



## City of North Port

### ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA REPEALING RESOLUTION NO. 2015-R-27, RESOLUTION NO. 2015-21 AND RESOLUTION NO. 2007-R-03 IN THEIR ENTIRETY; AMENDING THE CITY OF NORTH PORT ADMINISTRATIVE CODE CHAPTER 2 - ADMINISTRATION, ARTICLE VI – RECORDS MANAGEMENT TO ADD NEW SECTION 2-362 - PUBLIC RECORDS REQUEST POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR ADOPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 13, 2015, the City Commission approved Resolution No. 2015-R-27 adopting a Public Records Request Policy, and said policy should be included in the Administrative Code; and

WHEREAS, the City's Administrative Code, Chapter 2, Article VI addresses records management; and

WHEREAS, this Ordinance has been adopted by a vote of at least three (3) members of the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:

#### SECTION 1. RECITALS.

1.01 The recitals outlined above are incorporated by reference herein.

#### SECTION 2. REPEAL

2.01 Resolution No. 2015-R-27, Resolution No. 2015-R-21 and Resolution No. 2007-R-03 are hereby repealed.

SECTION 3. ADOPTION.

3.01 The Administrative Code is hereby amended to add Section 2-362 as set forth in Exhibit "A," attached hereto.

SECTION 4. SEVERABILITY.

4.01 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 5. CONFLICTS.

5.01 If there is any conflict between the provisions of this Ordinance and any other resolution or ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 6. EFFECTIVE DATE.

6.01 This Ordinance shall take effect immediately upon adoption.

Read by Title only in public session this \_\_\_\_\_, day of \_\_\_\_\_, 2016.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida this \_\_\_\_\_day of \_\_\_\_\_, 2016.

CITY OF NORTH PORT, FLORIDA

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JACQUELINE MOORE,  
MAYOR

ATTEST:

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HELEN M. RAIMBEAU, MMC  
CITY CLERK

APPROVED AS TO FORM AND  
CORRECTNESS:

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MARK MORIARTY  
CITY ATTORNEY

EXHIBIT A

Sec. 2-362. – Public records request.

(a) Right to access public records.

- (1) The policy of the City of North Port is that all municipal records shall be open for inspection and copied by any person desiring to do so at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. Information contained in public records that is exempt or confidential and exempt pursuant to s. 119.07, F.S., will be redacted prior to release of all requested public records. The City Clerk is the official custodian of public records, and may, pursuant to s. 119.07(1)(b), F.S., designate another officer or employee of the City of North Port to permit the inspection and copying of all public records.
- (2) The right of access only applies to the City's existing documents. Florida's public records law does not require a custodian of public records to create a record in response to a request (but may do so at their discretion).

(b) Requests for public records procedures.

- (1) A public records request can be submitted by phone, e-mail, regular mail or in person. The person requesting a public record is not required to show any identification or provide a reason or justification for the request. Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. All written requests should be forwarded to the City Clerk or e-mailed to [publicrecordsrequest@cityofnorthport.com](mailto:publicrecordsrequest@cityofnorthport.com). A written request is not required by law and cannot be required by the agency.
- (2) When a Public Records Request is received by a City employee or officer, notice of the request shall be sent to the City Clerk's Department. In order to keep a record of the request, the following shall be included: date received, department involved, nature of request, date completed (if applicable) and amount of fee charged (if applicable). The City Clerk will then notify the City Manager, Assistant City Manager, City Attorney, Department Director (if applicable), Deputy Clerk and Records Coordinator of the request as appropriate.

(c) Requests for readily available documents can be supplied immediately.

- (1) "Readily available documents" are those that are regularly distributed to the public, do not need to be reviewed in order to determine whether the documents contain exempt information, such as minutes, engineering maps, ordinances and resolutions. There should not be any charge for labor of retrieving the readily available documents, but for any copies provided to the requestor, a charge will be imposed in accordance with s. 119.07(4), F.S. Records should be sent electronically when at all possible.
- (2) Requests for other Documents shall be sent to the City Clerk. The City Clerk will coordinate the collection of the records requested.

- a. After the Department receives an e-mail from the City Clerk with the public records request, a response should be provided to the City Clerk as soon as possible. The response should include whether the documents are available and the estimated retrieval time. If the responsive documents are stored off-site, the department will immediately notify the City Clerk's Records Coordinator to request retrieval of the response records.
- b. If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the City of North Port involved, or both, the City of North Port will charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the City of North Port.
- c. "Extensive" means that it will take more than fifteen (15) minutes to locate, review for confidential information, copy, and refile the requested public records and also includes the time, if any, for clerical personnel to remain with all individual inspections, public records to ensure that no records are altered, destroyed or removed. The special service charge shall be assessed per request. The special service charge will be computed to the lowest paid person capable of performing the task, including benefits regardless of whether any copies are made. No charges, other than duplication costs, will be assessed if the request takes less than fifteen (15) minutes to locate, review for confidential information, copy, and also includes the time, if any, for clerical personnel to remain with an individual inspecting public records to ensure that no records are altered, destroyed or removed.
- d. The City Clerk shall notify the requestor of the estimated cost and anticipated time frame to complete the request. The City Clerk will confirm with the requestor that the city must be paid in advance of the requestor's receipt of the records. There will be no advance charge for those requests costing less than \$5.00. For those requests that cost more than \$50.00, the City shall require an advance deposit of 50% prior to beginning retrieval. In such cases, the City Clerk shall provide the requestor with a written detailed estimate of the estimated cost of producing the requested records.
- e. The city shall make every effort to respond fully to all public requests within a reasonable period of time and the City Clerk shall be responsible for monitoring timely performance.
- f. Pursuant to Florida Statutes 199.01(2)(f), request for copies shall be provided in the form or format maintained by the city – for example, if the City's budget is in Excel and a request for a copy of the budget is made, the record will be provided in that format. If the request is made for some other format, then you can convert it (if possible) and charge all applicable fees under s. 119.07(4) or provide it in some meaningful form such as a .pdf.
- g. Florida law requires that all public records be retained and maintained according to public record retention schedules established by the Department of State, Division of Library and Information Services. Staff shall contact the City Clerk's office for assistance in determining the correct retention period for all public records and to arrange for the timely destruction of such records in accordance with the state mandated schedules and procedures. In no

event shall staff proceed with destruction of records that are the subject of a current public records request or records that are currently at issue in pending litigation.

(d) Charges for public records.

- (1) The charge for a duplication of documents capable of being reproduced on existing City equipment shall be charged according to Florida Statutes Section 119.07(4), F.S. Costs for paper copies up to 8 1/2 x 14 inches is 15 cents per page, plus an additional 5 cents for a two-sided copy.
- (2) For large single documents not covered above (i.e. blueprints, maps, plats, etc.) the charge shall be the actual cost incurred by the City for outside reproduction.
- (3) The charge for certified copy public records shall be one dollar (\$1.00) per certification, plus the applicable copying charges.
- (4) The cost for all other copies of DVD's and Compact Disks shall be the cost to the City for such medium.
- (5) A copy of North Port Charter booklet shall be three dollars (\$3.00). A regular copy of the North Port City Charter shall be the actual cost incurred for such medium.