

December 17, 2013

## SUBJECT:

ORIGINATING DEPARTMENT:

## PUBLIC RECORDS POLICY

BOCC County Administration  
Records Management  
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## POLICY:

It is the policy of the Citrus County Board of County Commissioners that openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government exists first to serve the interests of the people; it is the intent of the Board of County Commissioners to establish a public records policy consistent with state law.

In addition, the BOCC is supportive of utilizing state recommended best management practices and technology to facilitate efficient and complete provision of requested public records in a timely manner.

In recognition that large or complex public record requests require extensive allocation of staff and county resources and their associated costs, the BOCC will establish fees to cover the cost of responding to public record requests consistent with State law.

This policy is established to provide employees and the public with a clear understanding of the process and procedures that will be utilized in responding to requests for public records.

## DEFINITIONS:

“**Active records**” are records in regular use that need to be retained close to users.

“**Archival records**” are records used to administer, support, or document the delivery of programs or projects, carry out operations, make decisions or account for county activities, and require indefinite preservation. These records are held in physical and electronic repositories.

“**Confidential records**” means public records that have been identified in the Florida Law as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated in the law.

“**Designated Records Custodians**” (DRC) shall be the BOCC Department Director, or their designee by formal notification to the Records Manager. The DRC responsibilities include responding to the Records Manager on public record requests and will comply with Chapters 119 and 257, Florida Statutes.

“**Duplicate record or Convenience Copy**” is a copy of an identified record copy stored by departments for convenience to meet current access needs.

“**Exempt**” means public records that have been identified in Chapter 119 or other applicable Florida Law as exempt from public disclosure.

“**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 s. 119.07(1), s. 286.011, or s. 24, Art. I of the State Constitution.

“**Inactive Records**” are records no longer in regular use, but are required for reference, legal, audit or other purposes. Records which have lost some of their value or have been superseded by new records, but have not reached their specified retention. Records that are referenced less than once per month are usually considered inactive.

“**Labor Charges**” are imposed for extraordinary requests requiring more than fifteen (15) minutes of staff

time. Such charge shall be based on the hourly base rate of pay, for the least paid employee of the department who can perform the task, multiplied by the actual time worked to accommodate the request.

**Legal Hold** A legal hold is an affirmative act by an organization to prevent the destruction of documents on paper as well as electronically stored information (commonly referred to as ESI), which are relevant to a lawsuit or governmental investigation. Other terms include record hold, document hold, data hold, disposition hold, litigation hold, regulatory hold, hold order, or preservation hold.

**Personal Information** means recorded information about an identifiable individual. Personal information includes: home address, home telephone number, race, nationality, origin, color, political or religious beliefs, age, sex, sexual orientation, marital or family status, and any identifying number or symbol assigned to an individual. It may also include information pertaining to finances, education, health, criminal records and employment, and images.

**Public Records** shall have the meaning as set forth in Chapter 119 F.S.

**Readily Available Records** are those that are easily retrievable, regularly disseminated to the public, do not require additional review in order to determine whether they contain exempt information and take less than fifteen (15) minutes to locate, retrieve, copy, and re-file.

**Record (Master) Copy** Public records specifically designated by the custodian as the official record. (Rule 1B-24.001 (3) (i), Florida Administrative Code)

**Records Manager** is responsible for the development, implementation and coordination of the records and information management (RIM) program to ensure all county employees have the resources, procedures and training needed to create and maintain records in all media that are trustworthy, usable over time, retained and disposed of in accordance with approved schedules and managed as a consistent whole. The Records Manager serves as the Records Management Liaison Officer (RMLO) to the State of Florida for Records & Information Management issues. The Records Manager shall serve as the administrator for tracking public records requests submitted to any Board of County Commission employee.

**Records Management Liaison Officer** Every agency is required to appoint a Records Management Liaison Officer (RMLO) to serve as the primary point of contact between the agency and the Division's records management program (257.36(5)(a), Florida Statutes).

**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 record containing exempt or confidential information. (s. 119.011(13), F.S.)

