

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2024 - __

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA; ADOPTING A POLICY ON PUBLIC RECORDS; PROVIDING AUTHORITIES; PROVIDING FOR AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 119, Florida Statutes, Florida’s Public Records Law provides a right of access to the records of the State, counties, and municipalities in Florida; and

WHEREAS, in accordance with the law, Alachua County Board of County Commissioners (“Board”) maintains public records and provides access to and copies of public records to persons and entities, except those that are exempt or confidential and exempt from public records disclosure requirements; and

WHEREAS, Alachua County, through its employees and assistance of its public record’s custodian, responds to requests for inspection or copies of public records; and

WHEREAS, Alachua County recently began utilizing software to assist and provide efficiencies with public records request intakes and records delivery; and

WHEREAS, the Board finds it is prudent to review its policy on public records and ensure the procedures for maintaining and responding to requests for public records in the custody of Alachua County are up to date and consistent with Florida’s Public Records Law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

1. The above recitals are true and correct and incorporated herein.
2. The Policy attached to this Resolution, identified as Attachment “A”, is adopted by the Alachua County Board of County Commissioners.
3. This Resolution may only be amended by the Board. The Policy attached to this

Resolution replaces and repeals any other Policy adopted by the Board regarding maintaining public records and responding to requests for public records.

4. This Resolution shall become effective immediately upon its approval by the Board.

DULY ADOPTED in regular session on this _____ day of _____, 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

J.K. "Jess" Irby, Esq.
Clerk of Court

BY: _____
Mary C. Alford, Chair
Board of County Commissioners

APPROVED AS TO FORM

Alachua County Attorney

Board of County Commissioners Policy
Alachua County, Florida

Policy Number:

Effective: upon approval

Revision Date: 5/9/2024

Review Date: N/A

PUBLIC RECORDS POLICY

Purpose:

The purpose of this Policy is to establish a Policy for maintaining Public Records and responding to Public Records Requests made to Alachua County, Florida.

Policy:

Florida Statutes, Chapter 119, Florida's Public Records Law, provides a right of access to the Public Records of state and local governments. A 'Public Record' is defined by Florida's Public Records Law, and includes all materials made or received by the County in connection with official business which are used to perpetuate, communicate, or formalize knowledge. The purpose of this Policy is to provide direction and coordination to Alachua County departments, divisions, officers and employees regarding Public Records and Public Records Requests. This Policy supersedes and replaces any previous Alachua County Policies and procedures regarding Public Records.

References:

Florida Constitution, Article I, Section 24
Florida Statutes (F.S.), Chapter 119

Definitions:

The following definitions shall apply to the interpretation and enforcement of this Policy:

Actual Cost means the cost of the material and supplies used to duplicate and provide the Public Record. This does not include labor or overhead cost associated with such duplication and does include any Service Charge. As part of assessing the Actual Cost, there will be no rounding up of costs.

Cost Estimate means an inclusive estimate of the Actual Cost and Processing Time and Service Charge that will be provided to the Requestor.

County – Alachua County, FL or the Alachua County Board of County Commissioners.

County Attorney – the Alachua County Attorney appointed by the Alachua County Board of County Commissioners, or in her or his absence the acting County Attorney.

Processing Time – cumulative time for completing tasks for the Public Records Request, including the time to search, review, gather, download, copy, redact or otherwise remove information that exempt or confidential, supervise on-site inspection, and re-filing the record.

Public Records – as defined in F.S. 119.011(12), as may be amended, and means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, e-mails, texts, 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 of Alachua County, which also includes drafts.

Public Records Coordinator - an employee of Alachua County tasked with responding to Public Records Requests. For the purposes of F.S. 119.12, as may be amended, the Public Records Coordinator will be deemed to be the County’s “custodian of public records.”

Public Records Request(s) (PRR)- written or verbal communication made by a Requestor to inspect or receive copies of Public Records maintained by or in possession of the County.

Requestor – an individual, group, or entity submitting a Public Records Request.

Policy:

- A. It is the policy of the County that the County Attorney will oversee the processes related to Public Records Requests made to Alachua County. In consultation with the County Manager, the County Attorney will prepare a written Procedure related to Public Records to be followed by the County and its employees.
- B. The County Attorney, in accordance with the Alachua County Procurement Code, may select or retain software, products, licenses, and services of vendors and contractors to administer or assist with the efficiency of intaking and responding to Public Records Requests and communicating with Requestors.
- C. The County Attorney will select a Public Records Coordinator to be hired. In case of a vacancy or absence of a Public Records Coordinator, the County Attorney will designate an individual to serve in the capacity. The contact information for the

Public Records Coordinator will be posted on the County’s website and at the County’s primary administration building.

