

CITY OF SATELLITE BEACH
PUBLIC RECORDS REQUEST ADMINISTRATIVE PROCEDURE
05/16/2019

SECTION 1. REFERENCE/DEFINITIONS.

It is both a constitutional and statutory obligation for the City to provide access to or copies of the public records of the City. (Art. 1, s. 24(a), Fla. Const.; §119.01, F.S.)

“Public records” means 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 (§119.011(11), F.S.). All such materials, even if not in final form, are open for public inspection unless exempted from disclosure.

SECTION 2. PURPOSE

The City of Satellite Beach fully embraces the letter and spirit of the Florida Public Records Law, which governs the public’s right to access records held by the City, and the constitutional right of access guaranteed by the Florida Constitution. In support of the public’s right to access such records, the City establishes the following public records request procedures to inform and guide City staff in the implementation of the Public Records Law, and to establish general procedures in providing access and charging fees for inspection and copies of public records.

SECTION 3. GENERAL REQUIREMENTS

Public records held by the City, and its officers and employees, shall be available to all persons for inspection or copying during the City’s normal business hours in any form and format used by the City. A request to inspect or copy public records can be denied only under the authority of a specific statutory exemption. If a public record contains both exempt and non-exempt information, that which is exempt must be redacted and the remainder of the record provided to the requester. (§119.07(1)(d) F.S.) **The Police Department’s Records Supervisor is responsible for overseeing the redaction of documents maintained by the Police Department and the City Clerk is responsible for overseeing the redaction of documents for all other City departments.**

Copies of public records will be made available to the public in the format requested if the City stores or maintains the records in the requested format. The State of Florida has determined that providing access to public records is a constitutional and statutory duty imposed upon all records custodians and should not be considered a profit-making or revenue-generating operation. Fees to be charged for providing access to public records must be in accordance with §119.07(4), F.S., as explained below. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of City technology resources or extensive clerical or supervisory assistance by City employees, or both, a special service charge will be imposed. This charge must be reasonable and

be based on the actual costs incurred for such extensive use of technology resources or the actual labor costs of the employees providing such assistance, or both. The City Clerk will be responsible for coordinating with staff to determine the appropriate charge for extensive use of technology resources or clerical assistance.

SECTION 4. PROCEDURES

- 4.1 Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian(s) of the public record or his/her designee.
- 4.2 A waiting period may not be imposed before allowing access to public records. "Reasonable time" is the time that is allowed for the custodian to retrieve the record and delete those portions of the record that the custodian asserts are exempt.
- 4.3 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, the manner and location of storage of the records, etc.
- 4.4 When a request is made to inspect or duplicate a record:
 - Individuals are not required to identify themselves or make the request in person, in writing or in any other particular format, nor give a reason for such request.
 - Individuals may not be denied access to records due to the lack of specifics of the record they wish to inspect or copy. The custodian should request clarification or ask for limitations (such as date ranges, etc.) to assist with fulfilling a request if the request is too broad or vague.
 - When a request for records is received by a department via email, acknowledgment of receipt of the request should be done as soon as possible by the staff person who received the email. If the request is not for "readily available documents" or requires coordination between departments, the request should be forwarded to the City Clerk, who will respond to the requestor.
 - Requests that are for "readily available documents" should be fulfilled by the department receiving the request or the custodian of those records. "Readily available documents" are those documents that are easily accessible and retrievable within a City department, or regularly disseminated to the public. Some examples include agendas, minutes, ordinances or resolutions. Any employee who receives a request for this type of information should comply immediately by providing inspection and/or a copy of the information requested.

- Requests that are non-routine in nature, are not considered “readily available documents,” or require research, review for redaction or coordination with other departments should be forwarded to the City Clerk’s Office. The response to those requests and correspondence to the requestor will be handled by the Clerk’s Office and a Public Records Request Log will be maintained in order to retain a record of requests handled by the Clerk’s Office.
- If it is determined that a record or part of a record is exempt from inspection and copying, and the request is then denied, in whole or in part, the basis for the denial, including the statutory citation to the exemption, must be communicated to the requester. The denial of a request to inspect or copy any of the City’s records must be made in writing, and must include both the reason(s) for the conclusion that the record, or portion thereof, is exempt, as well as the statutory citation upon which the denial is based.

4.6 Additional information:

- **The City is not required to produce or create new records in order to accommodate a request for information.** *Wooten v. Cook*, 590 So.2d 1039 (Fla. 1st DCA 1991). **Staff members are not required to produce records in a particular form or format requested by the requestor, or tailor the production to a requestor’s specific needs, if the records are not ordinarily created, filed, produced, maintained, or used in that form or format by the City. There is no requirement to scan a hard copy document to an electronic copy so that it can be emailed.**
- City staff members are not required to verbally provide information from records. The statutory obligation of the City is to provide access to or copies of the public records being requested. (AGO 80-57)
- If any 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 the request. The City Attorney will determine the City’s response to the request.
- A fee may not be imposed for the mere inspection 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 technology resources or extensive clerical or supervisory assistance, as defined below in Section 5.5.
- Any person has the right of access to public records for the purpose of making photographs of the record while the record is in the possession, custody, and control of the custodian of records. Photographing public records shall be done under the supervision of the custodian of records.

SECTION 5. FEES

5.1 Uniform fees for copies, per page, are as follows:

14" x 8 1/2" or less, one-sided	\$0.15/page B&W	\$0.30/page Color
14" x 8 1/2" or less, two-sided	\$0.20/page B&W	\$0.40/page Color
11" x 14"	\$0.25/page B&W	\$0.50/page Color
11" x 17"	\$0.30/page B&W	\$0.55/page Color
Address labels	\$0.50/page	
Diskette or CD when appropriate	\$2.00	

5.2 Certified copies, per page, in addition to copy fee \$1.00 + duplication fee

5.3 Outside Reproduction Actual cost incurred by the City.
Outside reproduction is required for duplication of larger, specialty records, such as construction plans, photographs, surveys, etc.

5.4 U.S. postage or shipping costs incurred in the delivery of records shall be included in the costs charged to the requester. Such charges will be waived if the requester provides a postage-paid envelope, with sufficient prepaid postage.

5.5 Extensive Use of Resources or Assistance.

- A custodian must produce the records requested regardless of the number of documents involved. If the volume of public records requested to be inspected, examined, or copied is such as to require extensive use of technology resources or extensive clerical or supervisory assistance by personnel of the department, in addition to the actual cost of duplication, a special service charge may be imposed. The charge shall be reasonable and based upon the labor costs actually incurred. The amount to be charged shall reflect the hourly rate of the individual in the department providing the service.
- "Extensive use" costs shall be calculated in 15-minute increments. There shall be no charge for the first fifteen minutes as "extensive" has been defined as longer than 15 minutes. This shall include time spent for researching, reviewing, redacting and/or copying, but shall not include time spent retrieving records from an off-site storage facility.
- The estimated costs of "extensive use" must be paid, as a deposit, in advance. Any difference will be collected or refunded when materials are picked up by the requestor. Any requests to be mailed to the requestor must be paid for prior to the documents being mailed.

5.6 **All past due fees for records compiled for a previous request for the City's public records must be paid before complying with the requester's subsequent request(s).** *Lozman v. City of Riviera Beach*, 995 So. 2d 1027 (Fla. 4th DCA 2008); and AGO 2005-28