



# **PUBLIC RECORDS REQUESTS - CITY OF TAMPA POLICY AND GUIDE**

**March 2025**

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## I. PUBLIC RECORDS QUICK START GUIDE

*The City of Tampa recommends that every employee and official read the attached guidebook, Public Records Requests-City of Tampa Policy and Guide, April 24, 2024. However, we also understand that you may not have time to read the entire guidebook (also referred to as “Policy Guide”) each time you receive a public records request. Therefore, please use the information below to get started.*

### 1. What is a Public Record?

- Public Records are defined as: all materials made or received by the City in connection with official business which are used to perpetuate, communicate, or formalize knowledge.
- These include, but are not limited to - documents, papers, letters, maps, photographs, tapes, e-mail messages, and text messages.

### 2. Do I have a duty to respond to a Public Records Request(“PRR”)?

- Yes - all City of Tampa employees and officials have a duty to respond.

### 3. What do I do when I receive a Public Records Request(“PRR”) from someone outside the City?

- Remember- a PRR does not have to be in writing. Also, the requestor is not required to explain why they are requesting the materials and may remain anonymous.
- If the request is for a “readily available document”- e.g., agendas, minutes, copies of agreements and contracts, or a specifically described document in your possession, you may provide those materials yourself.
- If the request is more involved, ask the requester to submit their PRR through GOVQA, the City’s online Public Records Management System:  
[https://cityoftampa.GovQA.us/WEBAPP/rs/\(S\(gg0ost4r2arohcm51baucrkh\)\)/SupportHome.aspx](https://cityoftampa.GovQA.us/WEBAPP/rs/(S(gg0ost4r2arohcm51baucrkh))/SupportHome.aspx)
- If the requestor does not want to use the GovQA portal, you should forward the request to your departmental Public Records Liaison (PRL), or to the Public Records Coordinator (PRC) in the City Clerk’s office for entry into GovQA. Single-department requests should go to the PRL, and multi-department requests should go to the PRC.

*NOTE: If the request is for materials from The Tampa Police Department or Tampa Fire Rescue, direct them to the dedicated GOVQA portals or records liaisons for those departments.*

#### **4. What happens after a PRR is entered into GovQA?**

- Once the request has been entered, GovQA will generate an acknowledgment to the requestor.
- If the request includes multiple departments, the PRC will distribute the PRR to the Public Records Liaisons (“PRLs”) in the appropriate City departments.
- If the time estimated to complete the request exceeds 30 minutes, the PRL will provide a cost estimate to the requestor (if the request is single-department), or to the PRC (if the request is multi-department), which the PRC will then provide to the requestor. At this time, if the requestor chooses to proceed, any required deposit will be collected via GovQA.
- For single department requests, the PRL may collect and provide responsive records to the requestor, making any necessary redactions. The PRC will be able to review this in GovQA. If any records are redacted, the PRL must provide the PRC with the statutory exemption or other basis for redaction.
- For multi-departmental requests, the PRLs will collect and review records from department employees and officials, make any necessary redactions, and forward them to the PRC, who will then compile them for the requestor.
- The PRC may review the records with the Legal Department for any additional redactions or exemptions.
- Once the records are ready for delivery, the requestor will pay any necessary fees and the records will be provided via GovQA.

*NOTE: See the Public Records Request Flow Chart on page iv for an illustration of the process.*

#### **5. What I do when I receive a message about a PRR from the City Public Records Coordinator(“PRC”) or my Department’s Public Records Liaison(“PRL”)?**

- Promptly respond to the PRC and/or PRL! Let them know whether you have records responsive to the request, and how long it will take you to collect and provide them.
- If you do not have any responsive records, tell the PRC and/or PRL that you do not. Do not just ignore the message!
- Also, if you do not have any responsive records, but think you know where they can be found- tell that to the PRC and/or PRL.

#### **6. What if the PRR asks for my email messages or text messages?**

- The PRC will conduct a search of all archived emails sent or received to your City email address, BUT you and your PRL should provide her or him with any info that may assist the search- e.g. keyword search terms, relevant dates and names, etc.