- D. Individual Alachua County employees will, within the scope of their employment, keep and maintain Public Records in accordance with the Florida Department of State General Records Schedules, as applicable. County departments and offices are encouraged to use electronic recordkeeping systems to maintain records.
- E. Information that is exempt, confidential and exempt, or otherwise protected under or by Florida law or federal law will be Redacted, or otherwise kept in confidence. This may expand beyond the exemptions listed in Chapter 119, Florida Statutes.
- F. As applicable, the County will include in its contracts the requirements imposed on contractors under F.S. 119.071, when the contractor is providing a service to the County and is acting on behalf of the County. In addition, the County will include, in contracts and purchase orders a requirement that such contractors will allow duplication or inspection of requested public records at the same costs and service charges as listed below, which have found by the Board to be reasonable and in compliance with the law. The waiver in section D below is not applicable to contractors and the contractor may subject the listed agencies therein to costs and charges.

Costs and Charges:

A. Actual Cost.

As authorized by law, including F.S. 119.07(4), the Board adopts the following costs, and finds they are reasonable for Public Records Requests:

Gray scaled, single-sided copy up to 14” X 8 ½” in.	\$0.15 per page
Gray scaled, double-sided copy up to 14” X 8 ½” in.	\$0.20 per page
Certified copy	\$1.00 per page
Maps, aerials, photographs, plats, plots, GIS files, books, blueprints, and copies > 14” X 8 ½” in.	Actual cost
Documents Copied onto Media (i.e., CDs, DVDs, or USB, jump drive)	Actual cost of media (+) hourly rate on employee copying files
Postage, shipping, packaging, carrier service	Actual cost

B. Service Charge and Labor.

Florida law allows for the imposition of a special Service Charge to be paid by the Requestor. F.S. 119.07(4)(d), provides that if a Public Records Request “requires 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.” A Service Charge is proper to be implemented due to the nature of the public record or the volume of a PRR or need for supervisory services, as determined by the County. For purposes of this Policy, and the Procedure to follow, the Board hereby determines that “extensive” means that it would or will take more than 30 minutes Processing Time. The Board finds that the following Service Charge and its method of calculation are reasonable.

- 1) If the estimated amount of Processing Time for the Public Record Request is 30 minutes or less, then the Requestor will not be charged a Service Charge, but the Requestor must pay any Actual Cost.
- 2) If the estimated amount of Processing Time for a Public Record Request exceeds 30 minutes, the Requestor will be charged and required to pay a Service Charge, as applicable, in addition to any Actual Cost:
 - a. There is no charge for the first 30 minutes of Processing Time.
 - b. After the first 30 minutes of Processing Time, there is a Service Charge imposed of \$20/per hour for the Processing Time. If the Processing Time also includes or will include legal, expert or intensive information technology systems resources then the amount of the Service Charge charged will include the hourly rate of the person providing the service for the Request. Hourly rates will be round up no more than 1/10 hour, 6 minute increments.

C. Cost Estimate Deposit. If the Cost Estimate, as calculated by the Coordinator, exceeds \$100 the Coordinator will notify the Requestor and collect from the Requestor a deposit equal to 75% of the Cost Estimate (“Cost Estimate Deposit”). Work to gather and review the identified records for the PRR should not begin until the Cost Estimate Deposit, if any due, has been paid by the Requestor to the County. If a Requestor fails to pay the Cost Estimate Deposit within 10 calendar days of the Coordinator’s notice or invoice of the Cost Estimate amount due, the Coordinator will close-out the PRR. The remaining 25% of the Cost Estimate must be paid by the Requestor upon the County’s completion of responding to the PRR.

D. Waiver. In the interest of public safety and welfare and as fee waiver to the above, Public Records Requests received from the entities below are not required to pay the Service Charge so long as the estimated Processing Time of the County does not exceed 10 hours (there is no Fee for the first 10 hours of Processing Time); however, these entities are to be charged for any Actual Cost:

State of Florida Constitutional Officers, 8th Judicial Circuit State Attorney's Office, 8th Judicial Circuit Public Defender's Office, Alachua County Sheriff's Office, GPD, UFPD, Alachua Police Dept, High Springs Police Dept., and any other law enforcement agency in Florida.