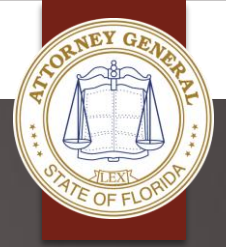


2024
Public Records: Legislative
Update and Litigation Trends

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A. Guide to Reviewing Legislation



Guide to Reviewing Legislation

- 1. 2024 Laws of Florida. Easiest way to locate is at [flsenate.gov](https://www.flsenate.gov) by accessing the “laws” site at the home page.**

Justification section (explains legislative intent). Can also access legislative bill analyses from the flsenate.gov website home page by typing in the bill number (only the numerals, not SB or HB) in the “Go to bill” box next to 2024 at the top of the page.

Effective Date—either a specific date (i.e., July 1, 2024); “upon becoming a law” (date Governor signs the bill); or the date another law becomes effective (these are called ‘contingent effective dates’).

Laws of Florida passed into law each year are collected in the Florida Statutes. The statutes typically go online during the summer. The laws usually contain statutory references, but these are not always the ones that end up in the statutes. Sometimes they are changed during the editing process.



Guide to Reviewing Legislation

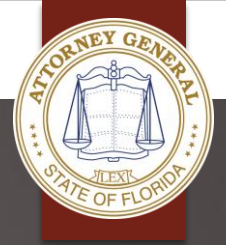
2. Exempt or confidential records. Difference between *exempt* records and *confidential* records. Who is entitled to access the exempt or confidential records, and under what conditions if any? Note: Ch. 2024-41, Laws of Florida, amending s. 1004.0962, F.S., which currently provides that campus emergency response plans are “exempt” from disclosure to delete the paragraph authorizing disclosure of exempt information to another governmental entity or upon court order. It appears that Legislature recognized that the exceptions to the exempt status of these records are not needed since the records are exempt not confidential.

3. What agencies are covered by the exemption? Does it apply to any agency as defined in s. 119.011(2), F.S., or does it apply only to records belonging to a specified agency or agencies?



Guide to Reviewing Legislation

- 4. Retroactivity statement. Many new exemptions contain a clause saying that the new exemption applies to records held “before, on, or after the effective date of the exemption.”**
- 5. Definition of key terms**
- 6. Conditions which must be complied with by the subject of the record before the exemption is applicable. Is the exemption permanent or does it expire after certain events occur?**
- 7. Penalties specified for unauthorized disclosure**



B. 2024 Legislative Highlights



1. Personal information: Current clerks of court, court personnel, city and county attorneys, and current and former members of Florida Gaming Control Commission

Home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks, and clerk personnel and the names, home addresses, telephone numbers, dates of birth and places of employment, school and daycare names and location of the spouses and children of such officers and employees are added to the list of officers and employees in s. 119.071(4), F.S. CS/HB 983, amending s. 119.071(4)(d), F.S. Effective date: July 1, 2024.

The same information is also now exempt for current county attorneys, assistant county attorneys, deputy county attorneys as well as city attorneys, assistant city attorneys and deputy city attorneys and their spouses and children; however, the exemption does not apply to the listed attorneys that qualify as a candidate for elected office. CS/HB 103, amending s. 119.071(4)(d), F.S. Effective date: July 1, 2024

Additionally, the information exemption applies to current *and former* members of the Florida Gaming Control Commission and their spouses and children. CS/SB 692, amending s. 119.071(4)(d). Effective date: July 1, 2024.



2. Personal information: Certain current and former military personnel

- ▶ **Section 119.071(5), F.S., was amended to provide that identification and location information, as defined in the exemption, of certain current and former military personnel and their families, as defined in the exemption, is exempt from disclosure, provided that the current or former military personnel member submits a written request for the exemption and a statement that he/she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public. “Identification and location” information means the home addresses, telephone numbers, and dates of birth of the current and former military personnel, and their spouses and dependents. Also, the names and locations of schools and day care facilities attended by the spouses and dependents. “Military personnel” means persons employed by the US Department of Defense who are authorized to access information that is deemed “secret” or “top secret” by the Federal Government or who are servicemembers of a special operations force, as defined in s. 943.10(22), F.S. SB 548, amending s. 119.071(5), F.S. Effective date: Upon becoming law.**