**Special Service Charge** 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. (s.119.07(4)(d) F.S.)

# PROCEDURES

## SECTION I: REQUESTS FOR COUNTY PUBLIC RECORDS

### CLARIFICATION OF REQUEST & RESPONSE TIME

1. The requesting party is not required to identify themselves or the reason for the request. The request may be made in writing or verbally. Electronic requests may be received as an email.
2. All content on any Citrus County social media site is subject to the public records law, Chapter 119, Florida Statutes. Any communication made through social networking websites may be subject to public disclosure.
3. When an oral request is received, the department receiving the request shall translate the oral request to the public records request form detailing the information requested. The form will then be reviewed with the requester to ensure that it accurately reflects their request so that full compliance can be achieved in a timely and efficient fashion.
4. The requesting party should identify whether they wish to simply inspect the records or obtain copies.
5. The Departments receiving a public records request will notify the Records Manager of the request.
6. **RESPONSE TIME FRAME:** The Records Manager shall try to respond to small or simple requests within two business days, unless unusual circumstances require a longer period. Large or complex requests will be dependent upon the circumstances surrounding the requests, including the nature of the request, the size of the request, the likely quantity of records to be produced, whether extensive use of information technology resources or clerical services are required, and the timing of the request (i.e. whether holidays intervene.)
  - a. **Redaction:** Requests for documents which may contain information which is exempt from disclosure under Florida law, may take additional time and redaction.
  - b. **Time Estimate:** In those instances, the Records Manager shall provide an estimated date of compliance as soon as possible unless unusual circumstances require a longer period. Delays or other impacts which will result in the request not being provided by the identified target date will be relayed to the requester by the Records Manager or designee.
7. **PUBLIC INSPECTION OF RECORDS:** For the purpose of this policy, “reasonable” time to provide access to public records is during normal working hours, Monday - Friday, 8:00 a.m. – 5:00 p.m. Records inspection shall be under the supervision of a custodian within the department where the records reside pursuant to Chapter 119.07(4) (d) F.S.
  - a. A service charge may be imposed based on the labor cost for personnel required to safeguard the records from loss or destruction during the inspection. When a service charge will be imposed the requestor will be informed of the cost before the review by

the Records Manager.

8. **QUESTIONS ABOUT THE RECORDS:** The Public Records Law does not require the County to produce an employee to answer questions regarding the records produced.
9. **RECORDS RELEASE:** public records will be released after redaction of any exempt information and full payment of fees due.
10. **DENIAL OF REQUEST:** Any denial of a public records request shall include an explanation, including legal authority, in conformance with Florida Law. If the initial request was made in writing, the explanation shall be in writing.
11. **OTHER CUSTODIAN:** If the public records requested are not in the custody or control of the Citrus County BOCC, the Records Manager will notify the requester of this fact and provide if known the agency or entity name that may have custody or control of the records.

## **SECTION II: PROCESSING PUBLIC RECORDS REQUESTS**

### **REQUESTS FOR “READILY AVAILABLE” RECORDS**

1. For the documents that are readily available there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requesting party will be charged according to the adopted Citrus County BOCC Fee Schedules.

### **REQUESTS FOR RECORDS**

1. If departments that have responsive records in their possession find that the retrieval of the records will take more than fifteen (15) minutes, the department will contact the Records Manager who will then contact the requesting party with an estimated labor charge for the retrieval before commencing with the actual retrieval process.
2. The Records Manager will utilize the base hourly pay rate of the lowest paid employee capable of efficiently retrieving the records. No benefits multiplier will be added to the labor charge.
  - a. **An advance deposit of 50% of the estimated costs is required for extensive records requests.** Refer to SECTION V: REVENUE COLLECTION, DEPOSITS, REFUNDS

### **REDUCING COSTS AND LIMITING CHARGES:**

1. Labor costs can be reduced significantly if requests include keywords as opposed to “all documents or emails.” Similarly, narrowing a request to certain individuals or divisions can greatly reduce the use of extensive labor.
2. Many easily accessible records are available online for no charge and we will help direct you to free, online sources whenever possible.
3. Consider refining your requests for documents to provide better results and reduce unnecessary or duplicative costs.
4. Payment will be collected before documents are copied, reviewed, redacted, or otherwise processed for release if their production meets the threshold (15 minutes) for extensive time or material costs.

