

City of Palm Bay, Florida

## **PUBLIC RECORDS REQUEST**

### **REFERENCE**

[Chapter 119, Florida Statutes](#)

### **ALL DEPARTMENTS**

The State of Florida has determined that providing access to public records is a statutory duty imposed by the Legislature upon all custodians of records 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.

All city records, with the exception of exempted or confidential records, identified by Florida Statutes 119, or other applicable sections of the Florida Statutes, or other lawful citations, shall be open for inspection and copying by any person desiring to do so.

### **PURPOSE**

The purpose of this policy is to affirm the public's right to access city records, to set forth the procedures that will facilitate accessibility of information to members of the public, and to establish fees to be levied by the City to cover the cost of responding to public records requests.

### **DEFINITIONS**

Copy -

A duplicate or reproduction of a record which may include the conversion of a record from one medium to another medium.

Employee Custodian -

Employee who has custody of a public record that is housed and maintained in his/her office area.

Extensive Use -

It will take longer than 15 minutes to locate, review for confidential/exempt information, copy, and refile requested records.

Public Records -

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material regardless of physical form or characteristics made

or received pursuant to law or ordinance or in connection with transaction of official business by the City intended to perpetuate, communicate, or formalize knowledge.

Records Coordinator -

Employee with substantial knowledge of the operation and records and information within a department/division, designated as responsible for processing the respective records pursuant to the Records and Information Management Program.

Records Custodian -

Employee designated as responsible for the processing of public records requests within a specific department or division of the City for the records maintained therein.

RMLO -

Records Management Liaison Officer designated in writing to the Florida Department of State; administers the City's Records and Information Management Program.

## PROCEDURE

### A. Requests for Readily Available Records

"Readily available records" are those that are:

- easily retrievable;
- regularly disseminated to the public;
- do not require additional review in order to determine whether they contain exempt information; and
- take less than fifteen (15) minutes to locate, retrieve, copy, and refile.

Any employee custodian or Records Custodian who receives a public records request for this type of record should comply as soon as practicable. Fees for copies shall be pursuant to Section H herein.

### B. Requests for Records by the Public

All requests, other than for 'readily available records', received by City personnel from the public for the inspection or copies of City records, shall be directed to the Office of the City Clerk, regardless of the medium used for submission of the request, i.e., verbal, phone, e-mail, written, etc. If received by: a) e-mail, forward the e-mail; b) in writing, send written document interoffice mail or scan and e-mail; c) verbal, direct the requestor to the City Clerk's Office.

1. Exceptions.

- a) Exceptions to the above are public records requests received for records maintained by the:

- Risk Management Division
- Building Division
- Police Department (excluding Code Compliance Division)
- GIS Division
- Fire Department
- City Attorney's Office

Records Custodians designated by these divisions and departments shall process the requests. The names of the employees within the divisions/departments who are responsible for receiving and responding to the requests shall be provided to the City Clerk. The Records Custodians shall keep a record of the requests indicating the dates the requests were received and the dates the requests were finalized.

1) Should the request received by any of the above divisions/departments also pertain to other departments that maintain records relating to same, the request is to be sent to the Office of the City Clerk, which will follow through with processing the request with the other departments.

- b) The above Divisions and Departments shall promptly acknowledge to the requestor receipt of the request and respond in good faith.
- c) The City Attorney's Office shall process requests received from attorneys or on which there is pending or existing litigation.

1) A request for information only by an attorney, that is not a public records request, should be cleared through the City Attorney's Office prior to the release of the information.

- d) Fees charged for records shall be pursuant to Section H herein.

C. Request for Records by Elected Official or Governmental Agency

1. Elected Official -

If a request is received for records that are of an individual interest that is clearly beyond the scope of the duties, responsibilities, and official business of the elected official, the request shall be handled consistently with the procedures outlined herein.

2. Governmental Agencies -

A governmental agency's request for public records is not considered a public records request. The request will be handled by the appropriate department/division without following the procedures as outlined herein. A reasonable fee, applicable to the request, may be charged.

