



## City of Belleair Beach Public Records Policy

### **1.1 Overview**

- 1.2 Policy:** It is the policy of the State of Florida that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.
- 1.3 Definition of Public Records:** All documents, papers, letters, maps, books, tapes, photographs, films, sound records, 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 any agency.
- 1.4 Description:** This policy's intent is to clarify the process of handling public records requests and/or the inspection of records made or received by the City of Belleair Beach. State law supersedes any provisions within this policy that may be in conflict herewith.
- 1.5 Purpose/Rationale:** The purpose of this policy is to ensure that all requests to inspect or copy public records are handled promptly, in good faith, as required by law, and in a professional and ethical manner that is consistent, efficient, timely, and in compliance with Chapter 119, Public Records, of the Florida Statutes.
- 1.6 Applicability:** This policy applies to officers and employees of the City of Belleair Beach, including those acting on behalf of the city.
- 1.7 Failure to Comply:** Failure of an officer or employee of the City of Belleair Beach to comply with this policy shall result in disciplinary action by the City, and any penalties as set forth in Section 119.10, Florida Statutes.

### **2.1 Procedure**

- 2.2 Public Records:** Every person who has custody of a public record shall permit the record to be inspected, photographed, or 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 or the custodian's designee.
- 2.3 Review Process:** All public records requests must be reviewed for potential redactions of confidential and exempt information prior to inspection, duplication, or release.
- 2.4 Acknowledgement:** The City shall acknowledge all requests to inspect or copy public records promptly and in good faith and make available a copy of this policy to the requestor.
- 2.5 Redaction:** Public records shall be made available upon request, except those records which are exempt from disclosure. If a requested record contains both exempt and non-exempt information, that which is exempt shall be redacted and the remainder of the record provided to the requestor.
- 2.6 Written Response:** If the person who has custody of the public record contends that all or part of the requested record is exempt from inspection and/or copying, he or she shall state in writing the basis for the conclusion that the cited exemption applies to the requested records and include the statutory citation.
- 2.7 Disposition:** Consistent with State disposition guidelines, the requested or inspected record(s) shall not be disposed of for a period of thirty (30) days after the request for inspection or copying has been fulfilled.
- 2.8 Information about Records:** City officials and employees are not required to answer questions or provide information from a public record, or to create a record in response to a public record request.
- 2.9 Format:** The City shall provide all requested public records in the format requested if the record is maintained in that format. If not maintained in the requested format, the City shall provide the record in its original format.



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### **3.1 General Guidelines for Requests**

**3.2 Identity of Requestor:** A person requesting to inspect or obtain copies of public records is not required to disclose his or her name, address, telephone number or other identifying information to the custodian except as authorized by law.

**3.3 Written Request Prohibited:** A request to inspect or copy public records does not have to be made in writing except as authorized by law.

**3.4 Clarification of Request:** In order to efficiently serve our public, it is permissible to ask a requestor questions about a public record request for clarification purposes and to assist in keeping the costs reasonable for the requestor.

**3.5 Time for Production:** All record requests must be processed within a reasonable period of time. "Reasonable" means the time it takes to locate the record, to review it for exempt information, and to provide a copy to the requestor. Automatic delays in processing a public record are impermissible.

**3.6 Subpoenas and Litigation Discovery:** Any subpoenas or litigation discovery requests shall be referred to the City Attorney.

**3.7 Elected Officials Request:** Public records related to the official duties of an elected official of the City of Belleair Beach shall be provided to the elected official at no cost.

### **4.1 Coordination of Public Record Requests and Inspections**

**4.2 Interdepartmental Coordination:** The City Clerk shall be available for organizing and assisting with all public record requests to inspect or copy public records. The coordination between the Department Heads and the City Clerk's office will help to ensure that the City of Belleair Beach handles all requests consistently, appropriately, and in compliance with Florida's public records law.

**4.3 Custodian of Record:** All City officials and employees who have custody of a public record must comply with the requirements of the public records law, including those requirements relating to retention, maintenance, and disclosure.

**4.4 Email – Elected Officials, City Staff and Employees, Boards, and Committee Members:** The purpose of this policy is to (i) ensure that the City Clerk Can efficiently serve as the custodian of public records, and (ii) ensure that the City Clerk can properly maintain, preserve, and retain public records in compliance with Chapter 118, Florida Statutes. (a) Elected Officials, City Staff members and Employees shall be provided with email addresses on the City of Belleair Beach server (@cityofbelleairbeach.com). Such official city email addresses shall be utilized for all municipal business and/or email correspondence in conjunction with their official duties. If an Elected Official, City Staff member or Employee utilize personal email accounts/addresses to conduct municipal business, then the City Clerk shall be copied on all email correspondence to ensure full accountability under the public records law of Florida. Failure to comply with this policy shall place the public records custodial responsibilities on the Elected Official, City Staff member or Employee. Failure to follow the public records law may result in individuals receiving civil and criminal penalties. (b) Board or Committee Members shall **not be** provided with email addresses on the City of Belleair Beach server (@cityofbelleairbeach.com). A personal email address may be utilized for official Board or Committee duties. Board or Committee members shall copy the City Clerk on all email correspondence related to municipal business to ensure full accountability under the public records law of Florida. Failure to comply with this policy shall place the public records custodial responsibilities on the Board or Committee member.



