

RESOLUTION 2023-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AND ADOPTING THE PUBLIC RECORDS RESPONSE POLICY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Fruitland Park is subject to, Article I, Section 24, Florida Constitution, and Ch. 119, Florida Statutes, the Florida Public Records Act; and

WHEREAS, the Florida Public Records Act provides a right of access to records of local governments, and providing access to public records is a duty of each local government; and

WHEREAS, it is in the best interest of the municipality to adopt a public records response policy; and

WHEREAS, the City Commission of the City of Fruitland Park desires to approve and adopt the Public Records Response Policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The City Commission approves and adopts the Public Records Response Policy, a copy of which is attached hereto.

Section 2. This resolution shall take effect immediately upon its adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 28th day of September 2023, by the City Commission of the City of Fruitland Park, Florida.



Chris Cheshire, Mayor

Attest:



Esther B. Coulson, City Clerk



Mayor Cheshire / (Yes), (No), (Abstained), (Absent)
Vice Mayor DeGrave / (Yes), (No), (Abstained), (Absent)
Commissioner Gunter (Yes), (No), (Abstained), / (Absent)
Commissioner Bell (Yes), (No), (Abstained), / (Absent)
Commissioner Mobilian / (Yes), (No), (Abstained), (Absent)

First Reading _____

Approved as to form and legality:

Anita Geraci-Carver
Anita Geraci-Carver, City Attorney

City of Fruitland Park



Public Records Response Policy

1. Purpose. This policy describes how the City of Fruitland Park will respond to requests from members of the public to inspect and/or copy public records that are in the custody of the City. For purposes of this policy government agencies are not considered members of the public and requests from such agencies may be exempt from portions of this policy relating to costs. The statutory obligation is to provide access to, or copies of, public records “at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records” provided that required fees are paid.
2. Authority.
 - a. Article I, section 24, Florida Constitution
 - b. Chapter 119, Florida Statutes (Public Records Law)
3. Responsibilities.
 - a. Clerk’s Office.
 - i. Upon receipt of a public records request, the Clerk’s Office shall review and acknowledge receipt of the request. If the request is insufficient or vague to identify the records sought, the Clerk’s Office should help the

- ii. requestor clarify the request. If the request is not submitted in writing the Clerk's Office will complete a form to assist in defining and documenting the information necessary for completing the records request. The requestor is not obligated to complete any form or reduce his/her request to writing. If a request is broad, the City Clerk's Office may explain the cost of the request and the potential number of documents encompasses by the request and inquire about narrowing the request.
- iii. The City Clerk's Office will retain a public records log for all non-written requests, including the date of the request, the name of the requestor if identified, and a general description of the records request. Written requests may be included in the public records log (see sample log attached). All requests will be assigned a unique identifying number. The City Clerk's Office will provide the requestor updates on the status of his/her request.
- iv. The City Clerk's Office will solicit from the city manager/directors/managers/agents (as applicable) any public records responsive to the request that are not in the immediate possession of the City Clerk's Office. The City Clerk's Office will send an e-mail to the city manager/directors/managers/agents requesting public records responsive to the public records request. The e-mail will include a copy of the request.
- v. Before responding to the request, an estimate of the charges should be provided to the requestor in writing (if possible) and obtain advance payment or a deposit before producing the documents.
- vi. The City Clerk's Office will gather any documents responsive to the request that are in the City Clerk's Office's immediate possession and upon receipt of public records from other departments will review and

identify any records exempt from inspection, examination and copying under the Public Records Law, and shall redact as necessary. So called “standing” requests for production of public records that the City may generate or receive in the future are not accepted.

- vii. If a request includes documents in the possession of the human resource department, the City Clerk’s Office will solicit the documents from the human resource director. The human source direction is responsible for providing documents to the City Clerk’s Office after the human resource director identifies any records exempt from inspection, examination and copying under the Public Records Lake, and shall redact as necessary. The City Clerk’s Office shall not access employee files.
- viii. If a request includes e-mails, the City Clerk’s Office will contact the IT administrator. The IT administrator is responsible for providing e-mails to the City Clerk’s Office. The City Clerk’s Office shall not access employee e-mail accounts.
- ix. Requests for records must be accepted and records made accessible for inspection or duplication during the City’s normal business hours.

b. City Manager/Directors/Managers (collectively, referred to as the Director)

- i. If a public records request is submitted by a requestor to a Director or his/her department, the request must be forwarded immediately (the same day or next day) to the City Clerk’s Office for processing.
- ii. Upon receipt of an e-mail request from the City Clerk’s Office soliciting documents responsive to a public records request, the Director will gather any documents

responsive to the request and provide the documents to the City Clerk's Office. The City Clerk's Office will review and identify any records exempt from inspection, examination and copying under the Public Records Law, and shall redact as necessary.

4. Confidential or exempt records. If the request appears to include confidential or exempt records, discuss the records request with legal counsel or appropriate supervisor. If redaction is required, redact the exempt portion of the document manually or electronically in a way that completely protects the exempt information before including in the responsive documents.
5. Time. While the Public Records Act does not contain a specific time limit (such as 24 hours or 5 days) for compliance with public records requests, the City Clerk's Office is required to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. There shall not be an automatic delay in the production of public records. If the response cannot be promptly provided, explain, in writing if possible, why additional time is needed. Delay is permissible under very limited circumstances such as, to determine whether a record exists, determination of whether record is exempt, failure of requestor to forward the appropriate fees.
6. Formatting. If the requestor asks for the record in a particular format, and the City stores it in that format, the record must be provided in that format.
7. Creation of records. The City is not required to create records to accommodate a request for information.
8. Questions. The City is not required to answer questions regarding records. Questions should be referred to the City Manager's Office.
9. Fees for inspecting and copying public records.

- a. Inspection. The imposition of a special service charge applies to requests for inspection of public records when the nature or volume of public records to be inspected is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance, or both. The determination is made on a case-by-case basis and will not be routinely imposed. Only labor or computer costs incurred will be charged.
- b. Copies. If no fee is prescribed elsewhere in Florida Statutes, then the fees set forth in s. 119.07, F.S. will be charged.
- c. Special service charge for extensive use of clerical or supervisory labor or extensive information technology resources.
 - i. Must be a reasonable charge based on the cost actually incurred by the City for such extensive use of information technology resources or personnel.
 - ii. Extensive use of labor means 30 minutes or more.
 - iii. Before a special service charge is imposed, the City Clerk's Office must consult with legal counsel.

