

141.5 SUBJECT: PUBLIC RECORDS REQUESTS

:1 OBJECTIVE:

To establish consistent procedures for efficient processing of Public Records and request and to establish fees to be levied by the City to cover the cost of responding to public records requests.

:2 AUTHORITY:

This procedure amended by City Council January 12, 2004.

:3 DIRECTION:

City Clerk, as an appointed official, serves at the pleasure of, and receives direction from the Mayor.

:4 PROCEDURE:

A. Processing Public Records Requests

1. Requests for Readily Available Documents

“Readily Available Documents” are those that are easily retrievable, regularly disseminated to the public and do not require additional review in order to determine whether they contain exempt information, such as meeting minutes, program information sheets, engineering maps, and personnel files (which have already had exempt information redacted.) Any employee who receives a request for this type of information should comply immediately by providing review and/or a copy of the information as requested. After assisting the requestor, staff should email information regarding any unusual requests to the City Records Manager, with a copy to the Assistant City Attorney assigned to coordinate Public Records Requests, to inform them about what was requested and provided. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as indicated in B. below.

2. Requests for Other Documents

- a. Although it cannot be required of them, all requestors should be encouraged to put their public records requests in writing. This will assist staff in clarifying the exact scope of the request. Requestors should specify whether they wish to simply inspect records or obtain copies.
- b. Staff should forward the request to City Records Manager, (with a copy to Legal Affairs) via email by forwarding emailed requests, scanning and then emailing written requests, or summarizing verbal requests.
- c. As soon as reasonably possible after the receipt of a Public Records Act request, the Records Manager will acknowledge the request and forward it to appropriate City Departments, which may have records responsive to the request.
- d. Departments receiving an emailed PRA request from Records will respond to Records as soon as possible as to whether they have any responsive documents and what the estimated amount of retrieval time will be. If any of the responsive documents are stored off-site, the office will immediately notify Records to request the retrieval of the responsive records.

- e. If Departments that have responsive records in their possession indicate that the retrieval of the records will take more than one-half an hour, the Records Manager will contact the requestor with an estimated labor charge for the retrieval. Departments should provide Records with the name and hourly pay rate of the employee who will be doing the retrieval. They should select the lowest paid employee capable of efficiently retrieving the records. No benefits multiplier shall be added to the labor charge.
- f. The Records Manager shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the labor charges and copying charges, if any. Records will confirm with the requestor that the City must be paid in advance of the requestor's receipt of the records. For large requests (those requiring more than \$100 in labor charges or more than \$100 in copy charges), the City shall require an advance deposit prior to beginning retrieval.
- g. The City shall make every effort to respond fully to all Public Records Act requests within 48 hours of their receipt and the Records Manager shall be responsible for monitoring compliance with the 48 hour performance standard.
- h. Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary by Legal Affairs.
- i. Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the Records and Archives Manager for assistance in determining the correct retention schedules and to arrange for destruction in accordance with the state mandated procedures. **In no event shall staff proceed with destruction of records that are the subject of a current Public Records Act request or records that are currently at issue in pending litigation.**

3. Media Requests

Requests from the media for Public Records shall be handled consistently with the procedures outlined above. All staff members receiving a request directly from the media shall immediately inform the Mayor's spokesperson (and in his/her absence, the Mayor's Chief of Staff) of the request by copying them on the email to the Records Manager and telephoning his/her office.

B. Charges for Public Records

1. General

- a. The charge for duplication of a one-sided letter size (8-1/2" x 11"), legal size (8-1/2" x 14") or oversize (11" x 17") document, capable of being reproduced on existing City equipment, shall be fifteen cents (\$.15) per copy. Duplication of two-sided pages shall be twenty cents (\$.20) per copy.
- b. The charge for copies of documents on microfilm or microfiche shall be twenty-five cents (\$.25) each.
- c. For large, single documents not covered above (i.e., blueprints, maps, plats, etc.), the charge shall be the actual cost to the City for outside reproduction.

- d. For books and other multi-page volumes printed by the City (i.e., annual budget, growth management plan, various financial reports), the charge shall be as established by City Council; if referred for outside reproduction, the charge shall be the cost to the City therefor.
 - e. The charge for a certified copy of public record shall be one dollar (\$1.00) per Certification, plus the applicable copying charges.
2. Multi-Media Public Records Requests
 - a. If a photographic reproduction is requested, the charge shall be \$3.00 each for 5"x 7" prints, \$4.00 each for 8"x 12" prints, and \$1.00 each for slides.
 - b. The charge for copies of cassette tapes or video tapes shall be the cost to the City therefor, plus applicable labor charges.
3. Information Systems
 - a. The charge for paper output copies generated from a computer system shall be in accordance with A.1. above. The charge for output to any other medium (i.e., diskette, tape cartridge, tape reel, etc.) shall be the cost to the City for such medium.
 - b. Charges shall be imposed for the "extensive use of information technology." When the central processing unit (C.P.U.) time exceeds five (5) minutes/three hundred seconds, the charge shall be fifteen cents (\$.15) per C.P.U. second for the entire run time of the request.
4. Labor Charges
For extraordinary requests requiring more than 30 minutes of staff time, a labor charge will be imposed. Such charge shall be the result of the employee's hourly rate of pay, multiplied by the actual time worked to accommodate the request and measured in tenths of an hour.
5. Revenue Collection and Receipts
A receipt for payment of costs associated with Public Records Request shall be given to the requestor upon payment of the levied fee. All fees collected shall be forwarded to Accounting and Control Bureau for deposit to the City's General Fund.
- :5 FORMS:
None.
- :6 COMMITTEE RESPONSIBILITIES:
None.
- :7 REFERENCE:
Florida Public Records Law, Chapter 119, Florida Statutes. This procedure adopted by City Council June 24, 1991, Item 3/22; amended April 19, 1993, Item VV; amended February 21, 1994, Item 4-III; amended November 14, 1994, Item 9-MM; amended October 23, 2000, Item 2-HH; amended January 12, 2004, Item A5.
- :8 EFFECTIVE DATE:
This procedure effective January 12, 2004