

How to Request Public Records

- [What are public "records"?](#)
- [How can I request a public record?](#)
- [How can I request a readily available document?](#)
- [Are there fees involved?](#)
- [How do I pay for records retrieved?](#)
- [When will the City of Tampa respond to my records request?](#)
- [How soon will I get the records?](#)
- [When may public records be inspected?](#)
- [What records are not open for inspection or will not be disclosed?](#)
- [Where can I get more information on the Public Records Act?](#)

What are public “records”?

Under Florida Law, any material prepared in connection with official business that is intended to perpetuate, communicate or formalize knowledge, is a public record. Included are: documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristic, made or received in connection with the transaction of official business by the City of Tampa.

How can I request a public record?

Florida law requires agencies to furnish public records in the format requested if they already exist in that format. If not, the law does not require agencies to convert them to another format to fulfill a public records request. For example, if the records exist only on paper and you are requested to e-mail them, you are not required to scan them in order to e-mail them. Conversely, if they exist only in electronic format and photocopies are requested, you are not required to print them in order to copy them.

A person requesting a public record does not have to fill out a form to do so. Even though it cannot be required of them, all requestors should be encouraged to put their records requests in writing. This should assist staff in clarifying the exact scope of the request. Requestors should be asked to specify whether they wish to simply inspect records or obtain copies.

How do I request a “readily available document”?

The City of Tampa makes available a multitude of documents on its web site. A sampling of these documents is Ordinances, Closed Captioning Transcripts of Council Meetings, Council Agendas, Action Agendas, Code Enforcement Board and Special Magistrate Agendas.

Any request to a City department for a public record that is considered a “readily available document” should be made directly to the department for handling. “Readily available documents” are those documents that are easily accessible and retrievable within a City of Tampa department, regularly disseminated to the public and do not require additional review in order to determine whether they contain exempt information, such as agendas, meeting minutes, bid documents, ordinances or personnel files (which have already had exempt information redacted).

All other public records requests should be made to the City Clerk’s Office in accordance with City of Tampa policy. The City Clerk’s Office maintains a public records tracking system for processing the request.

Are there fees involved in getting records?

The fees that may be charged for the copying of public records are, in some cases, provided by Statute. If a fee is prescribed by law, the custodian of the record must charge that fee. If no fee is prescribed by law, then the custodian of the public record may charge the actual cost of duplication of the records. It is important that fee assessments are applied consistently across all City departments. The following charges that are deemed to represent the actual cost of material, supplies, and equipment involved, shall be charged for City of Tampa public records:

- a. Fifteen (15) cents for each one-sided copy of each page of not more than 14 inches by 8 ½ inches of the public record.
- b. Twenty (20) cents for each two-sided copy.
- c. For all other copies, the actual cost of duplication of the public record.
- d. Two (2) dollars for each copy of data CD or DVD.
- e. Fifteen (15) dollars for each copy of video DVD provided by Cable Communications (covers research and labor costs)
- f. One (1) dollar for each certified copy of a public record.
- g. If materials are to be mailed, the actual cost of postage may be added to other charges indicated in the preceding paragraph.

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 a City department, additional charges may be assessed, which is to be reasonable and is to be based on the cost incurred for the extensive use of such resources of labor in furnishing or copying the information requested. The provision of this paragraph does not apply to materials routinely exchanged within the City or between governmental agencies, officers or persons in the performance of assigned duties or normally provided by the City of Tampa in carrying out its statutory responsibilities.

How do I pay for records retrieved?

Purchasers must pay for copies prior to receiving the copies. Before being given the copies, the purchaser should show his or her paid receipt. If the request is by mail or telephone, the monies should be received prior to mailing the copies.

When will the City respond to my records request?

Upon receipt of a Chapter 119 public records request, the City Clerk's Office will acknowledge receipt of the request. In the event there is a fee for copies, research time or redaction services, this information will be provided to you as soon as it is available. Any fees will be due in advance of providing the materials. Payment may be made in cash, check, or by credit card (if total amount is more than \$10.00).

How soon will I get the records?

The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days) for compliance with public records requests. The Florida Supreme Court has stated that the only delay in producing records permitted under Ch. 119, F.S., "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt."

When may public records be inspected?

Florida law notes that every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf. Requests to view public records do not have to be in writing and may be made by telephone. Florida law provides that a custodian of public records has no right to require a person to state the reason why an individual desires to inspect or copy a public record.

Public records may be inspected and examined by any person desiring to do so at any reasonable time, under reasonable conditions and under the supervision of the custodian, the Clerk (the person responsible for keeping the public record) or designee. Reasonable conditions mean that inspection must be done during normal business hours of the City of Tampa,

excluding identified City holidays. Custodians of public records are not required to compile or create a new record, just to make the requested existing records available. In addition, the Public Records Act does not require the custodian of the record to provide explanations of documents.

What records are not open for inspection or will not be disclosed?

Currently, there are over a thousand exemptions listed in the Florida Statutes. The following is a list of common exemptions:

1. Social Security numbers (**FS § 119.071(5)(a)**).
2. Medical information pertaining to a prospective, current, or former officer or employee of the City of Tampa which, if disclosed, would identify that individual(**FS § 119.071(4)(b)**).
3. Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals, until such time as the agency provides notice of a decision or intended decision or within 10 days after the bid or proposal opening, whichever is earlier. (**FS § 119.071(1)(b)(1a)**).
4. Information contained in e-mail or other documents pertaining to active criminal investigations (**FL § 119.071(2)(c)-(f) & (h)-(j)**).
5. Bank account numbers and debit, charge and credit card numbers (**FS § 119.071(5)(b)**)
6. Home addresses, telephone numbers, social security numbers and photographs of active or former law enforcement personnel, including correctional and correctional probation offers,... and the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel ... (**FS § 119.071(4)(d1)**).
7. Opinion work product: a public record which was prepared by an agency attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the City of Tampa and prepared exclusively for civil or criminal litigation or adversarial administrative proceedings or prepared in anticipation of imminent litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or proceedings (**FS § 119.071(1)(d1)**).
8. Work products developed by the City of Tampa in preparation for and during collective bargaining negotiations are confidential and exempt (**FS § 447.605(3)**).
9. Trade secrets such as the whole or any portion of phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. "Trade secret" includes any scientific, technical, or commercial information, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject

- matter pertains, a trade secret is considered to be: 1) secret; 2) Of value; 3) For use or in use by the business; and 4) Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it. **(FS § 812.081(1)(c)).**
10. Information relating to the security system plans (including records, information, photographs, diagrams, recommendations, etc.) for any property owned by or leased to the City of Tampa and information relating to the security plans for any privately owned or leased property is confidential and exempt with specified exceptions **(FS § 119.071(3)(a) and FS § 281.301).**
 11. Data processing software obtained by the City of Tampa under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software that is sensitive, although the designation of agency-produced software as sensitive shall not prohibit the City of Tampa from sharing or exchanging such software with another public agency **(FS § 119.071(1)(f)).**
 12. Audit work papers and notes, until such time as the audit is final. **(FS § 119.0713(2)).**

Where can I get more information on the Public Records Act?

The Public Records Act is fully outlined in Florida Statute Chapter 119 at the following link:
<http://www.leg.state.fl.us/Statutes>