3. School guardian identification

- ▶ **Any information held by the Department of Law Enforcement, a law enforcement agency, a school district, or a charter school that would identify whether a person has been certified to serve as a school guardian is exempt from disclosure. CS/HB 1509, amending s. 30.15, F.S. Effective date: The same as HB 1473, which is July 1, 2024.**



4. Disclosure of grand jury testimony

The statute providing exceptions to the prohibition against disclosure of grand jury testimony was amended to provide that when the court orders the disclosure of grand jury testimony for the purpose of furthering justice in response to a request by the media or an interested person, regardless of whether that purpose is for use in a criminal or civil case, it may be disclosed so long as the subject of the grand jury inquiry is deceased, the grand jury inquiry related to criminal or sexual activity between the subject and a minor, the testimony was previously disclosed by a court order, and the state attorney is provided notice. Chapter 2024-07, Laws of Florida, amending s. 905.27, F.S. Effective date: July 1, 2024



5. Veterans treatment or mental health court program records

Information relating to a participant or a person considered for participation in a veterans treatment court program or mental health court program under specified statutes that is contained in certain records is confidential. Disclosure is authorized as provided in the exemption. Chapter 2024-32, Laws of Florida, amending ss. 39.478981 and 394.47892, F.S. Effective date: Upon becoming law, March 22, 2024



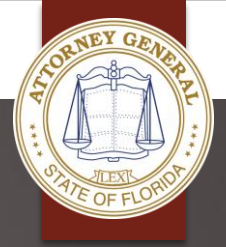
6. Suicide records: Autopsy report of suicide, and video, photographs or audio recording of suicide

- ▶ **A new law provides confidentiality for the autopsy report of a person whose manner of death was suicide which is held by a medical examiner. Specific disclosures are authorized. Effective Date: Upon becoming law, March 22, 2024. Chapter 2024-18, Laws of Florida, amending s. 406.135, F.S.**
- ▶ **A photograph or video or audio recording of the suicide of a person is also confidential with disclosure allowed in specified circumstances. Effective date: Upon becoming law, March 22, 2024. Chapter 2024-18, Laws of Florida, amending s. 119.071(2)(p), F.S.**
- ▶ **Both new exemptions reflect the legislative intent that they be given retroactive application.**



7. Financial adequacy information required for prequalifying for bids on public works projects

The statute providing an exemption for financial statements submitted by prospective bidders for a road or any other public works project was expanded to add “or other financial information necessary to verify the financial adequacy of a prospective bidder.” Effective date: July 1, 2024. CS/HB 379, amending s. 119.071(1)(c), F.S.



8. Identifying information of persons obtaining custody of an animal from an animal shelter

Personal identifying information of a person who fosters, adopts, or otherwise receives legal custody of an animal from an animal shelter or animal control agency operated by a humane society or a local government agency held by the shelter or agency is exempt from disclosure requirements. Effective date: Upon becoming law. CS/HB 273, amending s. 823.15, F.S.



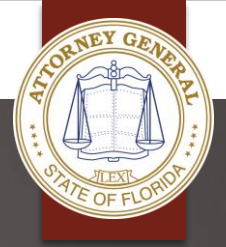
9. Cell phone numbers of insurance license applicants collected by Department of Financial Services

- ▶ **Cellular telephone numbers collected by the Department of Financial Services from applicants for insurance licensure are exempt from disclosure requirements. Effective date: Upon becoming law. SB 1078, amending s. 626.171, F.S.**



13. Department of Legal Affairs social media investigations

- ▶ **Information held by the Department of Legal Affairs pursuant to a notification or investigation of a violation of cited statutes relating to social media use for minors is confidential and exempt until the investigation is completed or ceases to be active. The exemption is to be construed in conformity with s. 119.071(2)(c), F.S. Certain disclosures are authorized. Upon completion of the investigation or once the investigation ceases to be active, certain information remains confidential. Chapter 2024-54, Laws of Florida, amending ss. 501.1736 and 501.1737, F.S. Effective date: The same date that HB 3 (now Ch. 2024-42, Laws of Florida) takes effect, which is January 1, 2025.**



