

**A statute addressed in this opinion has changed.
Please consult current Florida law.**

DE 076-09 - July 30, 1976

**SECTION 98.211 AND
CHAPTER 119, FLORIDA
STATUTES - VOTOR REGISTRATION
TAPES AND DISCS**

*To: Honorable Helen McNeal, Supervisor of Elections, Marion County Courthouse,
Ocala, Florida*

Prepared by: Division of Elections

You have asked this office, in light of DE 076-05, precisely what charge should be made for copies or printouts of voter lists or for actual reproduction of computer tapes or discs of registered voters.

Section 98.211, Florida Statutes, declares the registration books to be public records [and thus comprehended by Chapter 119, Florida Statutes] and authorizes the supervisor to charge "reasonable compensation, not exceeding customary fees for copying papers in the office of the clerk of the circuit court," for such copies of registration materials as may be requested.

Section 119.07(1), Florida Statutes, declares the obligation of custodian of public records to permit inspection and examination of same and to furnish copy of same "upon payment of fees as prescribed by law, or if fees are not prescribed by law, upon payment of actual costs of duplication of the copies..."

Section 119.08, Florida Statutes, grants persons the right to photograph public records, and further provides at subsection (3) that where the facilities of the custodian or her employees are required, the custodian may charge for such services "at a rate of compensation to be agreed upon," or failing such agreement, at a rate determined by the custodian.

Although the language of Section 98.211 and Section 119.07 and 119.08, Florida Statutes, is not identical, the said sections are not contradictory of one another and should be read in harmony with one another.

Accordingly, it is the opinion of this office that a reasonable charge for the reproduction and furnishing of copies of registration materials should be the actual costs of providing such services. Where the available technology allows — as suggested by DE 076-05 under date of July 23, 1976 — the computer tapes or discs may be reproduced, and the charges to be made by the supervisor should, by analogy to Section 119.08, Florida Statutes, be as agreed between requesting party and the supervisor, failing agreement, be such reasonable charge as the supervisor may make. That reasonable charge should, again, be at actual cost of providing the services requested.