

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: PUBLIC AFFAIRS DEPARTMENT

**SUBJECT: PROCEDURES AND FEES FOR PUBLIC RECORD REQUESTS
(PRRs)**

PPM #: CW-F-002

ISSUE DATE
February 25, 2019

EFFECTIVE DATE
February 25, 2019

PURPOSE:

To provide the authority, policies and procedures to receive, comply with, track, and maintain efficient and cost-effective management of requests for public records received by County departments, divisions and offices.

AUTHORITY:

- Florida Statute Chapter 119, as may be amended.
- Florida Statute 257.36, as may be amended.
- Palm Beach County Administrative Code, as may be amended.
- Florida Administrative Code, Chapter 1B, 26.003 as may be amended.
- General Records Schedule GS1-SL for State and Local Government as may be amended.

UPDATES:

Future updates to this PPM are the responsibility of the Director of the Public Affairs Department.

POLICY:

Palm Beach County is committed to a comprehensive management program to ensure that all PRRs are responded to efficiently, economically, and in accordance with both state statutes and the goals of public accountability and transparency.

Requests to inspect public records in person or receive copied public records can be submitted to any County department, division or office, and must be acknowledged promptly and responded to in good faith. A good faith response includes making reasonable efforts to determine whether such a record exists and, if so, the location at which the records can be obtained.

A County department, division or office can process its own PRRs (direct response departments), or elect to have the Public Affairs Department serve as the central point-of-contact for responding and tracking those requests (served departments). (See Attachment A)

The Board of County Commissioners may enact a fee for inspecting, copying, or scanning public records in an amount not to exceed the fees established by F.S. Ch.119. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, a special service charge may be assessed. (See Attachment B.)

A requestor can either inspect records in person or receive copies, but new records do not have to be created in order to accommodate a request.

RESPONSIBILITY:

The Director of the Public Affairs Department is hereby authorized to establish procedures to ensure the County's compliance with all applicable laws regarding the proper processing, completion and tracking of public records requests for all served departments.

PROCEDURES:

1. Coordination

Public Affairs shall appoint a designee (Public Affairs PRR designee) who shall be responsible for the coordination and tracking of the County's response to all PRRs submitted to served departments and to respond to and refer all PRRs for direct-response departments, or non-BCC offices and agencies, to those departments or offices, where applicable. All County departments shall designate a primary point-of-contact (department PRR designee) for this purpose and inform Public Affairs who this person is.

In all County departments, all public records requests must be accepted by the first person the requestor contacts (point-of-contact) or the department PRR designee. Requests do not have to be made in writing. If a request is not made in writing (such as by telephone or in person), the point-of-contact or the department PRR designee, shall document the request in writing. Such documentation shall include the details and date of the request and may include the name of the requester and contact information, if it is freely provided. Requests may be made anonymously.

If the requestor does not offer his or her name, or any other information, County employees may not insist that such information be provided before fulfilling the request as long as the requestor provides a way of delivering the responsive records (i.e. P.O. Box, e-mail address, etc.).

If a served department receives a PRR, it should be accepted and documented by the first person who is contacted (point-of-contact) and then forwarded to the Public Affairs PRR designee for processing.

A PRR cannot be delayed by referring the requestor to the Public Affairs PRR designee without first accepting and documenting the request. Once the Public Affairs PRR designee is notified

of a PRR for a served department, it is entered into the ePRR records request database, assigned a tracking number and referred to the proper department(s) for processing.

Any request received by the Public Affairs PRR designee involving a direct response department will be replied to promptly and will be sent to that department for processing. The department in question must respond to all such requests in good faith and track responses independently from Public Affairs, in compliance with all applicable laws. When applicable, the department PRR designee must inform the Public Affairs PRR designee when such records requests are completed.

2. Responding to Public Records Requests - Served Departments

The Public Affairs PRR designee shall coordinate the County's formal response to each request for served departments and follow up with both the affected department(s) and requestors to ensure that all requests are acknowledged promptly and responded to in good faith.

A. Request Assessment

The first step in the process is to determine what the exact requested records are, where those records are maintained and in what form they exist (i.e. hard copy, PDF, etc.), in order to prepare the formal cost estimate.

B. Cost Estimate

With assistance from the served department(s), the Public Affairs PRR designee shall prepare a written estimate of staff time and resources needed to process the request. A schedule of the fees set by statute for these services is attached hereto as Attachment B.

The estimate is sent to the requestor, and once written approval is received and, if applicable, a deposit paid, the work on the request shall begin immediately. Staff shall not do the work until the estimate is approved by the requestor in writing. The Public Affairs PRR designee will work with the affected served department(s) to organize the responsive records in order to develop the formal response to the requestor.

A requestor may view records in person and will be charged in accordance with this PPM.

C. Exemptions and Redactions

The department that is the custodian of the requested records must determine what information is exempt, and redact the records before release. The requestor will be informed on any exemptions, and notify what statutory provision makes the information exempt defined under the F.S. Chapter 119.

D. Liability Incident/Claims-Related Records

Requests for records associated with a liability incident or claim, must be cleared by the Risk Management Department's Property & Casualty Division before release.

E. Stay of Records Destruction ("Records Hold")

If a public records request is made to view or copy records that have been approved for destruction (but have not yet been destroyed), the records shall not be destroyed until the request is fulfilled.

Disposition Requirements

Upon notification from the County Attorney's Office that a civil action has been initiated, a custodian cannot dispose of the respective records except by order of a court of competent jurisdiction or approval of the County Attorney's Office. If no civil action is initiated and the records have been made available to the requestor for viewing and copying, and there are no other public record requests made for the records, the records may be disposed in accordance with the state's destruction process.

