



CITY OF
ST. AUGUSTINE

PERSONNEL
MANUAL

4. Personnel Policies and Procedures

4.11 Access to Public Records

I. PURPOSE

The purpose of this policy is to ensure access to public records consistent with the goals of customer service and the Public Records Act (Chapter 119, Florida Statutes).

II. APPLICATION

The following guidelines will be followed by each department upon receiving a public records request. This policy is intended to be applied consistent with Florida law and available technology, as they evolve. Employees should consult with the City's custodian of public records and the City Attorney if they have any questions.

A. Custodian of Public Records.

Pursuant to Chapter 119, Florida Statutes, the City of St. Augustine has identified the City Clerk, or in his or her absence, the acting City Clerk, as the custodian of public records for the City. Individual departments may continue to respond to routine public records requests directed at them for records found in their files in the usual course of business, and must assist the public records custodian in responding to requests. Public records requests that may require extensive IT or clerical time, or do not clearly identify the department where the record is stored, or require multi-department coordination, as well as, questions regarding compliance with public records requirements, should be forwarded to the City's custodian of public records for coordination and a uniform response. The City Attorney will provide guidance on any legal issues.

B. Public Records Requests

Public records requests may be made in writing, or may be made orally in person or over the phone. City employees may not ask the requester's identity or purpose, nor require that the requester fill out a form.

If the request does not sufficiently identify the records sought, an employee must promptly notify the requester that more information is needed in order to produce the records. City employees are not obliged to create records that do not exist. Requests for opinions or answers regarding information or policies are not public records requests; an employee is not required to answer questions about what is found on the public record, only to provide access and a copy of the record if requested. The public records law does not provide for so-called "standing requests", meaning a continuing request for future documents. City employees must only respond with documents in the custody of the City at the time of the request. See *Inf. Op. to Worch, June 15, 1995*.

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C. Public Records

“Public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of 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. See §119.011(12), F.S.

Some public records or information contained in public records may be exempt from the Public Records Act or are confidential by law. City employees must review requested records for such exemptions or confidential information prior to making records available for inspection, examination or copying. If claiming that a document or portion of a document is exempt, the employee must identify the statutory exemption to the requester, redact the exempt information and provide access to any non-exempt material. See §119.07(1)(d-f), F.S.

D. Examples of Exempt or Confidential Information and Records

1. An employee’s personal identifying information contained in records relating to participation in an employee assistance program. See §166.0444, F.S.
2. An employee’s social security number (§119.071(4)(a)(1), F.S.) or identifiable medical information (§119.071(4)(b)(1), F.S.).
3. The home addresses, telephone numbers, dates of birth or photographs of:
 - a) active or former law enforcement officers
 - b) firefighters
 - c) active or former assistant state attorneys or public defenders
 - d) current or former code enforcement officers
 - e) current or former human resource, labor relations or employee relations directors, assistant directors, managers, or assistant managers who duties include hiring and firing employees, labor contract negotiations, administration or other personnel-related duties. See §119.071(4) F.S.
4. The photographs of and places of employment of the spouses and children of such above noted personnel; and the names and locations of schools and day care facilities attended by the children of such above noted personnel. See §119.071(4), F.S.
5. The home address, telephone number, and date of birth of a U.S. servicemember or former servicemember who served after Sept. 11, 2001, and the telephone number associated with a servicemember’s personal communication device. The home address, telephone number, date of birth, and place of employment of the spouse or dependent of a servicemember, and the telephone number associated with such spouse’s or

dependent's personal communication device. See §119.071(5)(k) F.S.

E. Inspection of Records

In general, all public records are open to inspection by any person at any reasonable time, under reasonable conditions, and under supervision of the custodian of public records or the custodian's designee. See §119.07(1)(a), F.S. Records must be reviewed prior to inspection as some records may be exempt from disclosure or confidential pursuant to specific provisions of law.

Employees must promptly acknowledge receipt of the public records request, make a good faith and reasonable effort to determine from other employees if the records exist, and promptly respond to the requester, either directly or through coordination with the public records custodian. See §119.07(1)(c), F.S.

Any person inspecting public records may request for such records to be copied or scanned, but must pay any applicable fees prior to the work being performed. The custodian of public records or his or her designee shall provide requesters inspecting records with the ability to mark records for copying or scanning that do not alter or damage the record, such as by placement of post-its or tabs.

