



## City of Haines City Public Records Policy

### 1.0 Overview

**1.1 Policy:** It is the policy of the State of Florida that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.

**1.2 Definition of 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 conjunction with the transaction of official business by any agency.

**1.3 Description:** This policy's intent is to clarify the process of handling public records requests and/or the inspection of records made or received by the City of Haines City. State law supersedes any provisions within this policy that may be in conflict herewith.

**1.4 Purpose/Rationale:** The purpose of this policy is to ensure that all requests to inspect or copy public records are handled promptly, in good faith, as required by law, and in a professional and ethical manner that is consistent, efficient, timely, and in compliance with Chapter 119, Florida Statutes of Florida's public records law.

**1.5 Applicability:** This policy applies to officers and employees of the City of Haines City, including those acting on behalf of the City.

**1.6 Failure to Comply:** Failure of an officer or employee of the City of Haines City to comply with this policy shall result in disciplinary action by the City, and any penalties as set forth in [Section 119.10](#), Florida Statutes.

### 2.0 Procedure

**2.1 Public Records:** Every person who has custody of a public record shall permit the record to be inspected, photographed, 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 or the custodian's designee.

**2.2 Review Process:** All public records requests must be reviewed for potential redactions of confidential and exempt information prior to inspection, duplication, or release.

**2.3 Acknowledgement:** The City shall acknowledge all requests to inspect or copy public records promptly and in good faith, and make available a copy of this policy to the requestor.

**2.4 Redaction:** Public records shall be made available upon request, except those records which are exempt from disclosure. If a requested record contains both exempt and non-exempt information, that which is exempt shall be redacted and the remainder of the record provided to the requestor.

**2.5 Written Response:** If the person who has custody of the public record contends that all or part of the requested record is exempt from inspection and/or copying, he or she shall state in writing the basis for the conclusion that the cited exemption applies to the requested records and include the statutory citation.

**2.6 Disposition:** Consistent with State disposition guidelines, the requested or inspected record(s) shall not be disposed of for a period of thirty (30) days after the request for inspection or copying has been fulfilled.

**2.7 Information about Records:** City officials and employees are not required to provide information from a public record or to create a record in response to a public record request.

**2.8 Format:** The City shall provide all requested public records in the format requested if the record is maintained in that format. If not maintained in the requested format, the City shall provide the record in its original format or in some other meaningful format such as paper or .pdf.

### **3.0 General Guidelines for Requests**

**3.1 Identity of Requestor:** A person requesting to inspect or obtain copies of public records is not required to disclose his or her name, address, telephone number or other identifying information to the custodian except as authorized by law.

**3.2 Written Request Prohibited:** A request to inspect or copy public records does not have to be made in writing except as authorized by law.

**3.3 Clarification of Request:** In order to efficiently serve our public, it is permissible to ask a requestor questions about a public record request for clarification purposes and to assist in keeping the costs reasonable for the requestor.

**3.4 Time for Production:** All record requests must be processed within a reasonable period of time. “Reasonable” means the time it takes to locate the record, to review it for exempt information, and to provide a copy to the requestor. Automatic delays in processing a public record are impermissible.

**3.5 Subpoenas and Litigation Discovery:** Any subpoenas or litigation discovery requests shall be referred to the City Attorney.

**3.6 Elected Officials Request:** Public records related to the official duties of an elected official of the City of Haines City shall be provided to the elected official at no cost.

#### **4.0 Coordination of Public Record Requests and Inspections**

**4.1 Interdepartmental Coordination:** The City Clerk shall be available for organizing and assisting with all public record requests to inspect or copy public records. The coordination between the Department Directors and the City Clerk's office will help to ensure that the City of Haines City handles all requests consistently, appropriately, and in compliance with Florida's public records law.

**4.2 Custodian of Record:** "All City officials and employees who have custody of a public record must comply with the requirements of the public records law, including those requirements relating to retention, maintenance, and disclosure."

#### **5.0 Processing Extensive Requests**

**5.1 Personnel Time:** There shall not be a charge for the first thirty (30) minutes of staff time to provide the information requested. Activities involved in preparing records for distribution or inspection include, but are not limited to: researching, locating, reviewing, compiling, duplicating, redacting, supervising, and distribution of requested public records.

**5.2 Extensive Public Records Request:** A public record request or inspection involving more than thirty (30) minutes of staff time will be considered extensive and a written good faith estimate for the costs for producing the public records will be provided to the requestor.

**5.3 Written Estimate:** There shall not be a charge to provide a written good faith estimate of all costs associated with requests to inspect or copy public records.

**5.4 Deposit:** When the City receives an extensive public records request, the City shall collect a reasonable deposit of fifty percent (50%) of the good faith written estimate prior to the City's commencement of preparation of the records request or inspection of such records.

**5.5 Final Payment:** The balance of the actual cost for preparation and assembly of the public records is due prior to inspection or release of the requested public records.

**5.6 Previous Unpaid Requests:** In the event 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 of Haines City is paid.

**5.7 Refunds:** In the event the required deposit, based on the good faith written estimate, was more than the actual cost to prepare and produce the records request or prepare and produce for inspection, the City of Haines City shall refund the difference.

**5.8 Methodology for Calculation of Estimate:** The fees for personnel time shall be calculated based on the lowest compensable rate of the personnel possessing the skills necessary to perform the duties as

requested, regardless of whether that person actually performed the task, multiplied by the time involved for completion of the request.

**6.0 Pricing**

**6.1 Fee Structure:** The fee structure is prescribed by Section 119.07(4), Florida Statutes and is summarized below.

<u>Paper size 8 ½” x 11”, 8 ½” x 14” and 11” x 17”</u>	
Black and white or color single sided duplication	\$0.15 per page
Black and white or color double sided duplication	\$0.20 per page
<u>Certified Copy</u>	
Certified Document	\$1.00 per certification
<u>Misc. Mediums</u>	
Compact Disc	Actual Cost
Thumb Drive	Actual Cost

**6.2 Other Mediums:** All other sizes of paper or other necessary materials used to fulfill a request, shall be charged at a rate equal to the actual cost to the City. These items include, but are not limited to: photographs, maps, audio tapes, and aerial photographs.

**6.3 Digital Storage:** To protect the security of its systems, the City shall not permit the transmittal of records on a disc or other electronic device that must be connected to its systems, unless that disc or device is procured and provided by the City of Haines City at the actual purchase cost, or unless the requestor provides a disc or other electronic device in its original, unopened packaging.

**6.4 Delivery Fees:**

**6.4.1 On-site pick-up cost:** There shall be no charge for records picked up by the requestor at the location of the office or department where the records are kept.

**6.4.2 Electronic delivery cost:** There shall be no charge for requests sent by email.

**6.4.3 Facsimile delivery cost:** There shall be no charge for requests sent by fax.

**6.4.4 Mail or delivery service cost:** The actual cost of mailing or shipping the materials shall be charged to the requestor.

**7.0 Payments**

The City of Haines City accepts checks, money orders, cashier checks, or cash as payment for fees associated with a request to inspect or copy public records. All payments shall be processed through the Finance Department.

## **8.0 References**

[Chapter 119 \(Public Records Act\)](#), Florida Statutes  
[The State of Florida Constitution](#)  
[Government in the Sunshine Manual](#)

## **9.0 Contact**

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## **10.0 Policy History**

**Version 1.0** 01/15– Initial Release

**Version 1.1**

12/15/16 – First Amendment