D. Processing Public Records Requests

1. The City Clerk, as RMLO to the State of Florida, is the chief administrator of the City's records and the enforcing officer of the administrative policy pertaining to public records requests. The City shall make every effort to respond fully to all public records requests as quickly as possible. The City Clerk or respective Records Custodian shall be responsible for monitoring timely performance.
2. If determined by the Office of the City Clerk or Records Custodian that the public records request for the inspection or copies of records will require 'extensive use' of services to respond due to the nature or volume of the request, a Thirty Dollar (\$30.00) deposit may be required prior to further processing the request. See Section H, 5, regarding additional costs and/or refunds.
3. Upon receipt of a public records request for inspection or copies of records, the Office of the City Clerk shall contact the employee custodians in the departments in which the requested records may be maintained.
4. Each employee custodian of the requested records is responsible for searching his/her paper, electronic, and e-mail files, and producing same. I<sup>2</sup>D will not be responsible for conducting searches through e-mail files or electronic documents accessible to the employee custodian. I<sup>2</sup>D will only assist in searching backup tapes, if necessary.
5. A Public Records Request Form will be provided to the employee custodian. The form serves three (3) purposes and will be marked to indicate if the custodian is to provide:
  - a) an estimate of the number of records;
  - b) copies of the actual records; or
  - c) an inspection of the records.

The employee custodian is to include on the form the amount of time it will take to locate the records, redact the portions the custodian asserts are exempt, copy, and refile the records.

6. Public Records Request Form

- a) ESTIMATE Requested

The respective employee custodian is to respond as soon as possible as to whether he/she has any of the requested records and provide an ESTIMATE ONLY of the number of records to be copied and the estimated time involved in fulfilling the records request. The form is to be returned to the Office of the City Clerk.

b) COPIES Requested

The Office of the City Clerk shall advise the employee custodian when to proceed with copying records.

- 1) After copying the requested records, the Public Records Request Form (which will be marked - 'copies') is to be completed indicating the actual number of records copied and the time involved in fulfilling the records request. The form is to be returned to the Clerk's Office along with the copied records.

One other form may also accompany the Public Records Request Form.

- 1) The second form, the Request for Production sheet, is to be completed when the custodian redacts exempt or confidential information.

c) INSPECTION Requested

The Office of the City Clerk shall advise the respective employee custodian if an individual's request consists of inspecting/examining records only.

- 1) If Records to be Inspected are Paper:

If the records to be inspected/examined are in paper medium, the employee custodian is to promptly advise the Clerk's Office of the estimated length of time it will take to retrieve the documents and redact any exempt or confidential information, and if supervisory personnel will be present during the inspections. Depending upon the volume of records to be retrieved, a deposit may be required. Arrangements for inspecting the records (time, place, etc.) will be made by the Clerk's Office with the respective custodian and the requestor advised of same.

Should the individual upon inspection of the records request copies, the employee custodian for those records, depending upon the volume of the request, may fulfill the request immediately and accept payment for the cost at that time.

If satisfying the request immediately would unduly interfere with the operation of the department or division, the custodian will arrange with the requestor a mutually satisfactory time for fulfilling the request. This will vary according to the number of records requested, the number of years of records being reviewed, the amount of information to be redacted that is subject to statutory exemption, the department's filing system, storage of the records, etc.

The appropriate sections of the Public Records Request Form is to be completed for either of the circumstances above and returned to the City Clerk's Office.

2) If Records to be Inspected are Electronic/Digital:

If the records are in electronic format, upon direction from the City Clerk's Office the employee custodian will either copy them to paper or disc.

7. Individuals making public records requests shall not be permitted to utilize a City computer to inspect or copy public records. The requested documents will be copied to the appropriate medium to fulfill the request.
8. The City Clerk's Office shall be advised immediately of citizen or news media complaints regarding access to public records.

E. Exempt and Confidential Records

1. Employee custodians must be knowledgeable of the records or information maintained by them that is exempt or confidential. If a question arises as to whether or not a record or information therein is exempt or confidential, it should be addressed to the Office of the City Clerk or respective Records Custodian.
2. If any of the records requested or portions thereof contain exempt or confidential information, the employee custodian maintaining the records shall indicate on the form provided by the City Clerk or Records Custodian the record or portion thereof that is exempt or confidential, and provide the statutory citation that exempts the information or record.
3. If only a portion of the record requested is confidential, the employee custodian will redact (conceal) the exempt or confidential information and the remainder of the record will be provided to the City Clerk or Records Custodian. Contact the Clerk's Office for information on how to properly redact information.
4. Exempt or confidential information may only be released to those persons and entities designated by law. Exempt or confidential information allowed to be released by an individual about himself/herself shall require the filing of a statement of release with the City Clerk or Records Custodian.

