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Judge: Jacksonville man must pay State Attorney's Office \$134K after losing public records lawsuit

Curtis Lee lost a lawsuit he filed in 2020 alleging the State Attorney's Office violated the Florida Public Records Act. Now, he has to pay the agency's legal fees.



JACKSONVILLE, Fla. — A Jacksonville man who lost a public records lawsuit filed against the Fourth Judicial Circuit State Attorney's Office (SAO) must now pay \$134,000 of the agency's legal bills, a judge ruled last week.

Curtis Lee filed a lawsuit in 2020, then a revised complaint the next year, alleging the SAO violated the Florida Public Records Act (PRA) by not timely responding to a request for records related to an investigation of a judge. The lawsuit also outlined issues with public record procedures and said the court had charged Lee with "arbitrary and capricious" rates for past public records requests.

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Circuit Judge Kathryn Weston said in a June 18 order that the suit was filed "for an improper purpose." The ruling followed a daylong evidentiary hearing. The case was sent to Weston, a judge for the Seventh Judicial Circuit Court of Florida, after judges from the Fourth Judicial Circuit were recused from the dispute.

Lee is a former lawyer and [successfully sued](#) government agencies in the past over public records laws.

In September 2022, the court ruled that Lee failed to prove the SAO withheld records in response to his request and did not violate the PRA.

The next month, the SAO filed a motion to have Lee reimburse the agency's legal bills needed to fight his lawsuit, which they said were more than \$130,000.

The agency's move marked a test of a Florida amendment made to public records laws in 2017, which allows government agencies to pursue compensation for legal costs if the court can prove a lawsuit or records request was made for any "improper" or "frivolous purpose."

The court sided with the SAO's argument, which said Lee harbored animosity for the agency and its employees.

"The lawsuit was not a vehicle to obtain public records, and Mr. Lee simply had no basis for believing the SAO had violated the PRA," a court order states.

The court noted that Lee had filed the lawsuit after voluntarily dismissing a previous one with similar claims, and the SAO attempted to work with him to provide the records he requested.

"The SAO's counsel communicated that position to Mr. Lee in writing on at least three occasions before Mr. Lee filed this lawsuit," the order states. "If Mr. Lee's true goal was to obtain public records, he simply had to make a clear request to the SAO. No reasonable person would have resorted to a lawsuit under these circumstances."

An expert witness testified in favor of Lee that it's not unusual for requesters to suspect more records could exist after receiving a response that no such records exist. However, the court said a general suspicion of the government is not a sufficient reason to file a lawsuit.

Ultimately, the court concluded Lee's lawsuit lacked legal justification and a judge has ordered him to reimburse the SAO the taxpayer dollars the agency paid to fight his lawsuit.

"Our Public Records team continues to do an outstanding job serving the public," said State Attorney Melissa Nelson in a statement shared Wednesday. "This litigation wasted office

resources and taxpayer money, and it was totally unnecessary. We are grateful that the taxpayer dollars the office has been forced to spend on this lawsuit will be returned and can be used for their intended purpose.”

Some advocates have argued that the outcome of Lee's case could set a precedent for how public records laws are enforced in Florida and the future of public records lawsuits against government agencies.



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