

# TIPS & TRICKS

**Request a copy of the agency's software manual as it relates to any electronic recordkeeping software program. The manual will often describe the ability of the software to produce reports and search through a variety of data fields. Knowing the ability of the agency's software program will help reduce search fees and associated costs.**

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- **Request records sent or received on non-governmental or personal communication devices.** The designated custodian may not be aware that board members are using their personal cell phones or email accounts. To ensure you get *all* responsive records, include language that you are seeking all public records sent or received on whatever topic or during a specific time frame, including those sent or received on a personal computer, through a personal email account, or on a personal communication device.
- Emails made or received by public officials and agency employees in connection with official business are public records subject to disclosure. *Rhea v. District Board of Trustees of Santa Fe College*, 109 So. 3d 851 (Fla. 1<sup>st</sup> DCA 2013).
- The same is true of text messages. Inf. Op. to Browning, March 17, 2010.

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- **Request records in an electronic format.** An agency must provide you with copies of requested records in any form or format in which the records are maintained (s. 119.01(2)(f), F.S.) and sometimes it will be less expensive to get electronic copies.
- Many agencies balk at providing electronic copies of public records and will give you a .pdf of the records you've requested. If a .pdf works for you, great. If not, request copies of the records you're seeking in their *native electronic format*. And you can always check the agency's software manual or call the agency's IT department to find out what formats are available.

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- **Motivation is irrelevant.** *Barfield v. Sch. Bd. of Manatee County*, 135 So. 3d 560, 562 (Fla. 2d DCA 2014) (“An individual's reason for requesting a public record is irrelevant.”). Don't volunteer information about why you want the records.

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- Exorbitant fees: If the costs are unusually high, put your initial records request on hold and make a second request for all records created as it relates to your initial records request. You might find evidence of arbitrariness as it relates to the handling of your request.