

# **Bond Case Briefs**

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## **PUBLIC RECORDS - FLORIDA**

### **Economic Development Com'n v. Ellis**

**District Court of Appeal of Florida, Fifth District - October 30, 2015 - So.3d - 2015 WL 6567677**

County clerk of courts brought action against private economic development company that contracted with county to provide services, seeking disclosure of company's records under Public Records Act.

The Circuit Court entered judgment requiring company to provide records to clerk. Company appealed, and clerk cross-appealed court's denial of his request for attorney's fees.

The District Court of Appeal held that delegation of function test did not apply to determine whether company was an agent of the county.

Delegation of function test did not apply to determine whether private economic development company that contracted with county to provide services was an agent of the county subject to the Public Records Act, but rather, remand was required for application of Schwab factors; company was county's primary, but not sole, agent for economic development activity, county continued to carry out economic development activities itself, and economic development activities were not traditional governmental obligations or functions.