



Taylor County

Board of County Commissioners'

Policy Manual

Policy #:	Title:	Effective Date:
2.05	Responding to Public Records Requests	02/03/2014

PURPOSE

The purpose of this policy is to provide Taylor County Board of County Commissioners employees with the information and procedures necessary to understand and carry out their responsibilities under the Florida Public Records Law, including:

- a. The requirements for responding to Taylor County Board of County Commissioners public records requests, and
- b. The manner in which public records requests are to be processed to ensure that responses to the requests are organized, inclusive, and in compliance with applicable statutes and rules.

REFERENCE

- a. Sections 257.36(5)(b) and (6), 119.07, 119.011(11), and 119.021, *Florida Statutes*.
- b. Rules 1-2.0031, 1B-24, 1B-26.003, and 1B-26.0021, *Florida Administrative Code*.

POLICY

Introduction

The records that Florida's state and local government agencies keep in the course of carrying out their duties and responsibilities are public records. Public records are different from records of businesses and private organizations because Florida law requires public records to be readily accessible and available to the public upon request. All employees must ensure that public records in their custody are maintained and accessible as required by Florida law. Employees and agencies do not have the authority to withhold records deemed "sensitive." The only records that can be withheld from public disclosure are those specifically designated by the Florida Statutes as confidential or exempt. This policy will provide employees with the information necessary to understand and carry out their public records responsibilities.

Scope

This policy applies to all Taylor County Board of County Commissioners employees, as well as publicly created advisory boards and private organizations (such as Dependent Agencies), that have been delegated the authority to perform some governmental function. This policy applies to all public records of the Taylor County Board of County Commissioners, regardless of the medium in which they exist (i.e., paper, electronic, or other).

It is the policy of Taylor County Board of County Commissioners to ensure that public records in the County's custody are maintained and managed as required by the Florida Public Records Law. This law provides that all materials made or received by Florida's state and local government agencies in connection with their official business are public records.

It is also the policy of the Taylor County Board of County Commissioners to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, as required by the Florida Public Records Law. Requested public records may not be withheld for any reason, except if the record or a portion of the record is specifically designated under law as confidential or exempt from public disclosure.

The Taylor County Board of County Commissioners places a high priority on efficient, effective, and economical management of public records to ensure that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

Definitions

- a. "Confidential" means public records that have been identified in the *Florida Statutes* 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 statute.
- b. "Exempt" means public records that have been identified in Chapter 119 or other applicable Florida Statutes as exempt from public disclosure.
- c. "GS1-SL" means the *General Records Schedule GS1-SL for State and Local Government Agencies*, which is available at http://dhis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm.
- d. "Inactive Records" means 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.
- e. "Public record" as defined by section 119.011(11), *Florida Statutes*, 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."
- f. "Records Management Liaison Officer" is the Board of County Commissioner's designated primary point of contact between the Board and the Records Management Program.
- g. "Record (Master) Copy" as defined in Rule 1B-24.001(3)(i), *Florida Administrative Code*, means the public records specifically designated by the custodian as the official record.
- h. "Record Series" as defined in Rule 1B-24.001(3)(k), *Florida Administrative Code*, means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

Procedures

- a. Records Management: Records management entails retention, storage, disposition, and all other record-keeping requirements and practices that support Department programs, activities, operations, and accomplishments in order to best serve the public.
 - i. Organization and Maintenance:
 1. Public records shall be organized, arranged, and maintained using a filing or record-keeping system that:
 - is appropriate to the nature, purpose, and use of the records,
 - can be easily understood by all users, and
 - facilitates the location of and access to those records by all users, when and where it is needed.
 2. All records shall be stored on an appropriate media format to ensure their preservation for the entire length of their required retention.
 3. Inactive records can be boxed until the applicable retention period has been met. Records shall be boxed according to the applicable records series to facilitate disposal of the records in a timely manner.
 - ii. Inventory: Each division or office in the Department must maintain a current inventory of all record series in their custody or control. The inventory can be in any format at the discretion of each division or office, including, but not limited to, one of the following methods:
 1. Document each record series the office maintains in a Microsoft Word document or Excel spreadsheet.
 2. Highlight each applicable records series in the GS1-SL and the individual records schedules.
 - iii. Records Retention Schedules: All records created and maintained by the County must use a records retention schedule approved by the State Library and Archives of Florida, Information Resources Management Section. Many of the County's public records are covered by the *General Records Schedule GS1-SL for State and Local Government Agencies*.
 - Any records not covered by general records schedules must have an individual records retention schedule. To establish an individual records retention schedule, contact the department Records Management Liaison Officer for assistance.
 - iv. Disposition: Each division or office in the Department must systematically dispose of public records that have met their retention requirements and are no longer needed.
 1. The record holder or custodian must properly document disposition of these records. A records disposition document form is available from the State Library and Archives of Florida's Web site at http://dlis.dos.state.fl.us/index_RecordsManagers.cfm. The Records Management Liaison Officer must permanently retain the completed disposition forms.
 2. Records with retention of "retain until obsolete, superseded, or administrative value is lost" (OSA) do not have to be documented when disposed, except for records that have been microfilmed or scanned where the microfilm or electronic version will serve as the record copy.