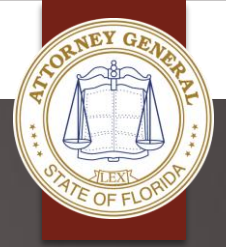
14. Department of Agriculture and Consumer Services records relating to natural disaster loan program

- ▶ **Tax returns, credit history information, credit reports, and credit scores held by the Department of Agriculture and Consumer Services relating to the administration of the agriculture and aquaculture producers natural disaster recovery loan program are exempt. Disclosure of information in an aggregated and anonymized form is not prohibited. SB 7026 amending s. 570.822, F.S. Effective date: Upon becoming law.**



15. Proprietary business information held by Cancer Connect Collaborative or Department of Health

- ▶ **“Proprietary business information,” as defined in the exemption, that is held by the Department of Health or the Cancer Connect Collaborative (a council created within the Department of Health to advise the Department on cancer issues) is confidential and exempt. This exemption does not apply to information contained in final recommendations of the collaborative. Portions of a meeting of the collaborative during which confidential proprietary business information is discussed are exempt from open meetings requirements. The closed portion must be recorded and the recording is confidential. Disclosures are authorized as specified in the exemption. SB 7078, amending s. 381.915, F.S. Effective date: The same date that SB 7072 takes effect which is July 1, 2024.**



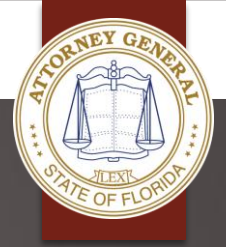
16. Information received by Office of Financial Regulation relating to state bank applications

- ▶ **Specified information including a driver license number, passport number, military identification number of any other number or code issued on a government document used to verify identity; personal financial information; books and records of a current or proposed financial institution; or a proposed business plan which is received by the Office of Financial Regulation pursuant to an application to organize a new state bank or new state trust company is confidential. Personal identifying information, as defined in the exemption, of a proposed officer or director who is currently associated with another financial institution is exempt until the application is approved and the charter is issued. CS/HB 85, amending s. 655.057, F.S. Effective date: July 1, 2024.**



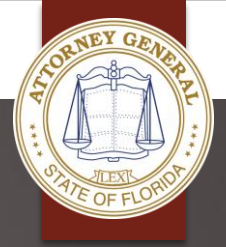
17. Interstate health profession licensure

- ▶ **Personal identifying information, other than the person's name, licensure status, or licensure number, of physicians and other specified health related professionals obtained from the interstate licensure compact is exempt unless disclosure is authorized by the state that originally reported the information to the coordinated information system. A meeting or portion of a meeting of the compact commission relating to certain matters is exempt from open meetings requirements under specified circumstances. Chapter 2024-13, Laws of Florida, creating ss. 456.4503, 468.1336, and 486.113, F.S. Effective date: The same date as SB 7016 (now Ch. 2024-15, Laws of Florida) takes effect, which is March 21, 2024.**



18. Citizen volunteer advisory committee meetings

- ▶ **A regional citizen volunteer advisory committee, created to provide technical expertise and support to the Natural Estuary Program established by Congress pursuant to federal law, whose membership is composed of representatives from 4 or more counties may conduct meetings through use of communications media technology (CMT). An advisory committee member who participates using CMT is deemed to be present. The use of CMT must allow for all persons attending to audibly communicate as if the person was physically present. Public notice requirements for meetings using CMT are provided. Chapter 2024-17, Laws of Florida, amending s. 286.011, F.S. Effective date: Upon becoming a law which is March 22, 2024.**



19. Open Government Sunset Review

- ▶ Exemptions which were enacted five years ago were reviewed in the 2024 legislation session as part of the Open Government Sunset Review process established in s. 119.15, F.S. The exemptions were reenacted with generally minor changes. As noted earlier, the exemption for campus emergency response plans of a public postsecondary institution was amended to delete the exception to the exemption allowing disclosure of exempt information to another governmental agency if disclosure is necessary for the receiving entity to perform its duties and responsibilities or upon a showing of good cause by a court. The staff analysis explained that this exception to the exemption was “superfluous.” The amended statute takes effect October 1, 2024. See Chapter 2024-41, Laws of Florida, amending s. 1004.0962, F.S., and the Staff Analysis to the enabling legislation, HB 7007.

