



# **CITY OF GULF BREEZE PUBLIC RECORDS REQUEST POLICY**

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## **I. STATEMENT OF POLICY**

In accordance with Article 1, Section 24, Florida Constitution and Chapter 119, Florida Statutes, and subject to the exemptions set forth by law, it is the policy of the City of Gulf Breeze to permit Public Records 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 Records.

The objective of this policy is to set forth the procedures that will facilitate the accessibility of Public Records to members of the public and to establish fees to be levied by the City to cover the cost of responding to Public Records requests.

## **II. DEFINITIONS**

**Custodian of Public Records:** The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having Public Records or their designee. The City Clerk is the Custodian of Public Records for the City of Gulf Breeze and is referred to hereafter as “Custodian/City Clerk.”

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

**Extensive** shall mean requests for Public Records that require **thirty (30) 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** shall have the same meaning as set forth in section 119.011, Florida Statutes, which is “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.” 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 Custodian/City Clerk, in coordination with the Department responsible for the document, as being regularly requested and routinely available for distribution to the public.

**Reasonable Time** means regular operating hours. A reasonable timeframe for processing a request is dependent upon the volume of records requested and will be determined by the Custodian/City Clerk or his/her designee.

### **III. PROCEDURES**

- (1) The City Clerk serves as the official Custodian of Public Records (referred to herein as “Custodian/City Clerk”) for City Records and may, pursuant to s. 119.07(1)(b), F.S. designate another officer or employee of the City of Gulf Breeze to copy or permit the inspection and/or copying of any Public Record.
- (2) A Public Records request can be submitted verbally, in writing, electronically, or in person.
  - (a) A request to inspect or copy Public Records is not required to be made in writing except as required by law.
  - (b) A person requesting to inspect or obtain copies of Public Records is not required to disclose their name, address, telephone number, or other identifying information to the Custodian/City Clerk except as required by law.
  - (c) A person requesting to inspect or obtain copies of the Public Record is not required to provide a reason or justification for the request.
  - (d) It is permissible to ask the requestor questions about a Public Records request for clarification purposes and to assist in keeping the costs reasonable for the requestor.

- (3) Every person who has custody of a Public Record shall permit the record to be inspected and copied for any person who requests a copy of the record at any reasonable time, under reasonable conditions. At all times, Public Records shall be inspected, reviewed, and copied under supervision by the Custodian/City Clerk or their designee, pursuant to F.S. 119.07(1)(a).
  - (a) The right of access only applies to those records defined as Public Records pursuant to Chapter 119, Florida Statutes.
  - (b) The right of access only applies to the City's existing documents. Florida's Public Records law does not require the Custodian/City Clerk or their designee to create a record in response to a request or perform new analyses of existing information.
  - (c) An electronic record is deemed to exist so long as the computer is readily programmed to produce the record through simple sorting, filtering, or querying the record in response to the request.
  - (d) The City is not obligated to provide records to a requester via "standing requests" and/or on a continuing basis.
  - (e) The City is required to provide access to Public Records but not to interpret the records or give out information from or about them.
  - (f) At all times, records will be inspected, reviewed, and copied under supervision by the custodian of the Public Records requested or the custodian's designee, pursuant to F.S. 119.07(4)(d).
- (4) The Custodian/City Clerk or their designee shall acknowledge all requests to inspect or obtain copies of Public Records promptly and in good faith.
- (5) 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.
- (6) For this policy, "reasonable" time to provide access to Public Records is during regular working hours - Monday through Friday, 7:30 am to 4:00 pm.
- (7) The Custodian/City Clerk or their designee will coordinate with all Departments and Officials to fulfill all Public Records requests and monitor the timely processing of requests.
- (8) All Public Records requests received by a City employee or City Official shall promptly be sent to the Custodian/City Clerk's office. This applies to all written, emailed, and verbal requests.

- (a) The Custodian/City Clerk's office maintains a public records tracking system to process all requests. The Custodian/City Clerk or their designee will enter the request into the tracking system.
- (b) The Custodian/City Clerk or their designee will acknowledge the request and forward it to the appropriate City Department(s).
- (c) The Department(s), employee(s), and/or City Officials shall respond promptly to the Custodian/City Clerk or his/her designee, taking into account the extent and nature of the request. If the requested Public Records are not located within the Department or with the City Official, the Custodian/City Clerk should be notified immediately.
- (d) If the records are readily available and there are no costs involved in compiling the requested documentation, the Department, employees, and/or City Official will immediately provide the records to the Custodian/City Clerk or their designee.
- (e) The Department(s), employee(s), and/or City Official must immediately provide the Custodian/City Clerk or their designee an estimated time frame if the requested public records are not readily available and will require more than 30 minutes or more of staff time 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 records.
- (f) The Custodian/City Clerk or their designee will notify and provide the requestor with an estimate of the special service charge to fulfill the request and any copying and/or mailing charges. The Custodian/City Clerk will require an advance deposit of the total amount before further efforts to fulfill the records request.
- (g) In coordination with the Custodian/City Clerk, responses to requests for readily available documents that do not require additional review to determine if they contain exempt information may be processed by the Department having custody of requested documents.
- (h) For tracking purposes, the Custodian/City Clerk's office must be notified when readily available records are released by a department.
- (i) Records in the form of email, text messaging, and instant messaging, including those sent and received via a hand-held device (such as a smartphone or tablet), are to be treated in the same fashion as records in other formats, such as paper or audiotape.
- (9) Any subpoenas, litigation discovery requests, or personnel matters shall be immediately referred to the Custodian/City Clerk. The Custodian/City Clerk will coordinate with the City Attorney and City Manager to handle these requests.
- (10) At all times, the Custodian/City Clerk, or their 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.

- (11) By Florida law, records custodians/Liaisons are mandated to review records known or suspected to contain exempt or confidential content.
- (12) Information contained in Public Records that is exempt or confidential pursuant to state or federal law will be redacted prior to the release in response to a request for Public Records.
  - (a) If the City contends that all or part of a requested Public Record is exempt from inspection and/or copying, the City shall state in writing the basis for the conclusion that the cited exemption applies to the requested Public Record, including the statutory citation.
- (13) The City shall provide all requested Public Records in the format requested if the record is maintained in that format.
- (14) For this policy, "reasonable" time to provide access to Public Records is during regular working hours - Monday through Friday, 7:30 am to 4:00 pm.
- (15) Law enforcement records (incident, arrest, CADE reports, body camera, in-car camera footage, etc.) are processed by Kaye Morros, with the Gulf Breeze Police Department, who is the Custodian/City Clerk's designee for handling Public Records for that Department.

#### **IV. FEES**

- (1) The Custodian/City Clerk or his/her designee shall furnish a copy or a certified copy of the record upon payment of authorized fees. The following fees shall apply generally; however, certain Departments, such as the Police Department, may set and maintain a schedule of different fees depending on the request.
  - (a) 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.
  - (b) 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.
  - (c) For a certified copy upon payment of not more than \$1.00 per copy (in addition to the per page copy fee)
  - (d) For large, single documents not covered above (i.e. blueprints, maps, plats, etc.), the charge shall be the actual cost to the City for outside reproduction.
  - (e) If a photographic reproduction is requested for City maps and aerial photos, the cost shall be the actual cost of outside reproduction and the overhead and labor associated with the duplication. ((AGEO)2013-03)
  - (f) For all other copies where fees are not prescribed by law upon payment of the actual cost of duplication of the record.

- (2) Payments by personal check on a local bank, money order, or certified check must be made payable to the City of Gulf Breeze. Cash is accepted. Credit/debit card payments will be charged a processing fee of \$2.00 per transaction for payments up to \$200.00, \$5.00 for payments of \$201.00 to \$300.00, and \$8.00 for payments of \$301.00 to \$400.00
- (3) Revenue Collection and Receipts - A payment receipt shall be given to the requestor upon payment of the levied fee. All fees collected shall be forwarded to the Finance Department for deposit in the City's General Fund.

## **V. EXTENSIVE REQUESTS**

- (1) 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 City or both, the City 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, including benefits, of the personnel providing the service that is incurred by the City of Gulf Breeze.
- (2) To comply with this provision and before processing the request, the Custodian/City Clerk or his/her designee shall notify the requestor of the estimated cost to complete the request.
- (3) Upon receipt of payment, the City shall continue to process the request. The requestor will be contacted if any cost estimate differences are due for collection or refund. If additional costs are due, they shall be collected before any requested material is released. Any refunds due shall be returned upon being processed through the City's Finance Department.
  - (a) At all times, records will be inspected, reviewed, and copied under supervision by the custodian of the Public Records or the custodian's designee to safeguard such records from loss or destruction during their inspection pursuant to F.S. 119.07(4)(d).
  - (b) Where the provision of another room or place is necessary to photograph Public Records, the expense of providing the same shall be paid by the person desiring to photograph the public records.
- (4) If a requestor has failed to pay all fees associated with a previous Public Records request, the City shall not produce any additional record requests or prepare records for inspection for that specific requestor until the entire balance due to the City is paid.
- (5) Should the City attempt to contact the requestor and/or transmit a cost estimate and the requestor fails to respond in good faith, the City shall deem the request as "abandoned" after ten (10) business days, and the log shall reflect the request as 'withdrawn.' In cases where holidays or other closures of the City's administrative offices occur, staff shall afford reasonable additional time for the requestor to respond.