



## SECTION 3. COUNTY ADMINISTRATION

### 3.53 PUBLIC RECORDS REQUEST POLICY

**A. PURPOSE.** The purpose of this Public Records Request Policy is to provide an administrative process for County employees to properly respond to, coordinate, and fulfill a Public Records Request (“Request”) in compliance with Chapter 119, Florida Statutes, also known as the “Public Records Act”.

**B. SCOPE.** The Public Records Act provides a right of access to the records of state and local governments as well as private entities acting on their behalf. Unless an Exemption exists, this right of access applies to all materials made or received by the County in connection with the transaction of official business which are used to perpetuate, communicate, or formalize knowledge. Therefore, every person who has custody of a Public Record must permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under Reasonable Conditions, and under supervision by the Custodian of the Public Records.

#### **C. DEFINITIONS.**

(1) *Actual Cost of Duplication* means the cost of the materials and supplies used to duplicate the Public Record but does not include the labor and overhead costs associated with such duplication.

(2) *Confidential* means information is not subject to inspection or copying by the public and may be released only to those persons and entities designated in the Public Records Act.

(3) *County* means Seminole County.

(4) *Custodian* means the designated County employee(s) within a department, division, or office, including Commissioner offices, of the County whose responsibilities include communicating with the Public Records Coordinator and gathering Public Records in response to Requests.

(5) *Extensive* means in excess of fifteen (15) minutes.

(6) *Exempt or Exemption* means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of Section 119.07(1), Florida Statutes, Section 286.011, Florida Statutes, or Article I, Section 24 of the State Constitution, as any one of these may be amended.

(7) *Information Technology Resources* means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

(8) *Public Records* mean 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 County.

(9) *Public Records Coordinator* means the County employee(s) designated by the County Manager whose responsibilities include communicating with the requester and coordinating with the Custodian in the fulfillment of Requests.

(10) *Reasonable Conditions* mean reasonable regulations that would permit the Custodian to protect Public Records from alteration, damage, or destruction, and to ensure that the person reviewing the Public Records is not subjected to physical constraints designed to preclude review.

(11) *Redact* means to conceal from a copy of an original Public Record, or to conceal from an electronic image that is available for public viewing, that portion of the Public Record containing Exempt or Confidential information.

#### **D. GENERAL INFORMATION.**

(1) Requests are *not* required to be made in writing. As such, Requests may be made in person, over the phone, through email, on a sticky note, or in any other manner which is sufficient for the Custodian to identify the Public Records desired.

(2) A person who requests Public Records is not required to provide his or her name or contact information to receive the Public Records requested.

(3) A person is not required to explain the purpose or reason for the Request.

(4) The County must provide a copy or allow inspection of the Public Record in the medium requested if the County maintains the Public Record in that medium, and the County may charge a fee in accordance with Chapter 119, Florida Statutes. The County is not required to create new or reformat existing Public Records in response to a Request.

(5) The Public Records Act requires the County to provide access to or copies of Public Records but does not require that the County provide *information* from or about the Public Records.

#### **E. COPYING OR INSPECTION OF PUBLIC RECORDS.**

(1) **Public Record Request Received.** Upon receipt of a Request, the Request must be promptly reviewed and forwarded to the applicable Custodian and the Public Records Coordinator.

(2) **Acknowledge.**

(a) The Public Records Coordinator must promptly respond to the requester in writing acknowledging the Request. If the Request was made verbally or the requester did not provide contact information, the Request must be acknowledged upon receipt of the Request verbally to the extent feasible, and notes must be kept as to the date and time the Request is received and acknowledged. See Attachment A for sample language.



(b) If the Request is ambiguous or if it is determined that the Request is insufficient to identify the Public Records sought, the Public Records Coordinator must promptly contact the requester stating that more information is needed to produce the Public Records. See Attachment A for sample language.

**(3) Notification and Initial Evaluation.**

(a) The Public Records Coordinator must promptly provide notification of the Request to the applicable Custodian. Prior to any work being performed by the County in response to the Request, the Public Records Coordinator, in coordination with the Custodian, must evaluate the Request to determine whether there will be Extensive use of Information Technology Resources, or Extensive clerical or supervisory assistance, or both. If no Extensive use of Information Technology Resources, or Extensive clerical or supervisory assistance, or both are needed, the Custodian must promptly begin gathering Public Records that are responsive to the Request. Thereafter, the Public Records must be provided by the Custodian to the Public Records Coordinator to fulfill and close out the Request.

