

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Administrative Code - Public Records Request Resolution

DEPARTMENTS: Community Information **DIVISION:** Community Information

AUTHORIZED BY: Sally Sherman **CONTACT:** Patti Michel **EXT:** 1174

Agenda Date <u>6-14-2005</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Approve and authorize the Chairman to execute the resolution updating Public Records Requests procedures.

BACKGROUND:

The Board of County Commissioners adopted resolution 90-R-214 establishing the procedures for processing public records requests. This resolution was repealed and replaced with resolution 93-R-129. No updates have been made since 1993. Advances in technology and changes to public records laws necessitate updating these procedures.

The proposed resolution outlines uniform procedures for handling requests to include new data types and formats such as video and electronic records. The proposed resolution addresses reasonable service charges to be levied for staff time, duplication costs and mailing. The resolution also establishes procedures for the accountability of monies received for processing and filling the request.

Reviewed by:
Co Atty: <u>[Signature]</u>
DFS: _____
Other: _____
DCM: <u>[Signature]</u>
CM: <u>[Signature]</u>
File No. <u>CC1B01</u>

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING ON THE ___ DAY OF _____, 2005.

WHEREAS, Seminole County Ordinance No. 89-28 created the Seminole County Administrative Code; and

WHEREAS, Seminole County Resolution No. 89-R-438 adopted the Seminole County Administrative Code; and

WHEREAS, the Seminole County Administrative Code needs to be amended from time to time to reflect changes in the administration of County government,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA THAT,

1. Section 5.6, Public Records Requests, Seminole County Administrative Code, is created and attached hereto for inclusion in the Seminole County Administrative Code.

ADOPTED this _____ day of _____, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON HENLEY, Chairman

ADMINISTRATION

5.6 PUBLIC RECORDS REQUESTS

A. PURPOSE. In the best interest of all taxpayers, the Board of County Commissioners has determined that a reasonable service charge be levied to cover the cost involved for making photocopies of public records. A uniform procedure has been established and adopted, as well as procedures established for the accountability of monies received for such photocopies and mailings.

B. DEFINITIONS.

Board means Board of County Commissioners of Seminole County, Florida.

Department means departments or offices under the Board of County Commissioners and shall include Boards, Commissions and similar bodies appointed by the Board of County Commissioners.

Division means an office under a department.

Public record shall have the meaning set forth in Section 119,011(1), Florida Statutes.

Information technology resources shall have the meaning set forth in Section 282.303(10), Florida Statutes.

Extensive shall mean use of ~~information technology staff~~ resources in excess of ~~ten (10) fifteen (15) minutes of clerical or supervision assistance in excess of twenty (20) minutes.~~

C. SERVICE CHARGES.

(1) The Department or Division shall make the following charges for services rendered by their respective offices in responding to public records requests. Copies of public records shall be available on a cash and carry basis. Cash, money orders, and personal checks will be accepted. Checks and money orders shall be made payable to the Seminole County Board of County Commissioners.

(a) Fifteen cents (\$.15) for each copy of each page made by copy machine; provided that the copy paper size does not exceed 8 ½" by 14" (legal size) and; provided, further that the copy is imprinted on one (1) side only.

(b) An additional five cents (\$.05) for each copy as set forth in C(1)(a), above, which is imprinted on two (2) sides.

(c) As to all other copies, ~~except for certified copies,~~ the actual cost of duplication of the record or document.

(d) ~~For certified copies of records, ONE AND NO/100 DOLLAR (\$1.00) per copy.~~ Electronic file copies shall be charged staff time, if extensive, as defined above.

(e) ~~For microfiche duplicates, TWO AND NO/100 DOLLARS (\$2.00) per fiche.~~ Video copies - Duplicate copies of televised meetings or

productions shall be charged fees as set forth in the established SGTV policies.

(f) If the copies are to be mailed at the request of the requestor, a charge of ~~TWO AND 50/100 DOLLARS (\$2.50)~~ THREE AND 50/00 DOLLARS (\$3.50) for handling, plus all applicable postage expenses, shall be made. Requests for public records to mailed by a Department or Division shall be paid in advance.

(2) If the nature of volume of public records requested to be inspected, examined or copied is such to require extensive use of ~~information~~ County technology resources or extensive clerical or supervisory assistance or both, the Department or Division ~~shall~~ may charge an additional special service charge which shall be based on the cost incurred ~~by~~ for the use of ~~the information-technology resources as listed in the County Manager's policies setting forth such costs and hourly rate of personnel providing the service.~~ and the labor cost of personnel providing the service. This charge shall be based on the costs actually incurred.

(3) In the event that due to the size or configuration of a public record, it cannot be reproduced on equipment owned or operated by the County, the requestor shall pay in advance the estimated cost that will be charged to the County for outside reproduction services as the base copy charge. Full payment must be made prior to the release of the document to the requestor.

D. INSPECTION OF PUBLIC RECORDS. Public records are open to the general public to be inspected and examined by any person desiring to do so, at reasonable times, under reasonable conditions, and under the supervision by the custodian of the records or his designee. The Department or Division shall furnish photocopies of public records upon payment of charges within a reasonable time on a first-come-first-serve basis. ~~Photocopying of public records are on a cash and carry basis and personal checks will be accepted.~~

E. PREPRINTED AND PREPRICED DOCUMENTS. The charges established herein do not apply to preprinted or prepriced documents which have established fee schedules approved by the Board, ~~such as, by way of example, including, but not limited to,~~ the Seminole County Code, the Land Development Code, County maps, and aerial photographs.

F. RECEIPTS FOR SERVICE CHARGES. Departments and Divisions shall prepare ~~for each request a prenumbered, three part a~~ receipt for monies received for photocopying and mailing charges. One (1) copy will be given to the requestor, one (1) copy will be retained in the Department or Division and one (1) copy will be given to the Clerk's Office upon deposit of monies. ~~In addition, each Department or Division shall maintain a ledger to reflect all monies taken in by that Department or Division from photocopying charges and the mailing of such copies.~~

G. ~~DEPOSIT OF MONIES.~~ ~~Cash, checks or money orders received from charges contained herein together with copies of prenumbered receipts issued~~ Any money received shall be deposited with the Clerk of the Circuit Court ~~upon a reasonable accumulation of charges, but not less than once a week.~~ The Clerk's Office shall issue a receipt for such monies received and credit that amount to a separate account in the general revenue ledger.

H. REPEAL. Resolution No. ~~90-R-214-93-R-129~~ is hereby repealed.