- The PRC and T&I will conduct a search of all archived text messages sent or received to your City phone\*, BUT you and your PRL should provide her or him with any info that may assist the search- e.g. keyword search terms, relevant dates and names, etc.
- If you sent or received email or text messages regarding City business from a personal account or on a personal phone, you are obligated to provide copies of all personal email and text messages responsive to the request. You may be required to allow T&I to conduct or coordinate a search of your personal device(s) for responsive messages.

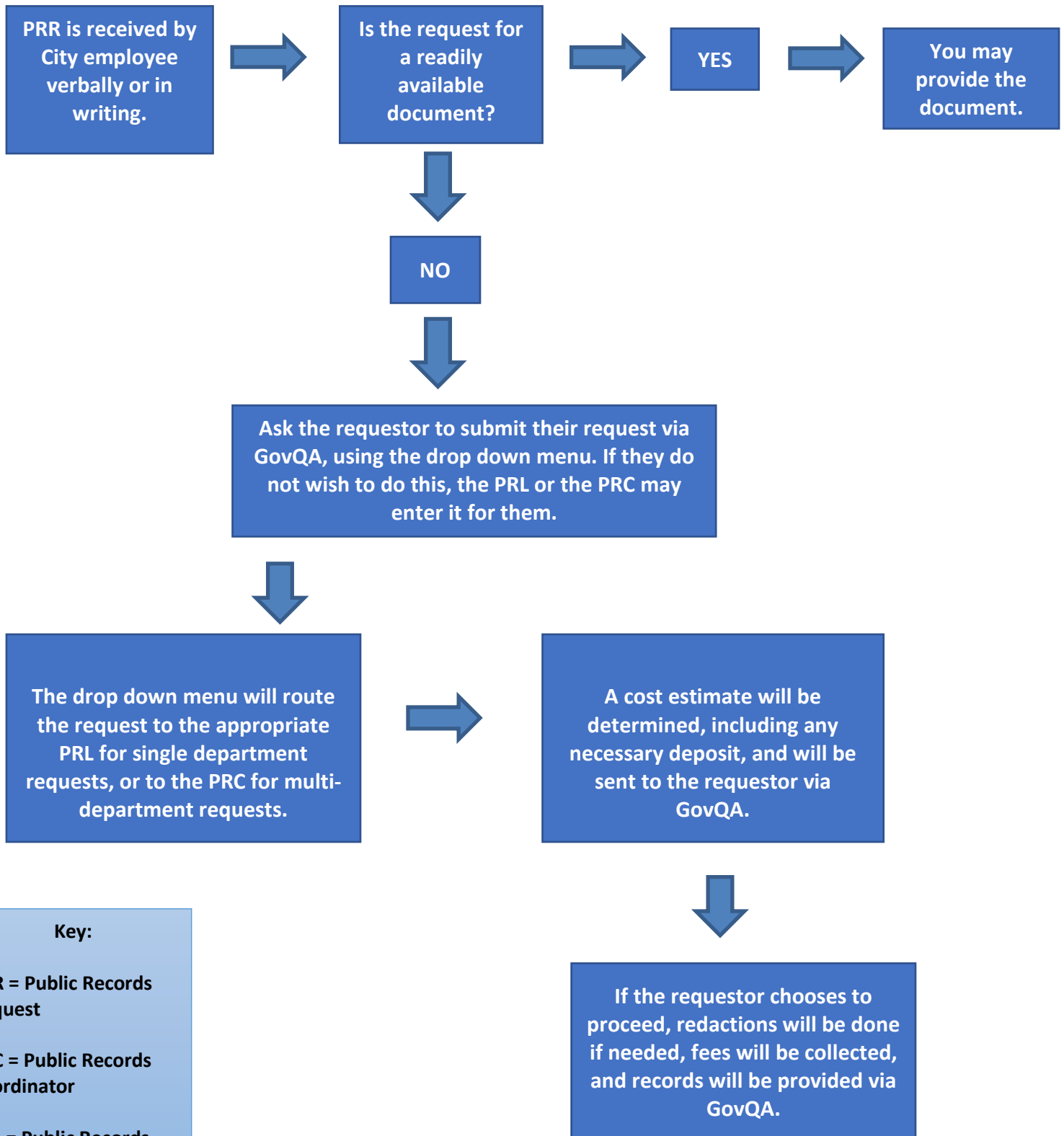
*\*If a PRR asks for your text messages, and you are not sure whether your messages are being archived, check with the PRC or T&I.*