**(4) Extensive Use of Information Technology Resources or Extensive Clerical or Supervisory Assistance, or Both.**

(a) If Extensive use of Information Technology Resources, or Extensive clerical or supervisory assistance, or both, are needed to produce the requested Public Records, the County may impose a reasonable special service charge that reflects the actual costs incurred for the Extensive use of such resources or personnel.

(b) The Custodian must provide the Public Records Coordinator the estimated amount of time it will take for any Extensive clerical or supervisory assistance in gathering and reviewing the Public Records for Exempt or Confidential information.

(c) If the Request involves e-mails, the Public Records Coordinator must contact Information Technology ("I.T.") for I.T. to provide the estimated amount of time it will take for any Extensive use of Information Technology Resources needed to perform a search of the County servers. Generally, I.T. will only perform a search of e-mails. The Public Records Coordinator must coordinate with I.T. to determine if there are any other software platforms that may contain Public Records responsive to the Request. At minimum, I.T. will need the following information:

- (i) the date range for the search if a date range is provided by the requester; and
- (ii) the specific search terms.

**NOTE:** I.T. will only search the exact terms provided. Do not add search terms or parameters outside of what has been expressly requested. In addition, if there are Public Records known to exist that are not produced by the search terms, the Public Records Coordinator must review the search terms and parameters to determine the deficiency and provide I.T. with additional search terms or parameters.



**(5) Deposit and Gathering Public Records.**

(a) If Extensive use of Information Technology Resources, or Extensive clerical or supervisory assistance, or both are required, the Public Records Coordinator must complete and provide the requester a Special Service Charge Form ("Form"), which will inform the requester that a deposit of fifty percent (50%) of the estimate will be required before beginning any work on the Request, with the remaining fifty percent (50%) of the estimate to be collected prior to producing the Public Records to the requester. If the Request was made verbally, the information from the Form should be communicated to the requester and notes must be kept as to the date and time the communication takes place. See Attachment B for an example as to how the Public Records Coordinator will calculate costs and charges.

(b) Once the County receives the initial fifty percent (50%) deposit, the Public Records Coordinator must notify the Custodian(s) and I.T., as applicable, who must promptly begin gathering Public Records that are responsive to the Request.

(c) If at any time during the gathering of the Public Records, the estimated amount of time is anticipated to increase, the Custodian(s) and I.T., as applicable, must stop work, and notify the Public Records Coordinator. The Public Records Coordinator must request approval of the cost estimate increase from the requester, in writing, prior to the Custodian(s) and I.T. staff, as applicable, continuing to gather the Public Records.

(d) If at any time during the gathering of the Public Records, a Custodian discovers that information may be in the custody of another County department, division, or office, the Custodian must promptly notify the Public Records Coordinator.

**(6) Redact.**

(a) The Custodian(s) must review and Redact statutorily authorized Exempt or Confidential information within Public Records gathered from the Custodian's department, division, or office, including Commissioner offices, and Public Records searched for by I.T., as applicable. A resource document consisting of a common list of Exempt and Confidential Information can be requested from the Public Records Coordinator.

(i) A Custodian who asserts that an Exemption applies to a part of such Public Record must redact that portion of the Public Record to which an Exemption has been asserted and validly applies, and such Custodian must produce the remainder of the Public Record to the Public Records Coordinators for inspection and copying.

(ii) If a Custodian contends that all or part of the Public Record is Exempt from inspection and copying, he or she must state the basis of the Exemption that he or she contends is applicable to the Public Record, including the statutory citation to an Exemption created or afforded by statute.



(iii) If requested by the Requester seeking to inspect or copy the Public Record, the Custodian of Public Records must state in writing and with particularity the reasons for the conclusion that the record is Exempt or Confidential.

(b) The Custodian must provide a cover memo in a form approved by the County Manager's Office, to the Public Records Coordinator with the basis and the statutory citation for any Redacted Exempt or Confidential information.

(c) Upon reviewing, if there are any responsive Public Records to or from the County Attorney's Office, including Public Records pertaining to actual or potential litigation involving the County, the Custodian reviewing the Public Records must notify the Public Records Coordinator who must contact the County Attorney's Office to review the Public Records for Exempt or Confidential information prior to releasing the Public Records.

