

**CITY OF NICEVILLE
PUBLIC RECORDS REQUEST POLICY**

A. **Policy:** The objective of this policy is to establish standard procedures for the efficient and timely processing of public record requests in accordance with the Florida Statute requirements of Chapter 119, also known as the "Public Records Act". It is the policy of the State of Florida that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All records kept by the City of Niceville are public unless they are exempt from disclosure under Florida Law.

B. **Scope:**

1. This policy shall apply to all City of Niceville employees. All City employees should understand that responding to a public records request is a governmental service and there is a responsibility to act accordingly. Without exemption, records shall be produced no matter how inconvenient or burdensome.

2. Supervisors shall inform all affected employees within their supervision of this policy and its requirements. Supervisors are required to know and train their employees on which public records are available within their department and what sensitive information those records may contain.

3. The City Clerk is the designated Records Custodian for the City of Niceville and has established retention schedules in accordance with State Law. The City Clerk shall be responsible for arranging training and compliance with the Public Records Act. Except for public records requests for law enforce information, the City Clerk will coordinate the City's response to all public records requests submitted to the City. Supervisors shall function as Public Records Custodians for their respective departments and will assist the City Clerk where necessary. (F.S. 119. 011(5))

4. Employees, except for those serving in the Niceville Police Department, will forward all public records requests to the City Clerk who will log all requests into a city tracking system/log. This tracking system/log will record, at a minimum, the date the public records request was received, the identity of the employee who is responsible for compiling the response, the date the legal review was accomplished, and the date the response was sent to the requestor.

5. For all non-law enforcement related public records requests, the City Clerk is the only City of Niceville employee authorized to provide responses to public records requests. Law enforcement public records request will be managed exclusively by the Niceville police department.

6. All public records request for law enforcement information will be forwarded to the Niceville police department administrative staff for processing. The police department administrative staff will log all requests into a city tracking system/log. This tracking system/log will record, at a minimum, the date the public records request was received, the identity of the employee who is responsible for compiling the response, the date the legal review was accomplished, and the date the response was sent to the requestor. The Niceville Chief of Police will designate the

appropriate police department personnel to manage law enforcement public records requests. Only these designated personnel are authorized to release law enforcement related public records.

C. **Definition of Public Record:** Florida Statutes 119. 011(12) states 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 conjunction with the transaction of official business by any agency.

D. **Requests that the City is NOT required to produce:**

1. *Continuing Records Requests:* The City is not obligated to provide records on a continuing basis to a requestor. The City can only provide documents that the City is in custody of at the time of the request; The City is not required to produce records that it may receive in the future. **Example:** Requestor wants all future published bids for the next two (2) years.

2. *Requests for information vs. Request for Records:* The City is required to provide access to public records: it is not required to provide information from the records. **Example:** A requestor wants to know how many employees earn over \$50,000 a year. The City has a file of annual salaries. The requestor should request to inspect the payroll file of annual salaries as the City is not required to give out *information* from that record.

3. *Creating New Records:* The City is not required to create a new record in response to a request. If a requested record does not exist, the requestor must be informed of this. **Example:** The requestor asks for a record in Word format when the City only has the record in PDF.

4. *Questions:* The City is not required to answer questions about records that have been provided or are public. The obligation is simply to provide access to and/or copies of the public records. The Clerk's Office is not required to answer questions.

E. **Local Government Agency Exemptions:** Florida law designates specific exemptions for local governments regarding the inspection and copying of public records in F.S. 119.0713. The City Clerk will fully comply with this statute when responding to requests for public records.

F. **Departmental Responsibility:** Florida law requires that public records be kept in the buildings where they are ordinarily used. This allows for optimum customer service. With few exceptions, by Statute, all information being maintained in each department is a public record and open for inspection by any person. Records that are current and continually used are kept within individual departments. (F. S. 119.021)

G. **Maintenance, Preservation, and Retention of Public Records:** Florida law requires that record books should be copied or repaired, renovated, or rebound if worn, mutilated, damaged, or difficult to read. The governing body of Niceville may authorize that such records be removed from the building or office in which such records are ordinarily kept for the length of time required to repair, restore, or rebind them (F.S. 119.021). Any public official who causes a

record book to be copied shall attest and certify under oath that the copy is an accurate copy of the original book. The copy shall then have the force and effect of the original. Each public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the division in accordance with F.S. 257.36.

- H. **Request made on behalf of Litigation:** For public records requests that become and/or are made on behalf of litigation, the City Attorney and City Clerk must be notified and will manage the request(s) to ensure requirements of law are complied with. If litigation is pending or reasonably anticipated, records relating to that litigation will be withheld until the City Attorney provides notice to release.
- I. **Confidential Records & Exemptions:** Not all information found in a public record is subject to release. The following are examples of records that may include sensitive material that fall into the confidential and exempt category:
- Social Security Numbers
 - Medical records
 - Bank account numbers
 - Debit card information.
 - Credit card information
 - The home addresses, telephone numbers, social security numbers, and photographs of active or former Law Enforcement, Firefighters, and Code Enforcement personnel and places of employment of the spouses and children.

As this list is not all-inclusive, employees should seek guidance from the City Clerk or City Attorney if they are unsure of what records may be exempt. They should also refer to Florida law and the Government-In-The-Sunshine Manual. (F.S. 119. 0711)

Florida law allows certain people to request that an agency not publicly disclose specific identification and/or location information contained in any of its agency records. If you believe you may be exempt, please contact the City Clerk's Office to fill out a public record exemption form.

