

**DESTIN FIRE CONTROL DISTRICT
BOARD OF COMMISSIONERS**

PUBLIC RECORDS POLICY



MARCH 2016

Board approved 03/08/2016

DESTIN FIRE CONTROL DISTRICT'S PUBLIC RECORDS POLICY

PURPOSE

The Destin Fire Control District (“District”) fully embraces the letter and spirit of the Florida Public Records Law, Chapter 119, Florida Statutes, governing the public’s right to access records held by the District, and the constitutional right of access guaranteed by Article I, s. 24(a), Florida Constitution. In support of the public’s right to access such records, the District hereby establishes the following public records policy (“Policy”). The guidelines developed below are set forth to inform and guide District staff in the implementation of the Public Records Law and provide uniformity in providing access and charging fees for inspection and copies of public records.

SCOPE

This Policy outlines legal requirements, responsibilities, and describes procedures for providing access to public records. This Policy applies to all activities which involve public records requests. This process complements the requirements of the Public Records Law and other District policies.

GENERAL LEGAL REQUIREMENTS

Public records (“records”) held by the District, and its officers and employees, shall be available, in any form and format used by the District, to all persons for inspection or copying under the supervision of the District’s Records Management Liaison Officer (“Liaison”), or his or her designee, during the District’s normal business hours. A request to inspect or copy public records can be denied only under the authority of a specific statutory exemption. If a public record contains both exempt and non-exempt information, that which is exempt must be redacted and the remainder of the record provided to the requester. *119.07(d) F.S.*

Public records include 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. *119.011(12) F.S.*

Copies of public records will be made available to the public in the format requested providing the District stores or maintains the records in the requested format. Fees to be charged for providing access to public records must be in accordance with 119.07(4), F.S., as explained below. If the nature or volume of records requested to be inspected or copied is such as to

require extensive use of District technology resources or extensive clerical or supervisory assistance by District employees, or both, a special service charge will be imposed. This charge must be reasonable and be based on the actual costs incurred for such extensive use of technology resources or the actual labor costs of the employees providing such assistance, or both.

PUBLIC RECORDS REQUESTS

Request for records may be made in writing, by electronic mail, text message, telephone, fax, letter, or in person. The requesters do not have to identify themselves or state the reason they desire the records. As a general rule, the public records law does not require that a request for public records be in writing or in person, although individuals may wish to make their request in writing to ensure they have an accurate record of what they requested.

District officials and employees, who receive a request to inspect or copy public records, must submit such requests to the Liaison.

A request for information which is found in public records is not a request for public records. The Liaison must produce records for inspection and/or copying but is not required to answer questions about the information or data found in records (*See F. Attorney General Opinion 80-57*).

The Public Records Law does not require that new documents be created to comply with a request. If a requested document does not already exist and cannot be readily extracted from the District records, the Liaison shall inform the requestor that no records are available response to the request.

Request for records must be accepted and records made accessible for inspection or duplication during normal business hours. Normal business hours do not include the monthly District Commission meetings.

Inspection and examination must be allowed as soon as reasonable possible after receiving the records request.

A request to inspect or copy the District's public records cannot be denied because of a lack of specifics in the request. If a request to inspect or copy public records is vague, the requestor can be asked to clarify the request.

The Public Records Act does not contain a specific time limit for compliance with public records requests, however, the only delay in producing records permitted under Chapter 119, Florida Statutes, "is the reasonable time allowed to retrieve the record, to review the record for exempt information, and redact those portions of time in which the record which are exempt." Many factors determine the "reasonable" period of time in which the requested information can be

provided: the nature of the request, the time involved in collecting and generating the requested information, the scope and volume of the material involved, the general accessibility of the records, the personnel required to process the request and the information resources necessary to collect and generate the requested information. While every effort will be made to comply with public records requests promptly and in good faith, District policy is that an initial response to any public records request should be received within three (3) business days and will be processed in the order in which it is received.

A public records request does not take priority over other official duties of the District's Office personnel and will be processed in the order it was received as compared to other tasks of the complying personnel.

If it is determined that a record or part of a record is exempt from inspection and copying, and the request is then denied, the basis for the denial, including the statutory citation to the exemption, must be communicated to the requester. Additionally, if requested to do so, the denial of a request to inspect or copy the District's public records must be made in writing, and must include both the reasons for conclusion that the record is exempt from inspection and copying and the statutory citation authorizing the denial.

If a public record contains some information which is exempt from disclosure, only that portion of the record for which a valid exemption is asserted must be redacted, and the remainder of the record must be made available for inspection and copying.

All past due fees for records compiled for a previous request for the District's public records must be paid before complying with the requester's subsequent request(s).

PUBLIC RECORDS FEES AND CHARGES

The Public Records Law allows the District to collect a "per copy" fee or the actual cost for materials and supplies used to duplicate records. In addition, the District may collect a reasonable service charge when a request to inspect or copy public records requires the extensive use of technology resources and/or the extensive use of clerical or supervisory assistance.

A service charge for the extensive use of District resources will be imposed if a request to inspect or copy public records takes more than 15 minutes to locate, review and/or redact exempt information, and copy the requested public records.

The following fees and charges are designed to ensure that the District is consistent in its application of the law and District rules, which allow the recovery of duplication costs and a special service charge for the extensive use of District resources in complying with request to inspect or copy the District's public records.

1. **Duplication Costs** – Duplication costs shall be applied uniformly throughout the District in compliance with the following guidelines, unless otherwise designated by the District.
 - a. Paper copies – Paper copies up to 8 ½ x 14 inches (letter and legal) must be provided at a cost of 15¢ per one-sided copy and 20¢ per double-sided copy. The first 10 one-sided copies will be provided at no charge.
 - b. Certified copies - The cost of providing a certified copy of a record shall be \$1.00 per page.
 - c. Actual Cost of Duplication – For all other copies – larger size paper, audio tape, video tape, CD, DVD, thumb drive, etc. – the cost to the requester will be no more than the actual cost of the materials used to duplicate the record. Contact the Liaison for current costs of materials used.
 - d. Requesters Making Their Own Copies – A requestor making his/her own copies or providing copying materials cannot generally be charged for the cost of making copies. However, a service charge may be imposed if supervision of those making their own copies requires an extensive use of the District’s resources.
 - e. Requestor provided media – The District will not accept Compact Discs (CD), Digital Video Discs (DVD) or thumb drives due to concerns relating to contracting computer viruses.
 - f. Electronic Files – Electronic files sent via email to a requester will be provided at no charge, subject to the Extensive Use Charges set forth below.

2. **Extensive Use Charges** – a special service charge for the extensive use of District resources will be applied uniformly throughout the District in compliance with the following guidelines. The Liaison, or his or her designee, must be consulted before levying a service charge for the extensive use of the District’s resources. Costs are billed in quarter hour increments.
 - a. Labor Costs – The District 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 District, has the necessary skill and training to perform the request. The special service charge shall be in addition to the duplication charges as explained above.
 - b. Technology Resource Costs – Technology resources include use of personal computer, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonable required to produce or display the record is over fifteen (15) minutes.

3. **Shipping** – U.S. postage or other shipping costs incurred in the delivery of records shall be included in the costs charged to the requester. Such charges will be waived if the requester provides a postage-paid envelope or other means of shipping.
4. **Fee Collection and Processing** –
 - a. The requester shall be required to pay any estimated cost of duplication charge or special service charges, as determined by the District, prior to personnel rendering such services. The District will refund to the requester any monies deposited with the District in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requester shall be required to remit additional monies to pay for any costs in excess of the deposit. In the event the requester fails to remit additional monies to cover costs in excess of the monies deposited, the District shall withhold releasing any public records identified pursuant to that request until those amounts are paid in full.
 - b. Effort must be taken to ensure that the estimate(s) are accurate within 25% of the final cost(s). If the requester accepts the estimate and prepays the estimated cost(s); the District will proceed with the request and furnish the records upon receipt of the balance due.
 - c. If the fees and charges for inspection of copying the District's public records total less than \$1.00, the fees and charges will be waived.
 - d. No Sales tax is currently charge on public records fees.
 - e. The District accepts cash, checks or money orders payable to the Destin Fire Control District. Payment may be made in person at the District main station at 848 Airport Road, Destin, FL 32541, or mailed to: Destin Fire Control District, 848 Airport Road, Destin, FL 32541.
5. **Public Records Exemptions** – The District is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law. A specific listing of information exempted from the law is available in Florida Statutes, Section 119.07, and the annual *Government in the Sunshine Manual*. Questions regarding public record exemptions and application should be direct to the Liaison, or his or her designee.

Confidential and/or exempt information must be deleted or redacted from records prior to inspection, examination, or distribution of copies of the nonexempt portions. Charges for the use of District resources to redact the confidential and/or exempt information may be levied according to the above guidelines.

District officials and employees who elect to use personal computers, communication devices, or email account to conduct District business, must ensure that all public records

on such computers, devices, and accounts are retained according to law, and that access to such records is provided pursuant to a request for inspection or copying.


AGGREGATING REQUESTS

Multiple requests from the same or related entity may be aggregated, pursuant to this Policy, for purposes of conducting the search and/or determining applicable fees where:

1. The District's Office receives multiple unrelated requests from one requester during a 7-day period that requires a total of more than 30 minutes of agency resources for compliance. In this case, the incurred costs of the requests would be aggregated into one special service charge.
2. The District's Office, in its sole discretion, reasonably believes that a requester (or group of requesters) is attempting to separate a request into a series of requests for the purposes of avoiding the assessment of fees.
3. The District's Office believes that the combination of multiple requests, either in whole or in part, promotes administrative efficiency in the handling of requests.

MULTIPLE REQUESTS FOR THE SAME RECORDS

If multiple requests are received at the same time, and the requesters agree in writing to pay a pro-rata share after a cost estimate has been provided to all requesters, then the total fees and costs to the District's Office will be divided by the total number of requesters. Access to records will be given in a reasonable manner at a reasonable time to achieve a balance between reasonable access and the recovery of costs to the District's Office for compliance.



J. Thomas Green
Chairman

MARCH 8, 2016