



City of North Port

City Commission Policy – Public Records Request

Policy No: 2020-01

Resolution No: 2020-R-01

Approval Date: January 28, 2020

I. DEFINITIONS

- A. Custodian of Public Records: The City Clerk serves as the City's official custodian of public records.
- B. Extensive Request: A public records request that requires more than thirty (30) minutes to process; which includes the time it takes to locate, retrieve, review the records for exempt and confidential information, make any necessary redactions, copy and/or supervise the inspection of the requested records, and provide them to the requestor.
- C. Public Record: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the City, or as otherwise defined by Section 119.011, Florida Statutes, as amended from time to time.
- D. Readily Available Document: A public record identified by the City Clerk or designee as being regularly requested and routinely available for distribution.
- E. Reasonable Time: A reasonable amount of time to process, respond, and fulfill a public records request will depend upon how extensive the request is.

II. STATEMENT OF POLICY

- A. It is the policy of the City to abide by the requirements of Chapter 119, Florida Statutes, and permit public records to be inspected and/or copied by any person, at any reasonable time, and under reasonable conditions.
- B. The right of access to public records only applies to the City's existing records. Florida's public records laws do not require the creation of a record that does not already exist in order to respond to a request.
- C. The City may receive a public records request in a variety of formats. A request does not have to be in writing and the City cannot require that requests be made in a specific format. A request can be made anonymously, and a person requesting a public record is not required to show any identification or provide a reason or justification for the request.
- D. Pursuant to Section 119.07(1)(b), Florida Statutes, the City Clerk may designate another officer or employee of the City to permit and supervise the inspection and/or copying of any public record. Every person who has custody of a public record must permit the record to be inspected and copied by anyone desiring to do so, at any reasonable time, and under reasonable conditions.

- E. At all times, the City Clerk or designee will provide safeguards to protect the contents of public records from alteration and to prevent disclosure or modification of those portions of public records which are exempt, confidential, or both, as provided by law.

III. PROCEDURES FOR RESPONDING TO A PUBLIC RECORDS REQUEST

- A. City Records. Except as provided in Section III.B below, all public records requests must be responded to as follows. All questions should be immediately directed to the City Clerk's Office.
 - 1. Requests to City Clerk's Office. The City Clerk's Office will coordinate and monitor the fulfillment of all public records requests it receives. The City Clerk's Office may rely on the assistance of a department's designated Records Coordinator in order to respond to a request.
 - 2. Records Coordinator. Each department head will designate at least one Records Coordinator and one back-up to work with the City Clerk's Office to ensure department records are timely provided. The City Clerk's Office will maintain a list of designated employees from each department.
 - a) A Records Coordinator is a department's contact person for the City Clerk's Office related to that department's public records. The Records Coordinator is responsible for working with the City Clerk's Office to ensure the appropriate handling of all public records requested from the department.
 - b) Each Records Coordinator will use the electronic records request system to track, respond, and coordinate the delivery of requested records.
 - 3. Requests to Employees. A City employee who receives a public record request directly from a requestor must ensure that the request is properly processed.
 - a) Readily Available Documents. A readily available document is a document previously identified by the City Clerk, in coordination with the Department, as being regularly requested and routinely available for distribution to the public. A readily available document must be provided upon request. The employee must then immediately email the City Clerk's Office at a designated email address, with the date the request was received and responded to, the nature of the request, the amount of any fee charged, and attaching the public record provided.
 - b) All Other Public Records. A request for a public record that is not a readily available document must be immediately emailed to the City Clerk's Office at a designated email address. The email should include the complete text of the request, the date the request was received, the department involved, the nature of request, and the contact information of the requestor if known. As provided in Section II.C, above, a requestor is not required to provide a name or contact information.

- B. Police Department Records. The North Port Police Department (“NPPD”) has developed and will maintain a written standard operation procedure (“SOP”) related to public records that NPPD maintains. The NPPD must respond to all applicable records requests pursuant to the public records SOP. The NPPD must provide the City Clerk with a copy of the NPPD’s public records SOP, as amended.

IV. PROCEDURES FOR RESPONDING TO AN EXTENSIVE PUBLIC RECORDS REQUEST

- A. Cost and Time Estimate. Within a reasonable time, the City Clerk or designee will notify a requestor of the City’s receipt of an extensive public records request. Before processing an extensive request, the City Clerk or designee will notify the requestor of the estimated cost and time frame anticipated to process the request.
- B. Deposit. An extensive request with an estimated cost of more than \$50.00 requires a deposit of fifty percent (50%) of the estimated cost. The deposit must be paid before the City will begin processing an extensive request. If the City determines that the initial deposit is insufficient by \$25.00 or more, the requestor will be notified that an additional deposit is required. No work will be done to further process the request until payment of the additional deposit.
- C. Inactivity. Pursuant to the current GS1-SL records retention schedule, where a requestor fails to respond to an estimate by either submitting payment or revising their request, the City will identify the request as inactive and close the request if the requestor does not make contact with the City following the passage of one (1) year following the estimate being provided, the date the City last attempted to contact the requestor, or the date the requestor last contacted the City regarding their request, whichever is longer. The City Clerk’s Office will attempt to contact a requestor no fewer than two (2) times within a one (1) year period when payment or clarification is necessary from an unresponsive requestor.
- D. Refund and Additional Costs. All costs must be paid in full before the City provides the requested records. Upon production of the requested records, any remaining balance from the estimated costs paid will be refunded.
- E. Failure to Pay. The City will not process any subsequent public records requests of a requestor who has failed to pay a previous public records request invoice until such time as all such outstanding invoices are paid in full.

V. FEES

- A. No fee for labor will be charged for a public record request that takes less than thirty (30) minutes. Other fees for supplies may be charged.
- B. The City shall charge the full fees authorized by Section 119.07, Florida Statutes, as amended from time to time. As of the approval date of this policy, the statutory fees are as follows.
 - 1. Duplicate copies that are not more than 14 inches by 8.5 inches will incur a fee of \$0.15 per one-sided copy and \$0.20 for each two-sided copy.

2. Copies of documents that are more than 14 inches by 8.5 inches, or that must be provided in a specific format, such as a CD or USB Flash Drive, will incur a fee equal to the actual cost for duplication of the record.
3. A certified copy will incur a fee of \$1.00 per copy.
4. An extensive request will incur a fee equal to the actual cost of processing the request, plus any applicable duplication fees and reasonable labor charges. The labor charge will vary by request and is charged based upon the lowest paid person capable of performing the task, including their benefits.