- J. **Redactions:** Requests for documents that may contain information that is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary by the City Clerk. If only some portions of a public record are exempt from disclosure, only that portion of the record for which a valid exemption is asserted shall be redacted, and the remainder of the record must be made available for inspection and copying. If you provide a document you believe needs to be reviewed for confidential and exempt information, inform the City Clerk so such exemptions can be made.
- K. **Public Records on Personal Electronic Devices or Systems:** Records in the form of email, text messaging, and instant messaging including those sent and received via a handheld device (such as a smartphone or tablet) are to be treated in the same fashion as records in other formats, such as paper or audiotape. Public record content transmitted to and from private accounts or personal devices is subject to disclosure. If official City business is conducted on a personal device, the

City employee shall copy the electronic communication onto their official City device or send a copy of the communication to their City account from their personal device.

L. Types of Requests for Public Records:

1. *Individual Requests:* If the department maintains the record(s) in their office, copies shall be provided to the individual requesting them at the normal copy charge. If the documents are maintained by another department, refer the individual to the proper department, to the City's website where they can place a request on the portal, or to the City Clerk's Office for assistance.

2. *Interdepartmental Requests:* If the request is for records that are maintained throughout various departments within the City, you can inform the requestor that they can go to the City's website where they can place the request through the portal, or the request should be forwarded to the City Clerk's Office. The City Clerk's Office will coordinate and be responsible for all aspects of the request.

3. *Legal/Litigation:* If the request involves a case that is in litigation with the City, contact the City Attorney's Office through the City Clerk's Office before providing any records. Notify the person requesting the information that there may be a delay due to this requirement.

M. **Utilizing Technology:** The City Clerk's Office works with the Information Technology Department to retrieve any records that involve requests for emails. The person requesting emails shall provide the date range and keywords for the search. The IT Department will research the email archives and provide applicable records. The City Clerk's Office will review emails for confidential and/or exempt information.

N. Requests for Contractor Records:

Under Florida Law (F.S. 119.0701), Contractors must:

1. Keep and maintain public records required by the public agency to perform the service.

2. Upon request from the public agency's custodian of public records, the contractor will provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the term of the contract and following completion of the contract if the contractor does not transfer the records to the public agency.

4. Upon completion of the contract, the contractor will transfer, at no cost to the public agency, all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public

records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

A request to inspect or copy public records relating to a public agency's contract for services must be made directly to the public agency. If the public agency does not possess the requested records, the public agency shall immediately notify the contractor of the request, and the contractor must provide the records to the public agency or allow the records to be inspected or copied within a reasonable time.

- If a contractor does not comply with the public agency's request for records, the public agency shall enforce the contract provisions in accordance with the contract.
- A contractor who fails to provide the public records to the public agency within a reasonable time may be subject to penalties under s. 119.10.

O. **Fees:** Should you be assigned a request that needs reviewing and/or is extensive, notify the Clerk's Office prior to beginning any work. The City defines "extensive" as any time over 30 minutes spent providing this service. The first 30 minutes of work are free. Services that may incur costs include search and/or retrieval, redacting confidential information, copying, and reviewing.

The Clerk's Office will prepare an estimate of the costs based on the hourly rate of the employee(s) involved in completing the request. They will then contact the requestor and receive approval of the estimated cost. If no approval is received from the requestor within seven (7) calendar days, their request will be deemed withdrawn, and the requestor will be notified. Once the estimated cost is approved by the requestor, the City Clerk's Office will request payment of the estimate prior to conducting any work.

For large requests, (those requiring more than \$50 in copy and retrieval charges), the City Clerk's Office will require full payment in advance. No records will be released until full payment is received. Once payment is received, you will be notified by the Clerk's Office to begin the search.

If the requestor wants physical copies of their request, the fees are as follows:

<i>Copy type</i>	<i>Cost</i>
Each one-sided copy of the public record.	Fifteen (15) cents
Each two-sided copy.	Twenty (20) cents
Each copy of CD or DVD	Fifty (50) cents
Copy of data on a USB Flash Drive	One (1) dollar
Each certified copy of a public record	One (1) dollar

Payment can be in the form of cash or check payable to the City of Niceville, 204 Partin Drive North, Niceville, FL 32578, ATTN: Office of the City Clerk.

If a requestor makes multiple related requests to evade these rules, the multiple requests will be aggregated, and costs will be calculated as one request. For any requestors that have requested records and have not paid in full for those records, the Clerk will not process another public records request until the outstanding balance is paid in full.

The City does not charge for the cost of employee benefits, supervisor review time, time required for an employee to pick up and return files from an off-site location, or for the fulfillment of an employee's request for their personnel file whether current or former.

Timeliness: Requestors should expect their requested records in seven (7) business days. If you have been assigned a request and cannot complete it in seven (7) business days, employees should contact and explain legitimate delays to the City Clerk and provide an estimated completion date or time.

Inspection: Any person may inspect public records in the presence of a City employee under the conditions listed in (F.S. 119.07). The records request must be made during regular business hours and be able to be conducted in a reasonable location and environment, including conditions such as security.

Questions:

- If at any time you are unsure of how to respond to or manage a request for public records, contact the City Clerk's office for assistance.
- If at any time you feel you need further clarification from the requestor to process their request, contact the City Clerk's Office. Requestors will be given seven (7) calendar days to respond with clarification as needed, or their request will be deemed withdrawn.

The City Clerk's Office should be informed of all records requests, even if they are made through and completed by another department. The Clerk keeps a log of all non-law enforcement records requested for the year; this information will assist in accurate record-keeping.

This policy is effective immediately and supersedes and replaces any previous City of Niceville policy(s) on the same topic.

David Deitch
City Manager
City of Niceville

Date: 16 September 2025