***PLEASE REVIEW THE POLICY GUIDE FOR MORE DETAILS ABOUT THE FLORIDA PUBLIC RECORDS LAW AND THE CITY PROCESS FOR COMPLIANCE, INCLUDING FEES, EXEMPTIONS FROM DISCLOSURE, AND PENALTIES FOR NONCOMPLIANCE.***

***ANY REMAINING QUESTIONS? CONSULT YOUR PRL, THE PRC OR THE LEGAL DEPARTMENT.***

## PUBLIC RECORDS REQUEST FLOW CHART

**Note: As GovQA administrators, PRCs will have oversight and will be monitoring this process.**



## **II. CITY OF TAMPA PUBLIC RECORDS POLICY**

**EFFECTIVE DATE: May 5, 2022**

This policy replaces the document entitled “Citywide Processing of Public Records Requests” that was dated and in effect as of August 15, 2016.

### **Purpose:**

The purpose of this policy is to establish a standard policy and procedures for efficient and timely processing of public records requests citywide, in order to ensure that public records requests are processed in accordance with Chapter 119, Florida Statutes, Florida’s Public Records Act.

### **Policy Statement:**

**It is the policy of the City of Tampa that all public records, except for records or portions thereof exempted from public disclosure by law, shall be open for personal inspection and copying by any person, as provided by Florida Statutes §119.01(1). As stated in the statute, providing access to public records is a governmental duty.**

**The term “public records,” as defined in Florida Statutes §119.011(12), 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 the City.**

- This definition has been interpreted to encompass all materials made or received by the City in connection with official business which are used to perpetuate, communicate, or formalize knowledge, whether the material is in its final form or the ultimate product of the City.
- By definition, public records include not only hard copy documents, but those in any form of electronic communications (e.g., e-mails and text messages) or media sent or received in connection with City business.

### **E-mail messages:**

- To ensure that all e-mail messages meeting the definition of a “public record” are retained as is required by law, City of Tampa employees and officials should not use private, non-City e-mail accounts to conduct City business.

- Should any employee or official receive unsolicited e-mail communications to their private/personal e-mail account, or inadvertently send an e-mail about City business from a private e-mail account, it is the duty of the employee to preserve and retain all communications meeting the definition of a “public record” and to transfer those records to the custody of the City.

### **Text messages:**

All text messages sent or received by City of Tampa employees and officials that discuss the transaction of city business are by definition “public records” and therefore must be saved in accordance with public records retention schedules and produced in response to a request for public records.

- Note: this does not apply to those messages that are considered “transitory”- i.e., text messages that are created primarily to communicate information of short-term value, such as messages reminding employees about scheduled meetings or appointments.
- Personal cell phones or other personal devices should not be used for the transaction of any city business other than transitory text messaging. Only those city-issued cell phones on which text messages are being archived should be used for text messaging in the course of city business.
- Should any employee or official send or receive text messages concerning City business on a personal device, it is the duty of the employee or official to preserve and retain all such communications meeting the definition of a “public record” and to transfer those records to the custody of the City. The employee or official may be required to allow T&I to conduct or coordinate a search of their personal device(s) for responsive messages.

### **Social Media:**

Content and comments posted to social media accounts (Facebook, Twitter, etc.), whether City-maintained or private, will also constitute public records if they relate to City business. Therefore, the City shall utilize a retention system to collect and store all content posted to City-owned and maintained social media accounts. In addition, all City employees and officials who post content or comments relating to City business on social media sites, shall be responsible for ensuring that the information is retained and produced upon request as required by the Public Records Law.

### **Categories of Public Records Requests**

The City of Tampa recognizes that public records requests fall into three distinct categories based on the nature of the records and the departments responsible for handling them:

- **City and Clerk Public Records Requests:** These requests pertain to records maintained by all city departments except Tampa Police Department and Tampa Fire Rescue.



- **Tampa Police Department (TPD) Public Records Requests:** Requests involving police reports, body camera footage, and other law enforcement records are handled separately by the Tampa Police Department's designated public records division.
- **Tampa Fire Rescue Public Records Requests:** Records related to fire incidents, emergency response reports, and firefighter-related documentation are managed by Tampa Fire Rescue. Note: When records requests seek documents that are in custody of both TPD, TFR, and/or other City departments, the public records staff members should work together to coordinate the response.