b. Public Records Requests:

i. Initial requests:

1. A public records request is a request to either inspect or copy, or both, public records pursuant to Chapter 119, *Florida Statutes*.
2. There is no requirement that the request be made in person or in writing, or be in any particular form.
3. The person making the request is not required to identify himself/herself, or to provide information about the reason for the request or how the records will be used.
4. The request must be clear enough to enable the agency to conduct a meaningful search. The agency may ask questions about the request in order to respond to the request fully and in a timely manner.
5. All public records requests that pertain to or should involve the Constitutional Officers must be forwarded directly to their Agency within 2 days of the original request.
6. The PUBLIC RECORDS REQUEST FORM can be filled out by the person requesting the public records OR by the individual Department receiving the request (see Attachment A to policy 2.05).
7. If you can not immediately respond to the public records request with ease, the PUBLIC RECORDS REQUEST FORM should be directed to **Records Management Liaison Officer (RMLO), who is also the Human Resources Director**.

ii. Documentation

1. For those requests that can't be responded to with ease within 2 days of the initial request, an acknowledgment letter will be necessary. The Department shall send the PUBLIC RECORDS REQUEST FORM to the RMLO. The RMLO shall send an acknowledgment of receipt letter to the requestor via e-mail, fax or regular postal service within two full business days of the original request (see Attachment B to policy 2.05).
2. The applicable Department shall compile the records in a reasonable time, taking into account the extent and nature of the request. Within five business days of receipt of the request, the Department must take one of the following actions:
 - Ask the Records Management Liaison Officer to type an invoice outlining the fees as calculated by section b.iii, "Fees," and the total amount due. Ask the Records Management Liaison Officer to notify the requestor of estimated costs and request payment in advance if the nature or volume of the requested records will require extensive use of information technology resources, extensive clerical or supervisory assistance, or both, in addition to the actual cost of duplication or production (see Attachment C to policy 2.05).
 - Ask the Records Management Liaison Officer to inform the requestor that the Department is working on their request; give them an estimated time of completion and advise them about any specific circumstances affecting completion of the request.
 - Ask the Records Management Liaison Officer to inform the requestor that the requested materials do not exist or are not in the custody of the Board of County Commissioners (see Attachment B to policy 2.05).
3. Once the Department has produced the records, the final copy will be given to the Records Management Liaison Officer for either mailing the invoice or providing the copy to the Clerk of Court's office for physical pickup. Under no circumstances will the public record request be produced without first receiving payment.
4. Upon receipt of a receipt generated by the Taylor County Clerk of Court, the Records Management Liaison Officer shall provide the requested materials. If for any reason the materials cannot be provided within five business days, the Department shall contact the requestor with an estimated time of completion.

5. Certified Copies of Public Records:

- Certification Statement: When certified copies are requested, a certification statement may be used, instead of certifying each page. In this statement, which is a cover page for the group of documents, the custodian certifies that the copies provided are true and correct copies of the originals (see Attachment D to policy 2.05).

6. The Department may not delay production of records. Records must be produced within the time reasonably required to identify, collect, and copy them for the requesting party. The Department must make a good faith effort to satisfy the request promptly, consistent with available resources and other priorities.

7. The Public Records Law does not require the Department to generate or create records not already in the Department's custody in response to a public records request. Records that are responsive to the public records request that are available as of the date the request is fulfilled must be provided, even if such records did not exist as of the date the request was received.

8. Confidential or exempt records:

- If the requested records are confidential or exempt from public disclosure by statute, the records may not be disclosed. The RMLO must inform the requestor that the records are exempt from disclosure and cite the applicable statute establishing the exemption (see Attachment E to policy 2.05).
- If only part of the record is confidential or exempt, the RMLO must redact that information and provide the remaining record to the requestor. The most efficient method should be used to redact information. One method of redacting is to black out the exempt information on a copy of the original, photocopying the marked copy, and providing the final photocopy to the requestor. The marked copy may be destroyed. Other methods are acceptable and may be used as long as the confidential or exempt information is not released to the requestor.

