



CITY OF PUNTA GORDA PUBLIC RECORDS POLICY

PURPOSE

The purpose of this policy is to ensure all requests to inspect or copy public records are handled promptly, in good faith, in a professional and ethical manner and in compliance with Chapter 119, Florida Statutes. The intent of this policy is to outline the process of handling public records requests and/or the inspection of records made or received by the City of Punta Gorda. State law supersedes any provisions within this policy which may be in conflict herewith.

OVERVIEW

Definition of Public Records. Except as otherwise provided by law, “public records” include 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.” This includes all materials intended to perpetuate, communicate or formalize knowledge having to do with public business, including emails and text messages sent or received on a private account or on a private communication device as well as postings to or comments received via social media unless the legislature has specifically exempted same from disclosure.

Applicability. This policy applies to all Departments, offices, employees, officials and third party contractors creating, maintaining, handling and/or receiving public records.

Failure to Comply. Failure 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.

RECORDS CUSTODIAN

The Punta Gorda City Charter designates the City Clerk as custodian of all City public records. The City Clerk establishes policies which shall be in effect for all Departments for the public inspection, photocopying, retention and disposition/disposal of all City public records. The Director of each City Department shall be the custodian of such Department’s records and will coordinate with the City Clerk to designate a departmental records management liaison.

PROCEDURES

Responding to Requests

The City shall acknowledge all requests to inspect or copy public records promptly and in good faith, shall make available a copy of this policy to the public and shall provide written estimates of all related fees when requested or when extensive staff time is required (see Fee Structure below).

Every person who has custody of a public record shall permit the record to be inspected (viewed and/or 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 record or the custodian's designee.

All requested public records **must** go through a review process for potential redactions of confidential and exempt information prior to inspection, duplication or release.

Certain records are exempt from disclosure or are deemed by law to be confidential (see Government-in-the-Sunshine Manual for complete list of exempt and confidential records). If a requested record contains both exempt/confidential and non-exempt information, that which is exempt/confidential shall be redacted and the remainder of the record provided to the requestor.

If the person who has custody of the public record contends that all or part of the record is exempt or confidential, he or she shall state the basis and reason for the exemption or confidential status in writing, including the Statutory citations, and explain with particularity the basis for the conclusion that the cited exemption or confidentiality applies to the requested records.

General Rules and Statutory Guidelines

A person asking to inspect or obtain copies of public records is not required to disclose his/her name, address, telephone number or the reason for the request to the custodian. The requestor may provide this information voluntarily.

A public records request does not have to be made in writing and can be made at any individual Department location. The Department Director, Division Manager, departmental records management liaison and/or their designee are responsible for gathering the requested records and responding to the request.

Upon the receipt of a public records request, a determination must be made concerning whether the request will involve more than thirty (30) minutes of staff time and/or more than twenty-five dollars (\$25.00) of actual copy charges. If a determination is made that the request will likely exceed said thresholds, the requestor shall be provided with an estimate of the charges and a copy of the City's Fee Structure. The requestor will be required to provide to the City fifty percent (50%) of the estimated fees and charges prior to any action on the submitted request.

In order to efficiently serve the public, it is permissible to ask questions about the request, making it clear that a more specific and detailed public records request will assist in keeping the costs as reasonable as possible for the requestor.

The City must provide a copy of the public record in the medium requested only if the record is maintained in that medium.

The City is not required to extract information or provide an interpretation from its records in order to respond to a public records request. Further, the City is not required to create records, i.e., reports or other documents, to respond to such requests. The City shall provide the record in the format requested only 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 portable document format (pdf) or paper.

All public record requests must be processed within a reasonable amount of time. "Reasonable" means the time it takes to locate the record, review it for exempt or confidential information and provide a copy to the requestor. Delays due to workload or automatic delays in processing a public record request are not permitted.

Any public record request made by an attorney or law firm shall be copied to the City Attorney's office.

All subpoenas for documents shall be referred to the City Attorney's office.

All requests for records, regardless of format, shall be maintained by the Department for the required retention period of one fiscal year.

Coordination of Public Record Requests

The City Clerk shall be available for organizing and assisting with those requests involving records from multiple Departments.

The records custodian shall confer with the City Clerk, as necessary, to ensure the response process aligns with this policy as well as all State laws regulating access to public information.

At the end of each fiscal year, each Department shall provide the City Clerk's Office with the total number of those requests received and processed solely by the Department.

FEE STRUCTURE

The fee structure is prescribed by Section 119.07(4), Florida Statutes.

There shall not be a charge to provide a written estimate of the costs to produce the requested records. There shall not be a charge for the first 30 minutes of staff time to provide the information requested.

The fees for extensive staff time in excess of 30 minutes shall be calculated at \$6.25 per quarter hour (this rate is based on the lowest compensable rate, including the cost of benefits, of the personnel possessing the skills necessary to perform the duties as requested, regardless of whether that person actually performed the task.) Activities involved in preparing records for distribution or inspection include but are not limited to the following: researching, locating, reviewing, compiling, duplicating, redacting, supervising and distributing information.

The City shall collect a 50% deposit in advance on any estimates over \$25 or if the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources and/or extensive clerical or supervisory assistance.

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 Punta Gorda at the actual purchase cost or unless the requestor provides a disc or other electronic device in its original, unopened packaging.

Pricing

Paper Sizes: 8 ½" x 11"; 8 ½" x 14"; 11" x 17"

Black & white or color, single sided duplication	\$.15 per page
Black & white or color, double sided duplication	\$.20 per page
Certified Copies	\$1 per certification
Postage.....	Actual Cost
Electronic Media (i.e., CDs, USB Drives, audio tapes, etc.)	Actual Cost
Third-party Duplication Services	Actual Cost
Library Maps 24" x 36"	\$30
Library Maps 34" x 44"	\$45

All other sizes of paper or other necessary materials used to fulfill a request shall be charged a rate equal to the actual cost to the City. These items include but are not limited to photographs, maps, over-sized documents and aerial photographs.

There shall be no additional charges for the delivery of records by electronic mail or facsimile. Multiple documents or pages may constitute an extensive public records request and shall be charged in accordance with this policy.

Payments

The City of Punta Gorda accepts checks, money orders, cashier checks, credit card (Visa, MasterCard, Discover) or cash as payment for fees and charges assessed pursuant to this policy. The requestor shall pay all applicable fees and charges in full prior to the delivery of requested records. Should the requestor fail to pay all applicable fees and charges, the records may be withheld and any pre-paid deposit forfeited. Any requestor who has previously failed to pay all applicable fees and charges when due and payable shall be required to pay a deposit of one hundred percent (100%) before the processing of any subsequent public records requests.

REFERENCES

Chapter 119 (Public Records Act), Florida Statutes
The State of Florida Constitution
Government-in-the-Sunshine Manual

CONTACT

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POLICY HISTORY

Version 2.0