

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

MARTIN O'BOYLE,
Appellant,

v.

TOWN OF GULF STREAM,
Appellee.

No. 4D15-1762

[July 27, 2016]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jessica Ticktin, Judge; L.T. Case No. 2014CA005189XXXXMB.

Daniel DeSouza of Daniel DeSouza Law, P.A., Fort Lauderdale, for appellant.

Joanne M. O'Connor of Jones, Foster, Johnston & Stubbs, P.A., West Palm Beach, for appellee.

PER CURIAM.

Appellant Martin O'Boyle appeals a trial court judgment holding that the fee imposed by the Town of Gulf Stream ("the Town") for public records requests was lawful. We affirm.

Although the parties in this case focus entirely on whether the "actual cost of duplication" charged by the Town was the "actual cost" as that term is defined in section 119.011(1), Florida Statutes, we hold that a determination on this issue is unnecessary based on the facts before us. Section 119.07(4)(a) provides that a Town may charge "[u]p to 15 cents per one-sided copy" up to a certain size and an additional 5 cents for two-sided copies. Here, Appellant requested 4,573 pages worth of copies and was charged \$496.21. That amounts to a rounded value of 11 cents per page; within the 15 cents that is authorized by subsection (a). The fact that the Town followed a calculation that appears to line up with section 119.07(4)(d), which allows the Town to impose a special service fee on top of the actual costs of duplication, is irrelevant. The Town was authorized to charge up to 15 cents per page. It charged only 11 cents per page. This

charge was authorized by Section 119.07(4)(a).

Affirmed.

DAMOORGIAN and FORST, JJ., and PERLMAN, SANDRA, Associate Judge,
concur.

* * *

Not final until disposition of timely filed motion for rehearing.