

RESOLUTION No. 09 – 25

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

WHEREAS, the City of Doral 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 charging fees; and

WHEREAS, Staff respectfully requests 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 CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. The City Council of the City of Doral Florida hereby amends the City of Doral Public Record Request Policy as presented in Exhibit "A."

Section 2. This Resolution shall take effect immediately upon adoption.

The foregoing resolution was offered by Councilman Van Name who moved its adoption. The motion was seconded by Vice Mayor DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Pete Cabrera	Absent
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED and ADOPTED this 11th day of February, 2009.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JOHN HEARN, ESQ., CITY ATTORNEY

EXHIBIT “A”



CITY OF DORAL

PUBLIC RECORD REQUEST POLICY

OFFICE OF THE CITY CLERK

Page 1 of 5

TABLE OF CONTENTS

- I. Scope
- II. Purpose
- III. References
- IV. Definitions
- V. Policy
- VI. Determination of Public Record for City Employees and City Public Officials
- VII. Public Record Fee Schedule

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.



CITY OF DORAL

PUBLIC RECORD REQUEST POLICY

OFFICE OF THE CITY CLERK

Page 2 of 5

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.



CITY OF DORAL

PUBLIC RECORD REQUEST POLICY

OFFICE OF THE CITY CLERK

Page 3 of 5

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.”

Extensive shall mean fifteen (15) minutes or more.

V. **POLICY**

It is the policy of the City of Doral to permit the Public Record to be inspected and copied by any person desiring to do so, 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.

The City Clerk or record coordinator shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law, or, if a fee is not prescribed by law; for duplicated copies of not more than 14 inches by 8.5 inches, upon payment of 15 cents per one-sided copy; for each two-sided duplicated copy of not more that 14 inches by 8.5 inches, upon payment of 20 cents for each two-sided duplicated copy; and for all other copies, upon payment of the actual cost of duplication of the record. The City Clerk or record coordinator may charge up to \$1.00 per copy for a certified copy of a public record.

When the nature or volume of public records requested to be inspected, examined, or copied is such as to require *extensive* use of information technology 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 the employee performing the service.



CITY OF DORAL

PUBLIC RECORD REQUEST POLICY

OFFICE OF THE CITY CLERK

Page 4 of 5

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.

VI. 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 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.

VII. PUBLIC RECORD 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 not 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



CITY OF DORAL PUBLIC RECORD REQUEST POLICY OFFICE OF THE CITY CLERK

Page 5 of 5

(Fee Schedule cont.)

Review of Original Record Copy at City Hall	Review of original copies of record 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	Charged at hourly wage of the employee performing the service for any request requiring more than fifteen (15) minutes of research
Electronic copy sent by e-mail	Free of charge