

	DEPARTMENT OF MANAGEMENT SERVICES ADMINISTRATIVE POLICY	
TITLE: Public Records Request/Public Meetings	POLICY NUMBER	
EFFECTIVE: October 1994 REVISED: April 12, 2011	Administration- 94-102 (formerly 6.06)	

PURPOSE

This policy establishes the Department of Management Services (DMS) guidelines and procedures for public records requests (requests) and public meetings.

SCOPE

This policy is applicable to all DMS employees and program areas.

AUTHORITY

Section 92.525, Florida Statutes (F.S.)
Section 119.021, Florida Statutes (F.S.)
Section 120.525, Florida Statutes (F.S.)

DISTRIBUTION

The following individuals should be notified of this policy	Method of Notification
All DMS Employees	<ul style="list-style-type: none"> • DMS Communication via employee distribution lists • DMS Web site
DMS Executive Leadership	<ul style="list-style-type: none"> • Executive Leadership meetings

POLICY

DMS is committed to assisting the public in its right to inspect and obtain copies of agency records pursuant to the Public Records Act, Chapter 119, F.S. DMS is committed to provide the highest level of customer service, for the best value, in an open, transparent setting.

A. EXEMPT/CONFIDENTIAL RECORDS

The law establishes certain records “confidential” and/or “exempt” from public disclosure and DMS takes every precaution to protect such records. Confidential records are not subject to public inspection and released only to those authorized by statute, court order, or specific authorization. Exempt records, while not subject to the public records law, are released under certain circumstances per the guidance of the Office of the General Counsel (GC). DMS’ *Public Records Request Manual* provides examples of exempt/confidential records.

B. SOCIAL SECURITY NUMBERS

DMS does not deny a commercial entity engaged in the performance of a commercial activity access to social security numbers, provided the social security numbers will be used only in the performance of a commercial activity and provided the commercial entity makes a written request for the social security numbers. The written request must:

- be verified (sworn to) as provided in section 92.525, F.S. 92.525,
- be legibly signed by an authorized officer, employee, or agent of the commercial entity,
- contain the commercial entity's name, business mailing and location addresses, and business telephone number, and
- contain a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the performance of a commercial activity.

DMS may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers are used.

When social security numbers are requested, program areas forward the request to the GC’s office who then reviews the request and performs the required steps for requests for social security numbers. The GC’s office advises the program area when they can proceed to fill the request. A written or electronic statement of purpose will be provided when collecting individuals SSNs.

C. RESPONDING TO REQUESTS

DMS provides excellent customer service. Our goal is to respond to every requester within 24 hours acknowledging receipt of his or her request (via e-mail or phone), and when possible, fill requests within 24 hours. Staff takes into consideration the requestor’s time-to-fill requirement (if known) and their other priority tasks. Staff asks for assistance from co-workers or their supervisor if they need assistance to meet the requestor’s need. Communication internally and with the requestor is the key to success and great customer service.

Some requests can be fulfilled free of charge. If researching or redacting information exempt information (information that is exempt and protected under the public records law) takes thirty (30) minutes or less there is no charge. If the request requires extensive use of department resources, charges may apply as described below.

DMS staff provides a detailed invoice of any estimated costs to the requestor and receives payment before beginning to produce the requested records. Refer to this policy's accompanying procedures document (ADM-102 – Exhibit 2 – PRMS Procedures) for additional guidance on “responding to requests”.

Note: There shall be no attempt to limit access to public records by a claim of interference with the day-to-day conduct of public business. Do not ask for the name of the requester or the purpose of the review. The requester's name and purpose of the review are optional and will not be recorded unless the information is freely provided by the requester.

D. CHARGES FOR EXTENSIVE USE OF RESOURCES

- A special service charge will be imposed if the nature or volume of public records requested to be inspected 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.
- An extensive use of resources is “when departmental personnel must spend more than 30 minutes to retrieve copy or redact the requested material to comply with the request”.
- Clerical or supervisory assistance includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying, and re-filing of the requested record.
- Such charge is in addition to the actual cost of duplication.
- If multiple agency divisions are involved, the special service charge will be based on the aggregate amount of time expended by all personnel and information technology resources, if applicable.
- The charge for clerical or supervisory resources will be no greater than the hourly rate, including benefits, of the lowest paid personnel capable of providing such services.
- In those cases where legal review is necessary, the charge will be at the lowest attorney rate (salary and benefits) in the Office of General Counsel.
- DMS will not pass along its costs for processing and facilitating requests.
- When documents can be sent by email, we will do so in the interest of efficiency and to minimize costs. In these cases we will only charge a service charge for extensive time. However, when a large volume of documents is requested and must therefore be placed on a CD or DVD, the costs of those materials will be recovered.
- If the record is in electronic form, then we will copy onto CD or DVD, as needed. You will be charged for the actual costs of the disk, not for the time to copy the documents onto the media.
- If the cost for providing paper or electronic copies of records is less than \$5.00, including postage and special service charges, the records will be provided at no charge as long as it is not cost-effective to collect such fees.
- DMS bases its charges on the following:

Material/Redaction Costs:

Materials Costs	One-sided Copy:	\$ 0.15 per page of not more than 8½ x 14 inches
	Double-sided copy:	\$ 0.20 per page of not more than 8½ x 14 inches
	All other copies:	Actual cost of duplication (material 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 charged to reflect actual cost incurred
Special Charges	Excessive Use of Agency Resources* (more than 30 minutes) for clerical work	\$16.03 per hour
	Excessive Use of Agency Resources* (more than 30 minutes) for technical skills such as information technology resources or redacting activity	\$29.86 per hour

*(NOTE: These labor charges are calculated by taking the yearly average salary for either clerical or technical staff and dividing by 2080 hours per year.)