(7) **Fulfill.** Once review and Redaction is completed, if any, the Custodian must copy any responsive electronic Public Records on a thumb drive along with any other gathered responsive Public Records and communicate to the Public Records Coordinator that the Public Records are ready. The Public Records Coordinator must collect the remaining fifty percent (50%) of the balance due, if any, prior to producing the Public Records. Once the remaining fifty percent (50%) of the balance due is provided to the County by the requester, the Public Records Coordinator must provide the Form and cover memo, as applicable, and provide the Public Records responsive to the Request.

(8) **Closeout.**

(a) **Completed Requests.** Once the Public Records have been provided to the requester, the Request may be closed as having been completed.

(b) **Lack of Response from Requester.** If, after notifying the requester of all estimated applicable costs and charges, the requester does not respond, then the Public Records Coordinator must follow up with the requester after seven (7) calendar days from the date of the initial notification of the estimated applicable costs and charges. If, after seven (7) calendar days from the date of the initial follow up, the requester has not responded to the estimated applicable costs and charges, the Public Records Coordinator must follow up again with the requester. If the requester does not respond after seven (7) calendar days from the last follow up, the Public Records Coordinator may close the Request.

(c) **Refusal of Requester to Pay Estimated Costs and Charges.** If the requester refuses to provide the estimated applicable costs and charges, the Public Records Coordinator may close the Request.



**F. FEES FOR INSPECTING AND COPYING.**

(1) Pursuant to Section 119.07, Florida Statutes, as may be amended, the following fees will be imposed for all Requests:

For each one-sided copy of not more than 8 ½ by 14 inches	\$0.15
For each two-sided copy of not more than 8 ½ by 14 inches	\$0.20
For each certified copy of a Public Record	\$1.00
All other copies and materials Examples include but are not limited to, envelopes, postage, and thumb drives	Actual Cost of Duplication
Extensive use of Information Technology Resources or Extensive clerical or supervisory assistance, or both	Actual Cost of Duplication + special service charge The special service charge must be reasonable and based on the actual labor costs involved

(2) The fees authorized in this Public Records Request Policy are in addition to any other fees authorized by Florida Statutes.

**G. PUBLIC RECORDS TRAINING.** All County department, division, office directors and managers, Commission aides, Custodian(s), and all other County Employees required by the County Manager’s Office must attend an initial training on this Public Records Request Policy and thereafter on an annual calendar basis.

**H. DESIGNATION OF CUSTODIAN(S).** All County department, division, and offices, including Commission offices, must provide the County Manager’s Office the name of the Custodian(s) annually each calendar year or if there is a change, whichever occurs first.

**I. AUTHORITY.** Resolution 2024-R-26 adopted March 12, 2024



Attachment A

Sample Responses

Acknowledgment of a Public Records Request:

This correspondence will acknowledge receipt of your public records request made on \_\_\_\_\_, 20\_\_\_\_, for [*briefly summarize the request, or, if lengthy, "the records enumerated in your attached letter"*]. We are reviewing our records to determine if there are any records responsive to your request. Once this has been determined, I will provide you an estimate of the cost, if any, to provide these records, as authorized by Florida Statutes.

Ambiguous Public Records Request:

This will acknowledge receipt of your public records request made \_\_\_\_\_, 20\_\_\_\_. I understand your public records request to be as follows: [*restate what you think they are asking for*]. If this is not your request, please let me know immediately to assist you in fulfilling your request.

Attachment B

Example on Calculating Costs and Charges

**Example:**

John Doe requests all records pertaining to the property located at 1234 ABC Street, Sanford, Florida. It is determined by I.T. that 4,321 records exist pertaining to the Request, excluding the removal of any duplicates.

Public Records Coordinator determines that a special service charge must be imposed for review/Redaction of records since the volume of the records and the number of potential Exemptions will make review and Redaction of the records an Extensive task.

Extensive use of Information Technology Resources	2 hours (estimated time provided by I.T.) 2 hours x \$45.00 (hourly rate of I.T. staff person) = \$90.00
Thumb Drive	\$5.00
Extensive use of Clerical Labor	7 hours (estimated time provided by Custodian) \$15.00 (hourly rate of Custodian) 7 x \$15.00 = \$105.00 (cost of review/Redaction)
<b>Total:</b>	\$200.00
Initial 50% Deposit	\$100.00
Remaining 50% Balance Due	\$100.00