
PUBLIC RECORDS REQUESTS POLICY

1. OBJECTIVE

To establish a policy for ensuring compliance with Florida's Public Records Law and to create a procedure for establishing fees that may be charged in accordance with said law.

2. POLICY STATEMENT

Public records in the custody of the Okeechobee County Supervisor of Elections are available for personal inspection by any person pursuant to Florida's Public Records Law, Chapter 119, Florida Statutes with the exception of those records specifically exempted or made confidential by law.

3. DEFINITIONS

- A. **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 any agency."
- B. **Agency** - "... means any state, county, district, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
- C. **Custodian** ... "The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee, shall be the Custodian the record." For (the purposes of this policy, custodian shall also include any person who creates an email deemed to be public record.
- D. **Requester** - the person or persons making a request to inspect and/or get copies of public records.

4. GENERAL PROCEDURES

- Florida Statutes, Section 119.07(1)(a) requires that access be "at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records or the custodian's designee." Thus, the custodian cannot refuse access to public records unless a specific statutory exemption applies. The custodian must also protect the records from alteration, damage, or destruction.

- Requests for public records placed during an election cycle will require more time. Request fulfillment may take up to 7 business days during non-election cycles and up to 30 business days during election cycles. This is subject to change depending on the extent of the request. Large requests will be assessed on an individual basis. If the request exceeds the estimated processing time, the requester will be notified.
- Payment is required in advance for all public records requests. Acceptable forms of payment are cash or check. Checks should be made payable to Okeechobee County Supervisor of Elections. All returned check fees will be the responsibility of the requester.
- The requester is not obligated to give his/her name or the reason for the request.
- The custodian may ask but cannot require that the request be made in writing.
- Requests should be verified with the requester to clarify any questions or concerns, and, in the case of large volume requests, to avoid unnecessary expenditures of time and retrieval and/or copying costs.
- Inspection of records may take place during normal business hours. Records will be made available as quickly as is practical after a request is made. The custodian must advise the requester when the records will be available if, due to the nature and/or volume of the request, the request cannot be fulfilled at the time of the request.
- Data requests will be given in the media format used by the Okeechobee County Elections Office. Special media format requests will not be honored.
- Extensive use charges will apply for ANY request that exceeds 15 minutes. This includes tasks such as the time it takes to search for hardcopy records, computer research, remove exempt data, photocopy a record, on-site inspection, photocopy redaction, protect the records during inspection, re-file the records, etc.
- Retention and disposal of public records is in accordance with General Records Schedule GS3 for Election Records and General Records Schedule GS1-SL for State and Local Government Agencies, as established by the State of Florida Bureau of Archives and Records Management.

5. ON-SITE INSPECTION OF RECORDS

The office will provide deputy assistance free of charge except when it requires extensive time by personnel involved in providing the records (including the time it takes to search for the records, remove exempt data, photocopy the record (if necessary, for redaction), protect the records during inspection, and re-file the records) exceeds 15 minutes. The requester will be charged \$20.00 per hour for any request that exceeds 15 minutes in addition to the cost of the copies. If, in the opinion of the Supervisor of Elections or his/her designee, the request involves such an extensive use of clerical time that more than one staff member is required to fulfill the request, an additional charge of \$20 per hour for each additional person will be added. A member of our staff will contact the requester with an estimated time of completion and an estimate of the approximate cost. A deposit in the amount of the estimated cost will be required to initiate the request.

6. COPYING OF RECORDS

The custodian shall furnish a copy of the record as requested. Duplicated copies of not more than 8 ½ inches by 14 inches will be charged at the rate of 15¢ per single sided copy. The charge for each double-sided copy will be 20¢. All other copies will be charged at the actual cost of duplication of the record.

7. ELECTRONICALLY MAINTAINED RECORDS

In accordance with Section 119.07(4)(d), Florida Statutes, *"If the nature or volume of public records requested to be inspected, examined, or copied ...is such as to require the 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. "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.* Special service charge will apply for any request that exceeds 15 minutes.

8. RESERVATION OF AUTHORITY

The authorization to issue, and/or revise this policy is reserved to the Supervisor of Elections.

Melissa Arnold
Supervisor of Elections