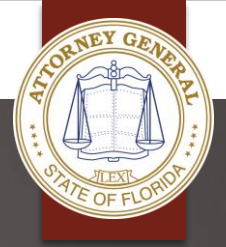


C. Caselaw Update



Caselaw Highlights

- ▶ **1. *Raydient LLC v. Nassau County*, No. 2019-CA-000054 (Fla. 4th Cir. Ct August 24, 2021). Available online in the Cases Database at the open government site at myfloridalegal.com.**
- ▶ **Background: Raydient made a public records request for text messages sent by county commissioners and employees that related to a development. The county did not produce responsive text messages, because they had been deleted and could not be retrieved from the cellular service provider. The county responded to the request by saying we are not aware of any text messages. Raydient then filed a public records lawsuit. Subsequently 147 pages of texts were provided after they had been produced in another proceeding or in response to a subpoena served by Raydient on the former county manager who had not been contacted by the county about the request.**
- ▶ **Conclusions: “First, the routine and indiscriminate destruction of text messages by BOCC members and certain county employees regardless of the content of each message, violated s. 119.021, F.S.,” requiring that agencies maintain public records in accordance with retention schedules adopted by the Department of State.**



Caselaw Highlights

▶ ***Raydient*, continued.**

Any claim that these messages were “transitory” and eligible for deletion after a short period of time “is unfounded.”

▶ **“In addition to employees and officials indiscriminately deleting text messages after 30 days or an otherwise arbitrarily chosen period of time, the county violated the Public Records Act by failing to undertake a reasonable search for the requested public records.”**

▶ **“If public agency employees and officials transact public business on their privately-owned accounts or devices, then the agency has an affirmative duty in response to public records requests to do what is reasonably necessary to promptly retrieve any public documents from those employees or officials.”**



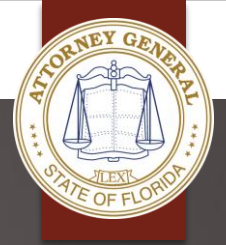
Caselaw Highlights

- ▶ 2. ***Bear v. Escambia County Board of County Commissioners*, 2022 WL 602266 (N.D. Fla. March 1, 2022)**
- ▶ **Background: Bear requested records from a county commissioner's privately owned and maintained social media accounts which related to his activities and duties as a commissioner. The commissioner provided thousands of Facebook pages but argued that some were not public records.**
- ▶ **The magistrate issued a report concluding that the following categories of messages constituted public records:**
- ▶ **1. requests by constituents for the commissioner to look into or act in a matter affecting his district or to consider voting in a certain way on a county matter**



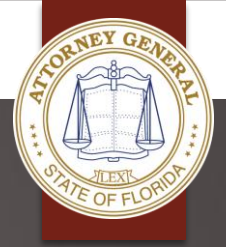
Caselaw Highlights

- ▶ ***Bear, continued***
- ▶ **2. general expressions of thanks for the commissioner's service**
- ▶ **3. requests for information about county matters from constituents and the commissioner's responses**
- ▶ **4. expressions of disagreement or complaints about the commissioner's position on county matters**
- ▶ **5. statements on the commissioner's position and opinions on county matters and explanations to constituents about his votes or plans for taking action as a commissioner**



Caselaw Highlights

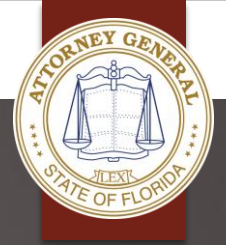
- ▶ ***Bear*, continued**
- ▶ **The district judge adopted the magistrate’s report. The judge rejected the argument that “mere opinions, comments and questions posed to a commissioner and his responses to comments on a social media page” were not public records. The judge also rejected the commissioner’s argument that an individual commissioner could not be an “agency” for purposes of ch. 119, citing to *Miami Herald Co. v. Sarnoff*, 971 So. 2d 915, 917 (Fla. 3d DCA 2007) which found it “undisputed” that a city commissioner was an “agency.”**



