

RESOLUTION NO. 06-17

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION 20-09, ESTABLISHING A PUBLIC RECORDS POLICY AND SETTING A UNIFORM FEE SCHEDULE FOR PUBLIC RECORDS INSPECTION/DUPLICATION.

WHEREAS, Section 119.011 (11), F.S. defines "public records" to include 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; and

WHEREAS, Section 119.07 (1) (a) and (b), F.S. establishes a right of access to public records in plain and unequivocal terms:

- (a) "Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under the supervision of the custodian of the public records."
- (b) "A custodian of public records or a person having custody of public records may designate another officer or employee of the agency to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy public records"; and

WHEREAS, Section 119.07 (1) (c) F.S., provides that the "custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed"; and

WHEREAS, Section 119.07 (4) F.S. provides that the custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. If a fee is not prescribed by law, the following fees are authorized:

- (a)
 1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 ½ inches; and
 2. No more than an additional 5 cents for each two-sided copy; and
 3. For all other copies, the actual cost of duplication of the public record.
- (b) An agency may charge up to \$1 per copy for a certified copy of a public record; and

WHEREAS, pursuant to Section 119.07 (4) (d) F.S. "(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," and

WHEREAS, the Village's current established fees related to processing public records requests pursuant to the aforementioned sections of state law are inadequate to cover the Village's actual costs for performing these services; and

WHEREAS, the Village Council desires to update its fee schedule so that the Village's fees for performing such services are adequate to cover the Village's actual costs.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1 The Village Clerk shall be, and is, the authorized custodian of all records of the Village of Tequesta.

Section 2 Upon receipt of a public records request, the Clerk or Clerk's designee shall permit the 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 custodian of the public records and in accordance with Section 119.07, F.S., including Subsection 119.07(1) (d) which reads as follows, "(A) person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying."

Section 3 In the event that copies of any record are requested, then the fees for duplication shall be in accordance with the following records fee schedule:

| Record | Size | Single/Double/Color | Cost |
|--|------------------|----------------------------|--|
| * Copies: | 8 ½ X 11 | Single Sided | \$.15 per page |
| | 8 ½ X 11 | Double Sided | .20 per page |
| | 8 ½ X 11 | Color copies | .40 per page |
| | 8 ½ X 14 | Single Sided | .15 per page |
| | 8 ½ X 14 | Double Sided | .20 per page |
| | 8 ½ X 14 | Color copies | .40 per page |
| | 11 X 17 | Single Sided | .25 per page |
| | 11 X 17 | Double Sided | .30 per page |
| | 11 X 17 | Color copies | .50 per page |
| Certified Copies | | | \$1.00 per page |
| CD/DVD/Cassette Tapes/Thumb Drives: | Village supplied | | <u>Actual cost of storage medium</u> |
| Photos: | | | \$3.00 per photo |

| | | |
|---|---|---|
| Plans: | | Actual cost to send to outside print agency for duplication |
| Special Service Fee: | 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. The Special Service Fee will begin to accumulate after the first 15 minutes and will be charged based on the actual labor cost for clerical personnel who are required, due to the nature or volume of a public records request, to safeguard such records from loss or destruction during their inspection. | |
| Lien/Code Violation Search | | <ul style="list-style-type: none"> • \$25.00 per search fee • \$50 rush search fee (24 hour turn around requested – business day) |
| Police: | Crime Reports, Incident Reports and other Reports – Victim | No Charge |
| Fingerprint Fee: | Resident | No Charge – no limit on number of cards processed |
| | Non-Resident | \$5.00 per card – no limit on number of cards processed |
| * There will be no charge for record requests that cost less than \$3.00 (including postage). | | |

Section 4 This Resolution shall become effective immediately upon passage.

| RESOLUTION | | | |
|------------------------------|-------------------------------------|--------------------------|--------------------------|
| 06-17 | | | |
| MOTION | | SECOND | |
| Council Member Frank D'Ambra | | Vice-Mayor Vince Arena | |
| VOTE | | | |
| | FOR ADOPTION | AGAINST ADOPTION | ABSENT |
| Mayor Abby Brennan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vice-Mayor Vince Arena | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Steve Okun | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Tom Paterno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Frank D'Ambra | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Mayor thereupon declared the Resolution duly passed and adopted on 9-Feb-2017

MAYOR OF TEQUESTA

ATTEST:

Lori McWilliams
 Lori McWilliams, MMC
 Village Clerk

