

## Overview

**Description:** This policy clarifies the process to make a public records request for records held by the City of Lake Alfred. Additionally, the policy and its associate procedures specify the costs that may be charged to prepare the records for distribution.

The City of Lake Alfred seeks to make public records available to the public for review or copy the public records request, except those records that are specifically exempted from disclosure by federal or state statute. These exemptions generally are intended to prevent invasion of privacy and the use of public records for personal, commercial or political gain; and to meet federal and state confidentiality requirements. For more information about exemptions see Florida Statute 119.07.

**Clarification:** This policy does not supersede any existing specific request fees, such as quote for an extensive records request. This is how the City of Lake Alfred shall respond to the public's request to inspect and/or copy the City's records in a good faith, prompt manner, consistent both with legal restrictions and the City's obligations to the public and employee's right to privacy.

**Purpose/Rationale:** The purpose of this policy is to ensure that all requests for public records are handled in a manner that is consistent, efficient, timely and in compliance with state and federal public records law. Charging for the reasonable costs to prepare the records for distribution enables the City of Lake Alfred to maintain fiscal integrity. It will also provide guidelines and overall procedures citywide for all departments. Department Directors will need to inform all their employees within their work area of this policy and its requirements.

**Applicability:** This policy applies to all City of Lake Alfred staff including employees, volunteers, trainees and interns and any entity requesting records.

**Failure to Comply:** Failure to comply with this policy may result in disciplinary action, up to and including dismissal. A \$500.00 fine and/or one year prison sentence can be imposed if the violation is found to be a first degree misdemeanor by the court of law.

## Policy

All public records request must go through the City Clerk's office before the information is released to the requestor.

**1.** Public records will be available as appropriate.

- Public records shall be made available upon request, except those records which are exempt from disclosure.
- Records that are exempt from disclosure are defined in Chapter 119.07 of the Florida Statutes.

**2.** A complete request for records.

- A description of the information requested, as specific as possible, including the type of records, subject matter, approximate dates the records were created, and the names of the persons involved.
- Optional contact information for the requestor: name, address and telephone number of the person or organization requesting the public records.

- The desired format for the records to be received (hard paper copy, electronic copy by e-mail [PDF or other format], electronic copy on disc, CD, or other media) and the number of copies requested.
- The desired date by which the records are requested to be picked-up, mailed, or delivered.

### 3. The City of Lake Alfred coordination of public records requests.

- The City Clerk's office is responsible for coordinating external communications across the agency and will be responsible for coordinating all public records requests. This coordination between the Department Directors and the City Clerk's office is extended to include the coordination of responses to public records requests to help ensure that the departmental offices handle the requests consistently and appropriately.

#### **Processing and compiling a public records request**

The department staff shall be responsible for maintaining the requested information will also compile the information, but will work with the City Clerk's office to ensure the response process aligns with the City of Lake Alfred's policy as well as all federal and state laws and rules regarding public and private information.

Information requests involving a City of Lake Alfred employee, intern, or volunteer will be processed in coordination with the City Clerk's office.

#### **Tracking public records requests**

The City of Lake Alfred will maintain a database of requests to enable the City to track all requests for public records in one central location.

- The City of Lake Alfred will acknowledge requests and notify the requestor of the process.
- The City of Lake Alfred shall provide the requestor notice of receiving the record request and an estimate of costs to prepare the records no later than 3 business days from receipt of the request.
- The notice will include acknowledgment of the request, a copy of this policy, a copy of the fee schedule, an estimate of the expected cost of meeting the request or a date when an estimate will be made available, the format in which the information will be provided, delivery information or information about where the records can be inspected if copies cannot be delivered, the expected date of delivery and information about how payment for the request can be made to the City of Lake Alfred.
- To protect the security of its systems, The City of Lake Alfred will not permit the transmittal of records on a disk or other electronic device that must be connected to its systems, unless that disk or device is procured and provided by the City of Lake Alfred
- Copies of records shall be provided at a cost reasonably calculated to reimburse the City of Lake Alfred for the actual costs incurred in making the records available.
- If the estimated fee exceeds \$25, the requestor must provide payment in order for the City of Lake Alfred to proceed.

- The City of Lake Alfred will charge a fee for providing copies of records in accordance with the established fee schedule based upon Florida Statute 119.

## Fee Structure

The following fees apply for each public records request.

Fees for information requested in formats other than those listed below will be determined on a case-by-case basis by the public records officer.

- No charge to provide an estimate of costs to prepare the records for distribution.
- No charge for the first 15 minutes of staff time to provide the information requested.
- Staff time will be charged at the lowest administrative hourly rate per hour, after the first 15 minutes, to be billed in increments of 15 minutes.
- All fees imposed for duplication of public records will comply with the Public Records Act, in Florida Statute, Chapter 119.07 as follows:

Paper size 8 ½" x 11", 8 ½" x 14", and 11" x 17"

Single sided pages, black&white	\$0.15 per page
Color copies	\$0.20 per page
Doubled sided pages	\$0.30 per page

All other copies

Actual cost of duplication

Certified Copy

1+ pages per certified document     \$1.00

Audio Tape and CD Fees

Audio Tapes actual cost to City  
 Data CD actual cost to City  
 Audio CD actual cost to City

**Exception:** County and City maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the material used for those duplications.

## Delivery of records

- A. On-site delivery: There will be no delivery charge for records picked up at the location where the records exist.
- B. Facsimile: There will be a charge of \$1.00 for the first page faxed, and an additional charge of \$0.25 per each additional page.
- C. Mail or Other Delivery Service: The actual cost of mailing or shipping the materials will be charged.
- D. Email: There will be no charge for requests sent by email.

Fees are calculated to reasonably reimburse the City of Lake Alfred for the costs incurred in making the records available.

Activities involved in preparing records for distribution include, but are not limited to: locating, compiling, summarizing, printing, redacting, copying and distributing the information, office supplies to conduct each activity and taking any other steps reasonably required to make the information available.

### **Forms and method of payment**

The Requestor can make arrangements to make a payment at the delivery of the records unless the request exceeds an estimate of \$25.00 or be billed for the charges. The City of Lake Alfred is prepared to accept checks, money orders, cashier checks or cash.

If an estimate was given and paid for by the requestor; and the City of Lake Alfred over estimated the time and costs calculated for the request; a refund will be given in the amount of the difference.

### **References**

Florida Statute Chapter 119 Public Records Act

### **Definitions**

#### **Public Record:**

Florida State Statutes, Chapter 119.011(11) defines “public records” as 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.

The Florida Supreme Court interprets this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge. All of these materials, regardless of form, are open for public inspection unless the legislature has specifically exempted them from disclosure. One Florida court has held that “information stored in a computer is as much public record as a written page in a book or a tabulation in a file stored in a filing cabinet.”

### **Contacts**

City Clerk's Office Phone: (863) 291-5747 Email: Linda Bourgeois - [LBourgeois@mylakealfred.com](mailto:LBourgeois@mylakealfred.com)  
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### **Policy History**

#### **• Version 1.0:**

10/01/2010 – Initial Release