IN THE CIRCUIT COURT OF THE [NUMBER]
JUDICIAL CIRCUIT IN AND FOR [NAME]
COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. [NUMBER]

[Student Name],

        Petitioner,

v.

[Florida State Agency] and [Name of
Custodian],

        Respondents.

_____/

PETITION FOR WRIT OF MANDAMUS

This petition seeks a writ of mandamus to enforce the public's statutory right to inspect public records pursuant to the Florida Public Records Law. The Petitioner, [Student Name], respectfully petitions this Honorable Court to order Respondents [Florida State Agency] and [Custodian] to furnish [insert general description of the requested records]. Petitioner also requests an award of litigation expenses and attorneys' fees.

JURISDICTION

1.   This action arises under the authority vested in this Court by virtue of Fla. Stat. § 119.11.

PARTIES

1.   Petitioner is a journalist and [title] of the student newspaper at [college or university], [newspaper name]. [Description of Petitioner's work as a journalist.] [Mr./Ms.] [Student Last Name] is a resident of [Name] County, Florida.

2.   Respondent [Florida State Agency] is the [description of agency's role in state, including why it maintains the relevant data]. [Custodian Name] is the [role within agency] in [Florida State Agency]. Respondent [Custodian Name] is the legal custodian of the records at issue in this lawsuit. Respondent [Florida State Agency] maintains its primary place of business at [address], is a legal resident of [Name] County, Florida, and as a result [Custodian Name] is amenable to service of process in [Name] County.

FACTS

1.   The [Florida State Agency] is an agency of the State of Florida, and as such, is governed by the public disclosure requirements of the Florida Public Records Law.

2.   [Custodian Name] is the [role within agency] at [Florida State Agency]. Under the Florida Public Records Law, [he/she] is the custodian of the records in question.

3.   Under the Florida Public Records Law, a custodian of a public record shall permit a public record to be inspected by any person. Flat Stat. § 119.07(1)(a).

4.   On [date], Petitioner submitted a request to [Custodian Name] seeking disclosure of [description of records in question].

5.   [Describe the way in which the Petitioner requested the records. Keep in mind that as long as the request is sufficient enough for the custodian to identify the records and as long as the Petitioner has paid the required fee, the request can be made in writing, over the

telephone, or in person. If the request was made in writing, attach a copy of the request as Exhibit A.]

6.   On [date], Petitioner paid the required fee for making [his/her] records request.

7.   By [date], [Custodian Name] had yet to respond to Petitioner's request to inspect and/or copy the requested records.

8.   On [date], Petitioner called [Custodian Name] to make an informal telephone inquiry as to the status of [his/her] request. During this phone call, Petitioner cited the mandatory attorneys' fees provisions of Fla. Stat. § 119.12.

9.   [Explain any other measures that Petitioner took to inquire about the status of his/her request or to encourage a response. Detail any further communication on this issue in chronological order, attaching copies of any written records as additional Exhibits]

10.   (If there has been partial production of documents): It was not until [date], nearly [amount of time] after Petitioner's initial request, that [Name of Custodian] provided the first batch of responsive documents to Petitioner. The initial production only partially responded to Petitioner's request of [date of original request].

11.   (If there has been a partial production of documents): Petitioner [describe the method of communication Petitioner used to contact the Custodian], asking when [he/she] could expect to receive the balance of documents, but [received no reply or received a negative response].

12.   [Custodian Name]'s production remains incomplete and does not encompass all non-classified documents in [Custodian Name]'s custody that are the subject of Petitioner's request and subject to the Florida Public Records Law. In particular, Petitioner knows, or

believes based on the best available information, that [Custodian Name] possesses [describe particular documents] that [he/she] has yet to produce.

CLAIMS FOR RELIEF

VIOLATION OF THE FLORIDA PUBLIC RECORDS LAW

1.   The allegations set forth in foregoing paragraphs are incorporated herein by reference.

2.   The Florida Public Records Law, Fla. Stat. § 119.01(1), provides that "it is the policy of this state that all state, county, and municipal records at all times be open for personal inspection by any person."

3.   The Florida Public Records Law, Fla. Stat. § 119.07(1)(a), states that "every person who has custody of a public record shall permit the record to be inspected." The Law defines "custodian" as "the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records."

4.   In order to inspect or copy public records, a person must make a request for records that sufficiently enables the custodian to identify the records. Requests can be made in writing, over the phone, or in person, so long as the request is specific enough to enable the custodian to identify the records. *State ex rel. Cummer v. Pace*, 159 So. 679 (Fla. 1935).

5.   While agencies are not subject to specific deadlines to respond to requests to inspect or copy public records, agencies are allowed only "limited reasonable time" to retrieve the records and delete those portions exempt from disclosure. *Tribune Co. v. Cannella*, 458 So.2d 1075, 1079 (Fla. 1984) ("The only delay permitted by the Act is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.").

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6.   Petitioner requested access to public records on [date]. [Briefly re-describe the nature of Petitioner's request.] This request was sufficiently detailed to enable [Custodian Name] to locate the requested records.

7.   As of the date of the filing of this Petition, [Custodian Name] has not yet produced the requested documents / has only produced [name produced document, if partial production situation]. [Further describe the delay in receiving a denial or in receiving access to documents if applicable.]

8.   More time has elapsed since the request than was reasonably necessary for [Custodian Name] to retrieve the records and delete those portions exempt from disclosure.

9.   (If Respondent Custodian relied on any authority in failing to produce documents): In refusing to timely produce the requested documents, Respondent [Custodian Name] relied on [exemption authority or classification.] [Describe why that exemption classification is not applicable to the requested documents.]

10.   By Respondent [Custodian Name]'s refusal to provide a timely response in accordance with the Florida Public Records Law, by continuing to willfully refuse to provide documents responsive to Petitioner's requests, by providing only a partial subset of the documents in [his/her] custody, and by [his/her] reliance on an inapt exemption, Respondents have violated the Florida Public Records Law, and thereby caused Petitioner to retain legal counsel and to request the desired relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner [Student Name] respectfully prays that this Court:

1.   Assume jurisdiction over this matter.

2.   Grant Petitioner [Student Name] a Writ of Mandamus compelling Respondents [Florida State Agency] and [Custodian Name] to timely produce all requested documents and allow Petitioner [Student Name] to inspect and/or copy these records.

3.   Award reasonable costs and attorneys' fees pursuant to Florida Public Records Law § 119.12(1).

4.   Order such additional relief as the Court may deem just and proper.

DATED this the [date] day of [month], [year].

Respectfully submitted,

[Petitioner's Lawyer's Signature]

_____
[Petitioner's Lawyer's Name], Esq.
(Florida Bar No. [#])

Lawyer's Firm
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