Caselaw Highlights

2. *City of Sunny Isles Beach v. Gatto*, 338 So. 3d 1045 (Fla. 3d DCA 2022)

- ▶ **Background: City Commissioner Goldman was observed texting during a virtual city commission meeting that occurred in 2020. Gatto made a public records request for copies of the text messages and subsequently filed suit when Goldman refused to provide them. The trial judge viewed the messages in camera and determined that they were public records. Goldman appealed the judge's ruling that the messages between Goldman and her husband were public records. Goldman and the City did not appeal the judge's ruling that the text messages between Goldman and a city resident which addressed city business and contained Goldman's unflattering remarks about another commissioner, were public records. However, she did appeal the judge's finding that the texts between Goldman and her husband were public records.**



Caselaw Highlights

- ▶ ***Gatto*, continued**
- ▶ **Conclusion: The text messages which the court refers to as the “Husband” text messages were not public records because a “private communication by a municipal official, falls outside of the definition of a public record.” The court rejected Gatto’s argument that the texts were public records because they were made at a city commission meeting, “touched on city matters” and “bear some similarity in subject matter” to the texts between Goldman and the city resident, which were determined to be public records. The court found that the “Husband” text messages were “uniformly personal and private and were not made in connection with any business transacted by the City.” Goldman was not acting in an official capacity when she was texting with her husband. Nor did her husband “step out of the role as husband” and “adopt the role of a citizen seeking to enter C city process or to transact City business.” The Husband texts did not “possess the attributes of official business.”**



Caselaw Highlights

3. *City of Tallahassee v. Florida Police Benevolent Association, Inc.*, 48 F.L.W. S237 (Fla. November 30, 2023)

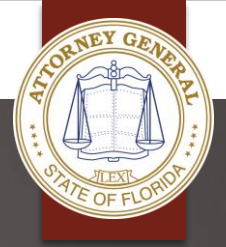
Conclusion: Article I, s. 16(b)(5), Fla. Const., known as “Marsy’s Law,” entitles crime victims to certain rights, including the right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information. However, this constitutional provision “does not guarantee to a victim the categorical right to withhold his or her name from disclosure.” Accordingly, the identity of law enforcement officers who fatally shot suspects threatening them with deadly force was not protected. The Court expressly recognized the authority of the Legislature to enact exemptions that apply to victim information.



Caselaw Highlights

4. *Jackson v. City of South Bay*, 358 So. 3d 18 (Fla. 3d DCA 2023)

Background: On March 17, 2020, Jackson lost an election for city commissioner. On April 24, 2020, he requested copies of the canvassing board meeting minutes pertaining to the election. All of the meeting minutes, except for the March 13, 2020, minutes were produced before a June 4 deadline suggested by Jackson's lawyer. Jackson then filed an election contest and later filed a public records and sunshine lawsuit. At the time of the public records request, the Appellees (who included the city and county canvassing board and the supervisor of elections) did not realize that there had been a canvassing board meeting on March 13 as the calendars did not contain an entry for that date. When Appellees learned through notes that a meeting had been held, they retrieved the minutes from the minute-taker's email and then provided them immediately upon discovery to Jackson on September 18, 2020. The trial judge dismissed the election contest as untimely and found no violation of the public records or sunshine laws.