F. Accounting/Tracking

The Public Affairs PRR designee is responsible for collecting and accounting for all payments for PRR-related services provided for served departments. The revenue received for this service shall be forwarded to the Clerk and Comptroller's Office and processed for deposit accordingly.

Upon completion of each request, the Public Affairs PRR designee updates the applicable tracking information in the ePRR Database with information including requestor contact information, completed tasks, the response time, staff hours and other associated costs.

All released records are archived along with the correspondence associated with the completed request for one (1) year, pursuant to General Records Schedule GS1-SL for State and Local Government Agencies.

3. Responding to Public Records Requests – Direct-Response Departments

The department PRR designees for departments that handle their own PRRs must also implement records requests procedures in accordance with County policy, Florida Statutes and other authorities mentioned herein. The department PRR designees shall inform the Public Affairs PRR designee of all fulfilled records requests.

4. Standards and Quality Control

The public records request database shall comply with Florida Law and County policies and procedures.


VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History

1. Administrative Order #1-12, effective 5/1978
2. PPM #CW-F-002, effective 10/1/1988
3. PPM #CW-F-002, effective 3/22/1991
4. PPM #CW-F-002, effective 12/15/1995
5. PPM #CW-F-002, effective 5/15/2009
6. PPM #CW-F-002, effective 12/10/2010

ATTACHMENT A

SERVED DEPARTMENTS

Tracked by Public Affairs

DIRECT RESPONSE DEPARTMENTS

Departments/Divisions that handle their own PRRs

AIRPORTS

COMMISSION ON ETHICS

COUNTY ATTORNEY

COOPERATIVE EXTENSION SERVICE

ENVIRONMENTAL RESOURCES
MANAGEMENT

ENGINEERING & PUBLIC WORKS

FACILITIES DEVELOPMENT &
OPERATIONS

FINANCIAL MANAGEMENT & BUDGET

FIRE RESCUE

MEDICAL EXAMINER

HOUSING & ECONOMIC
SUSTAINABILITY

PLANNING, ZONING & BUILDING

HUMAN RESOURCES

PURCHASING

INFORMATION SYSTEMS SERVICES

PUBLIC SAFETY:
ANIMAL CARE & CONTROL
VICTIM SERVICES

LIBRARY

RISK MANAGEMENT

OFFICE OF EQUAL BUSINESS
OPPORTUNITY

TOURIST DEVELOPMENT COUNCIL

OFFICE OF EQUAL OPPORTUNITY

WATER UTILITIES

PARKS & RECREATION

PALM TRAN

PUBLIC SAFETY:
CONSUMER AFFAIRS
EMERGENCY MANAGEMENT

ATTACHMENT B

FEES ASSOCIATED WITH PUBLIC RECORDS REQUESTS

1. Fee schedule

PHOTOCOPY DUPLICATION - PAPER RECORDS

Paper - Standard Size

The following fees for standard size copies are established by F.S. Ch. 119:

8 1/2 x 11" or 8 x 14" \$.15 per one-sided copy

8 1/2 x 11" or 8 x 14" \$.20 per two-sided copy

Paper - Non Standard Size

Fees for all other paper copies shall be based on actual costs, not including overhead (i.e. machine rental, electricity, etc.) or labor.

CERTIFIED COPIES

The fee for certified copies is established in F.S. Ch.119. and is not more than \$1.00 per copy.

DUPLICATION - ELECTRONIC RECORDS

Fees for the duplication of electronic records (audio, video, digital, disk, tape, etc.) shall be based on the actual cost of the media used, not including overhead or labor.

MINIMUM CHARGE

No charge shall be made for the first \$2.00 of photocopying/duplication per request.

2. Special Service Charges

The County may charge a special service charge in addition to the actual cost of duplication of public records if the nature or volume of the records to be inspected, copied, or scanned requires extensive use of clerical and/or supervisory assistance, and information technology resources. Extensive use is defined as more than 30 minutes per staff member.

Fees for clerical or supervisory assistance will be based on the hourly rate of the employee performing the service, plus benefits, computed as follows:

$$\text{Hourly rate} \times 1.25 \times \text{hours worked} = \text{fee}$$

Partial hours worked will be computed in increments of .25, .50 or .75.

Fees for clerical or supervisory assistance and information technology resources shall be based upon the costs actually incurred or attributable to the County. This includes, but shall not be limited to, time spent locating, reviewing, redacting or scanning documents requested, and accompanying the requestor during an onsite inspection.

Note: while the work on a given request can be performed by any capable staff member, the cost estimated must be based on the hourly rate of the lowest paid employee capable of performing that work.

3. Minimum Charges

No charge shall be made for the first 30 minutes of clerical or supervisory assistance expended by each County employee while responding to a public records request.

4. Sales Tax

Sales tax is not applicable to fees charged for providing copies of public records.

5. Postage

Postage will be charged when delivery is requested by mail.

6. Payment

Copy fees, service fees and postage shall be paid prior to delivering the responsive records to the requestor.

An advance deposit may be collected as long as it is reasonable and based on the estimated labor or duplication costs to be incurred. Upon completion of the request, the requestor shall receive a refund if the advance deposit was more than the actual cost to fulfill the request. If the actual cost was more than the deposit provided, the requestor shall pay the difference prior to receiving the public records.

7. Coding of Fees Received

All County departments shall code fees received from the provision of records research, reproduction of public records or any other services applicable to the processing of public records requests to the applicable fund, department and unit code. The revenue source number for these fees is 4141.

8. Attorney's Fees

Attorney's fees— If a civil action is filed against the county to enforce the provisions of F.S. Ch. 119 the requestor must provide written notice identifying the PRR to the county's custodian of public records at least five (5) business days before filing the civil action, except the requestor is not required to provide written notice of the PRR to the county department does not prominently post the contact information for the county's custodian of public records in the county's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the county's website.

Updated 02/22/19