

**CITY OF MAITLAND, FLORIDA
PUBLIC RECORDS REQUEST POLICY**

EXHIBIT A

1. INTRODUCTION

It is the policy of the City of Maitland ("City") that all municipal records, with the exception of exempted records identified by Florida Statutes, §119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person.

"Public records" means 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 the City. (F.S., §119.011(1)).

2. OBJECTIVE

The purpose of this policy is to affirm the public's right to access City records, to set forth the procedures that will facilitate accessibility of information 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.

3. AUTHORITY

This procedure was approved by City Council on November 14, 2005.

4. PROCEDURE

A. Processing Public Records Requests

(1). *Requests for Readily Available Documents*

"Readily available documents" are those that are easily retrievable, regularly disseminated to the public, and do not require additional review in order to determine whether they contain exempt information, such as meeting minutes, program information sheets, engineering maps, and personnel files (which have already had exempt information redacted.) Any City employee who receives a request for this type of information should comply as soon as practicable by either referring it to a department supervisor or providing review and/or a copy of the information requested, as appropriate. After assisting the requestor, staff should transmit information regarding any unusual requests to the City Clerk's office, with a copy to the City Attorney, to inform them about what was requested and provided. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as indicated in 4B. below.

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(2). *Requests for Other Documents*

- a. Although it cannot be required of them, all requestors should be encouraged to put their public records requests in writing. This will assist staff in clarifying the exact scope of the request. Requestors should specify whether they wish to simply inspect records or obtain copies.
- b. Staff should forward the request to the City Clerk's office, (with a copy to the City Attorney) via e-mail by forwarding e-mailed requests, scanning and then e-mailing written requests, or summarizing verbal requests.
- c. As soon as reasonably possible after the receipt of a Public Records request, the City Clerk's office will acknowledge the request and forward it to appropriate City Departments, which may have records responsive to the request.
- d. Department Heads receiving an e-mailed Public Records request from the City Clerk's office will respond as soon as possible as to whether they have any responsive documents and what the estimated amount of retrieval time will be. If any of the responsive documents are stored off-site, the Department will promptly notify the City Clerk's office as to the estimated time for retrieval.
- e. If Departments that have responsive records in their possession indicate that the retrieval of the records will take more than one-half an hour, the City Clerk's office will contact the requestor with an estimated labor charge for the retrieval. Departments should provide the City Clerk's office with the name and hourly pay rate of the employee who will be doing the retrieval. They should select the lowest paid employee capable of efficiently retrieving the records. No benefits multiplier shall be added to the labor charge.
- f. The City Clerk's office shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the labor charges and copying charges, if any. The City Clerk's office will confirm with the requestor that the City must be paid in advance of the requestor's receipt of the records. For large requests, (those requiring more than \$100 in labor charges or more than \$100 in copy charges), the City shall require an advance deposit of 100% of the estimated sums prior to beginning retrieval.

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- g. The City shall make every effort to respond fully to all Public Records Act requests as quickly as possible and the City Clerk's office shall be responsible for monitoring timely performance.
- h. Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary by the custodian of the records. The City Attorney's office should be contacted for clarification of exemptions under F.S. 119.
- i. Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the office of the City Clerk for assistance in determining the correct retention schedules and to arrange for destruction in accordance with the state mandated procedures. In no event shall staff proceed with destruction of records that are the subject of a current Public Records Act request or records that are currently at issue in pending litigation.

(3). *Media Requests*

Requests from the media for Public Records shall be handled consistently with the procedures outlined above. All staff members receiving a request directly from the media shall immediately inform the City Clerk's office and the City Manager's office of the request.

B. Charges for Public Records

(1). *General*

- a. The charge for a duplication of a one-sided letter size (8-1/2" x 11"), legal size (8-1/2" x 14") or oversize (11" x 17") document, capable of being reproduced on existing City equipment, shall be fifteen cents (\$.15) per copy. Duplication of two-sided pages shall be twenty (\$.20) per copy.
- b. The charge for copies of documents on microfilm or microfiche shall be twenty-five cents (\$.25) each.
- c. 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.
- d. For books and other multi-page volumes printed by the City (i.e. annual budget, growth management plan, various financial reports), the charge shall be the actual cost for outside reproduction

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- e. The charge for a certified copy of a public record shall be one dollar (\$1.00) per certification, plus the applicable copying charges.

(2). *Multi-Media Public Records Requests*

- a. If a photographic reproduction is requested, the charge shall be the actual cost for outside reproduction.
- b. The charge for copies of cassette tapes, video tapes or other such media shall be the cost to the City, plus applicable labor charges.

(3). *Information Systems*

- a. The charge for paper output copies generated from a computer system shall be in accordance with 1a., above. The charge for output to any other medium (i.e. diskette, tape cartridge, tape reel, etc.) shall be the cost to the City for such medium.
- b. Charges shall be imposed for the “extensive use of information technology.” When there is no readily available/existing report or program to present the specific information requested, a quote will be provided based on hours to collect the data. The Department should provide the City Clerk’s office with the name and hourly rate of the employee who will be processing the data. They should select the lowest paid employee capable of retrieving the data. No benefits multiplier shall be added to the labor charges. In the event non-staff consulting assistance is needed to provide the information, the hourly rate will be based on the rate charged by the non-staff consulting agency.

(4). *Labor Charges*

For extraordinary requests requiring more than 30 minutes of staff time, a labor charge will be imposed. Such charge shall be the result of the employee’s hourly rate of pay, multiplied by the actual time worked to accommodate the request and measure in tenths of an hour.

(5). *Revenue Collection and Receipts*

A receipt for payment of costs associated with Public Records 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.

(6). *Access to Records*

- a. For the purpose of this policy, “reasonable” time to provide access to public records is during normal working hours – Monday – Friday, 8:00 a.m. – 5:00 p.m. At all times records will be inspected, reviewed

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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).

- b. A reasonable special service charge will be imposed based on the actual labor cost for clerical personnel who may be required due to the nature or volume of a public records request to safeguard such records from loss or destruction during their inspection.

5. LAW ENFORCEMENT RECORDS

Copies of Law Enforcement records shall be subject to fees as outlined in F.S. 321.23.

6. REFERENCE

Florida Public Records Law, Chapter 119, Florida Statutes.

7. EFFECTIVE DATE

This Policy will become effective on November 14, 2005.