9. The Department responsible for compiling the records shall maintain the final compiled request, acknowledgment, response, invoice, materials produced, and/or a record of what was produced; any related correspondence; and receipt of payment.

10. The Department shall not dispose of requested records for a period of 30 days after the date on which a request for the records was made. This requirement is in addition to, and does not lessen, the obligation of the Department to retain records pursuant to the otherwise required records retention schedules.

iii. Fees

Fees may be paid by cash, check, or money order made payable to the Taylor County Board of County Commissioners.

1. Copies or certified copies of records shall be furnished upon payment of the fee prescribed by Section 119.07(4), *Florida Statutes*:

- Up to 15 cents may be charged per one-sided copy of not more than 14 inches by 8 1/2 inches.
- No more than an additional five cents may be charged for each two-sided copy.
- For all other copies, the actual cost of duplication may be charged.

2. Certified copies of public records shall be furnished upon payment of the fees listed below:
 - Per page certification. A charge of \$1 per page shall be assessed for each individually certified page. (Section 119.07(4), *Florida Statutes*)
 - Certification statement. Charge of \$5 for the certification statement plus any fees for copies calculated under section 2.
3. The cost of mailing or shipping the requested material may also be added if the requestor asks that the material be delivered (instead of the requestor picking up the material in person).
4. If the nature or volume of the public records requested to be inspected or copied is such that it requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, in addition to the actual cost of duplication, a special service charge may be assessed. This charge shall be reasonable and shall be based on the actual cost incurred for information technology resources and/or the labor cost of the clerical and supervisory personnel providing the service. (Section 119.07(4)(d), *Florida Statutes*)

Rule 1-2.0031, *Florida Administrative Code, Public Records Requests: Special Service Charge*, provides:

"(1) When a public records request is of the nature described in Section 119.07(4)(d), F.S., the following will apply:

(a) The term "extensive" means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (b) and (c) below.

(b) The term "clerical or supervisory assistance" includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(c) The term "use of information technology resources" includes the setup and implementation of information technology defined in Section 282.0041(10), F.S.

(2) (a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the cost of wages and benefits of the lowest paid personnel who, in the discretion of the Department, has the necessary skill and training to perform the request. The special service charge shall be in addition to the duplication charge as provided in Sections 119.07(4)(a) and (b), F.S., and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the Department in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requestor shall be required to remit additional monies to pay for any costs in excess of the deposit. In the event the requestor fails to remit additional monies to cover costs in excess of the monies deposited, the Department shall withhold releasing any public records identified pursuant to that request until those amounts are paid in full."

- i. The wage expense portion of public records special service charges shall be calculated based on the following formulas

Public Records Special Service Charge = (Hourly Base Rate of Pay + Hourly Value of Benefits) X Number of Hours Worked¹

Hourly Base Rate of Pay = [Annual Base Rate of Pay (or Monthly Base Rate x 12 Biweekly Base Rate X 26)] /2080 Hours (# work hours per year)²

Hourly Value of Benefits for Career Service and Select Exempt = Hourly Base Rate of Pay X Benefit Factor³

5. Upon receipt of payment, fees should be processed according to the revenue receipt procedures of the division or forwarded to the Support Services Administrator in the Office of Support Services.
6. Notwithstanding what is stated herein, no charges will be assessed against the requestor if the cost of production is less than \$5.00.

Records Management Liaison Officer

The Taylor County Records Management Liaison Officer (RMLO) is designated by the County Administrator and serves as the Board of County Commissioner's contact for records management. Address all questions, issues, or concerns relating to records in the Department to the RMLO.

RESPONSIBLE DEPARTMENT

All Departments of the Board of County Commissioners.

1 This charge is authorized by Section 119.07(4)(d), *Florida Statutes*, and Taylor County Board of County Commissioners Rule 1-2.0031(2)(a), *Florida Administrative Code*, which is entitled "Public Records Requests: Special Service Charge."

2 The first two formulas (for calculation of hourly rates of pay) are derived from DMS Rule 60L-32.002, *Florida Administrative Code*, which is entitled "Computation of Hourly Rate."

3 The benefit factor (in the third formula) is based on expenditures in the Department's Salary and Benefits appropriation category, and is calculated by dividing the salary expenditures by the benefit expenditures. This factor may be obtained from the Department's Bureau of Planning, Budget and Financial Services.



