

**CITY OF FORT WALTON BEACH
ADMINISTRATIVE POLICY NUMBER – CC-02**



SUBJECT: Public Records Request

REVISION DATE: April 4, 2012

ORIGINAL EFFECTIVE DATE: January 22, 2002

APPROVED: 
Robert T. Mearns, City Manager

1. **PURPOSE/INTENT**

To establish policy and procedures for the inspection, examination, and duplication of public records as stated in Section 119.07. Florida Statutes (F.S.).

2. **BACKGROUND and DEFINITIONS**

“Actual Cost of Duplication” – the cost of the material and supplies used to duplicate the record, but does not include the labor or overhead cost associated with such duplication.

“Duplicated copies” – new copies produced by duplicating, as defined in Section 282.30, F.S.

“Information Technology Resources” – data processing hardware and software services, communications, supplies, personnel, facility resources, maintenance, and training.

“Public Records” – all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, 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.

“Extensive” – Fulfillment of a request would take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material, 2nd District Court of Appeals (976 So. 2d 31(Fla 2d District Court of Appeals 2008)).

3. **POLICY/PROCEDURES**

1. A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.

2. For copies that are not more than 14 inches by 8 ½ inches, the City shall charge fifteen cents (\$0.15) for each one-sided copy and twenty cents (\$0.20) for each two-sided copy.
3. For all other copies, the actual cost of duplication of the public record.
4. The charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication.
5. The City shall charge one dollar (\$1.00) for certified copies of public records.
6. If the nature or volume of public records requested is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, the City shall charge, in addition to the cost of publication, a special service charge, which is calculated based on the employee's salary and benefits shall be assessed. (Attorney General Opinion 00-11)
7. The cost of retrieval of records maintained in a remote location must be an expense of the custodian of records; these costs may not be passed on to the person making a public records request. (Attorney General Opinion 2002-37) Special charges for records that require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, may still apply.
8. If a request is made for a large number of records, the fee will be communicated to the requestor before the work is undertaken. (98-22 Florida 2nd Circuit Court June 9 1998)
9. A request may be refused to produce additional records if the fees for a previous request for records have not been paid by the requestor. (995 So. 2nd District 1027 (Fla. 4th District Court of Appeals 2008))
10. The fee for duplication of public records is exempt from sales tax. (Attorney General Office 86-83)
11. Routine access to public records will be provided at no cost, with the exceptions listed above.

4. **ADDITIONAL INFORMATION, REQUIREMENTS AND RESPONSIBILITIES**

It shall be the responsibility of the City Clerk's Department to keep this policy current.

5. **AUTHORITY**

Florida Statute, Charter, Code of Ordinances, Resolution, or direction of the City Manager.