### III. CITY OF TAMPA GUIDE TO RESPONDING TO PUBLIC RECORDS REQUESTS:

#### A. General Rules and Guidelines Regarding Public Record Requests and Responses:

##### 1. Duty to Respond:

- All City of Tampa employees and officials must understand that responding to a public records request is a governmental duty.
- Absent an exemption, public records must be produced no matter how inconvenient or burdensome, and no matter the perceived or stated motives and intentions of the person making the request.

##### 2. Public Records Retention:

- Chapters 119 and 257, Florida Statutes, require that all public records, regardless of the physical form, must be maintained in compliance with the records retention schedules established by the Division of Library and Information Services of the Department of State of Florida, or for a longer period pursuant to records hold notification.
- Any questions regarding retention and disposal of public records should be directed to the Office of the City Clerk, Archives and Records Division. All public records should be retained until approval for disposal is obtained from the Archives and Records Division.

##### 3. GovQA:

GovQA is an electronic Public Records Management System that provides an online portal through which anyone may request public records. The City of Tampa uses GovQA to track, distribute, invoice, and provide responses to public records requests. *Subsection B below describes in more detail how GovQA is used to receive and process public records requests.*

##### 4. Public Records Coordinator (PRC):

- The City of Tampa Public Records Coordinators are in the Office of the City Clerk, Archives and Records Division, and are the primary point of contact for public records requests, other than those directed to the Tampa Police Department or Tampa Fire Rescue\*. The PRCs are responsible for overseeing all public records requests in the City of Tampa, subject to certain exceptions described below.

***\*The Tampa Police Department and Tampa Fire Rescue have dedicated public records divisions, with whom the City PRC may coordinate as needed.***

- The PRC, in consultation with the Public Records Liaisons (PRLs) and the Legal Department, if necessary, will determine to which departments public records requests should be forwarded; work with the PRLs for those departments to ensure they understand their responsibility to obtain responsive records; and will perform e-mail archive searches as necessary.
- The PRC also works with the Legal Department to review retrieved records in order to determine whether they constitute public records and whether any such records are exempt from disclosure under state law.

#### **5. Public Records Liaisons (PRLs):**

- The director of each department, and the Chair of the Tampa City Council, shall designate one (1) public records liaison (PRL) for that department. The PRL will be responsible for coordinating the retrieval and review of records from that department in response to public records requests.
- The directors and the City Council chair shall provide the City of Tampa PRC with the name of their department's public records liaison.
- In addition, all department personnel should be notified by the director of the identity of that department's public records liaison, and/or whom to contact if they receive a public records request. Arrangements for a designee or replacement should be made by the director of the department in case the department's public records liaison is on leave from work, terminates their employment with the City, or is otherwise no longer able to serve as PRL.

#### **6. Record "custodians":**

- Be aware that although each department has a designated public records liaison, under Florida case law, "custodian" means any city official or employee who has supervision and control over a document or has legal responsibility for its care, keeping or guardianship. Each custodian also has the obligation to make any such documents available for review upon request.

#### **7. By Whom and How Public Records Requests May Be Made:**

- Any person may make a public records request.
- The requestor may remain anonymous.

- Unless required by state or federal law, it is not permissible to insist that a requestor place a request in writing; to ask for the name of a requestor; to ask the requestor to provide a telephone number, address, email address or the like; or to ask why the information is being requested.
- A requestor's motive for requesting public records is irrelevant.
- The City will not restrict payment for public records to only certain forms of payment such as by check or credit card, rather than cash or money orders, as this could preclude a requestor's desire for anonymity.
- Ideally, requests will be submitted online through the GovQA portal on the City's website. However, requests for public records may be made in writing or verbally, by letter, facsimile, email, telephone, or in person.

