

ADMINISTRATIVE POLICY 1.39

**CITY OF SAFETY HARBOR
PUBLIC RECORDS REQUESTS
ORIGINATED: MARCH, 2019
REVISED: March 2023**

STATEMENT OF POLICY:

In accordance with Chapter 119, Florida Statutes, all records maintained by the City of Safety Harbor, except those records or portions thereof that are confidential or exempt under Chapter 119, Florida Statutes, shall be furnished upon request as provided below. The City Clerk's Office shall coordinate the filling of each request in conjunction with the applicable Department(s).

PROCEDURE:

Receipt of records requests by individual departments or departmental records custodians will be acknowledged in the form prescribed below. The City Clerk must be copied on all acknowledgments and will notify the City Manager of all non-routine requests. The City Attorney will be notified by the City Clerk of requests necessitating input from the City Attorney's office, including all requests involving litigation or a legal claim. All requests will be entered, on the same business day as receipt of the request, into a spreadsheet located on the "S" drive at: Clerk//Record Requests. Requests received by the City Clerk will be forwarded to the appropriate employee(s) in those Department(s) that may have records that would be responsive to the request, with a copy of said request being sent to the employee(s)' supervisor and/or manager as appropriate. Within one business day, the employee from each department responsible for maintaining records responsive to a request shall notify the City Clerk via email as to whether the department has any of the records and shall include an estimate of time and costs to fulfill the request.

COSTS AND SPECIAL SERVICE CHARGES

A cost estimate must be provided to the requester in a timely manner. Therefore, the custodian of records from each department receiving a request will provide an estimated time frame for completion, and an estimate of all hard costs (per the schedule of costs below) and staff time (per the special service charge requirements below) to the City Clerk after receiving the request. If the amount of records and staff time is expected to exceed \$50 in costs to the City, the Department shall notify the City Clerk, who will then contact the requesting party to inform them that a deposit will likely be required and determine whether the requester wishes to proceed or otherwise narrow their request.

Schedule of Costs per 119.07, Florida Statutes

Unless prescribed by a specific statute relating to the records requested, the following schedule shall be used in calculating costs:

Copies:

1 sided	\$0.15/page
Double sided	\$0.05/page
Certified copies	\$1.00/copy

Other duplication (CD, or other materials or supplies) - actual costs of materials to the City
Staff Time – Special Service Charge

If it will take more than 15 minutes to locate, review, copy, and refile the requested public records, a special service charge based on the amount of time to locate, review, copy and refile the records

should be imposed and must be paid by the requestor before the records may be produced. The hourly rate (including salary and benefits) of each individual working on the request shall be used in calculating the special service charge, however the lowest paid individual who is capable of performing each task should be the individual that performs such task and all time for copying shall be charged at the hourly rate of support staff. The individuals working on the request shall keep track of their time spent on the request and shall not perform other tasks while working on a public records request for which a special service charge is imposed.

Deposits

If the estimated costs and special service charge total \$50 or more, a deposit for the full amount of the estimated costs and special service charge will be required. If a deposit is required, work on the request shall not proceed until the deposit amount is received in full. Should the final cost be less than the deposit amount, the City Clerk's Office will provide a refund of the amount in excess of the actual cost to produce the records to the requesting party.


SPECIFIC PROCEDURES FOR GATHERING AND PRODUCING RECORDS

When compiling records, staff is to provide only the specific records being requested, that already exist, and only in a format in which they are routinely maintained by the City. Whenever possible, records will be scanned and emailed to the requesting party instead of copied. Records that are protected by federal copyright will not be provided to a requesting party. In such instances, the custodian of records from each department will contact the requesting party to schedule a time in which they may come review the records. Staff shall not assist any party with the reproduction of copyrighted materials. Once compiled, a final dollar amount will be provided and any funds in excess of the cost estimate will be returned with the records; or where the final invoice exceeds the cost estimate, additional funds will be required before the records are released. A complete copy of all records provided regarding litigation or a legal claim will be provided to the City Attorney's Office. Individual departments may keep a copy of records provided at their discretion. Payment shall be collected from the requesting party prior to the release of any records. A receipt shall be issued for all payments.

The law requires all requests must be responded to within a reasonable time frame depending on the nature and volume of the request. This would include the time it takes to locate the requested records, review them for exempt information, redact exempt information and make the records available for inspection or email or make copies of the records, consistent with the other duties and responsibilities of the records custodian or the department which has the records. It is important to recognize that the Public Records Law requires that the public's access to public records may not be arbitrarily, excessively, or artificially delayed.

Records Acknowledgment – (Example)

We have received your records request and will begin processing. You will be notified of any charges related to filling this request and whether a deposit is required. Please feel free to contact me with any questions – (Name, Title).



Matthew L. Spoor
City Manager