

## **RESOLUTION NO. 2024-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, REVISING THE POLICY AND FEE SCHEDULE WITH RESPECT TO PUBLIC RECORDS REQUESTS CONSISTENT WITH FLORIDA STATUTES CHAPTER 119; PROVIDING FOR DEFINITIONS OF APPLICABLE PUBLIC RECORDS; PROVIDING FOR A BASIC FEE SCHEDULE FOR PRODUCTION OF COPIES; PROVIDING FOR A REASONABLE SPECIAL SERVICE CHARGE WHEN THE NATURE OR VOLUME OF SUCH REQUESTS REQUIRES EXTENSIVE USE OF INFORMATION TECHNOLOGY RESOURCES, OR EXTENSIVE CLERICAL OR SUPERVISORY ASSISTANCE BY PERSONNEL OF THE CITY, OR BOTH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is a necessity that the City Council of New Port Richey, Florida, be in compliance with Florida Statutes, Chapter 119; with respect to requests for public records of the City;

**WHEREAS**, it is the policy of the City of New Port Richey (the "City") that all municipal records, with the exception of exempt, or confidential and exempt, records identified by Florida Statutes, Chapter 119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person;

**WHEREAS**, the nature or volume of such requests for public records can potentially require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the city;

**WHEREAS**, the City Council adopted Resolution 2011-5 establishing a policy pertaining to provision of public records in accordance with applicable law;

**WHEREAS**, the City Council wishes to replace the aforesaid resolution with an updated public records policy; and

**WHEREAS**, the City Council hereby finds that this resolution is in the best interest of the health, safety and welfare of its citizens and the general public;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, THE FOLLOWING POLICY AND FEE SCHEDULE BE ADOPTED WITH RESPECT TO PUBLIC RECORDS REQUESTS RECEIVED BY THE CITY:**

### **SECTION I. Definitions:**

"Public records" shall be defined by applicable Florida law, including Section 119.011 Florida Statutes.

"Reasonable time" as required by Florida law for the production of public records for inspection or duplication shall mean a time during normal working hours, Monday through Friday, excluding holidays, between 8:00 a.m. and 4:30 p.m. that is generally no more than ten (10) working days from the receipt of the request, unless additional time is reasonably necessary due to the volume

or complexity of the request, the necessity of extensive research, the necessity for determinations of exemptions or confidentiality, the necessity for redactions, or any time spent clarifying or revising the record request between the city and the requestor.

## **SECTION II. Basic Fee Schedule:**

Upon request, the City shall furnish copies of public records based on the following fee schedule:

(a) The following charges are specified by Florida statutes:

Single-sided copies, up to 8 1/2" x 14": \$0.15 each;

Double-sided copies, up to 8 1/2" x 14": \$0.20 each;

All other copies: the actual cost of duplication; and

Certified copy of a public record: \$1.00 per page in addition to actual copy cost.

(b) The following charges shall be the actual cost to the City, with current charges as follows:

Imaged documents (building plans and permits): \$10.00 per electronic media storage device;

Electronic or audio public records; \$10.00 per electronic media storage device;

Duplicate video tape: \$10.00;

Reprint of color photographs up to 5" x 7": \$3.00 each;

Larger size color photographs: actual cost of duplication; and

Code of Ordinances with binds-tabs or electronic version: actual cost charged by publisher (Municode available through [www.municode.com/products/purchase\\_codes.asp](http://www.municode.com/products/purchase_codes.asp))

Note: Additional charges will be added to cover the actual cost of postage and packaging as necessary.

## **SECTION III. Special Service Charge:**

(a) The city shall charge a special service charge, in addition to any other charges provided herein or authorized by law, for records if the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency

for the clerical and supervisory assistance required, or both, as provided by Section 119.07 Florida Statutes.

(b) The special service charge provided by subsection (a) hereof shall apply to all record requests that require more than one-quarter hour (15 minutes) of an employee's time to research, retrieve, determine exemptions or confidentiality, redact and duplicate the requested records. For public records requests requiring more than one quarter hour, the requester shall be required to pay the hourly salary of each employee researching, retrieving, determining exemptions and confidentiality, redacting, or duplicating the records, and any employee supervising or overseeing the response to the request. The hourly fee begins after the first quarter-hour of employee time on the request, and is calculated by adding the amount derived from multiplying the total time spent on the request by each employee by that employee's hourly wage and benefits.

#### **SECTION IV. Deposit:**

For record requests determined to be subject to the special service charge provided by Section III hereof, a minimum deposit of fifty percent (50%) of the total estimated charge shall be required in advance, prior to the city initiating the work to comply with the request. The deposit will be applied to the final cost of the public records request upon completion thereof.

#### **SECTION V. Payment:**

Payment by cash, money order, debit card, credit card, or certified check shall be made prior to the delivery of the materials. All money orders or certified checks shall be made payable to "City of New Port Richey."

#### **SECTION VI. Effective Date:**

This resolution shall take effective upon its adoption by the City Council.

**DONE AND RESOLVED** on the 16<sup>th</sup> of April, 2024.

ATTEST:

\_\_\_\_\_  
Judy Meyers, CMC, City Clerk

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Alfred C. Davis, Mayor

Approved as to form:

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Timothy P. Driscoll, City Attorney