## 8. Duty to Timely Fulfill Public Records Requests:

- All requests for inspection and/or copying of public records must be promptly acknowledged and responded to in good faith. A good faith response includes making reasonable efforts to determine if the record exists and, if so, the location at which the record may be accessed.
- When acknowledging a public records request, include any circumstances that may delay a response - such as the volume of records responsive to the request, or the need to review the records for any exempt or confidential information.
- Do not impose an automatic or arbitrary delay in responding to a request for public records. The only delay in responding to a public records request is the limited time allowed for the custodian to retrieve the record and redact those portions of the record that the custodian asserts are exempt.

### 8.5 Prohibition Against Release of Responsive Records

- City of Tampa employees with access to GovQA must comply with all provisions of the City Personnel Manual. Any release of responsive records to any party prior to their approval for release within GovQA by the PRC shall be considered a violation of the Personnel Manual and subject the releasing party to the resultant discipline. (B28.2A. Policy (3)(c)(11) – Neglect of Duty).

## 9. Non-specific or Vague Requests:

- Do not refuse to provide records because the request lacks specificity. Do not insist that the requestor precisely identify the records sought.
- If a request is simply too vague to respond to or clarification of a request is required, ask the requestor to identify as clearly as possible the records sought to be inspected

and/or copied. If a request appears vague, ask the requestor if perhaps the requestor knows of the record dates, author, subject matter, title or recipient of the requested record.

- When providing records in response to a vague request, inform the requestor that the records provided are a good faith effort to provide the records requested. Advise the requestor that if he or she believes that other records may exist, to please provide additional information to assist the City in locating the records. If able, do attempt to ensure that the non-exempt records disclosed to the requestor are the records that have been requested to avoid a time delay in responding and potential unnecessary charges to the requestor.

#### 10. Requests for In-person Inspections:

- Public records may be inspected and/or copied by any person desiring to do so at any reasonable time during normal business hours of the City of Tampa, under reasonable conditions and under the supervision of the custodian of the public record or his/her designee in order to ensure that the records are protected from alteration, damage, destruction or removal.
- Arrangements for in-person inspection should be coordinated through the PRC in order to ensure that the request is properly tracked, and that appropriate City staff are aware of the request, as discussed in more detail in Part B.

#### 11. Litigation and Claims:

- If a request for public records is made where there is known litigation in progress, the PRC will notify the Legal Department, also referred to as the Office of the City Attorney, as the Legal Department must review all such public records prior to disclosure. If in doubt as to pending litigation, notify the Legal Department to inquire. All public records provided in response to such requests will also be provided to the Legal Department.
- If a request for public records is made where there is a known claim under investigation by the Division of Risk Management and Central Services, this Division should be notified in writing immediately upon receipt of such request. All public records provided in response to such requests will also be provided to that Division.

## 12. Standing Requests for Public Records:

Florida law does not require that the City respond to what may be referred to as “standing” or “on-going” requests for records that the city may come into custody of in the future. The City does not recognize such standing requests. Upon such a request, the requestor will be informed that the City will provide all records that are currently in its possession, but that the requestor will have to make another request for any additional records that may be received by the City in the future.

## 13. Exempt Records:

- Certain public records or parts of public records are exempt or confidential and exempt from disclosure under the public records law and, are therefore, not subject to public inspection in most instances.
- Requests for documents which may contain information that are exempt from disclosure under Florida law may be delayed for a limited time until the records can be reviewed and redacted, as necessary.
- If any record, in whole or in part, is redacted because of a statutory exemption, the custodian must state the basis of the exemption, including the citation to the applicable statute per §119.07(1)(e), Florida Statutes. *(See Attachment 1 for a list of common exemptions.)*
- The legislature has often amended the public records law, making some materials exempt from public inspection that were not exempt previously, and removing the exempt status from certain materials that were previously considered exempt. When in doubt as to what is or what is not exempt, check with the Office of the City Attorney.

## 14. Record Format and Medium and Creation of New Records:

- The City must ensure compliance with public records requests by providing records in their original form, without unauthorized alterations or additions, except for necessary redactions of exempt information.
- The City must provide public records in the medium or format requested if the City maintains the requested records in that format. Unless otherwise requested, the City will provide electronic records in a pdf format. However, the City is not required to reformat records in a particular manner requested.
- The City is also not required to create new records or create lists compiled from other public records to fulfill a public records request. However, in certain cases, Florida courts have indicated that an agency may have to provide access to records through a specially designed program prepared by or paid for by the requestor where: all records stored in the City’s computer cannot be accessed; the existing program contains exempt information which cannot be deleted; the form of the

information provided does not fairly and meaningfully represent the record; or other exceptional circumstances warranting it. Direct any questions concerning formatting to the Office of the City Attorney.