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### **5.1 Processing Extensive Requests**

**5.2 Personnel Time:** Activities involved in preparing records for distribution or inspection include, but are not limited to researching, locating, reviewing, compiling, duplicating, redacting, supervising, and distributing requested public records. The City Clerk shall be available for organizing and assisting with all public record requests to inspect or copy public records. The coordination between the Department Heads and the City Clerk's office will help to ensure that the City of Belleair Beach handles all requests consistently, appropriately, and in compliance with Florida's public records law.

**5.3 Extensive Public Records Request:** A public record request or inspection involving more than fifteen (15) minutes of staff time will be considered extensive and a written good faith estimate for the costs of producing the public records will be provided to the requestor.

**5.4 Written Estimate:** There shall not be a charge to provide a written good faith estimate of all costs associated with requests to inspect or copy public records.

**5.5 Deposit:** When the City receives an extensive public records request, the City shall collect a reasonable deposit commensurate with the good faith written estimate prior to the City's commencement of preparation of the records request or inspection of such records.

**5.6 Final Payment:** The balance of the actual cost for preparation and assembly of the public records is due prior to inspection or release of the requested public records.

**5.7 Previous Unpaid Requests:** In the event a requestor has failed to pay all fees associated with a previous public records request, the City shall not produce any additional record requests or prepare records for inspection for that specific requestor until the entire balance due to the City of Belleair Beach is paid.

**5.8 Refunds:** In the event the required deposit, based on the good faith written estimate, was more than the actual cost to prepare and produce the records request or prepare and produce for inspection, the City of Belleair Beach shall refund the difference.

**5.9 Methodology for Calculation of Estimate:** The fees for personnel time shall be calculated based on the lowest compensable rate of the personnel processing the skills necessary to perform the duties as requested, regardless of whether that person actually performed the task, multiplied by the time involved for completion of the request.

### **6.1 Pricing**

**6.2 Fee Structure:** The fee structure is prescribed by Section 119.07(4), Florida Statutes, and is summarized below.

Paper size 8 ½" x 11", 8 ½" x 14" and 11" x 17"

Black and white or color single sided duplication \$0.15 per page

Black and white or color double sided duplication \$0.20 per page

Certified Copy

Certified Document \$1.00 per certification

Miscellaneous Mediums

Compact Disc duplication Actual cost of material

Thumb Drive duplication Actual cost of material



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**6.3 Other Mediums:** All other sizes of paper or other necessary materials used to fulfill a request shall be charged at a rate equal to the actual cost to the City. These items include, but are not limited to, photographs, maps, audio tapes, and aerial photographs.

**6.4 Digital Storage:** To protect the security of its systems, the City shall not permit the transmittal of records on a disc or other electronic device that must be connected to its systems unless that disc or device is procured and provided by the City of Belleair Beach at the actual purchase cost or unless the requestor provides a disc or other electronic device in its original, unopened packaging.

### **6.5 Delivery Fees:**

**6.5.1 On-site pick up:** There shall be no charge for records picked up by the requestor at the location of the office or department where the records are kept.

**6.5.2 Electronic delivery:** There shall be no charge for requests sent by email.

**6.5.3 Facsimile delivery:** The actual cost to the City shall be charged to the requestor for requests sent by fax.

**6.5.4 Mail or delivery service:** The actual cost of mailing or shipping the materials by the City shall be charged to the requestor.

**6.6** This policy shall not be applied retroactively to the enacting Resolution.

**7.1 Payments:** The City of Belleair Beach accepts credit cards, checks, money orders, cashier checks, or cash as payment for fees associated with a request to inspect or copy public records. All payments shall be processed through the Finance Department.

### **8.1 References:**

Chapter 119 (Public Records Act), Florida Statutes

The State of Florida Constitution

Government in the Sunshine Manual

### **9.1 Contact:**

City Clerk Renee Rose

Phone: (727) 595-4646

Email: [renee.rose@cityofbelleairbeach.com](mailto:renee.rose@cityofbelleairbeach.com)

### **10.1 Policy History:**

Version 1.0

11/01/2019 – Initial Release / Revised 12/02/2019 / Revised 07/06/2020 / Revised 09/22/2020 / Revised 04/19/2022