

RESOLUTION 17-146

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA; UPDATING AND AMENDING THE CITY'S PUBLIC RECORDS POLICY; REPEALING ALL POLICIES OR RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.

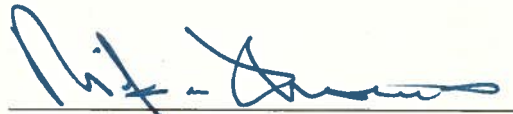
BE IT RESOLVED by the City Council of the City of Panama City Beach, from and after the effective date of this Resolution, that the Public Records Policy attached and incorporated herein as Exhibit A to this Resolution, is hereby approved, and to the extent necessary or appropriate, ratified and confirmed as the Public Records Policy of the City.

AND BE IT FURTHER RESOLVED that all policies or resolutions or parts of policies or resolutions in conflict herewith are repealed to the extent of such conflict.

THIS RESOLUTION shall take effect immediately.


PASSED, APPROVED, AND ADOPTED in regular session this 28th day of September, 2017.

CITY OF PANAMA CITY BEACH



MIKE THOMAS MAYOR

ATTEST:

Deputy

CITY CLERK

**CITY OF PANAMA CITY BEACH
PUBLIC RECORDS POLICY**

Legal requirements regarding public records held by the City of Panama City Beach (the "City") are governed by Chapter 119 of the Florida Statutes. In the event that any part of this Public Records Policy ever conflicts with Florida Statutes as they are subsequently amended, the City shall act pursuant to statute. Chapter 119 provides the City with discretion as to how it will fulfill its public records obligations regarding to certain issues. This Public Records Policy provides uniform policies regarding those issues and should be read together with Chapter 119 of the Florida Statutes.

Custodian of Public Records: The City Clerk is the designated custodian of public records for the City and when he/she is unavailable, the Deputy City Clerk shall act as the custodian of public records.

Response Time to Public Records Requests: Response time will vary depending on the circumstances of the records requested. The City will strive to produce records within two business days from the day of the request particularly when the request is for specific records (e.g. "Mr. Smith's June 5th letter to John Doe" as opposed to "all records relating to permits issued by the City"), only a few records are requested, the records are easy to locate and retrieve, and the records clearly do not contain material exempt from public disclosure requirements. Response times will be longer for other requests and will depend on factors such as the number of files that must be reviewed, the time required to locate and duplicate the records, the time required to determine the applicability of public records exemptions, and the time required to review the records for non-public information and to redact that information. Particularly large or complicated requests may require a response time of several weeks. Regardless of the request, the City will always acknowledge the request promptly and respond to requests in good faith.

Inspection of Public Records: Public records may be inspected at the City's administration office during normal business hours and under the supervision of the custodian of records or his designee. Inspection alone avoids copying fees, but all records requests will necessitate collection and review for exempt or confidential information which may result in a fee.

Copies of Public Records: The nature of some records requests will necessitate some copying with a resultant fee. For example, to process a request for many records requiring multiple days of processing, some records will be copied as located to the extent required to maintain the integrity of the City's files. Another example is when the record is in use by City personnel who must continue to use it at the same time a citizen has requested to inspect it. Also, records that must be redacted generally may only be produced as a redacted duplicate.

Charges Associated with Public Records Requests:

Copies. For black and white copies not larger than 14 inches by 8.5 inches, copying fees shall be \$0.15 per page or \$0.20 per dual-sided page if dual-sided printing is available. Copying fees for other formats, such as color copies or copies larger than 14 inches by 8.5 inches shall be the

Exhibit A

City's actual cost of reproduction. The requester may not remove records from the City's administration office to copy them, or for any other reason.

Extensive requests. If the nature or volume of public records requested is such as to require extensive clerical or supervisory assistance, a special service charge shall be required in addition to the actual cost of duplication. Extensive clerical or supervisor assistance means the time expended by City personnel in excess of sixty minutes to locate, review for non-public information, copy, redact and re-file the materials requested. The special service charge may apply even when only inspection has been requested.

Calculation of extensive requests. The special service charge is the labor cost of the persons providing the service, which is that person's normal hourly pay rate plus benefits multiplied by the time expended by that person. For purposes of estimating the time to be expended, the City shall estimate 2 minutes for each document to be collected and reviewed, and redacted and copied if necessary. The first sixty minutes of work processing the public records request shall not be included in the special service charge and shall be attributed to the personnel who actually performed the first sixty minutes of work. Whenever it is likely that a special service charge will be required, City personnel shall inform the person requesting records of this likelihood and, to the extent possible, provide an estimate of the expected special service charge prior to providing the extensive clerical or supervisor assistance.

Billing for Public Records Requests:

Invoices. Whenever copying fees and any special service charge are estimated to exceed \$50.00, the City shall provide a written invoice and require a deposit of the estimated charges prior to collecting, reviewing or copying responsive records. At the point the City's actual cost nears or exceeds the amount of the estimated charges paid, the City will stop work and provide another written invoice and updated estimate, resuming work when the additional funds are received to complete the work.

Deposit. The City shall require advanced deposit of the full invoiced charges prior to collecting, reviewing or copying responsive records. If the estimated charge paid exceeds the actual charge, the City shall issue a refund of any remaining deposit once the records request has been processed. The City shall make reasonable efforts to require an additional deposit if the estimated or actual costs exceed the original deposit.

Records Provided Upon Payment in Full. The City will not release records until the invoice(s) applicable for such request have been paid in full. The City's failure to notify a requestor of additional charges shall not absolve the requestor from the obligation to pay for any charges in full prior to the release of the records. The City will not undertake a requestor's subsequent request which requires extensive use of clerical or supervisory assistance until that requestor's outstanding invoices are paid in full.