5. If the actual costs incurred are less than such payment as estimated, the overpayment will be refunded to the requestor. The requestor will be required to remit additional monies upon release of the documents to pay for any costs in excess of the estimate.
6. In the event the requestor fails to remit additional monies to cover costs in excess of the deposit, the requested public records will not be released.

### **RECORDS FORMAT**

1. Records are only required to be provided in the format(s) in which they exist. It is recognized that in many cases conversion to an alternative format may be a more cost efficient methodology to achieve compliance to a public records request. The County, in cooperation with the requestor, may, but is not required to, provide records in an alternative format to better facilitate efficient compliance.
2. Should the conversion of said records be extensive, the cost for conversion will be charged to the requestor. Conversion will only occur upon agreement by the requestor to pay those costs.
3. There are occasions, in particular relating to redaction, where conversion is unable to ensure redaction integrity. There are also occasions where a document in the electronic format in which it was created can be manipulated, modified or changed. The County reserves the right to limit public records compliance to the original format of the document or a format that will not accommodate post transmittal modification.

### **ELECTRONIC RECORDS:**

1. All electronic records, unless requested to be delivered on CD/DVD, will be sent by a file transfer method, where the requester is sent an email with a link to download the file to their computer.
2. There is no charge for electronic records; however, labor charges will be charged for requests that exceed the 15 minute rule. Refer to SECTION VI: FEES CHARGED FOR PUBLIC RECORDS.
3. One result set will be provided. Additional copies are the responsibility of the requester.

## **SECTION III: OTHER REQUEST TYPE**

### **REQUESTS FOR RECORDS BY THE MEDIA**

1. Shall be handled consistently and with the same procedures as outlined herein. All staff receiving a request directly from the media shall immediately contact the Public Information Officer (PIO).

### **REQUEST FOR RECORDS BY ELECTED OFFICIALS, GOVERNMENT AGENCIES & EMPLOYEES:**

1. If a request is received for records that are of an individual interest that is beyond the scope of the duties, responsibilities, and official business of the elected official or government agency, the request shall be handled consistently with the procedures outlined herein.

2. County employees making requests will notify the Record Manager.

## SECTION IV: CONFIDENTIAL, PRIVILEGED AND EXEMPT INFORMATION

1. State and Federal laws exempt certain types of public records, or information thereof, from disclosure under the public records law. Prior to document release in regard to a public records request, the documents shall be vetted by staff to ensure that exempt information is not contained within documents.
2. Should confidential, exempt or privileged information be included in the document, the protected information shall be redacted in accordance with the Records & Information Management (RIM) procedural manual. All redactions shall be plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
3. The County Attorney's Office will provide guidance to the Records Manager on questions or concerns related to the release of a public record request.
4. **ATTORNEY-CLIENT:** Any record that is deemed to be a confidential communication between an attorney and client or created in preparation for litigation or trial shall be clearly marked at the top of the first page and at the bottom of each following page with a notation indicating that the record is either "Confidential attorney-client communication" or "Confidential attorney work product". If the record is in email format, the notation should be included in the "Subject field". All civil investigatory records and criminal law enforcement records shall be prominently stamped with a "Confidential" notation.
5. **ON BEHALF OF LITIGATION:** For those public records requests that become and/or are made on behalf of litigation, notification must be made to the Records Manager to ensure backups are made to comply with requirements of law. If litigation is pending or reasonably anticipated, records relating to that litigation shall not be disposed of and the County Administrator, County Attorney and the Records Manager shall be provided notice. The County Attorney will provide notice to the Records Manager when it is permissible to dispose of records relating to litigation.
6. **PERSONNEL RECORDS:** All public records requests involving personnel will be directed to the Human Resources Department.

