

Florida Public Records Fees and Costs
And
School District of Clay County
Fee Schedule for Duplication of
Public Records Requests

Prepared and Presented By:

Stanley F. Pfenning
Clay Hill, Florida

Presented To:

Clay County School Board

February 16, 2012

“Green Card”

SCHOOL DISTRICT OF CLAY COUNTY Board Meeting Speaker Card

Mr. Chairman:

I wish to address the Board on the Agenda Item checked below:

- Discussion Agenda Item # _____
- Consent Agenda Item # _____ *(Please pull the item for Discussion)*

I wish to address the Board on a matter that is not on the Agenda. The subject of the matter is: _____



Print Name _____

Address _____

City/State/Zip _____

If representing an organization or special interest group, please specify: _____

SPR-3-1000 E 3-01-2012

Florida Attorney General Local Government Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- In Florida, providing access to public records is the law. With a few exceptions, the records of state and local agencies are subject to the Florida Public Records Act, from records in the Governor's office to those of your local school board.
- They must give access to public records for inspection as well as for copying.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- This [section] is an overview of the types of costs and fees agencies may charge for providing public documents.
- Generally, agencies may not charge a fee for the inspection of public records. For example, agencies may not charge citizens for listening to audio recordings of any hearings, or for reviewing documents unless redaction of exempt material is necessary.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- With today's technology, it has never been easier to provide citizens free access to public records through the internet.
- Agencies may post all public records, from minutes of meetings to contracts, on their public website.
- This is a simple, efficient, and economical way to give all citizens free access to public information.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- The Florida Statutes provide a schedule for copying fees. If no fee is set forth in the statutes, section 119.07(4)(a)1 of the Florida Statutes permits agencies to charge up to 15 cents per one-sided copy for paper copies that are 14 inches by 8 1/2 inches or less and an additional 5 cents for two-sided copies.
- Agencies can also charge one dollar for certified copies of a public record.
- For other copies, the charge is limited to the cost of the material and supplies used.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- A few exceptions exist where agencies may charge more than 15 cents. Among these are all court records, county maps, aerial photographs, and crash and homicide reports.
- An agency may not charge a sales tax when providing copies of public records.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- Sometimes, the nature or the volume of the public records requested will require extensive use of the agency's information technology resources or of the clerical or supervisory personnel assigned to make copies or safeguard records.
- In these instances, the law allows agencies to charge a service fee for the inspection and copying of public records.
- All service charges for inspecting public records must be **REASONABLE.**

Florida's Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- Agencies should adopt a policy that addresses the circumstances when a special service charge will be imposed as well as a schedule of charges.
- The policy must be consistent with the purpose and intent of the Public Records Act and should strike a balance between the agency's responsibility to protect records and its legal duty to ensure unfettered access to public information.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- The special service charge should be based on actual labor costs for the personnel who are required to complete the records request.
- In calculating labor costs, agencies should use the clerical employee's base salary and employee benefits for the time spent making copies, even if an employee at a higher pay level actually did the work.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- A higher rate may be charged for requests that involve complex documents containing various exempt or confidential information.
- Usually this will involve documents that have to be reviewed by an attorney or paralegal with the knowledge necessary to make decisions with respect to potential exemptions.
- For example, a circuit court judge approved a rate of thirty-five dollars per hour in a case where the agency attorney had reviewed exempt material in a voluminous criminal case file.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- The fees authorized under Chapter 119 are not meant to be a profit-making or revenue-generating operation.
- Agencies may not charge for such things as utilities, office expenses, or travel time and retrieval costs for public records stored off-premises.
- Similarly, an agency may not charge fees designed to recoup the agencies original cost of developing or producing the records.
- Agencies should never attempt to prevent access to public records by charging excessive fees.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- When an agency receives a request for a large number of records, an estimate of the fee should be communicated to the requestor before the work is undertaken.
- Agencies may also require a reasonable deposit or advance payment prior to producing the requested records.
- Agencies may bill for any shortfall between the deposit and the actual cost of copying the public records when the copies have been made and the requesting party subsequently advises that the records are not needed.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- It is a good idea for agencies to always provide a written invoice detailing the costs and charges related to public records.
- This is especially true if the fees include special service charges or are calculated at a rate higher than a clerk's salary.
- It is also advisable, when possible, to provide the requestor with an estimate of the cost in advance of the production of the requested records.
- Agencies may ask for the payment in advance of production, but the law does not require it.

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- Florida law specifically provides that “Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in the system which is not exempted by law from public disclosure.
- An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee which shall be in accordance with this chapter.”

Florida Attorney General Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- Therefore, agencies are required to provide a copy of the record in the requested format if the agency maintains the record in that format.
- Agencies are not required to furnish electronic public records in a format other than the standard format routinely maintained by the agency. For example, if asked for a copy of a computer software disk used by an agency, a typed transcript would not satisfy the requirements of the Public Records Law.
- If an agency chooses to provide records in a requested format that is different than the standard format used by the agency, the requestor is responsible for the costs of converting or reformatting the information.
- Once again, it is important that agencies communicate with the requestor any circumstances which will require fees and charges.

Florida Attorney General
Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

- The Attorney General's office is always available to answer your questions about public records.
- Please feel free to call 850-245-0140 and/or;
- Visit the Attorney General's website at: **www.myfloridalegal.com**

Florida Attorney General
Training Video Transcript

[http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/\\$file/Fees.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-7Q2JH2/$file/Fees.pdf)

Open government isn't
just good government-
it's the public's right.

