

AMENDED AND RESTATED
ADMINISTRATIVE POLICY# 11-01

AN ADMINISTRATIVE POLICY OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA CONCERNING THE PROCEDURES FOR PROCESSING PUBLIC RECORDS REQUESTS PURSUANT TO CHAPTER 119, FLORIDA STATUTES.

WHEREAS, Article I, Section 24, Florida Constitution, and Chapter 119, Florida Statutes provides that County records shall be made available to the public upon reasonable request. The only reasonable delay in producing records is the time allowed to retrieve the records and redact those portions that are exempt as provided by law; and

WHEREAS, public records are all documents and materials made or received by the County in connection with the transaction of official business which are used to perpetuate, communicate or formalize knowledge; and

WHEREAS, public records are not limited to traditional written documents. Public records include maps, tapes, photographs, sound recordings, e-mail, film, or other materials regardless of the physical form, characteristics, or means of transmission; and

WHEREAS, Chapter 119, Florida Statutes provides the general procedures concerning public records requests as well as costs for fulfilling said requests; and

WHEREAS, there is no distinction between inspection of and copying of public records. Custodians of public records are required to allow records to be examined or furnish a copy at the desire of the person making the request.

NOW, THEREFORE, this administrative policy is adopted by the Board of County Commissioners of Wakulla County, Florida, providing that:

1. CUSTODIAN. The County Administrator or his/her designated representative shall serve as the official custodian of all Board of County Commissioners' public records, provided those documents are on site at the Board's office. However, every County public officer, employee, and those acting on their behalf must ensure the retention of the public records within their control and must ensure that such records are made available to the custodian when responsive to public records requests. For purposes of this policy, the term custodian refers to the official custodian and all public officers, employees, and those acting on their behalf, as the context may require.

2. PUBLIC RECORDS REQUESTS. Public record requests may be

made in person, in writing, by phone, by email, or by fax. The requestor does not have to show any special or legitimate interest in the record requested. As necessary, staff should track requests in a manner that identifies the specific item requested and a telephone number or other means of communication with that person to advise when the documents requested are ready for pick up or available for review. Such written records are to ensure that persons requesting documents obtain the requested records.

3. EXTENSIVE REQUESTS. Upon receipt of a public records request, the custodian cannot refuse a request because the request is over broad, but can request clarification from the person requesting records. Additionally, in accordance with Section 119.07(4)(d), Florida Statutes, "If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required or both." For the purposes of this policy, "Extensive" means a public records request that due to the nature or volume of the records requested will require in excess of 30 minutes of information technology resources, clerical, legal, or supervisory time. Any such charges for such requests shall be imposed in accordance with paragraph 8 below.

4. LIMITATIONS ON PUBLIC RECORDS OBLIGATIONS. The custodian is required to produce public records as defined by Florida law; however, the County is not required to conduct research or extract data to create documents. Additionally, the custodian is not required to answer questions, create or reformat records in a particular form if the records are not already available in that format or form.

5. SECURITY OF RECORDS. The custodian must keep records secure, reasonably protected from alteration or destruction, and readily available. In that, the custodian must ensure that original public records are not defaced, removed or altered in any fashion. The custodian must allow public records to be inspected and examined by any person desiring to do so, at any reasonable time. Inspection can be done under reasonable conditions, but the custodian may not impose a condition of inspection which operates to restrict the right of access. When a person desires to review original public records files, it is necessary that a staff person be present to ensure the integrity of the public records is maintained. As such, as stated in paragraph 3 above, the County may impose a Special Service Charge for staff time that is in excess of 30 minutes needed to oversee a person's review of original public records in the manner provided in paragraph 8 below.

6. EXEMPTIONS. The custodian must allow inspection and copying within a reasonable time. The custodian can retrieve the record, review for exemption, and redact or delete any portion claimed exempt, but no automatic delay is permissible. To ensure the County does not release or make public that information which is deemed confidential or exempt in accordance with applicable provisions of law, all requests may be reviewed by the office of the County Attorney for determination as to whether the request is either exempt or confidential and shall not be produced. Specifically, in regard to all pending litigation, the County Attorney's office shall review said matters to ensure only appropriate documents and/or information is produced as are required by Florida law. If a record is exempt or confidential from inspection pursuant to law, the basis for the refusal to release should be provided in writing. If only a portion of the record is exempt, only that portion can be deleted, but the remaining record must be provided for examination. All exemptions of a public record or portions of a public record must be specifically authorized by law.

7. TIMING OF REQUESTS. Public records are to be made available for inspection and copying within a reasonable amount of time but in no case longer than five (5) business days following the original request, except for unusual circumstances, such as voluminous records or requests requiring extensive staff time. When unusual circumstances arise, the custodian should contact persons requesting documents every five (5) days until the request is fulfilled to inform them of progress in obtaining requested material.

8. COSTS. Applicable production charges will be charged for all public records requests. In addition, a Special Service Charge shall be charged for Extensive requests, including staff supervision time, as provided in paragraphs 3 and 5 above, in accordance with Florida Statutes. For all public records requests, the following fee schedule shall apply:

\$.15 per page for single page copies (8.5" x 11" and 8.5"x 14)

\$. 20 per page for double sided copies

\$1.00 per CD/DVD

\$1.00 per page for certified copies of public records

Cost for duplication of larger sized documents (i.e. planning maps, topographical maps, bound books, etc....) are charged at the cost for duplication plus Actual Cost associated with the duplication.

First 30 minutes of staff time—no charge.

Special Service Charge for Extensive requests, including staff supervision time – Actual Cost for the lowest cost employee who is able to fulfill the request. For the

purposes of this policy, "Actual Cost" means the base hourly salary plus benefits for county employees or the applicable contractual rates for contracted county services.

In order to maximize the efficient use of County resources, upon receipt of a public records request, the custodian will estimate all costs associated with fulfilling that request and provide that estimate to the requestor within two (2) business days of receipt of the request. Any estimates in excess of \$10 must be paid in full to the County before the custodian begins producing the requested documents. Upon receipt of a deposit of all estimated costs, the requested materials shall be made available within a reasonable time thereafter, which should not to exceed five (5) business days unless unusual circumstances exist. If the deposit exceeds the cost of the request, the balance will be returned to the requestor. In all cases, the total cost associated with processing a public records request must be paid before any materials will be provided to the requestor.

9. RECORDS RETENTION. Public records shall be maintained, stored and then destroyed pursuant to the rules of the State of Florida, General Records Schedule for State and Local Government Agencies.

DONE AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, in a regularly scheduled meeting this 28th day of Feb., 2011.

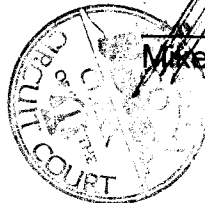
WAKULLA COUNTY, FLORIDA

(SEAL)

ATTEST:



Brent X. Thurmond, County Clerk




Mike Stewart, Chairman

APPROVED FOR FORM
AND CORRECTNESS

By:



Heather J. Encinosa, County Attorney