- In estimating time for review and redaction of e-mail requests it is presumed that 100 e-mails can reasonably be reviewed in one (1) hour.

E: Collecting Recovered Costs:

- Payment will be collected before documents are copied, reviewed, redacted, or otherwise processed for release if their production meets the threshold for extensive time or material costs.
- If the actual costs incurred are less than such payment as estimated, the overpayment will be refunded to the requestor. The requestor will be required to remit additional monies upon release of the documents to pay for any costs in excess of the estimate.
- In the event the requestor fails to remit additional monies to cover costs in excess of the deposit, the requested public records will not be released.

F: Reducing Costs and Limiting Charges:

- Labor costs can be reduced significantly if requests include keywords as opposed to "all documents or emails." Similarly, narrowing a request to certain individuals or divisions can greatly reduce the use of extensive labor.

- Many easily accessible records are available online for no charge. We will continue to add documents and information as we identify some of the most frequently requested public records.
- We will help direct you to free, online sources whenever possible.
- Consider refining your requests for documents to provide better results and reduce unnecessary or duplicative costs.

G. PROGRAM AREA RESPONSIBILITIES

Each program area:

- identifies the public records for which they are owners/custodians and identify a point of contact for public records requests. These points of contact are individual employees whose names are located on the DMS website along with program areas and types of records each area would have in order to assist requestors in locating the best contact.
- identifies the types of records or information contained in the records under their program's custody which are exempt from inspection, examination, and copying under the Public Records Law.
- establishes procedures for keeping exempt records from disclosure,
- redacts exempt information (consults GC's office when in doubt),
- follows the established DMS policy with regard to calculation of the charges associated with a public records request, and provides the requestor with an itemized invoice of the estimated charges for the request.

H. DMS PUBLIC RECORDS MANAGEMENT SYSTEM (PRMS)

Program areas utilize DMS' Public Record Management System (PRMS) to record and track requests that:

- are non-routine requests taking over 24 hours to fulfill,
- have an estimated cost over \$100,
- are from the media or an attorney,
- are forwarded to the GC's office for review/assistance, or
- the division director deems notification to the secretary and chief of staff is necessary.

The director of the Division of Administration is responsible for:

- this policy,
- acting as the functional owner of the PRMS, and
- coordinating the monthly Public Records Information Sharing meetings with division staff.

The Inspector General's (IG) office provides the following management advisory services:

- reviews requests at random for quality of information gathered,
- assists divisions to determine which requests are entered into PRMS,
- attends monthly Public Records Information Sharing meetings ,and
- coordinates PRMS user training.

The GC's office provides the following services:

- assists divisions with determining what is and is not a public record,
- provides guidance to divisions on public records laws and rules,
- assists divisions with producing public records,
- produces public records,
- communicates with requestors, when needed, to determine and clarify their request,
- attends monthly Public Records Information Sharing meetings ,and
- authors DMS' "Public Records Request Manual" (ADM-102 – Exhibit 1.)

Divisions/program areas:

- are required to establish procedures within their area(s) to manage request,
- determine which requests, beyond the required ones, are entered into PRMS,
- produces public records,
- are encouraged to use the PRMS system if they do not have an automated tracking system,
- may not implement a new public records tracking system without approval from the IG, and
- appoints a Public Records Contact within their division/area; the contact person attends the monthly Public Records Information Sharing meetings.

I. Public Meeting Requirement

On June 16th, 2009, Senate Bill 2188 was signed into law by Governor Crist as Chapter No. 2009-187. Subsections (1) and (2) of sections 120.525 Florida Statutes are amended to require that agencies give no less than 7 days notice on the agency's web site of public meetings, hearings, and workshops, in addition to publication in the Florida Administrative Weekly. The notice shall include a statement of the general subject matter to be considered.

The agency is also required to publish the agenda and any electronic meeting materials on the agency's web site. The Bill does not specify when these materials should be posted. The Office of Open Government recommends these materials be posted as soon as available and any final or supplemental materials be posted as soon as possible following the noticed meeting.

These changes are intended to enhance public access to information, and are consistent with other provisions of the Administrative Procedures Act (APA) that require electronic publication of materials.

RESPONSIBILITIES

Individual or Group	Responsibilities
Employee	<ul style="list-style-type: none">• Adhere to this policy.• Provide the highest level of customer service to public records requestors.
General Counsel	<ul style="list-style-type: none">• Assists divisions with determine what is and is not a public record.• Provides guidance to divisions on public records laws and rules.• Provides guidance and assistance to divisions with producing public records.• Produces public records.• Communicates with requestors, when needed, to determine and clarify their request.• Authors DMS' "Public Records Request Manual" (ADM-102 – Exhibit 1.)
Inspector General	<ul style="list-style-type: none">• Review requests at random for quality of information gathered.• Assist divisions to determine which requests are entered into PRMS.• Coordinates monthly Public Records Information Sharing meetings with division staff.• Coordinates PRMS user training.
Program Areas	<ul style="list-style-type: none">• Establish procedures for keeping exempt records from disclosure.• Enters requests into PRMS as required in this policy.
Supervisors	<ul style="list-style-type: none">• Ensure that employees are adhering to this policy.

EXHIBITS

- 1 – DMS Public Records Request Manual
- 2 – PRMS Procedures
- 3 – PRMS Process Maps