

**RESOLUTION No. 17-178**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, UPDATING THE CITY OF DORAL PUBLIC RECORD REQUEST POLICY; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral (the "City") is charged with ensuring compliance with all State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition of all City records; and

**WHEREAS**, pursuant to Section 119.07 Florida Statutes, it is the policy of the City to permit the public record to be inspected and copied absent an exemption to the contrary, with said policy providing for the appropriate procedures and fees; and

**WHEREAS**, the City Clerk has recommended that the City Council amend the City of Doral Public Record Request Policy, as presented in Exhibit "A".

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Approval.** The City of Doral Public Record Request Policy, attached hereto as Exhibit "A"; which is incorporated herein and made part hereof by this reference, is hereby approved.

**Section 3. Implementation.** The City Manager, City Clerk and City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Mariaca and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Christi Fraga	Absent/Excused
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 11 day of October, 2017.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, CMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY

# EXHIBIT “A”



# CITY OF DORAL

## PUBLIC RECORDS REQUEST POLICY

### OFFICE OF THE CITY CLERK

Revised October 2017

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### **I. SCOPE**

The City of Doral Records Management Program applies to all records, regardless of physical form, characteristics, or means of transmission, created or received by the City in connection with the transaction of official business. The City is charged with ensuring compliance with all State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition of all City records.

### **II. PURPOSE**

Section §257.36(5), Florida Statutes (F.S.) directs each public agency to establish an active and continuing records management program to include inventorying, scheduling and disposition of records. Public Records Law, Chapter 119, F.S., provides, in part, City obligations for the access, control, storage, preservation and disposition of all Public Records. Further, Section §119.07, F.S. directs each City to permit the Public Record to be inspected and copied absent an exemption to the contrary, and provides for charging fees. This Policy is calculated to assist Staff in the correct application of these requirements.



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### **III. REFERENCES**

Florida Public Records Law, Chapter 119, F.S.  
Records and Information Management, Section §257.36(5), F.S.  
Florida Attorney General Opinion (AGO) 2005-28  
City of Doral Records Management Plan

### **IV. DEFINITIONS**

Section §119.011(1), F.S. defines **Public Records** as, “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.”

Florida Supreme Court of Florida in *Shevin v. Byron, Harless, Shaffer, Reid and Associates, Inc.*, stated that the above definition encompasses all materials made or received by an agency in connection with official business that are used to perpetuate, communicate, or formalize knowledge.

- **RMLO** is the City’s Records Management Liaison Officer designated in writing to the Florida Department of State. The RMLO coordinates the City’s Records Program. The City’s RMLO is the City Clerk.
- **City Clerk** is the City Officer charged with the responsibility of maintaining the office having public records, or his or her Record Coordinator.
- **Actual cost of duplication** means the cost of the material and supplies used to duplicate the record, but do not include the cost of labor or overhead costs associated with such duplication
- **Record Coordinator** is the employee of the City of Doral designated as responsible for the coordination of Public Records activities for their respective Department.
- **Personal and Private** include records that are clearly not official business and are, consequently, not required to be recorded as a public record. Although received by a government system, common sense opposes a mere possession rule. Such transmissions are not made or received pursuant to law or ordinance or in connection with the transaction of official business and are not public records.



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- **Non Records**, in addition to the description of personal and private emails, this includes unsolicited promotional items, spam, jokes, chain letters, advertisements and generally material otherwise classified as “junk mail.”
- **Inquiries** are requests for information that do not require public records (i.e. documentation) as a response.
- **Extensive** shall mean fifteen (15) minutes or more.
- **Readily Available** documents that are easily retrievable, regularly disseminated to the public, and do not require additional review in order to determine whether they contain exempt information.

#### **V. POLICY**

It is the policy of the City of Doral that all municipal records, with the exception of exempt records identified by Florida Statutes, §119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person, at any reasonable time, under reasonable conditions, and under supervision by the City Clerk or record coordinator of the public records, absent an exemption to the contrary.

*Any person* includes City Employees and City Public Officials when the record request is not beyond the scope of the duties, responsibilities and official business of the requestor. At all times, inclusive of requests made by City Employees and/or City Public Officials that are within their scope of duties and responsibilities, the City Clerk or record coordinator shall provide safeguards to protect the contents of Public Records from alteration and to prevent disclosure or modification of those portions of Public Records which are exempt or confidential from Section 24, Article 1 of the State Constitution.

