

CITY OF NORTH PORT PUBLIC RECORDS REQUEST POLICY

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I. STATEMENT OF POLICY

(1) In accordance with Chapter 119, Florida Statute, it is the policy of the City of North Port to permit the Public Record to be inspected and/or copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the Custodian of the Public Record.

(2) The City Clerk serves as the official custodian of the public record, 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 any public record. Each department head will assign at least one Records Coordinator and one back-up Records Coordinator to be responsible for the appropriate handling of all public records requested from the department.

(3) At all times, the custodian, or his or her designee, shall 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, or confidential and exempt, as provided by law. Information contained in public records that is exempt or confidential and exempt pursuant to state or federal law, will be redacted prior to release of all requested public records.

(4) The right of access only applies to those records defined as Public Records pursuant to Chapter 119, Florida Statute. The right of access only applies to the City's existing documents. Florida's Public Records Law does not require the custodian of the public record or his or her designee to create a record in response to a request.

II. DEFINITIONS

Custodian of the Public Record: The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee. The City Clerk serves as the official custodian of the public record, 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 any public record.

Exemption: A provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of Chapter 119, F.S., or s. 24, Art. I of the State Constitution.

Extensive shall mean requests for Public Records that require fifteen (15) minutes or more to process including the time it takes to locate; retrieve; review for exempt or confidential/exempt information; redact; copy and/or supervise the inspection of the requested records.

Public Records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Format, media type or duplication does not affect the public record status of information created or received by a public agency.

Readily Available Documents are those documents identified by the City Clerk, in coordination with the Department, as being regularly requested and routinely available for distribution to the public.

Reasonable Time means normal operating hours. A reasonable timeframe for processing a request is dependent upon the volume of records requested and will be determined by the custodian and/or records coordinator.

Record Coordinators. Employees of the City responsible for the appropriate handling of all public records requested from the department.

III. PROCEDURES

(1) A public records request can be submitted by phone, email, regular mail or in person. A written request is not required by law and cannot be required by the agency. 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 record.

(2) When a Public Records Request is received by a City employee or officer, notice of the request shall be promptly sent to the City Clerk's Department. All written requests (except requests for readily available documents) should be promptly forwarded to the City Clerk.

(3) The City shall make every effort to respond fully to all public records requests within a reasonable period of time as determined by the volume and complexity of the request. Except for requests of records defined as readily available documents, the City Clerk will coordinate the fulfillment of public records and will monitor timely processing of requests.

(4) The City Clerk shall develop and maintain written procedures for the processing of public records requests pursuant to Florida's Public Records Law.

IV. FEES

The custodian of public record or record coordinator shall furnish a copy or a certified copy of the record upon payment of authorized fees.

1. For duplicated copies of not more than 14 inches by 8.5 inches, upon payment of not more than 15 cents per one-sided copy,
2. for each two-sided duplicated copy of not more than 14 inches by 8.5 inches, upon payment of not more than 20 cents for each two-sided duplicated copy;
3. for a certified copy upon payment of not more than \$1.00 per copy
4. for all other copies where fees are not prescribed by law, upon payment of the actual cost of duplication of the record.

IV. EXTENSIVE REQUESTS

When the nature or 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 agency involved, or both, the agency may charge, in addition to the 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. 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.

To comply with this provision and before processing the request, the custodian or record coordinator shall notify the requestor of the estimated cost and anticipated time frame to complete the request. The City shall require an advance deposit of the full amount of the

estimated service charge in advance and in addition to the fee for duplication. The service charge shall be calculated using the hourly wage, including benefits, of the employee performing the service.

If the estimated fee for duplication and service charge represent an overpayment upon completion of the effort, a refund shall be made to the requestor. If the estimated fee for duplication and service charge represent an underpayment upon completion of the effort, the custodian or record coordinator shall collect the remaining balance due prior to delivery of the Public Record.

There will be no advance charge for requests costing less than \$5.00.