- a) Copies of release forms received from a federal, state, county, or municipal government are acceptable pursuant to Florida Statutes, [Section 92.29](#).
- b) Release forms other than from any of the above mentioned agencies shall be originals, signed by the individual and notarized.

F. Commercial Entity Request for Social Security Numbers

1. Pursuant to Section 119.071(5), Florida Statutes, a 'commercial entity' engaged in the performance of a 'commercial activity' may access social security numbers through a public records request under specified conditions.
2. Upon receipt of a request, the Office of the City Clerk shall process same pursuant to Section 119.071(5), Florida Statutes.

G. Media Requests.

Requests from the media for public records shall be handled consistently with the procedures outlined herein.

H. Fee schedule.

1. The following fee schedule shall be standard throughout the City, and those departments/divisions listed in Section B, 1, a, above shall comply with same.
2. Fees shall be charged as follows:
  - a) The uniform fee for paper copies, per page, is as follows:

14" x 8 ½" or less - one sided	\$ .15
14" x 8 ½" or less - two sided	\$ .20
11" x 17"	\$ .15
All sizes above in color	\$ .50
11" x 14 7/8" (green bar, computer)	\$ .15

Maps/plans:

24" x 36" (black and white)	\$1.50
24" x 36" (color)	\$2.00
Wall maps (color)	\$5.00

GIS maps:

8" x 11 ½"	\$ 2.00
11" x 17" or 17" x 22"	\$ 5.00
with aerial photo	\$ 8.00

22" x 34" or larger	\$10.00
with aerial photo	\$15.00
Service charge	\$35.00 per hour

- b) Certified copies – (per copy) \$1.00 plus duplication fee in subparagraph (a) above;
- c) Records reproduced by utilization of an outside source shall be the same cost as the actual cost to the City.
- d) Tapes, discs:
  - 1) cassette \$1.00
  - 2) video \$2.00
  - 3) CD/DVD \$1.00
  - 4) CD/DVD with case \$1.20

The above will also include, if applicable, the charge defined in Paragraph 4 below.

- e) The charge for faxed, scanned, and digitized records will be based on the provisions in Paragraph 4 below, if applicable.
- f) If special equipment or paper is required, the charge shall be the actual cost for making the copies.

4. Special service charge for extensive use of services.

- a) If the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of clerical or supervisory assistance by personnel of the department or division involved, in addition to the actual cost of duplication, a special service charge of not less than Fifteen Dollars (\$15.00) per hour shall be imposed. The service charge may exceed this amount, based on the actual hourly rate of the lowest paid personnel that can provide the service, not to exceed Twenty-Five Dollars (\$25.00).

The aforementioned excludes personnel mentioned in Subparagraphs b) and c) below.

- b) The cost for the extensive use of information technology resources shall reflect the actual hourly rate of the supervisory personnel providing the information.
- c) The charge for records required to be reviewed by legal counsel shall be Thirty-Five Dollars (\$35.00) per hour.

- d) Costs shall be calculated in 15-minute increments. There shall be no charge for the first 15 minutes. This shall be applied only once per each request, no matter how long it takes to process a request.
- e) The following costs, as applicable, shall also be included in the total cost:
  - 1) Postage;
  - 2) Delivery methods other than mail;
  - 3) Envelope or container.

#### 5. Payment.

- a) Deposit. See Section D, 2, above. The deposit shall be applied against the total cost of the records.
- b) A payment in the amount estimated to fulfill the public records request shall be collected by the City Clerk's Office or Records Custodian prior to the cost actually being incurred. This advance payment is in addition to the deposit, if a deposit is required. Upon fulfillment of the request, should the advance payment exceed the actual cost of assistance and duplication of records, a refund will be provided to the requestor. If actual costs exceed the advance payment, the additional payment shall be collected prior to the records being provided to the requestor.

