
 POLICIES AND PROCEDURES MANUAL	<i>Section:</i> City Clerk	<i>Department Head:</i> Maryanne Schrader, City Clerk
	<i>Subject:</i> Public Records Request Workflow	<i>City Manager Approval:</i> 
<i>Policy Title:</i> Public Records Policy and Procedure	<i>Policy Number:</i> CC-22- 02	<i>Effective Date:</i> June 13, 2022

1.1 Purpose: The purpose of the Public Records policy is to set forth consistent policy and procedure, in compliance with public records laws, to safeguard the integrity of records and provide public access to non-exempt public records.

1.2 Scope: To guide each department to process all public records requests to a centralized area, such as the City Clerk, who serves as the custodian of public records. This procedure will ensure the timely response to all records requests.

1.3 Definitions:

a. Florida Statutes, Chapter 119, Section 07 (§119.07 F.S.) The statutory obligation of the City of Crestview is to provide access or copies of a public record.

b. Public Records – 119.011(12) 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 the transaction of official business by any agency, in compliance with Florida Statutes. (Subject to legal interpretation by Florida Courts)

c. Actual cost of duplication - Cost of the material and supplies used to duplicate the public record but does not include labor cost or overhead cost associated with such duplication.

d. Custodian - The elected or appointed City officer charged with the responsibility of maintaining the public records, or his or her designee. The Records Management Liaison Officer for the City of Crestview is:

Maryanne Schrader, MMC, MA, City Clerk
 198 N. Wilson Street, Crestview, Florida 32536
cityclerk@cityofcrestview.org
 850 682-1560 Option 2

e. “Reasonable conditions” do not refer to conditions that must be fulfilled before review is permitted, but to reasonable regulations that would permit the custodian of the records to protect them from alteration, damage, or destruction.

f. “Exempt records” – Those records identified as exempt under Chapter 119.

1.4 Policy:

a. The State of Florida has determined that providing access to public records is a statutory duty imposed by the Legislature upon all record 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 that custodians assume when they take office, and the law fixes no compensation for such duties. This law provides that all materials made or received by a Florida local government agency in connection with official business is a public record.

b. 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 (1) reasonable time, (2) under reasonable conditions, and (3) under supervision by the Records Management Liaison Officer or their designee.

1) A waiting period may not be imposed before allowing access to public records. "Reasonable time" is that time allowed the custodian to retrieve the record and redact those portions that are exempt per statute.

a) 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.

1.5 Procedure:

When a request is made to inspect or duplicate a record:

1) Upon receipt of a request to the City Clerk/RMLO, the City Clerk will log in the request and send an acknowledgement of receipt to the requestor via email within *two business days*. For requests received by any other means, an acknowledgement letter is only necessary if the request cannot be fulfilled within two business days. 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.

2) Individuals may not be denied access to records due to the lack of specifics of the record they wish to inspect or copy.

2) While written requests *are not required*, the City Clerk has developed internal instructions for written requests in the duplication of public records.

a. Public Records Request forms are available *upon request* in the office of the City Clerk for the convenience of the public and to accurately compile the requested record(s).

b. Requests received by telephone or other verbal communication will be recorded on the Public Records Request form by the clerical staff member receiving the verbal request to ensure the request was received accurately.

3) The City is not required to produce a record that does not exist.

- 4) Staff is 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.
- 5) Staff is not required to produce records in a particular form or format if the records are not ordinarily created, filed, produced, maintained, or used in that form by the City.
- 6) 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 same. The City Attorney will determine the City's response to the request.
- 7) Upon receipt of a public records request from the City Clerk/RMLO, the responsive department shall respond to the City Clerk in a reasonable time, considering the extent and nature of the request. The department shall within five business days of receipt of the request:
 - Deliver an estimate of fees that may be incurred in the processing of the request (determined by the cost of the highest paid staff member acting upon the request (if it takes longer than the thirty (30) minutes time schedule), so the City Clerk may invoice the requestor.
 - Public Records Fee =
 - (Hourly base rate of pay + Hourly value of benefits) x hours worked on request
 - Notify the City Clerk of an estimated time of completion.
 - Notify the City Clerk if requested records do not exist.

FEES

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.

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

14" x 8 1/2" or less, one-sided	\$0.15
14" x 8 1/2" or less, two-sided	\$0.20
11" x 17"	\$0.25
Flash Drive	\$1.00

Certified copies, per page, in addition to copy fee.....\$1.00

Audio Recordings.....Actual Cost of Duplication plus administrative fees.

Outside Reproduction..... Actual Cost of Duplication plus administrative fees.

Outside production is required for duplication of larger, specialty records, such as construction plans, photographs, etc.

Extensive Clerical or Supervisory Assistance.

1) There shall be no charge for the first 30 minutes, as the word “extensive” has been defined to mean if it takes longer than thirty minutes to locate, review, redact, copy and or compile information.

2) If the nature of the 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, 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 or attributable to the City for the clerical or supervisory assistance required of such personnel providing the service, including the rate of pay, benefits, for the pay grade of each employee researching and compiling the information.

3) The estimated costs of extensive research and copying must be paid in advance. Any difference will be collected or refunded when materials are made available.

Forms and Attachments: Public Records Request Form

Authority: Florida Statute Chapter 119, Code of Ordinances, Resolution, or direction of the City Clerk