



**HARDEE COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC RECORDS REQUEST POLICY**

1. INTRODUCTION

It is the policy of the Hardee County Board of County Commissioners ("County") that all county 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" are 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 County. (F.S., §119.011(1)).

2. OBJECTIVE

The purpose of this policy is to affirm the public's right to access County 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 County to cover the cost of responding to public records requests.

3. AUTHORITY

The Public Records Law, Chapter 119, Florida Statutes.

4. PROCEDURE

A. Processing Public Records Requests

(1). Requests for Documents

- a. All public records requests will be submitted to the Public Records Coordinator.
- b. **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.

- c. As soon as reasonably possible after the receipt of a public records request, Staff should acknowledge the request and forward it to appropriate County Departments, which may have records responsive to the request.
- d. Access to public records will be during normal working hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.)
- e. At all times, records will be inspected, reviewed, photographed, and copied under supervision by the custodian of the public records requested, or the custodian's designee.
- f. Department Heads receiving an e-mailed public records request 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 requestors as to the estimated time for retrieval.
- g. If Departments that have responsive records in their possession indicate that the retrieval of the records will take more than fifteen minutes, they will need to contact the requestor with an estimated labor charge for the retrieval. Departments should provide the requestor with the 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.
- h. Staff shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the labor charges and copying charges, if any. They will confirm with the requestor that the County must be paid in advance of the requestor's receipt of the records. For large requests, (those more than \$25 in charges), the County shall require an advance deposit of 100% of the estimated sums prior to beginning retrieval.
- i. The County shall make every effort to respond fully to all Public Records Act requests as quickly as possible.
- j. 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 Records Management Liaison Officer for the County should be contacted for clarification of exemptions under F.S. 119.

- k. Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the Records Management Liaison Officer 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.
- l. If scope of records request is not well defined or is extensive in response to timeframes and specificity, the County Attorney must be contacted to aid in determining the scope of work with request to define the scope.

(2). 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 County employee who receives a request for this type of information/documents 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 County Manager’s office to inform them about what was requested and provided. Since the information/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.

(3). Media Requests

Requests from the media for public records shall be handled consistently with the procedures outlined herein.

B. Charges for Public Records

All public record requests for documents and or information will be processed as soon as practicable with the following reasonable fees applied, when appropriate. Payment for materials and services must be received in advance of requestor’s receipt of the public records. For requests requiring more than \$25 total fees, the County shall require an advance deposit of 100% of the

estimated sums prior to beginning retrieval. Should another public records request be generated from the same individual prior to an acknowledgement being delivered, requests will be combined and processed accordingly. If public record request fees are applied and the requestor fails to make payment and receive the materials/services, new requests for public records from that individual will not be processed until the prior debt is paid in full.

(1). General Fees

a. Duplication

There will be a charge of \$0.15 per page for standard one-sided legal or letter size copies. There will be a charge of \$0.20 per page for standard two-sided legal or letter size copies. For all other copies, the actual cost of duplication of the public record will be charged.

b. Photographic Reproduction

Where provision of another room or place is necessary to photograph public records, the expense of providing the other room or place shall be paid by the person desiring to photograph the public records. The person making the photographs will be charged for supervision services computed to the nearest quarter of an hour, exceeding 15 minutes, based on the actual employee's current rate of pay including wages, overtime, the employer portion of federal and state payroll taxes, unemployment compensation taxes, workers compensation insurance, retirement plan contributions, and health insurance costs.

c. Labor

If the nature of volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisor assistance by personnel, charges in addition to the cost of duplication/reproduction will be incurred. For the purpose of this policy, extensive means that the public records request will take more than 15 minutes to locate, review for confidential information, copy, redact, and refile the requested public records and also includes the time for clerical personnel to remain with an individual inspecting the public records to safeguard records from loss, alteration or destruction during the inspection. A labor charge will be imposed for extraordinary requests. This charge will be completed to the nearest quarter of an hour based on the actual employee's current rate of pay including wages, overtime, the employer portion of federal and state payroll taxes, unemployment compensation taxes, workers compensation insurance, retirement plan contributions, and health insurance costs for the person who performed the service, multiplied by the actual time worked to

accommodate the request and will be assessed regardless of whether any copy charges have been incurred.

In the event non-staff consulting assistance is needed to provide the information/documentation, the hourly rate charged will be based on the rate charged by the consulting agency.

d. ***Supplies***

Public records supplied on other mediums (ie: computer disk, DVD, tape, etc.) will be furnished based on the actual cost to the County.

e. ***Delivery of Public Records***

The cost of requested packaging and mailing or other requested delivery of the requested public records will also be charged based on the actual expense incurred.

(2). Revenue Collection and Receipts

A receipt for payment of costs associated with Public Records shall be provided to the requestor upon payment of the levied fee. All fees collected shall be forwarded to the Finance Department for deposit in the County's General Fund.

5. REFERENCE

Florida Public Records Law, Chapter 119, Florida Statutes.

6. GENERAL DEPARTMENTAL REQUIREMENTS

All Department Heads shall make an effort to inform employees about the Florida's Public Records Law and an explanation of the Public Records Law shall be furnished during orientation for all new employees.

7. EFFECTIVE DATE

This Policy was approved by the Hardee County Board of County Commissioners on the 17th day of January, 2008.

Amended: 06/05/2008 & 08/06/2015

