

GULF COUNTY, FLORIDA PUBLIC RECORDS REQUEST POLICY

1. PURPOSE

The purpose of this Public Records Request Policy is to provide guidance to Gulf County Board of County Commission Departments on how to properly coordinate a public records request from an entity making that request and ensure all requests comply with Florida Statute Chapter 119, also known as the "Public Records Act."

2. POLICY

This policy is to provide guidelines and overall general procedures countywide. Directors and department heads are required to inform all affected employees within their work areas of this policy and its requirements. They are also required to keep current this notice with all new hires to their respective departments.

Gulf County has designated the Gulf County Clerk as the County's custodian of records and contact person for tracking public records requests submitted to all Board of County Commission departments. The Department Heads shall act as Public Records Custodians of their respective departments and will assist the centralized public records custodian and provide prompt and thorough production to the public records request.

Department Heads are required to know and train their employees on what public records are available in their departments and what exempted information is to be redacted in the records requested. The departments are advised to contact the County Attorney in public records request applications where questions or issues arise as to the production of "exempted" information.

The County Administrator shall arrange for the Clerk and her staff to receive public records training and shall be responsible for arranging training and compliance of the Public Records Act in accordance with Florida Statute Chapter 119.

3. DEFINITIONS

What is a Public Record?

Section 119.011(11). F.S., defines "public records" to 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. The Florida Supreme Court have interpreted a true determining factor for a public record as those records that "**perpetuate, communicate, or formalize knowledge.**"

4. PROCEDURES

When the Clerk receives a public records request, the following procedures will apply:

Notify the Clerk and the Clerk's office staff of the public records request and provide a copy of any written request in addition the mandatory fully completed Gulf County Public Records Request Form ("PRR") {Exhibit A}.

Upon receipt of a public records request, whether written or verbal, the Clerk and or staff person receiving the public records request must require the requestor's completion of the Gulf County Public Records Request Form (Exhibit A) to the extent possible based on information known by the requestor.

Forward the completed Gulf County Public Records Request Form along with any written or documented request to the Clerk for data input and processing.

NOTE: A public records request does not have to be in writing as a prerequisite for completing a public records request.

The Public Records Act does not require agencies to change formats of an existing public record to comply with a public records request. Public Records will be provided in the format of an existing record and will not be altered by scanning and downloading to provide electronically or downloading to a computer disk or thumb drive.

The Public Records Act does not require the County to produce an employee to answer questions regarding the records produced.

Once the Clerk has received the requestor's completed PRR and information; a tracking number will be assigned, detailed data and a log regarding the public records request will be input onto the PRR for tracking.

Requestor will be requested to coordinate with the Clerk's office for the coordination and compilation of the requested records to completion. The centralized public records contact person will direct and provide all correspondence to the requestor of the records unless arrangements are made between the centralized public records contact person and the department possessing the public records.

The centralized public records contact person will document and maintain communication with the County department possessing the public records through to completion and will document and notify the department when all aspects of the public records request have been satisfied.

For those public records requests that become and/or are made on behalf of litigation, the Networking Specialist must be notified in order to ensure backups are made to comply with requirements of law.

If litigation is pending or reasonably anticipated, records relating to that litigation should not be disposed of in any manner and the County Administrator and County Attorney should be provided notice. The County Administrator and/or County Attorney will provide notice when it is permissible to dispose of records relating to litigation. E-mail which is a public record but contains exempt information should be produced but the exempt information must first be redacted. If in doubt as to whether an e-mail message is a public record or contains exempt information, the Department Head should contact and consult with the County Attorney as necessary.

The record series entitled "Transitory Messages," found in the Florida Department of State General Schedule for Local Governments GSI-L, is designed to cover certain Email communications, as well as other information with short-term administrative value. The transitory message series is defined as follows:

Transitory messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or formalization of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal nature of transitory messages might be compared to the communication that might take place during a telephone conversation or verbal communications in an office hallway. Transitory messages would include, but would not be limited to:

E-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages. Retention is defined as retaining until obsolete, superseded, or administrative value is lost.

5. EXCEPTIONS TO PUBLIC RECORDS INFORMATION

Although documents that perpetuate, communicate, or formalize knowledge are public records, not all information found in that public record is necessarily subject to dissemination or release. For example, employee personnel files are public records.

However, information such as social security numbers is protected and is not to be released. The following public documents/instruments are examples that may include sensitive material that is either exempt from the Public Records Act or some other statutory exemption:

911 recordings

EMS run logs (patient information)

Fire run logs (patient information)

Employee records (Florida retirement records, drug screens, medical records)

Attorney client communications

This list is not all encompassing. County departments should seek guidance from the Privacy Officer if they are unsure of what constitutes sensitive information prior to release of the public record(s).

All public records requests involving personnel files will be directed to Human Resources with notice to the centralized public records contact person and the Privacy Officer. The Privacy Officer will work with HR to ensure compliance. Documents that contain protected sensitive material will be redacted and the document will then be released to satisfy the public records request.

6. FEES

All fees imposed for duplication of public records will comply with the Public Records Act, Chapter 119, F.S.

Unless specifically stated otherwise through state statute, the following statutory fees will apply to copying of public records:

Paper size 8 1/2" x 11", 8 1/2" x 14", or 11" x 17"

Single sided page \$.15 per page

Double sided page \$.20 per page

All Other Copies

Actual cost of duplication

Certified Copy

1+ pages: \$1.00 per certified document

Audio Tape and CD Fees

Audio Tapes Actual cost to County

Data CD Actual cost to County

Audio CD Actual cost to County

Audio Tapes and/or CDs (if applicable) will take several days to reproduce.

A charge per copy shall also be made when necessary to make multiple copies of a document in order to properly redact exempt information contained in the document.

Exception: County maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the materials used for those duplications. Also, departments may include a reasonable labor and overhead charge associated with the duplication.

No sales tax shall be charged.

Extensive Information Technology/Clerical or Supervisory Assistance: Where the nature or volume of a request requires extensive use of information technology resources or extensive clerical or supervisory assistance, the County may charge a special reasonable service charge based on the cost actually incurred for the extensive use of information technology resources or the labor cost of the personnel that is actually incurred for the clerical or supervisory assistance required.

Florida Courts have stated that "extensive" means taking more than 15 minutes to locate, research, review, redact, copy or remain present while the requestor copies, and/or answers questions and re-file the material.

To assess the fee for employee hours spent in excess of 15 minutes, County departments will ascertain the hourly rate paid to the county position(s) compiling and providing the duplication.

Occasionally, requestor may need to review records directly. The County shall permit records to be inspected, copied and photographed, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. Because of exemptions to Chapter 119 of the Florida Statutes, there may be sensitive information the public is not authorized to see. These reviews need to be scheduled after consultation with the County Manager and/or County Attorney.

Deposits: If a request requiring extensive resources by nature, County Departments may require a "deposit" before starting the reproduction. The member conducting the request should review the materials needed, develop an estimate for the cost for reproduction, and notify the requesting person or entity of the amount to reproduce the records and the need for a deposit. Any requestor having an account delinquent more than thirty (30) days will be required to pay in advance the estimated cost for providing the public records documents requested.

Cost overages will be billed the balance; extra monies will be refunded.

Once the County department received the fees associated with reproduction, the County department must provide the copied information.

7. RECORDS RETENTION

Public records must be kept/destroyed in accordance with retention schedules set forth by the Division of Library and Information Services (division) of the Department of State of Florida.

8. REVOCATION:

This policy supersedes and revokes all other prior Public Records Request Policies adopted by the County.