If an individual refuses to pay fees exceeding the advance payment, records totaling the additional amount shall be retained by the city. If a subsequent public records request is received from the same individual, it shall not be processed until the past due amount is paid.

- c) All fees collected shall be forwarded to the Finance Department for deposit in the City's general fund, except for those fees that can be identified for the Utilities Department and Building Division. Fees collected for the Utilities Department and Building Division shall be deposited in accounts identified by each.

#### I. Access to Records.

- 1. For the purpose of this policy, "reasonable" time to provide access to public records is during the business hours of Monday-Friday, 8:30 a.m. to 5:00 p.m.
- 2. At all times, records requested to be inspected, reviewed, and examined shall be supervised by the employee custodian of the respective public records or the custodian's designee.

J. Records Custodians - Supplement to Policy

The Records Custodians in the departments/divisions specified in Section B herein shall adhere to this policy in responding to public records requests. A supplement to this policy, providing additional guidelines for responding to a request, shall be provided to the Records Custodians to further ensure compliance with the law.

**PUBLIC RECORDS REQUEST**

A public records request has been received for the following records:

(INDICATE RECORDS BEING REQUESTED HERE)

Please provide the following:

- a) an estimate \_\_\_\_\_
- b) copies \_\_\_\_\_
- c) inspection only \_\_\_\_\_ (complete Section B, 1, 3-5 only)

Complete the applicable portions of this form and return it to the Office of the City Clerk.

**A. Please indicate the number of copies beside the applicable medium.**

1. Paper:

- a. 11" x 17" and smaller (black/white) \_\_\_\_\_
- b. 11" x 17" and smaller (color) \_\_\_\_\_
- c. 11" x 17" and smaller; two-sided (black/white) \_\_\_\_\_
- d. 11" x 17" and smaller; two-sided (color) \_\_\_\_\_
- e. Larger than 11" x 17" (maps, etc.): (indicate black/white or color)
  - 1) Size: \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

d. Was special equipment or paper required to duplicate the record? Please explain:

\_\_\_\_\_

\_\_\_\_\_;

1) Cost of duplication: \_\_\_\_\_

2. Electronic:

- a. Computer - digital, pdf, tif, jpg, etc. (number of documents) \_\_\_\_\_
- b. Disc (number of discs, not documents) \_\_\_\_\_
- c. E-mail (number of e-mails) \_\_\_\_\_
- d. DVD (number of discs, not documents) \_\_\_\_\_
- e. Other (please identify) \_\_\_\_\_
- f. If the services of I<sup>2</sup>D personnel were required, please complete Section C.

3. Tape: (VHS, cassettes, etc.)

Number of video cartridges or cassettes \_\_\_\_\_

4. Other Medium (please identify) \_\_\_\_\_

**B. Clerical/Supervisory Assistance:**

- 1. Retrieval of records \_\_\_\_\_ minutes/hours
- 2. Copying of records \_\_\_\_\_ minutes/hours
- 3. Redacting (concealing) exempt or confidential information \_\_\_\_\_ minutes/hours
- 4. Refiling of records \_\_\_\_\_ minutes/hours
- 5. Supervision during inspection of records \_\_\_\_\_ minutes/hours

**C. I<sup>2</sup>D Resources:**

- 1. Retrieval of records \_\_\_\_\_ minutes/hours
- 2. Copying of records \_\_\_\_\_ minutes/hours
- 3. Redacting (concealing) exempt or confidential information \_\_\_\_\_ minutes/hours

**D. Legal Counsel Review:** (to be completed by City Clerk's office) \_\_\_\_\_ minutes/hours

**E. Special Service Charge (if more than \$15.00 per hour):** \_\_\_\_\_ per hour

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department: \_\_\_\_\_

Individual Processing Request: \_\_\_\_\_

Contact Information: Extension: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Date: \_\_\_\_\_

City of Palm Bay, Florida

**REQUEST FOR PRODUCTION**  
*(Name of Requested Records)*

**Exempt and Confidential Information**

<b>No.</b>	<b>Redacted Information</b>	<b>Statute/Citation</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		