



# THE CITY OF PANAMA CITY'S PUBLIC RECORDS POLICY

## PURPOSE

The City of Panama ("City") fully embraces the letter and spirit of Chapter 119, Florida Statutes, governing the public's right to access records held by the City, 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 City hereby establishes the following public records policy. The guidelines developed below are set forth to inform and guide City staff in the implementation of the Florida Public Records Law and promote uniformity in providing access and charging fees for inspection and copies of public records.

This document 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 City policies.

## GENERAL LEGAL REQUIREMENTS

Public records held by the City, and its officers and employees, shall be available, in any form and format used by the City, to all persons for inspection or copying under the supervision of the City Clerk, City Manager, or designee during the City'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 requestor. 119.07(d) F.S. Public records will be made available in the format stored or maintained by the City.

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. All such materials, even if not in final form, are open for public inspection unless exempted from disclosure.

Public Records Law does not specify a 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 the record which are exempt." Many factors determine the "reasonable time" in which the requested information can be provided: the nature of the request, the time involved in collecting 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 technology resources necessary to collect the requested information. Every effort will be made to comply with public records requests promptly and in good faith. Therefore, requests will be processed in the order they are received by the City regardless of the manner of transmission of the request.

Fees may be charged for providing access to public records and must be in accordance with 119.07(4), F.S., see the Public Records Fees and Charges section below.

## **PROCEDURES AND RESPONSIBILITIES**

Every City employee must accept public records requests. Requestors must not be referred to the City Clerk or any other City department to accept the request.

Requests for records may be made in writing, by electronic mail, text message, telephone, fax, letter, or in person. The requestor does not have to identify themselves or state the reason they desire the records. 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.

City employees who receive a request to inspect or copy public records, must submit such requests immediately to:

City Clerk 850-872-3021 or [publicrecords@panamacity.gov](mailto:publicrecords@panamacity.gov)

The City Clerk or designee will promptly respond to the request and then disburse it to the proper department(s) for response. The City Clerk or designee will act as the conduit for the release of all public records and facilitate payment for any fees or charges. When the request is only to inspect records, the City Clerk or designee will facilitate the public inspection of said records.

- Department directors and supervisors must identify the records and parts thereof in their custody which are exempt from inspection, examination, and copying under the Public Records Law. The City Clerk or designee will answer any related questions.
- Department directors and supervisors must be familiar with the disclosure and retention requirements of the Public Records Law and supervise records inspection and copying activities occurring within their area of responsibility.
- A request to inspect or copy the City'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 or extensive, the requestor can be asked to clarify the request.

The City is under no obligation to:

- Reformat records to suit the requestor's needs;
- Create records that do not exist;
- Respond to information requests, i.e., answer questions;
- Perform research for a requestor; or
- Respond to "standing" requests.

City officials and employees who elect to use personal computers, communication devices, or email accounts to conduct City business are advised to copy (cc) their respective City accounts in connection with all transactions of official business to 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.

## **PUBLIC RECORDS EXEMPTIONS**

The City is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law. Each department director and supervisor are responsible for knowing what information is exempted from the law. A specific listing 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 directed to the City Clerk or designee.

If it is determined that a record or part of a record is exempt from inspection and copying, and the request is denied, the basis for the denial, including the statutory citation to the exemption, must be communicated to the requestor. Additionally, if requested to do so, the denial, the reasons therefore, and the statutory authorization must be made in writing.

If a public record contains some confidential and/or exempt information, 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.

Charges for the use of City resources to redact confidential and/or exempt information may be levied according to the Public Records Fees and Charges section below.

## **PUBLIC RECORDS FEES AND CHARGES**

The Public Records Law allows the City to collect a "per copy" fee or the actual cost for materials and supplies used to duplicate records. In addition, the City 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. The following fees and charges are designed to ensure that the City is consistent in its application of the law and City rules.

1. Duplication Costs - Duplication costs shall be applied uniformly throughout the City in compliance with *Chapter 119.07(4), F.S.* For security reasons, the City will not accept digital media storage devices provided by requestors.
2. Extensive Use Charges - If the nature or volume of requested records is such as to require extensive use of City technology resources or extensive clerical or supervisory assistance by City 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 and will be applied uniformly throughout the City in compliance with the following guidelines.
  - (a) *Labor Costs* - When more than thirty (30) minutes of clerical and/or supervisory time is spent in response to a request to inspect or copy the City's public records, a special service charge will be applied, which is based on the hourly rate plus benefits in quarter-hour increments of the lowest paid employee capable of performing tasks associated with the request. If the employee is not paid hourly, then the hourly cost will be the annual salary and benefits of the employee divided by 2,080 (52 weeks times 40 hours per week)
  - (b) *Technology Resource Costs* - Technology resources include use of personal computers, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonably required to produce or display the record is over thirty (30) 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 requestor. Such charges will be waived if the requestor provides a postage-paid envelope or other means of shipping.
4. Fee Collection and Processing
  - (a) A written estimate of all fees and cost(s) must be given to the requestor.
  - (b) One-half of the written estimate must be collected in advance.
  - (c) The City will not proceed with collection of the requested records until the advance is received.
  - (d) Records will be furnished to the requestor upon receipt of the balance due.
  - (e) No sales tax is currently charged on public records fees.
  - (f) The City accepts cash and checks or money orders made payable to the City of Panama City. Payments may be made in person at City Hall, 501 Harrison Avenue, Suite 129, or mailed to: City of Panama City, City Clerk's Office, 501 Harrison Avenue, Panama City, FL 32401.

Additional resources:

Office of the Attorney General	<a href="http://www.myfloridalegal.com">http://www.myfloridalegal.com</a>
Florida Statutes	<a href="http://www.leg.state.fl.us/statutes/">http://www.leg.state.fl.us/statutes/</a>
Office of the City Clerk – Treasurer	<a href="mailto:cityclerk@panamacity.gov">cityclerk@panamacity.gov</a>