

CITY OF COCOA BEACH, FLORIDA  
POLICIES AND PROCEDURES

PUBLIC RECORDS - INSPECTING AND DUPLICATING

Public Records Request Policy	
Date Adopted: 09-15-08 Date Revised:	Approved by: Charles Billias, City Manager
Originator: City Clerk's Office	Reviewed by: A.J. Hutson, Assistant City Manager

**I. PURPOSE:**

Ensure compliance with the State of Florida Public Records Law, affirm the public's right to access City records, set procedures to facilitate access to public records, establish fees to cover costs for public records requests. Statutory reference: Florida Statutes Chapter 119.

**II. POLICY:**

It is the policy of this State that all State, County, and Municipal records, except those exempted by law, shall be open for personal inspection, examination, and copying.

**III. DEFINITIONS:**

- A. "Public Records" means 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 any agency.
- B. "Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, but does not include labor costs or overhead cost associated with such duplication.
- C. "Custodian" means the elected or appointed City officer, or his or her designee, charged with the responsibility of maintaining the office having public records, or his or her designee.
- D. "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.
- E. "Exemption" means a provision of general law which provides that specified record or meeting, or portion thereof, is not subject to the access requirements of Statute 119.07(1), 286.011 or Statute 24, Article I of the State Constitution.

**IV. PROCEDURES - GENERAL:**

- A. The State of Florida has determined that providing access to public records is a statutory duty, imposed by the Legislature upon all records custodians. The City does not consider providing access to public records a profit-making or revenue-generating operation.

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- B. It has been the City of Cocoa Beach standard practice that public records requests be processed through the City Clerk's Office.
- 1) Departments Staff receiving public records requests are requested to forward them to the City Clerk's Office.
  - 2) The City Clerk's Office shall
    - inquire on the format the requestor would like to receive records, if the records are available in various mediums (example: printed, electronic)
    - acknowledge the request and forward it to the record custodians who may have records responsive to the request
    - request that the departments offer an estimate of time to process and cost to duplicate the records
    - call the requestor to inform of timeframe for compliance with the request, note the charges associated and receive approval to proceed with processing
    - obtain a 50% deposit, if four hours or more is required to process a request or if the cost reproduce copies is \$100 or more.
- C. Every custodian who possesses a public record shall permit the record to be inspected and examined by any person desiring to do so, (1) within a reasonable time, (2) under reasonable conditions, and (3) under supervision by the custodians of the public record or their designee, except for those exemptions provided by law.
1. A waiting period may not be imposed before allowing access to public records. "Reasonable time" is that time allowed for the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.  
  
If satisfying the request immediately would unduly interfere with the operation of the department, the custodian, through the Clerk's Office will notify the requestor of the time needed to fulfill the request.
  2. "Reasonable conditions" do not refer with the conditions that must be fulfilled before review is permitted, but to reasonable regulations that would permit the custodian of the records to protect them from alteration, damage, or destruction, and also to ensure that the person reviewing the records is not subjected to physical constraint designed to preclude review.
- D. City records cannot be checked out and need to remain in the City's possession at all times.
- E. Custodians within the departments responsible for records should be knowledgeable of the following when a request is made to inspect or duplicate a record:
1. Individuals are not required to identify themselves or make the request in person, in writing or in any other particular format, nor give a reason for such request.
  2. Individuals may not be denied access to records due to the lack of specifics of the record they wish to inspect or copy.

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3. Computerized public records are governed by the same rules as written documents and other public records. Information stored on a computer is as much a public record as a written page in a book or a tabulation in a file stored in a filing cabinet.
4. Custodians are not required to verbally give out information from the records of their office, or offer interpretation of the records. The statutory obligation of the custodian is to provide access to or copies of the public records being requested.
5. The City is not required to create a record in response to a records request. Custodians are not required to produce records in a particular form or format as requested, nor tailored to the requestor's specific needs, if the records are not ordinarily created, filed, produced, maintained, or used in that form by the department.
6. In order to avoid the printing costs, records should first be offered in an electronic format, if available.
7. If an attorney requests the examination, duplication of records or information on a lawsuit pending with the City, the City Risk Manager shall be contacted and advised of the same.
8. A fee may not be imposed for the mere inspection and examination of public records, unless the nature or volume of the public records to be inspected is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance.

**V. EXEMPT AND CONFIDENTIAL RECORDS:**

- A. Individuals who provide copies to the public must be knowledgeable of the records that are exempt or contain confidential information. If a question arises as to whether or not a record, or portion thereof, is exempt or confidential, it should be addressed to the department director; if the department director cannot address same, the office of the City Clerk is to be contacted.
- B. If a request is received for the inspection or copying of an exempt or confidential record, the requestor shall be advised by the custodian that the record is exempt or confidential, and the request shall be denied. If only a portion of the record requested is confidential, the custodian shall redact (delete) the exempt or confidential information and provide the requestor with the remainder of the record. The custodian shall in writing, state the reasons for the conclusion that the record is exempt or confidential by providing the following:
  1. The basis of the exemption or confidentiality, which the custodian contends is applicable to the record; and
  2. The statutory citation to the exemption or confidentiality created.



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**VII. RESPONSIBILITY FOR ENFORCEMENT:**

Department Directors will be responsible for implementing this policy. The City Clerk's Office shall assist as a policy implementation coordinator.