

Resolution 12-05

A RESOLUTION OF THE CITY OF LIVE OAK, FLORIDA FINDING THE NECESSITY TO ADOPT A POLICY AND FEE SCHEDULE WITH RESPECT TO PUBLIC RECORDS REQUESTS CONSISTENT WITH FLORIDA STATUTES CH. 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 AGENCY INVOLVED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is a necessity that the City of Live Oak City Council be in compliance with Florida Statutes, Chapter 119, with respect to requests for public records of the City; and

WHEREAS, it is the policy of the City of Live Oak (the "City") that all municipal records, with the exception of exempted records identified by Florida Statutes, §119.07 or other applicable sections of Florida Statutes, shall be open for personal inspection by any person; and

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 agency involved;

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

Section 1. Definitions:

"Public records" means 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 the City. (F.S., §119.011(11)).

For the purpose of this policy, "reasonable" time to provide access to public records is during normal working hours — Monday — Friday, 8:00 a.m. — 4:30 p.m. "Reasonable" timeframe to provide copies, dependent upon the volume of records requested, may be up to three (3) working days.

Section 2. Basic Fee Schedule:

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

Single-sided copies, up to 8 1/2 x 14" - .15 each

Double-sided copies, up to 8 1/2 x 14" - .20 each

Larger size copies - Based on actual cost of duplication

Certified copy of a public record - \$ 1.00 in addition to actual copy cost

Imaged documents (building plans & permits) - \$10.00/CD

Duplicate audio tape:

If the City provides the audio tape(s) \$5.00/each

If you provide your own audio tape(s) - \$3.00/each

DVD of electronic or audio public records - \$5.00/each

Duplicate video tape - \$10.00

Reprints of color photographs up to 5" x 7" - \$3.00

Larger size color photographs - Based on actual cost of duplication

Code of Ordinances with binder/tabs or electronic version - (available through www.municode.com/products/purchasecodes.aspx)

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

Section 3. Special Service Charge:

Florida Statutes, § 119.07(1)(b) provides "if 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 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."

For the purpose of this policy, "extensive clerical or supervisory assistance" is determined to be requests that require more than one-quarter hour (15 minutes) of an employee's time to research, retrieve, and copy the requested records. For public records requests requiring more than one quarter hour, the requester will be required to pay the hourly salary of the employee doing the research, copying the records, and/or supervising the requester's research. This hourly fee will begin after the first quarter-hour of clerical or supervisory assistance

is completed. This fee will be calculated by multiplying the research time by the responding employee's hourly wage and benefits.

Section 4. Deposit:

For requests estimated to require more than one hour of a City employee's time, a minimum deposit of \$25.00 will be required (Deposit will be adjusted depending on the volume of records/research requested). The deposit will be applied to the final cost of the public records request.

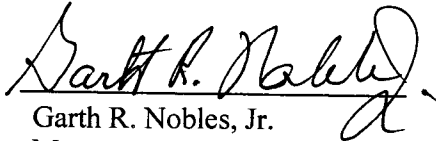
Section 5. Payment:

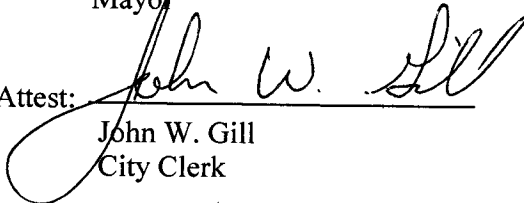
Cash, personal check on a local bank, money order, or certified check shall be paid prior to the delivery of the materials. Any check, money order, or certified check shall be made payable to "City of Live Oak."

Section 6. Effective Date:

This resolution shall take effect immediately upon its approval.

PASSED AND DULY ADOPTED by the City Council of the City of Live Oak, in the regular session, this 13th day of March, 2012.


Garth R. Nobles, Jr.
Mayor

Attest: 
John W. Gill
City Clerk

