

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

LAVONNE WASHINGTON,

Petitioner,

CASE NO.: 24-CA-003643

vs.

DIVISION: O

UNIVERSITY OF SOUTH FLORIDA
BOARD OF TRUSTEES,
RICHARD McCREA in his capacity as Custodian,
and ANDREW HUDSON in his capacity as Custodian,

Respondents.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

THIS MATTER is before the Court on Petitioner's June 25, 2024 Amended Petition for Writ of Mandamus (Doc. 26) seeking a writ to compel Respondent to furnish public records requested by Petitioner on March 21, 2024. Petitioner asserts that Respondents have a ministerial duty to produce public records upon request.

On March 21, 2024, Petitioner submitted a records request to the USF email address designated for public records. Petitioner requested "all of [Respondent McCrea's] email since September 2023. So it is clear, whatever date you provide the email, [Petitioner] expected to see all of [McCrea's] communications until that time." (Doc. 26). In other words, Petitioner requested seven months' worth of email communications between Respondent McCrea, an attorney contracted to work for USF, and everyone with a USF email address. Petitioner states that an individual responded to Petitioner on behalf of USF on March 28, 2024 and "interpreted the request, putting in charges for IT time" (Doc. 26). Petitioner alleges that the fees assessed by respondent are an "attempt[] to extort money from [her] in hopes of discouraging [her] from obtaining" the requested records.¹ (Doc. 26).

The initial petition was filed May 5, 2024. On May 12, 2024, the court issued an alternative writ of mandamus ordering Respondents to respond. On May 14 Petitioner filed a motion for an immediate hearing under Fla. Stat. § 119.11, asking that one be set for May 16, 2024. The same day that Petitioner filed her motion for an immediate hearing, counsel for Respondents filed a notice of non-availability between May 14 and May 21, 2024. On June 3, 2024, Petitioner filed a motion to disqualify the first judge assigned to this case. That motion was granted the same day and the case was reassigned. On June 4, 2024, the court granted Petitioner's request under Fla. Stat. § 119.11 and scheduled a hearing to be held in person on June 5, 2024, based on Petitioner's assertion that an emergency hearing was required. Petitioner did not appear and requested that the hearing either be telephonic or rescheduled. The court granted Petitioner's request to reschedule the hearing. Despite multiple communications between the parties and the court attempting to schedule a hearing, Petitioner never agreed upon a hearing date. On June


¹ The initial petition did not state the amount of the fees assessed.

25, 2024, Petitioner filed an amended petition, acknowledging that Petitioner “agreed to pay \$48.61 upon being notified of the specific charge.” (Doc. 26). This charge was an initial estimate of the costs associated with gathering the requested seven months’ worth of emails. On February 9, 2025, Petitioner filed a notice in this case that she had filed a lawsuit against the court, case number 24-CA-010301. Petitioner did not file a motion to disqualify the judge presently presiding over this case.²

Based on Petitioner’s admissions in the amended petition, the court finds that a hearing under Fla. Stat. § 119.11 is not required and the amended petition must be denied. “If the nature or volume of public records requested . . . is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance . . . the agency may charge . . . a special service charge, which shall be reasonable and shall be based on the cost incurred” Fla. Stat. § 119.07(4). “[W]hen a custodian receives a written request by mail for public records and for information regarding copying costs, the custodian has a duty to respond with the amount of the fee and, once the requester has forwarded the fee, to produce the records.” *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1084 (Fla. 4th DCA 2014). USF’s records custodian has a duty to redact exempted portions of the requested emails prior to release and this process must be done manually. See *Fla. Agency for Healthcare Admin. v. Zuckerman Spaeder, LLP*, 221 So. 3d 1260 (Fla. 1st DCA 2017). Given that Petitioner requested seven months’ worth of emails, the initial estimate to begin completing the request was \$48.61, and that neither party disputes these facts, the court finds that Respondents fulfilled their duty to respond to Petitioner’s request by promptly providing an initial estimate of a reasonable fee.

In light of the foregoing, Petitioner’s Amended Petition for Writ of Mandamus is DENIED.

ORDERED in Tampa, Hillsborough County, Florida, on June 25, 2025.

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JUDGE LAURA E. WARD
13th Judicial Circuit Court Judge

Copies to:

Petitioner

Respondents

Additional copy(ies) provided electronically through JAWS

² Petitioner filed two motions to disqualify opposing counsel, both of which were denied.