F. Copies or Scans of Records

Multi-capacity scanner-photocopiers are available to employees for routine uses. The requester may specify whether he or she wishes to have a physical copy or digital scan. The following fees shall apply:

- (a) If the request to copy or scan requires more than fifteen (15) minutes of IT or clerical time, the employee should charge the fee in paragraph G of this policy and obtain payment before doing the work.
- (b) If the requester wants a physical copy of the record, the employee should charge the applicable fee in paragraph G of this policy and obtain payment before making the copies.
- (c) If the request requires both extensive time and physical copies, the employee should charge both time and copy fees in paragraph G of this policy and obtain payment before doing the work and making the copies.
- (e) Digital scans and existing electronic documents that do not require more than fifteen (15) minutes of clerical or IT time and do not exceed server attachment size limitations can be emailed to the requester at no cost.
- (f) As a courtesy to members of the public who may not have easy access to electronic media and data, the City Manager has authorized employees to provide ten (10) paper copies per request at no cost. See AGO 90-81.

Employees are not required to reformat or otherwise alter digital scans or electronic documents. If the record is already available in multiple formats, the requester may specify which format they prefer.

G. Copy Fees and Special Service Charges–§119.07(4), F.S.

The following fees shall be collected prior to delivery of copies of requested records. Fees in the amount of \$5.00 or less may be collected by the custodian or custodian's designee. Fees greater than \$5.00 shall be collected at either the Financial Services cashier or the Planning and Building Department cashier. If requested, requesters shall receive a receipt for payment.

1	1-sided copies 14 inches by 8 1/2 inches or less	= \$0.15 per copy.
2	2-sided copies 14 inches by 8 1/2 inches or less	= \$0.20 per copy.
3	Certified copy of a public record	= \$1.00 per copy
4	Larger Copies	= the actual cost of duplication
5	Video, audio, etc. copies	= the actual cost of duplication
6	Special Service Charges	= hourly base salary of employee after 15 minutes inspection

If the nature or volume of the public records to be inspected, examined, or copied requires the extensive use of information technology resources or extensive clerical or supervisory assistance by city personnel (such as to safeguard public records from loss or destruction during their inspection), or both, in addition to the actual cost of duplication, a special service charge will be assessed. The special service charge shall be reasonable and 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 for the clerical or supervisory assistance required, or both. See §119.07(4)(d), F.S.; *Florida Institutional Legal Services, Inc. v. Florida Department of Corrections*, 579 So.2d 267 (Fla. 1st DCA 1991); AGO 2000-11.

“Actual cost of duplication” means the cost of materials and supplies, and does not mean the cost of labor or overhead cost associated with such duplication. See §119.011(1), F.S.

“Extensive clerical or supervisory assistance” means for a period longer than fifteen (15) minutes during which clerical or supervisory personnel is not simultaneously performing regular duties. This has been interpreted to mean that it would take more than fifteen minutes to locate, review for confidential information, copy and refile the requested material. See §119.07(4)(d), F.S.; *Florida Institutional Legal Services, Inc. v. Florida Department of Corrections*, 579 So.2d 267 (Fla. 1st DCA 1991).

“Information technology (IT) resources” means data processing hardware and/or software and services, communications, supplies, personnel and facility resources, maintenance and training. See §119.011(9), F.S.

“Special service charge” shall be assessed as appropriate in 15-minute increments, and shall be assessed in the amount of one-quarter of the clerical or supervisory personnel's base hourly salary rate and benefits. Prior to providing clerical or supervisory assistance, such city personnel shall advise requesters of the potential for a special service charge and the amounts which may become due. See §119.07(4)(d), F.S.; *Highlands County v. Colby*, 976 So.2d 31 (Fla. 2d DCA 2008); AGOs 92-38, 90-07.

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Employees should promptly advise the requester that after reasonable inquiry the request appears to require more than fifteen (15) minutes of clerical or IT time and ask the requester if they wish to have the City prepare an estimate of costs. The estimate should be prepared promptly and sent to the requester along with information regarding how the requester can pre-pay a deposit for the costs associated with their request. See §119.07(4)(a)1.,F.S.; *Morris Publishing Group v. State*, 154 So.3d 528 (Fla. 1st DCA 2015).

For internal purposes only, employees should, when reasonably possible, sufficiently document their responses to public records requests so as to provide a reviewable record of compliance with the public records law. This may be achieved by email or letter response, use of a spreadsheet or other electronic database, notes to the file, use of the attached employee tracking form, or other equivalent methodology.

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CITY OF ST. AUGUSTINE
TRACKING RECEIPT FOR PUBLIC RECORDS REQUESTS
(to be completed by City Employees only)

Name of employee receiving public records request:

Department where request received:

Date public records request received:

Form of public records request (Check one):

- Letter
- E-mail
- Telephone
- In person
- Other

Name and contact information of requester (only if given):

Public Records Requested (use additional paper if needed):

Date of City Response:

Fees Charged, if any:

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