## SECTION V: REVENUE COLLECTION, DEPOSITS, REFUNDS

1. **ESTIMATE:** The Records Manager will notify the requesting party of the estimated time and cost to retrieve the records and confirm whether the requesting party agrees to pay the labor and copy charges. The Records Manager will confirm with the requesting party that the County must be paid in advance of the requesting party's receipt of the records.
2. The County may refuse to produce subsequent requests if the fees for previous requests for records have not been paid for by the requester.
3. **DEPOSITS:** The County shall require a fifty percent (50%) advance deposit based on

estimated costs for extensive public records requests.

4. **REFUNDS:** Funds will be deposited into an escrow account and any funds remaining after the request is complete will be refunded.
5. **PAYMENT OPTIONS:** Payment may be made by cash, check, money order, or credit card, for which a receipt shall be given. Checks and money orders shall be made payable to the Citrus County Board of County Commissioners.
6. **CREDIT CARD PROCESSING FEE:** Citrus County BOCC takes credit card payments through MyFloridaCounty.com. A 3.5% processing fee is charged by MyFloridaCounty.com. This fee is non-refundable.
7. **RECEIPT:** A receipt for payment of costs associated with Public Records Request shall be given to the requesting party upon payment of the fee.

## SECTION VI: FEES CHARGED FOR PUBLIC RECORDS

### GENERAL FEES:

#### 1. **BLACK & WHITE COPIES:**

- a. A one-sided (1) letter size (8 ½" x 11"), legal size (8 ½" x 14") or oversize (11" x 17") document, capable of being reproduced on County equipment, shall be fifteen cents (\$.15) per copy.
- b. Duplication of two-sided (2) pages shall be twenty cents (\$.20) per copy.
- c. 24 x 36, capable of being reproduced on County equipment, shall be one dollar and fifty cents (\$1.50) per copy.

#### 2. **COLOR COPIES:**

- a. A one-sided (1) letter size (8 ½" x 11"), legal size (8 ½" x 14") or oversize (11" x 17") document, capable of being reproduced on County equipment, shall be one dollar (\$1.00) per copy.
- b. Duplication of two-sided (2) color pages shall be an additional five cents (\$.05) (\$1.05)
- c. 24 x 36, capable of being reproduced on County equipment, shall be two dollars and fifty cents (\$2.50) per copy.

#### 3. **DIGITAL MEDIA:**

- a. CD & DVD's are purchased in bulk at a substantially reduced rate and result sets placed on this media type will not incur a charge. Only one set is provided. Additional copies are the responsibility of the requester.
- b. Jump Drives/Thumb Drives: The requester can provide a new, unopened device.

#### 4. **ELECTRONIC RECORDS:**

- a. There is no charge for electronic records, only staff charges that exceed the 15 minute rule.

#### 5. **BOOKS, MULTI-PAGE VOLUMES:**

- a. Books and other multi-page volumes printed by the County, (annual budget, growth

management plan, and various financial reports), are available for viewing on the Citrus County BOCC website.

- b. For a copy of the multi-page volume, the charge will be per page, based on the fee schedule herein.
- c. If sent for outside reproduction, the charge will be the actual cost.

**6. DEPARTMENT OF PLANNING & DEVELOPMENT FEE SCHEDULE:**

- a. Public records requests addressed to the Building Division, Code Enforcement, Geographic Resources and Community Planning (GRCP), and Land Development Divisions may be subject to additional fees as listed in the BOCC adopted fee schedule. The schedule is published on the Citrus County BOCC webpage for reference.

## **SECTION VII: RECORDS RETENTION**

- 1. Public records retention is governed by the Florida Department of State, Division of Library and Information Services, general record schedules. Records which have past their legal retention, including those which qualify under the OSA standard, "obsolete, superseded, or their administration value lost, will be disposed of in accordance to state law.
- 2. Public records requests related to records that have met their legal disposition and been disposed of can not be accommodated.

**FOOTNOTES & REFERENCES TO RELATED AR'S:** Supersedes AR 17.02 dated October 11, 2011, AR 5.03 dated September 9, 2008, Related to AR 4.04, 4.05, and 5.07