Note: Once a document has been created and shared, it becomes a public record.

#### 15. Fees:

- Only those fees that are authorized by law (§119.07(4), Florida Statutes) may be charged for the inspection and copying of public records. *Attached hereto as Attachment 2 is a fee chart listing the charges that are deemed to represent the actual cost of material, supplies, and equipment involved for production of City of Tampa public records.*
- 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, the City may assess additional charges (“special service charge”), which is to be reasonable and is to be based on the cost incurred for the extensive use of information technology or the labor cost that is actually incurred in furnishing or copying the information requested. The City bases the amount of the charge for labor cost on the hourly wage of lowest paid person capable of completing the work, excluding benefits, multiplied by actual time spent.
- The Requestor must agree to the estimated cost before proceeding with a request. If the total cost of fulfillment of a request is estimated to be fifty dollars (\$50) or more, a fifty percent (50%) deposit must be received before proceeding with the request. Overpayments will be refunded.

#### **Billing for Legal Review of Public Records Requests**

In some instances, legal review is necessary for processing public records requests, and associated costs will be billed accordingly.

- **Specialized Legal Review:** If the request requires the expertise of a specific attorney, the billing rate will reflect the salary of the attorney performing the specialized review. The staff member should preview any record inspected to avoid exempt or confidential information being viewed.
- **Estimate and Approval:** The requestor will receive an estimate of applicable legal fees before review begins. If the requestor does not approve the estimated costs, they may choose to modify or withdraw the request.

#### **Inspection of Public Records**

Individuals requesting to inspect public records in person will be subject to a supervision fee to ensure the integrity and security of the records during the inspection process.

- **Supervision Requirement:** A City staff member must be present at all times during the inspection of public records to prevent alteration, damage, or removal of records.
- **Associated Costs:** The requestor will be charged a fee for the staff time required to supervise the inspection. This fee will be based on the hourly wage of the lowest-paid employee capable of supervising.
- **Estimate and Payment:** Prior to the inspection, the requestor will receive an estimate of the supervision fee. The standard deposit must be made in advance, and failure to pay may result in denial of the inspection request.

#### 16. Questions about Public Records:

The Public Records Act does not require that the City produce an employee to answer questions about information contained in public records.

#### 17. Public Records Hold:

- A records hold is a request to retain all records until further notice when pending or potential litigation exists, when an audit is in progress, or when an investigation is underway.
- If a records hold exists, all documents related to the issue must be maintained, irrespective of the retention schedules, until written notification of release of the records hold. The obligation to preserve records is separate and apart from any request for public records.
- The Office of the City Attorney or the Risk Management Division of the Human Resources Department will provide written notification to all relevant departments of records holds related to potential or pending litigation of which the office is aware. If an official or employee is aware of an audit or pending investigation and no records hold has yet been made, the records are to be retained until the audit or investigation is completed or per the City's retention schedule, whichever period is longer.

#### 18. E-mails, Text Messages and Social Media Content and Comments



**E-mail messages:** City of Tampa employees and officials should not use private, non-City e-mail accounts to conduct City business. Furthermore, should any employee or official receive unsolicited e-mail communications to their private/personal e-mail account, or inadvertently send an e-mail about City business from a private e-mail account, it is the duty of the employee or official to preserve and retain all communications meeting the definition of a “public record” and to promptly transfer those records to the custody of the City.



**Text messages:** All text messages sent or received by City of Tampa employees and officials that discuss the transaction of city business are by definition “public records” and therefore must be saved in accordance with public records retention schedules and produced in response to a request for public records.

Note: this does not apply to those messages that are considered “transitory” - i.e., text messages that are created primarily to communicate information of short-term value, such as messages reminding employees about scheduled meetings or appointments.



City employees and officials should not use personal devices for any city business other than transitory text messaging. Only those city-issued cell phones on which text messages are being archived should be used for text messaging in the course of city business. In the event that city personnel inadvertently receive or send a text message involving city business on their personal devices, the city personnel are responsible for archiving and producing the text message as a public record. The employee or official may be required to allow T&I to conduct or coordinate a search of their personal device(s) for responsive messages.