Florida Attorney General Training Videos on YouTube

- **<http://www.youtube.com/watch?v=u4Lj6cs4w30&feature=related>**
- **<http://www.youtube.com/watch?v=yIH-LX6PRfM&feature=related>**

MEMORANDUM

DATE: July 19, 2011

TO: Interested Media

FROM: Brian Burgess, Communications Director,
Executive Office of the Governor

CC: Governor's Agencies — Communication Directors

RE: Amendment to Cost Recovery Policy

MEMORANDUM

RE: Amendment to Cost Recovery Policy

Governor Rick Scott is committed to providing Floridians with access to information that allows citizens to hold government accountable. To provide full and expeditious compliance with Florida's public records laws. Governor Scott issued Executive Order 11-03, re-establishing the Office of Open Government...

...as of the date of this memorandum a few amendments will take effect, as outlined described below...The amended policy will apply to public-records requests that are pending but have not yet been fulfilled.

MEMORANDUM

RE: Amendment to Cost Recovery Policy

Cost Recovery Charges

Estimates:

Upon receiving requests for public records, the Office of Open Government will provide an itemized estimate to the person initiating the request. The estimate will include the estimated costs required to fulfill the request (including estimated labor charges, duplication costs, and other material costs).

MEMORANDUM

RE: Amendment to Cost Recovery Policy [pg. 2]

Fee Guidelines – Special Service Charge:

- A special Service charge will be imposed if the nature or volume of public records requested requires extensive use of information technology resources and/or extensive clerical or supervisory assistance or agency personnel.
 - A special service charge will be warranted if the nature or volume of the of the public records requested to be inspected or copied requires more than 30 minutes of agency resources.

MEMORANDUM

RE: Amendment to Cost Recovery Policy [pg. 3]

Material Costs:	
One-sided Copy	\$0.15 per page up to 8 1/2 x 14 inches
Double-sided Copy	\$0.20 per page up to 8 1/2 x 14 inches
All other copies	Actual Costs of Duplication (materials and supplies, not labor)
CD-ROM	\$0.85 each
DVD	\$1.15 each
Certified Copies	\$1.00 per page
Packaging and shipping charges	Estimated costs may be changed to reflect actual cost incurred.

Clay County Board of County Commissioners
Public Record Request Policy and
Fee Schedule

RESOLUTION NO. 08/09- 66

Clay County Board of County Commissioners

RESOLUTION 08/09 - 66

#	Material Requested	Cost:
1.	Single sided copies no larger than 8 1/2" x 14"	\$.15
2.	Double sided copies no larger than 8 1/2" x 14"	\$.20
3.	Certified copy of a public record	\$1.00
4.	Photo reprints, audio/visual/dvd copies	Actual costs of duplication**
5.	Postage and Packaging, if necessary	Actual cost
6.	GIS Plot Products	[varies, as defined]
7.	Data Disc (out of current GIS Library)	\$10.00
8.	All other copying requests	Actual cost of duplication

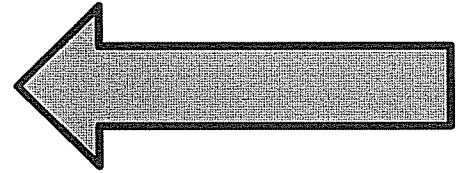
**SCHOOL DISTRICT OF CLAY COUNTY
FEE SCHEDULE FOR DUPLICATION OF
PUBLIC RECORDS REQUESTS**

.07-.15/page	Large quantity request for single sheet copy machine duplications, or manuals, contracts, etc. <u>plus additional actual cost incurred for labor cost of personnel providing the service.</u>
.15/page	Personnel records or other single sheet one-sided duplications for paper size of up to 8-1/2" x 11" for up to three (3) copies. <u>Multiple or additional copies will be charged additional actual cost incurred for labor cost of personnel providing the service.</u>
.20/page	Personnel records or other single sheet two-sided copy machine duplications for paper size of up to 8-1/2" x 14" for up to three (3) copies. <u>Multiple or additional copies will be charged additional actual cost incurred for labor cost of personnel providing the service.</u>
.30/page	Personnel Records or other single sheet duplications for <u>computer copies requiring extensive use of information technology resources, computer programs and/or other electronic resources, plus actual cost incurred for labor cost of personnel providing the service. of records retrieved and printed from Optiview and/or TERMS.</u>
.40/page	Additional service charge per page for record retrieval and/or compilation and duplication



.50/page	Labels – Plus actual labor cost incurred
.65/page	Computer output – Material readily available, no employee time involved
\$3.00/each	Attendance Zone Maps/photographs, plus actual labor charge and overhead associated with duplication.
\$7.00/each	Diskette/CD/DVD
NC	Student Records (for transfer, and up to two copies of college/job application Additional copy machine/Optiview copies, including subpoenaed records, charge .15/page fee listed above
NC	Employee's Record (single copy duplication for the employee's use, up to three copies. Multiple or additional copies charged under "Personnel records" fee above.
\$5.00-7.00 each	Video Tape/Audio Tape, plus actual cost for labor charge of employee providing service and any overhead associated with duplication and/or equipment use.
\$5.00 each (complete)	Audio Tape (If the request is for only a portion and requires interruption, cost \$40.00)
\$1.00 per page	Any and all Color Copies, Notarized Copies, or documents certified by staff as original."
NC	Duplication of information requested by School Board Members for their own use

Board approved: 08/19/04
Revised: 07/21/05, 10/20/05, 1/19/12



**“A Popular
Government Without
Popular Information
or the Means of
Acquiring It, Is but a
Prologue to a Farce, or
a Tragedy, or Both.”**

~ ~ ~ James Madison ~ ~ ~

***Have a Very Nice
Rest of the Day
Okay!***