

Per Kari VanMeter, on 1/27/15, there were no changes to this policy, per the City Clerk.

## **City of Indian Harbour Beach**

### **Public Records Request**

### **Policy and Procedure**

The City Council recognizes its responsibility to maintain the public records of this City and to make such records available for inspection and reproduction.

#### **Public Records Definition**

"Public Records" are generally defined in the State Statutes (F.S. 119.011(12)) as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Not every record generated by local and state government is open for inspection. The public records exempt from viewing are generally covered in F.S. Chapter 119. There may be other provisions of law that exempt records from public disclosure.

#### **Access to Public Records**

The State of Florida has determined that providing access to public records is a statutory duty imposed by the Legislature upon all records custodians and should not be considered a profit-making or revenue-generating operation. The supervision and safekeeping of records is one of the prime duties custodians assume when they take office and the law fixes no compensation for such duties.

The Custodian of Records for the City is the City Clerk, who shall be responsible for implementing the requirements in State law and the State's record management program regarding the public records maintained by the City.

Any individual may inspect and request copies of public records of this City during the regular business hours of City Hall. Computerized public records are governed by the same rule as written documents and other public records. Information stored on a computer is as much a public record as a written page in a book or a tabulation in a file stored in a filing cabinet. The City Manager and/or Custodian of Records are authorized to grant or refuse access to the records of this City in accordance with the intent of this policy and applicable law.

Pursuant to State Law, every person who has custody of a public record shall permit the record to be inspected by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision of the Custodian of Records or the City Manager. With City Manager approval, a City employee who has custody of public records may designate another City employee to permit the inspection and copying of public records.



A custodian of public records and/or his/her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees of the City whether such a record exists, and, if so, the location at which the record can be accessed. Upon determination that the requested record exists, it must be reviewed to determine whether it contains any information that would be statutorily exempt from public inspection or copying as provided by law.

Custodians are not required to produce records in a particular form or format as demanded by the requestor, nor tailored to the requestor's specific needs, if they are not ordinarily created, filed, produced, maintained, or used in that form by the department. If the record does not exist the requestor must be notified that there is not a record containing the required information or that the information is not available in the required format. If the information can be compiled from various sources, an estimate of the time and cost should be quoted. The requestor may, at that time, determine if the custodian should proceed with compiling the information.

If satisfying the request immediately would unduly interfere with the operation of the department, the custodian will arrange a mutually satisfactory time for fulfilling the request. This will vary according to the number of records requested, the number of years being reviewed, the department's filing system, storage of the records, etc.

Custodians are not required to verbally give out information from the records of their office. The statutory obligation of the custodian is to provide access to or copies of the public records being requested.

If an attorney requests the examination or duplication of records or information on which a lawsuit is pending with the City, the City Attorney shall be contacted and advised of same. The City Attorney will determine the City's response to the request.

A fee may not be imposed for the mere inspection and examination of public records by the general public unless the nature or volume of the public records to be inspected is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance.

### **Charges for Public Records Services**

Duplicated copies and certified copies, shall be provided upon payment of the appropriate fee set forth. If the nature or volume of the public records requested will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by City personnel, a special service charge attributable to the extensive use of the information technology resources and/or the labor cost of the personnel providing the service will be collected as permitted by State law.

In addition, the cost of duplication will be collected for copies of the City's public records (i.e. photocopies, faxed copies, etc.). The fee for one-sided copies is fifteen cents (\$0.15) per page; the fee for two-sided copies is twenty cents (\$0.20) per page, and the



fee for a certified copy is one dollar (\$1.00) per page and the cost of media charge if applicable. There is not a per copy charge if only an inspection of the original documents takes place and no copies are produced.

**Fee for Extensive Clerical or Supervisory Assistance:** A custodian must produce the records requested regardless of the number of documents involved or possible inconvenience.

If the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the department or division involved for retrieval, in addition to the cost of duplication, a special service charge may be imposed. The charge shall be reasonable and based upon the labor costs actually incurred or attributable to the City for the clerical personnel who is required, due to the nature and volume of the request, to safeguard such records from loss or destruction during their inspection.

### **Requesting Public Records**

A "Request for Public Records of the City of Indian Harbour Beach" form is provided, completion of this form is voluntary. If you do not want to complete this form your request will be processed according to the Florida Public Records Law. The request will be routed to the City Manager and/or the Custodian of Records for a determination on statutorily exempt information and on any applicable special service charge. If the request for copies of a public record, in any form, could result in the collection of a special service charge, an estimate of the fee that will be due and payable shall be provided to the requester by the Comptroller's office. If, based upon the length of time estimated to provide the service, the cost is estimated to exceed \$100, a deposit may be collected prior to the cost actually being incurred. Monies collected exceeding the actual cost of assistance and duplication shall be returned to the requestor. Fees for copies (in any form) must be paid to the City prior to the release of any copies.

No public record may be removed from the office in which it is maintained, except by a City employee in the course of the performance of his/her duties.

All City records will be maintained in accordance with general records schedules GS1-SL and GS7, as established by the Department of State.

### **Exempt and Confidential Records:**

Those individuals who provide copies to the public must be knowledgeable of the records that are exempt or confidential or that contain exempt or confidential or confidential information. If a question arises as to whether or not a record or portion thereof is exempt or confidential it should be addressed to the office of the City Clerk.

If a request is received for the inspection or copying of an exempt or confidential record, the requestor shall be advised by the custodian that the record is exempt or confidential, and the request shall be denied. If only a portion of the record requested is confidential,

the custodian shall delete the exempt or confidential information and provide the requestor with the remainder of the record and shall verbally, or in writing, if requested, provide the following information to the person seeking inspection, examination or duplication of the record:

The basis of the exemption or confidentiality which the custodian contends is applicable to the record; the statutory citation to the exemption or confidentiality created.