TAYLOR COUNTY BOARD OF COUNTY COMMISSIONERS

ANNIE MAE MURPHY, Clerk
Post Office Box 620
Perry, Florida 32348
(850) 838-3506 Phone
(850) 838-3549 Fax

JACK R. BROWN, County Administrator
201 East Green Street
Perry, Florida 32347
(850) 838-3500, extension 7 Phone
(850) 838-3501 Fax

CONRAD C. BISHOP, JR., County Attorney
Post Office Box 167
Perry, Florida 32348
(850) 584-6113 Phone
(850) 584-2433 Fax

PUBLIC RECORDS REQUEST FORM

SUBJECT OR NAME OF FILE(S) OR RECORD(S) BEING REQUESTED (please be specific!)

1. _____
2. _____
3. _____
4. _____

TIME PERIOD: FROM _____ (MONTH, DAY, YEAR) TO _____ (MONTH, DAY, YEAR)

DO YOU WANT TO COME ON-SITE AND INSPECT THE FILES? YES ___ NO ___

DO YOU WANT PHYSICAL COPIES? (we will estimate the cost ASAP) YES ___ NO ___

DO YOU WANT TO PICK UP THE COPIES WHEN THEY ARE READY? YES ___ NO ___

DO YOU WANT THE COPIES MAILED TO YOU? YES ___ NO ___

IF THE FILES ALREADY EXIST IN ELECTRONIC FORMAT,
DO YOU WANT TO RECEIVE THE FILES ELECTRONICALLY? (via EMAIL) YES ___ NO ___

Your contact information below is NOT required

But if you wish to be contacted when the copies or records are ready for your inspection, ready for pickup at the Courthouse or if you want the copies mailed to you, please include the appropriate information:

NAME: _____ SIGNATURE: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP CODE: _____

PHONE: _____ EMAIL: _____

If you choose not to complete this request form, the **County employee completes the form** to the extent possible based on information known or offered by you, the requestor.

You can **fax** this form to 850.838.3501

You can **phone** your request to 850.838.3500 x 113

You can **email** this form and/or your request to human.resources@taylorcountygov.com

You can **mail** this form to

Records Management Liaison Officer
Taylor County Board of County Commissioners
PO Box 620
Perry, FL 32348

FOR COUNTY USE ONLY:

Print name

Department

Date



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DATE 2014

Name if Known
Email if Known
or available for pickup

RE: Acknowledgement of Public Records Request

Dear Requestor:

We received your public records request dated DATE HERE.

Only the following checked items below apply to this request:

- Your request will be processed in accordance with the Florida Public Records Law.
- You will be advised as soon as possible regarding estimated costs. Payment will be due in advance by cash, check, or money order made payable to the Taylor County Board of County Commissioners.
- No such records currently exist.
- Please provide additional information or another public records request to broaden your request. For your convenience, I have enclosed a form for you to use to broaden your request.
- Other :

If you have any questions, you may contact me at 850.838.3500 x 113 or by e-mail at human.resources@taylorcountygov.com.

Sincerely,

Marcella F. Bridier, MBA, RMPE
Human Resources Director
Records Management Liaison Officer



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Public Records Request INVOICE

DATE: _____

TO: _____

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
No. of pages		\$0.15 cents	\$
SUBTOTAL			
SHIPPING & HANDLING			
TOTAL AMOUNT DUE			

Make checks or money orders payable to the Taylor County Board of County Commissioners.

Deposit fees into General Fund Revenue Account
0001-3699012 Misc Copies



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PUBLIC RECORDS CERTIFICATION STATEMENT

I Marcella Bridier, Human Resources Director and Records Management Liaison Officer for the Taylor County Board of County Commissioners, hereby certify that the attached are true and correct copies of the TITLE HERE, XXX pages, and that I am the official custodian of the records.

CERTIFIED this _____ date of _____, 2014.

BY: Marcella Bridier, MBA, RMPE
Human Resources Director
Records Management Liaison Officer
Taylor County Board of County Commissioners



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Post Office Box 167
Perry, Florida 32348
(850) 584-6113 Phone
(850) 584-2433 Fax

DATE 2014

Name if Known

Email if Known

RE: Public Records Request – Confidential/Exempt Records

Dear Requestor:

Please find enclosed the materials related to your request for public records.

Some of the material contains information that is confidential or exempt from public disclosure in accordance with Florida Statutes. (Provide the reason and statutory authority for all redactions HERE, e.g., all social security numbers have been redacted per Section 119.071(5)(a)3, Florida Statutes, or Drug Test Results are exempt from public disclosure per FS 112.0455(11) .

If you have any questions, you may contact me at 850.838.3500 x 113 or by e-mail at human.resources@taylorcountygov.com.

Sincerely,

Marcella F. Bridier, MBA, RMPE
Human Resources Director
Records Management Liaison Officer