**Social Media:** Content and comments posted to social media accounts (Facebook, Twitter, etc.), whether City-maintained or private, will also constitute public records if they relate to City business. Therefore, the City shall utilize a retention system to collect and store all content posted to City-owned and maintained social media accounts. In addition, all City employees and officials who post content or comments relating to City business on social media sites, shall be responsible for ensuring that the information is retained and produced upon request as required by the Public Records Law.

#### 19. Penalties for Non-Compliance with the Public Records Act:

The Public Records Act provides for a variety of penalties, depending upon the circumstances, when an agency such as the City and/or an official or employee violates its provisions, including:

- the award of attorney’s fees and costs if a successful action is brought to enforce the Act;
- civil and criminal fines up to \$1,000 or one year in prison; and
- suspension or removal from office.

#### 20. Compliance with City Code:

City of Tampa employees with access to GovQA must comply with all provisions of the City Ethics Code including the prohibition against disclosing or using for personal gain or benefit, or for the benefit of any other person or business entity, any information in GovQA that is not available to the public.

## 21. Administrative Closure of Public Records Requests

In certain circumstances, public records requests will be administratively closed if the requestor does not provide necessary clarification or fails to make a required deposit payment within a specified timeframe.

- **Requests for Clarification:** If a public records request lacks sufficient detail for processing, the public records staff will reach out to the requestor for clarification. If the requestor does not respond within 30 calendar days, the request will be administratively closed. When the 30<sup>th</sup> calendar day is a Saturday, Sunday, or city holiday, the closure will occur on the following business day.
- **Nonpayment of Deposit:** If a cost estimate is provided and a deposit is required, the requestor must submit payment within 30 calendar days. If no payment is received within this timeframe, the request will be administratively closed. When the 30<sup>th</sup> calendar day is a Saturday, Sunday, or city holiday, the closure will occur on the following business day.
- **Reopening a Closed Request:** A requestor whose request was closed due to lack of response or nonpayment may reopen that request at any time by addressing the reason for the initial closure.

## B. City of Tampa Process for Public Records Requests:

### 1. Receipt of a Public Records Request:

The City website and city personnel encourage requestors to use the GovQA portal to submit public records requests. Any requests received in another manner should immediately be forwarded to the PRC for entry into GovQA.

#### Exceptions:

- “Readily available documents” - i.e., those documents that are (1) easily accessible and retrievable within a City of Tampa department, and (2) regularly disseminated to the public and do not require additional review in order to determine whether they contain exempt information, may be provided immediately upon request subject to receipt of any applicable fees. Examples: meeting agendas, minutes, copies of agreements, resolutions, or ordinances.
- Citizens seeking certain records that are made available on other City sites should be directed to use such sites rather than submit a public records request. Example: The City’s Accela Citizen Access Portal - on which building, zoning, planning, historic preservation, or code enforcement records are located and can be obtained.

### 2. Acknowledging/ Logging/Tracking of Requests:

GovQA will be used to acknowledge, log and track all public records requests citywide. However, in order to reinforce the process, each PRL is advised to keep a record of requests directed to his or her department.

### 3. Distribution of the Public Records Request to PRLs and other Employees and Officials:

- The PRC shall coordinate with the PRLs and the Legal Department as necessary to identify to which department the requests shall be distributed.
- The PRC will distribute multi-departmental requests via GovQA to all departments and personnel that may have records responsive to the request. Each will be given a date by which records should be provided, and instructions on how to submit records to the PRC.

#### 4. The Role of the Public Records Liaisons:

When the request is received in GovQA, the Public Records Liaison (PRL) shall commence retrieval of the requested records. The PRL shall coordinate with the PRC to provide an estimate of costs and an estimated time for retrieval and production.