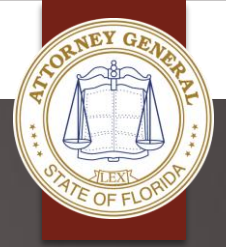
Case Law Highlights

- ▶ ***South Bay, continued***
- ▶ **Conclusions:** The appellate court agreed with the trial judge that there was no violation of the public records law. The appellate court noted the trial judge's factual finding, after an evidentiary hearing, that the Appellees had produced all of the minutes except for the March 13 minutes one day before the agreed upon production date and that this finding was entitled to deference as it was supported by competent substantial evidence. Also, the prompt production of the minutes upon discovery was a "good faith response" and the delay was justified under the circumstances of the case and did not constitute an "unlawful refusal" to produce the records.
 - ▶ However, the appellate court reversed the trial judge's ruling on the Sunshine Law. The court noted that s. 286.011, F.S., requires that meeting minutes "shall be promptly recorded" and "shall be open to public inspection." The March 13 minutes were not open to public inspection until September 18. None of the factors cited by the trial judge (election workload, pandemic and Appellee's good faith conduct) can "excuse compliance with [the Sunshine Law] because "the use of the word 'shall' in [the Sunshine Law] requires mandatory compliance." There is no good faith or pandemic-related exception.



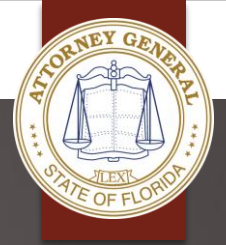
Case Law Highlights

- ▶ **5. *Florida Center for Government Accountability, Inc. v. Executive Office of the Governor*, No. 22-CA-1785 (Fla. 2d Cir. Ct. October 27, 2022), appeal filed, No. 22-3507 (November 1, 2022) (Fla. 1st DCA)**
- ▶ **Background: On October 10, 2022, FCGA filed a public records lawsuit relating to requests sent on September 20 and 21 for various records including text messages, a text log, and a phone log for a set period of time concerning the transfer of migrants to Martha's Vineyard on Sept. 14, 2022. The hearing was set for October 25, 2022.**
- ▶ **Conclusion: The EOG's "partial production and response to the record requests were unreasonable." The EOG "has not made any production of a text or phone log of [a specified individual] as requested" nor has it shown why it has not produced all records."**
- ▶ **FGCA was entitled to file the lawsuit within 30 days of making the request because "it would otherwise not availed itself of the protection of s. 119.07(1)(h), F.S., which requires an agency to preserve all records responsive to a records request, even if it contends that certain records are not a public record if an action is filed within a 30-day window of the request being made."**
- ▶ **See also *Doe v. DeSantis*, No. 23-149 (Fla. 1st DCA, filed January 19, 2023).**



Case Law Highlights

- ▶ **6. *Bivens v. Tony*, 368 So. 3d 16 (Fla. 4th DCA 2023)**
- ▶ **Conclusion: The trial judge's denial of Biven's petition for mandamus to compel production of records from the Broward County Sheriff's Office was affirmed. The DCA noted that the public records law requires agencies to "provide access" to public records. However, in this case Bivens did not request the production of records for inspection and copying but instead asked the Sheriff to respond to several questions about an employee's qualifications. "Nothing in the plain language of section 119.01 or the Florida Constitution requires agencies to pore through their own records to answer specific questions."**



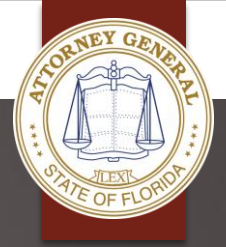
Caselaw Highlights

- ▶ **7. *Miami Dade College v. Nader + Museu I, LLLP*, 47 F.L.W. D1814 (Fla. 3d DCA August 31, 2022)**
- ▶ **Conclusion: The trial court properly denied the College's motion to collect fees after the records had already been produced. The College had failed to provide the requester with an estimate of the anticipated costs to fulfill the public records request or an invoice prior to production, thereby violating both its own policies and procedures and the language of s. 119.07(4), F.S, nor did the parties agree in advance to the charges.**



Caselaw Highlights

- ▶ **7. *City of Miami v. Blanco*, 336 So. 3d 1268 (Fla. 3d DCA 2022)**
- ▶ **Conclusion: Trial court departed from essential requirements of law by failing to conduct an in camera review before granting Blanco's motion to compel and/or subpoena (filed after the city denied Blanco's public records request for video camera recordings taken at the police station following Blanco's DUI arrest). Without an in camera inspection, the trial judge could not determine whether the video recordings fell with the security plan exemptions in ss. 119.071(3)(a) and former s. 281.301, F.S., and whether they were material in any manner.**



