

IN THE THIRTEENTH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA
GENERAL CIVIL DIVISION

JOHN M. STUDEBAKER,
Petitioner,

CASE NO.: 25-CA-002512

vs.

25-CA-007076

HIDDEN CREEK COMMUNITY
DEVELOPMENT DISTRICT,
Respondent.

DIVISION: D

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

THIS MATTER is before the Court on Petitioner John M. Studebaker's March 21, 2025, Petition for Writ of Mandamus seeking a writ to compel Respondent, Hidden Creek Community Development District, to comply with Florida Statute § 119 by producing the documents Petitioner requested on January 21 and February 16, 2025. Petitioner also requested that the Court "[a]ward Plaintiff the costs of this action and reasonable attorney fees pursuant to Fla. Stat. § 119.12." The Court, after considering the amended petition, court file, record, testimony from the parties, and being otherwise fully informed, finds as follows:

Petitioner initiated the public records request at issue on January 21, 2025, followed by additional requests on February 16. Respondent emailed petitioner on February 17, 2025, asking that he fill out a request form. Petitioner replied to the email stating that Respondent cannot require that he fill out a form and Respondent acknowledged this reply on February 18, 2025, stating that while the form cannot be legally required, Respondent is able to comply with requests more efficiently when the form is used. On March 2, 2025, Petitioner emailed Respondent indicating his willingness to use the form. On March 4, 2025, Respondent acknowledged receipt of the form, informing Petitioner that "[t]he number of records has surpassed the free 15 minutes. However, [Respondent is] trying to accommodate without a fee." On March 9, 2025, Respondent emailed Petitioner with a copy of one of the records and an estimate of the time and costs of compiling the remaining requested records, informing Petitioner that Respondent would proceed with the request once Petitioner moved forward with payment. On March 12, 2025, Petitioner amended his request, indicating that he no longer needed one of the previously requested records. Petitioner filed the petition for writ of mandamus on March 21, 2025. The Court held a hearing on August 11, 2025.

Mandamus is the mechanism by which officials can be compelled to perform lawful, ministerial duties. *See Eichelberger v. Brueckheimer*, 613 So. 2d

1372, 1373 (Fla. 2d DCA 1993). “A party petitioning for a writ of mandamus must establish a clear legal right to performance of the act requested, an indisputable legal duty, and no adequate remedy at law.” *Radford v. Brock*, 914 So. 2d 1066, 1067 (Fla. 2d DCA 2005) (internal citations omitted). Mandamus is available only to “enforce an established legal right … not to establish that right.” *Miami-Dade Cnty. Bd. of Cnty. Comm’rs v. An Accountable Miami-Dade*, 208 So. 3d 724, 731 (Fla. 3d DCA 2016) (internal citations omitted). “A ministerial duty or act is one where there is no room for the exercise of discretion, and the performance being required is directed by law.” *Polley v. Gardner*, 98 So. 3d 648, 649 (Fla. 1st DCA 2012) (internal citations omitted).

It is well established that members of the public have a right to inspect public records and that mandamus is an available remedy when that right is violated. *See, e.g., Michel v. Douglas*, 464 So. 2d 545, 546 (Fla. 1985). Respondents have a duty to provide requested records “at a reasonable time and under reasonable conditions.” *Grapski v. City of Alachua*, 31 So. 3d 193, 198 (Fla. 1st DCA 2010). Respondents are permitted to provide estimates and require a deposit without first shouldering the cost of reviewing the records. *Board of County Comm’rs of Highlands County v. Colby*, 976 So. 2d 31, 37 (Fla. 2d DCA 2008). The provision of an estimate or production of the records after a suit has been filed does not automatically cure an error or moot the issue. *Id.* This Court cannot order Respondents to produce records that Petitioner has already received, but that does not preclude the Court from retaining jurisdiction to determine the award costs and fees related to the timeliness of production. § 119.12, Fla. Stat.; *Puls v. City of Port St. Lucie*, 678 So. 2d at 514. *See also Smith & Williams, P.A. v. W. Coast Reg’l Water Supply Auth.*, 640 So. 2d 216, 218 (Fla. 2d DCA 1994).

In this case, all of the requested records have been produced. However, based upon the information in the appendix and the testimony presented at the hearing, the Court finds that there was an unreasonable delay of approximately four weeks between the January request and the February response.

It is ORDERED AND ADJUDGED that:

1. Petitioner’s Petition for Writ of Mandamus is DENIED as moot;
2. Petitioner’s Motion to Compel filed May 4, 2025, is DENIED as moot;
3. Petitioner is entitled to recover costs associated with filing the petition under § 119.12.

ORDERED in Tampa, Hillsborough County, Florida, on August 20, 2025.

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Judge Emily A. Peacock

EMILY A. PEACOCK, Circuit Court Judge

Copies to:

Petitioner

Respondent

Additional copy(ies) provided electronically through JAWS