#### **VI. OBJECTIVE**

The purpose of this policy is to affirm the public’s right to access the City of Doral’s records, to set forth the procedures that will facilitate accessibility of information to members of the public, and to establish fees to be levied by the City of Doral to cover the cost of responding to public records requests.



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## **VII. PROCEDURE**

### A. Processing Public Records Requests

#### *(1). Requests for Readily Available Documents*

Any City of Doral employee who receives a request for a readily available record should comply as soon as practicable by either referring it to a supervisor or providing review and/or copy of the information requested, as appropriate. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as indicated in Section IX below.

#### *(2). Requests for Other Documents*

- a. Although a written request cannot be required of the requestor, staff may record all requests in writing on a form provided by the City Clerk's Office. This will assist in clarifying the exact scope of the request. The form should specify whether the requestor wishes to simply inspect the records or obtain copies.
- b. Staff should forward the request to the City Clerk's Office via e-mail by forwarding e-mailed requests, scanning and emailing written requests, or summarizing verbal requests.
- c. As soon as reasonably possible after the receipt of a Public Records Request, the City Clerk's Office will log the request and assign it a PRR #, acknowledge the request, and forward it to the respective Department(s), which may have responsive records to the request.
- d. The Department(s) will respond as soon as possible as to whether they have any responsive documents and the estimated amount of retrieval time.
- e. When the nature or volume of the public records requested to be inspected, examined, or copied is such as to require extensive use of resources or extensive clerical or supervisory assistance by personnel of the City involved, or both, the City may charge, in addition to the cost of duplication, a special service charge, which shall be based on the cost incurred for such extensive effort. To comply with this provision, the City Clerk or record coordinator shall collect the estimated service charge in advance in addition to the fee for duplication. The service charge shall be calculated using the hourly wage of



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- f. the lowest paid employee that can perform the service. This shall also include a review for applicable exemptions and/or redactions.
- g. If the estimated fee for duplication and service charge represent an overpayment upon completion of the effort, a refund shall be made to the requestor. If the estimated fee for duplication and service charge represent an underpayment upon completion of the effort, the City Clerk or record coordinator shall collect the remaining balance due prior to delivery of the Public Record. When the City Clerk or record coordinator and the requestor fail to agree as to the appropriate charge, the charge shall be determined by the City Clerk.
- h. The City of Doral shall make every effort to respond fully to all Public Records requests within a reasonable time and the City Clerk's Office shall be responsible for monitoring timely performance.

### *(3). Media Requests*

Requests from the media for Public Records shall be handled consistently with the procedures outlined above. All staff members (including City Officials and service providers) receiving a request directly from the media shall immediately inform the City Clerk's Office of the request. The City Clerk's Office shall ensure that the Public Affairs Division is aware of the media request.

### *(4). Access to Records*

For the purpose of this policy, "reasonable" time to provide access to public records is during normal working hours – Monday through Friday 8:00 am to 4:30 pm, excluding holidays. At all times, the records will be inspected, reviewed and copied under supervision by the custodian of the public records requested, or the custodian's designee, pursuant to Florida Statutes § 119.07(4)(d).

## **VIII. DETERMINATION OF PUBLIC RECORD FOR CITY EMPLOYEES OR CITY PUBLIC OFFICIALS**

The City Clerk is charged with determining whether a City Employee or City Public Official request for records is directly related to their duties or is a public records request. In making this determination, the City Clerk should also consider the staff time involved in responding the request. If a City Employee or a City Public Official disagrees with the initial determination made by the City Clerk of whether or not the request is directly related to the scope of duties of the individual, the City Clerk may request a review by the City Attorney's Office. If the City Employee or City Public





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Official disagrees with the City Attorney's interpretation, a request for final determination may be made to the City Council at the next regularly scheduled Council Meeting.

## **IX. PUBLIC RECORDS FEE SCHEDULE**

Hard copies of pages not more than 14 inches by 8.5 inches	0.15 per page (one-sided)
Hard copies of pages more than 14 inches by 8.5 inches	0.20 per page (two sided)
Hard copies of other-sized documents	Actual cost of duplication
Certified copy	\$1.00 per certified copy
CD / DVD	\$1.00 per CD or DVD
Review of Original Record Copy at City Hall	Review of original copies of records requires staff supervision during the time of review and will be charged at the hourly wage of the employee performing the service if more than fifteen (15) minutes of staff time is required.
Extensive Records Request / Review for Exemptions	Charged at the hourly wage of the employee performing the service for any request requiring more than fifteen (15) minutes of research / review.