



City of North Port

City Commission Policy – Public Records Request

Policy No:

Resolution No:

Approval Date:

I. DEFINITIONS

- A. Custodian of Public Records: The City Clerk serves as the City's official custodian of public records.
- B. Extensive Request: A request for public records that requires more than fifteen (15) 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 Florida Statutes Section 119.011, as amended.
- 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 a request for public records will depend upon how extensive the request is and will occur during the regular business hours of the City.

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 Law does 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 request for a public record in a variety of formats. A request for public records does not have to be in writing and the City cannot require that requests be made in a specific format. A request for public records 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 Florida Statutes Section 119.07(1)(b), 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 REQUEST FOR PUBLIC RECORDS

- A. Police Department Records. A request for a public record that is maintained by the North Port Police Department (NPPD) will be processed and responded to by the NPPD pursuant to the written standard operation procedure (SOP) developed and maintained by the NPPD. The NPPD must provide the City Clerk with a copy of the NPPD's public records SOP, as amended.
- B. All Other City Records. A request for a public record that is maintained by any City department other than the NPPD shall be responded to pursuant to the following procedure. All questions about responding to a request for public records should be immediately directed to the City Clerk's Office.
 - 1. Requests to Employees. A City employee that receives a request for a public record directly from a requestor must ensure that the request is properly processed.
 - a) Readily Available Documents. A readily available document must be provided upon request. The employee must then immediately email the City Clerk's Office at: publicrecordsrequest@cityofnorthport.com, with the date the request was received and responded to, the nature of the request, the amount of any fee charged, and 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: publicrecordsrequest@cityofnorthport.com. 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.
 - 2. Requests to City Clerk's Office. The City Clerk's Office will coordinate and monitor the fulfillment of all requests it receives for public records. The City Clerk's Office may rely on the assistance of a department's designated Records Coordinator in order to respond to a request for public records.
 - 3. 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. A list of designated employees from each department will be maintained by the City Clerk's Office.
 - a) A Records Coordinator is their department's contact person for the City Clerk's Office related to requests for public records from the department. The Records Coordinator is responsible for working with the City Clerk's Office to ensure the appropriate handling of all public records requested from their department.
 - b) Each Records Coordinator will use the GovQA system to track, respond, and coordinate the delivery of requested records.

IV. PROCEDURES FOR RESPONDING TO AN EXTENSIVE REQUEST FOR PUBLIC RECORDS

- A. Cost and Time Estimate. The City Clerk or designee will notify a requestor of its receipt of an extensive request for public records within a reasonable time. 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 that has an estimated cost of over \$25.00 requires a deposit of 50% of the estimated cost. The deposit must be paid before the City will begin processing an extensive request.
- C. Inactivity. Pursuant to the GS1-SL records retention schedule (2017), Item #23, 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 less than two (2) times within a one (1) year period when payment or revision is necessary from an unresponsive requestor.
- D. Refund and Additional Costs. All costs must be paid in full before the requested records will be provided. Upon production of the requested records, any remaining balance from the estimated costs paid will be refunded. If it is determined that the estimated costs paid are 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. When the estimated costs paid are insufficient by less than \$25.00, the outstanding balance must be paid before the requested records are provided.
- E. Failure to Pay. A requestor that fails to pay the costs to produce a public record when due will be required to pay a deposit of 100% of the estimated cost on any subsequent extensive request until a pattern of payment has been established.

V. FEES

- A. No fee will be charged for a readily available document and/or other public record that takes less than fifteen (15) minutes to provide electronically. Paper copies may incur a fee.
- B. Pursuant to Florida Statutes Section 119.07 (as amended), the following fees must be paid before a response to a request for public records is provided.
 - 1. Duplicate copies that are not more than 14 inches by 8 ½ 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 ½ 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 special service charges. The special service charge will vary by request and is charged based upon the lowest paid person capable of performing the task, including their benefits.