

**SOUTH FLORIDA STATE COLLEGE
ADMINISTRATIVE PROCEDURES**

PROCEDURE NO. 2220

TITLE: RESPONDING TO A PUBLIC RECORDS REQUEST

BASED ON POLICY: 2.22 PUBLIC RECORDS REQUESTS

OFFICE OF PRIMARY RESPONSIBILITY: VICE PRESIDENT FOR ADMINISTRATIVE SERVICES

- I. Purpose:

To establish guidelines for maintaining and responding to requests for public records, while also protecting those records that are exempt from Florida's public records laws and/or protected from public disclosure by state or federal law
- II. Definitions
 - A. Custodian of Public Records: Pursuant to DBOT Policy 2.22, the College president is the records custodian over all College records. The president may designate co-records custodians at his or her discretion.
 - B. Public Records: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of 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 College which are used to perpetuate, communicate, or formalize knowledge.
- III. Procedure
 - A. The Office of the Vice president for Administrative Services is the designated office responsible for managing and overseeing requests made pursuant to Florida's public records laws (Chapter 119, Florida Statutes). A public records request may be submitted by email, online, fax, telephone, or in person. A written request is not required; however, it is encouraged to prevent any misunderstanding about the nature or scope of the request. The contact information for SFSC's public records custodian is: South Florida State College, Vice president for Administrative Services, 600 West College Drive, Avon Park, FL 33825, Phone:863-784-7218, Fax:863-453-2437, Email: publicrecords@southflorida.edu; southflorida.edu/public-records.
 - B. If a College employee receives a public records request, they must promptly forward the request to SFSC's public records custodian (publicrecords@southflorida.edu) for processing. The public records custodian will send the requestor an acknowledgment email, assign a public record

tracking number, and begin facilitating the process of retrieving the responsive records.

- C. The College shall respond to a public records request within a reasonable period of time after receiving the request. What constitutes a reasonable period of time depends upon the circumstances surrounding the request, including the nature of the request, the size of the request, the likely quantity of records to be produced, whether extensive use of information technology resources or clerical services is required, whether the requestor or the department or custodian has multiple requests pending, staffing levels, and the timing of the request. The department chair or administrative supervisor of the department or unit in which the records are maintained is responsible for appointing one or more persons to gather the requested documents.
- D. Should the completion of a request involve duplication costs or necessitate an extensive use of information technology resources, extensive clerical or supervisory assistance, or both, the itemized estimate will also include any such special service charge(s). SFSC will assess a "special service" charge for any request that requires more than one hour of information technology resources, clerical or supervisory assistance, or both. For any request expected to exceed more than one (1) hour of time, SFSC will provide an itemized estimate of charges to the requestor prior to responding to the request. Upon receipt of payment of such fee(s) prescribed by law and reflected on an itemized invoice, SFSC will begin processing the request.
 - 1. 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.
 - 2. 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.
 - 3. Such charge is in addition to the actual cost of duplication.
 - 4. A special service charge will be warranted if the nature or volume of the public records requested to be inspected or copied requires more than 30 minutes of agency resources.
 - 5. 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.
- E. Collecting Recovered Costs:
 - 1. If fees are imposed for copies and/or the special service imposed, the requestor will be advised of estimated costs.

2. 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.
3. 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.
4. 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.
5. Material Costs:
 - a. One-sided Copy: \$0.15 per page of not more than 8½ x 14 inches
 - b. Double-sided copy: \$0.20 per page of not more than 8½ x 14 inches
 - c. All other copies: Actual cost of duplication (material and supplies, not labor)
 - d. CD-ROM: \$0.85 each
 - e. DVD: \$1.15 each
 - f. Certified Copies: \$1 per page
 - g. Packaging and shipping charges: Estimated costs may be changed to reflect actual cost incurred.
6. 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.
- F. SFSC may provide a copy of the record in the medium requested if SFSC maintains the record in that medium and may charge an authorized fee. SFSC is not required to reformat its records and provide them in a particular form as demanded by the requestor.
- G. A requestor who feels that SFSC has unlawfully refused to permit a public record to be inspected or copied must provide at least five business day's written notice to SFSC's public records custodian, at the address above, prior to initiating any action against SFSC regarding the requestor's disputed request.

HISTORY: Adopted: 07/27/23
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Reviewed:
Revised: