduced significantly if requests include keywords as opposed to “all documents or e-mails.” Similarly, narrowing a request to certain individuals or divisions can greatly reduce the use of extensive labor.

We may help direct you to free, online sources whenever possible.

Consider refining your requests for documents to provide better results and reduce unnecessary or duplicative costs.