



Clerk of the Circuit & County Courts
DUVAL COUNTY
JACKSONVILLE, FLORIDA 32202

JODY PHILLIPS
CLERK OF THE CIRCUIT COURT

TELEPHONE: 904-255-2000
FACSIMILE: 904-255-2157

Special Service, Cost Recovery & Compliance Policy

The Clerk of Courts is committed to being as accessible as possible while remaining accountable to taxpayers. Therefore, the following special service, cost recovery and compliance policy has been established:

Requesting Court Records

Pursuant to Rule 2.420 (m) (1) of the Florida Rules of Judicial Administration, all requests for judicial records must be made in writing to the Clerk of Courts.

Fee Guidelines – Special Service Charge

A special service charge will be imposed if the nature or volume of court or public records requested for inspection or duplication is such as to require extensive use of information technology resources and/or extensive clerical or supervisory assistance by Clerk of Courts personnel.

Clerical or supervisory assistance includes reviewing the records, redacting statutorily exempt information, and preparing, copying, and, if applicable, re-filing the requested record.

A service charge will be applied for searching and/or locating records when no case number or specific year is provided.

Such charges are in addition to the actual cost of duplication.

“Extensive Use” of Resources

A special service charge will be warranted if the nature or volume of the public records requested to be inspected or copied requires more than 30 minutes (extensive use) of agency resources. If multiple

agency divisions are involved, the special service charge will be based on the aggregate amount of time expended by all personnel and information technology resources, if applicable.

Calculating the Special Service Charge

The charge for clerical or supervisory resources will be based on time spent preparing the records and the current hourly rate of pay, including benefits, of the lowest paid personnel capable of providing such services.

Time spent by every employee performing a task associated with compliance to a court or public records request will be aggregated for the purposes of assessing a total cost to the agency.

Every employee who performs a task after the receipt of the request until the final invoice is sent to the requestor shall document the time spent preparing the records.

In those cases where legal review is necessary, the charge will be at the lowest attorney rate (salary and benefits) in the Office of General Counsel.

Estimates

Upon receiving requests for public or court records, the Clerk's Office will provide an estimate to the person initiating the request if the estimated costs exceed \$50. The estimate will include the hours required, the estimated service charge for extensive labor, and actual duplication 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 will be provided with a new estimate of charges. If the actual services required to comply with a request causes a significant variance or inconsistency from the estimated incurred costs, the Clerk's Office will notify the requestor as soon as those variances or inconsistencies are identified and adjust the estimate accordingly. Compliance to requests can necessitate unforeseen services, and those requesting records are hereby given notice of such unforeseen costs associated and are further responsible for paying for such costs when they occur prior to the requested records being released.

Collecting Recovered Costs

If charges are imposed for duplication and/or special services, the requestor will be advised of estimated costs. Charges for duplication and/or special services must be paid in full prior to the release of the records requested.

For estimates exceeding \$50, an advance deposit of 50 percent of the total estimated cost will be required. Non-payment of a deposit or cancellation of a request prior to any costs being incurred for compliance with a request will not affect future requests.

If a requestor does not pay for all costs incurred for compliance with a request or for multiple requests that have been aggregated, no future requests will be honored until the costs for the previous records are paid.

If the actual costs incurred are less than such payment as estimated, the overpayment will be refunded to the requestor. The requestor will 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 will not be released.

Aggregating requests

Multiple requests from the same or related entity may be aggregated, pursuant to this policy, for purposes of conducting the search and/or determining applicable fees where:

- The Clerk's Office receives multiple unrelated requests from one requestor during a 30-day period that requires a total of more than 45 minutes of agency resources for compliance. In this case, the incurred costs of the requests would be aggregated into one special service charge.
- The Clerk's Office reasonably believes that a requester (or group of requesters) is attempting to break a request down into a series of requests for the purposes of avoiding the assessment of fees.
- The Clerk's Office believes that the combination of multiple requests, either in whole or in part, promotes administrative efficiency in the handling of requests.
- This is the exception, and the Clerk's Office will not normally aggregate unrelated requests from one requester. The Clerk's Office will inform the requester of the combined and expected costs in accordance with this policy.

Multiple requests for the same records

If multiple requests are received at the same time, and the requesters agree in writing to pay a pro-rata share after a cost estimate has been provided to all requesters, then the total fees and costs to the Clerk's Office will be divided by the total number of requesters. Access to records will be given in a reasonable manner at a reasonable time to achieve a balance between reasonable access and the recovery of costs to the Clerk's Office for compliance.

High-Cost Requests

To remain accountable to taxpayers, the Clerk's Office must limit its exposure to excessive costs associated with the use of extensive agency resources. For court or public records requests in which the estimated incurred costs are greater than \$500, the payment and compliance guidelines are as follows:

- The Clerk's Office will perform services in segments in which the incurred costs per segment are approximately \$500.
- An advance deposit of \$250 (50 percent) will be required for each segment of service provided. Upon completion of each segment of service, the remaining \$250, or value near that, must be paid in full prior to the release of the records.
- Services will not be commenced until all incurred costs associated with any outstanding segments are paid as well as the deposit for the current segment.
- Procedures for any remaining or final segments in which the estimated costs is below \$500 will follow those already outlined in this policy (Such as a 50 percent deposit in which the estimated total incurred costs is greater than \$50).

How Records are Released

When documents can be sent by email, the Clerk's Office will do so in the interest of efficiency and to minimize costs. In these cases we will only charge a service charge for extensive time. However, when a large volume of documents is requested and must therefore be placed on a CD or DVD, the costs of those materials will be recovered.

If the record is in electronic form, then the Clerk's Office will copy onto CD or DVD; for records fewer than 2MB we may email, or provide via our FTP site. You will be charged for the actual costs of the disk, not for the time to copy the documents onto the media.

Compliance – Processing Times

Within reason, the processing times for compliance with a court or public records request will vary based on the nature and volume of the request. A court or public records request does not take priority over other official duties of Clerk's Office personnel and will be processed in the order it was received as compared to other tasks of the complying personnel. The requestor may be given an approximate processing time to expect as part of their estimate.

Material Costs

Document Copy: \$1.00 per page (including for pages faxed)

Certified Copies: \$2.00 per document; Exemplified Copies: \$7.00 per document

CD-ROM: \$2.00 each

DVD: \$5.00 each

IT Related Costs

Programmer Time: \$35.00 per hour

Packaging and shipping charges: Estimated costs may be changed to reflect actual cost incurred.

Research Costs

Per year searched (when no case number or specific year is provided): \$2.00 per year.

Reducing Costs and Limiting Charges:

- Labor costs can be reduced significantly if requests include keywords and are as descriptive as possible.
- Due to the high cost and intensive effort required for the creation of customized reports, every effort will be made to utilize an existing report template.