Case Law Highlights

- ▶ **8. *Roldan v. City of Hallandale Beach*, 361 So. 3d 348 (Fla. 4th DCA 2023)**
- ▶ **Facts:** Roldan filed suit against the City alleging that the City had failed to provide public records he had requested 5 months previously. The City then produced the records and conceded that its unjustified delay in providing the records was unlawful. However, the City argued that Roldan was not entitled to attorney's fees under s. 119.12 because he did not provide a separate notice identifying the request to the City before filing the lawsuit.
- ▶ **Issue:** Whether the trial court erred in finding Roldan's written public record request to the City's record custodian, standing alone, was not sufficient to serve as the "written notice identifying the public record request" required for entitlement to attorney's fees under s. 119.12(1)(b), F.S.
- ▶ **Conclusion:** The appellate court agreed with the trial judge that s. 119.12, F.S., requires a separate "written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action" in order to recover attorney's fees under s. 119.12(1), F.S.



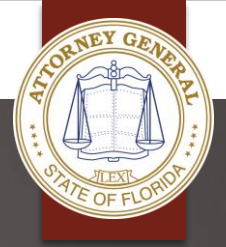
Caselaw Highlights

- ▶ **9. *Vitale v. Palmetto Charter School, Inc.* No. 2021-CA-4310 (Fla. 12th Cir. Ct. May 17, 2022), affirmed, 49 F.L.W. D181 (Fla. 2d DCA January 17, 2024)**
- ▶ **The trial court found that Vitale filed “multiple and extensive public records request over a period of approximately a month, and, despite the board members and PCS’s timely and thorough response” he nevertheless filed a public records lawsuit.**
- ▶ **Conclusion: The trial court found no violation the Public Records Act. He also found that the requester’s motivation “was less about a legitimate desire to obtain school records” and more about a “personal animosity toward his son’s school because of the way he believed it treated he and his wife and his belief that the school personnel ‘targeted’ his son...” The judge said that this personal animosity constituted a “frivolous purpose” within the meaning of s. 119.12(3), F.S. and he therefore awarded attorney fees and costs to the defendants. On appeal the appellate court affirmed the lower court order in the public records case without comment but noted that the DCA lacked jurisdiction over the ‘collateral’ issue of entitlement to attorney fees and costs “until the circuit court renders a final order determining both entitlement to a fee award *and* its amount.”**



Caselaw Highlights

- ▶ **10. *Howard v. State*, 49 F.L.W. D215 (Fla. 2d DCA January 19, 2024)**
- ▶ **Background: Howard mailed a public records request to the SAO asking for a specific numbered casefile. The SAO replied that there were no responsive records but said that some of the requested records could be in the codefendant's file and those could be provided if the requester chose. Howard then asked the SAO to provide proof of loss of the file as well as an itemized list of exempt items. The SAO responded by saying that it had no further information to provide and that it would not answer questions. The SAO asked for clarification. Howard said he wanted a "complete copy of the prosecutor's file" and asked for an invoice. The SAO responded that it had no records meeting the description of the request. Howard then filed a "motion for postconviction relief to enforce provisions of Florida's Public Records Act, ch. 119.07, Fla. Stat." He attached a copy of public records correspondence, and also the verdict in the case finding him not guilty. The circuit judge dismissed the motion and said he no longer had jurisdiction because Howard had been found not guilty. He said Howard should pursue remedies under Ch. 119, F.S.**



Caselaw Highlights

- ▶ *Howard v. State*, continued
- ▶ The appellate court reversed, finding that the circuit erred by ruling that it lacked jurisdiction to consider Howard's motion and by directing him to pursue remedies under Ch. 119, F.S. The DCA said that Howard was attempting to enforce his rights under the Public Records Act when he asked the trial court to conduct an evidentiary hearing and compel the prosecutor to produce the requested file. While the motion may not have been "appropriately filed" in Howard's criminal case, the circuit court "has jurisdiction and the authority to grant mandamus relief," citing to Article V s. 5(b) of the Florida Constitution, providing the authority of the circuit court to issue writs of mandamus.



D. Contact information and online resources at myfloridalegal.com

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