

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY:
Administration

CODE NUMBER:
AC-1-8

TITLE:

Public Records Requests

ADOPTED:
04/15/08

AMENDED:

ORIGINATING DEPARTMENT:
County Attorney

PURPOSE/SCOPE:

To establish consistent procedures for the efficient processing of Public Records Requests and to establish fees to be charged to cover the costs of responding to Public Records Requests.

POLICY/PROCEDURE:

SECTION I: REQUESTS FOR COUNTY PUBLIC RECORDS

A. Clarification of Request / Response Time

1. The requesting party should identify whether they wish to simply inspect the records or obtain copies.
2. Departments receiving a Public Records Request will respond to the requesting party as soon as possible as to whether they have the responsive documents and an estimate to retrieve them before the actual retrieval process begins. If any of the responsive documents are stored off-site, the departments will make every effort to notify the requesting party within five (5) business days.
3. As soon as reasonably possible after the receipt of a Public Records Request, the Custodian of the record(s) will respond to the requesting party.
4. The County department that is the custodian of the requested record(s) will make every effort to respond fully within five (5) business days of their receipt.
5. Requests for documents which may contain information which is exempt from disclosure under Florida law may take additional time so that the records can be reviewed and redacted as necessary.

6. A Public Record is defined as all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge. In no case is the County required to provide information that is not in this form but can be extrapolated from these materials simply to respond to a specific request.

SECTION II: PROCESSING PUBLIC RECORDS REQUESTS

A. 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 exempt information redacted.) Any employee who receives a request for this type of information should attempt to comply within five (5) business days by providing for either the review and/or a copy of the information as requested. After assisting the requesting party, staff should email information regarding any unusual requests to the Deputy County Attorney or designee. For the documents that are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requesting party should be charged according to “Charges for Public Records” (SECTION IV: Below).

B. Requests for Other Documents

1. If departments that have responsive records in their possession find that the retrieval of the records will take more than fifteen (15) minutes, the department will contact the requesting party with an estimated labor charge for the retrieval before commencing with the actual retrieval process. Departments will utilize the base hourly pay rate of the lowest paid employee capable of efficiently retrieving the records. No benefits multiplier will be added to the labor charge.
2. The custodian of the records will notify the requesting party of the estimated time to retrieve the records and confirm whether the requesting party agrees to pay the labor charges and copying charges. The department will confirm with the requesting party that the County must be paid in advance of the requesting party’s receipt of the records.
 - a. For large requests (those requiring more than FIFTY and 00/100 DOLLARS (\$50.00), the County shall require an advance deposit of at least seventy-five percent (75%) of the estimated cost prior to beginning retrieval.

SECTION III: MEDIA REQUESTS

Requests from the media for Public Records shall be handled consistently and with the same procedures as outlined above. All staff members receiving a request directly from the media shall immediately inform their immediate supervisor for direction.

SECTION IV: CHARGES FOR PUBLIC RECORDS

A. General Charges

1. The charge for duplication of a one-sided (1) letter size (8 ½" x 11"), legal size (8 ½" x 14") or oversize (11" x 17") document, capable of being reproduced on County equipment, shall be fifteen cents (\$.15) per copy. Duplication of two-sided (2) pages shall be twenty cents (\$.20) per copy. However, these charges are subject to the Lee County External Fees Manual where various departments may have a slightly higher rate for documents.
2. The charge for copies of documents on microfilm or microfiche shall be ONE and 00/100 DOLLAR (\$1.00) each, or as outlined in the Lee County External Fees Manual, where applicable.
3. For large, single documents not covered above (i.e., blueprints, maps, plats, etc.) the charge shall be the actual cost for reproduction, as outlined in the Lee County External Fees Manual, where applicable.
4. For books and other multi-page volumes printed by the County (i.e., annual budget, growth management plan, and various financial reports), the charge will be per page; if sent for outside reproduction, the charge will be the actual cost.
5. The charge for a certified copy of public record shall be pursuant to the Clerk of Circuit Courts charges, or as outlined in the Lee County External Fees Manual, where applicable.

B. Multi-Media Public Requests

1. 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, or as outlined in the Lee County External Fees Manual, where applicable.
2. The charge for copies of cassette tapes or video tapes shall be the cost of the tape, plus applicable labor charges.

C. Information Systems

1. The charge for paper output copies generated from a computer system shall be in accordance with “Charges for Public Records, (Section IV.), above. The charge for output to any other medium (i.e., diskette, tape cartridge, tape reel, etc.) shall be the cost for such medium.
2. Charges shall be imposed for the “extensive use of information technology.” When the central processing unit (C.P.U.) time exceeds five (5) minutes, the charge shall be SEVENTY-FIVE and 00/100 DOLLARS per hour for the entire run time of the request.

D. Labor Charges

For extraordinary requests requiring more than fifteen (15) minutes of staff time, a labor charge will be imposed. Such charge shall be the result of the employee’s hourly base rate of pay, multiplied by the actual time worked to accommodate the request and measured in tenths of an hour.

E. Revenue Collection and Receipts

A receipt for payment of costs associated with Public Records Request shall be given to the requesting party upon payment of the levied fee.

SECTION V: RETENTION OF RECORDS

- A. Florida law provides a schedule for the length of retention of various types of public records. Staff will contact the County Attorney’s Office 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 County records that are the subject of a current Public Records Act Request or records that are currently at issue in pending current litigation.