- If a request involves archived records, it is the responsibility of the PRL to retrieve the records from the Archives and Records Division.
- The PRL will review records to determine whether any part of a retrieved document must be redacted, and if any redactions are made, will provide the PRC with the statutory exemption or other basis for redaction. Redactions should only be made on copies of records and only on those parts which are exempt. The original record shall not be altered.
- If a request is made for copies of email messages, the office of the PRC will conduct a search of the City's archived emails in coordination with the PRL(s) for each department from which records are requested. The PRL is responsible for coordinating with his or her department personnel in order to identify information that will assist the office of the PRC with the search - such as email addresses, keyword search terms, date ranges, etc. The T&I department may also assist with the archives search, as necessary.
- In the event that any employee or official has conducted city business on a personal e-mail account, it is incumbent on that person to search for and provide to the PRC copies of all such emails responsive to the request.
- If a request is made for copies of text messages, the office of the PRC will conduct a search of the City's archived text messages in coordination with the PRL(s) for each department from which records are requested.\* The PRL is responsible for coordinating with his or her department personnel in order to identify information that will assist the office of the PRC with the search - such as keyword search terms, date ranges, etc. The T&I department may also assist with the archives search, as necessary.
- In the event that any employee or official has conducted city business on a personal cellphone (or on a city cellphone that has not had archiving activated), it is incumbent on that person to provide copies of all text messages responsive to the request. The employee or official may be required to allow T&I to conduct or coordinate a search of their personal phone(s) for responsive messages.

*\*If a PRR asks for your text messages, and you are not sure whether your messages are being archived, check with the PRC or T&I.*

## 5. Legal Department Review:

- The PRC will coordinate with the Legal Department to review records for exempt or confidential information, which must be redacted (deleted) prior to disclosure. Redactions should only be made on copies of records and only on those parts which are exempt. The original record shall not be altered.
- If a PRC, PRL or any other City personnel have any questions as to what is or is not exempt, they should contact the Legal Department for assistance.
- Note: The requestor must be informed of the reason for any redactions, including the statutory citation for any exemptions, and upon request, such information shall be provided in writing.

## 6. Assessment and Collection of Fees:

The PRLs (on single-department requests) and PRCs (on multi-department requests) will notify the Requestor of any fees to be assessed and will invoice and process fee payments through GovQA. The clerk's office will also accept payment from those who do not wish to pay online.

## 7. Timeliness of Response:

- As noted above, while the Public Records Act does not include a specific timeframe by which responses must be provided, it requires that City personnel make a good faith effort to locate and provide records within a reasonable time.
- In cases where a particular request requires an extended period of time to produce, the PRC may ask the requestor if he/she would like the records produced as they become available or wait until all of the records are produced.

## 8. Litigation and Claims:

- If a request for public records is made where there is known litigation in progress, the PRC will notify the Legal Department, also referred to as the Office of the City Attorney, as the Legal Department must review all such public records prior to disclosure. If in doubt as to pending litigation, notify the Office of the City Attorney to inquire. All public records provided in response to such requests will also be provided to the Legal Department.
- If a request for public records is made where there is a known claim under investigation by the Division of Risk Management and Central Services, the Division should be notified in writing immediately upon receipt of such request. All public records provided in response to such requests will also be provided to the Division.

## 9. Media Requests:

The Chief of Staff, Communications Director and other applicable Administration staff are to be notified of any public records requests received from the media, whether the request is for copies or in-person inspection. Copies of any public records provided to the media shall also be provided to the Communications Director.

## 10. Requests to Inspect and /or Photograph Records:

- Public records may be inspected and/or copied by any person desiring to do so at any reasonable time during normal business hours of the City of Tampa, under reasonable conditions and under the supervision of the custodian of the public record or his/her designee in order to ensure that the records are protected from alteration, damage, destruction or removal.
- Arrangements for in-person inspection should be coordinated through the PRC in order to ensure that the request is properly tracked.
- Photography of certain records may require special handling because of the condition of the records.

## 11. Training

- Regular training for PRLs will be scheduled by the Office of the City Clerk and the Legal Department.
- Training will also be provided to all City officials and employees to ensure their familiarity with the requirements of the Public Records Act as well as the City policy and process.

## ***ATTACHMENT 1: Common Exemptions***

Currently, there are over a thousand exemptions listed in the Florida Statutes. The following is a list of common exemptions. **(These exemptions are subject to change by legislative action. Sections cited should be reviewed for any amendments and exact exemption language):**

- **Medical information** of prospective, current, and former employees. § 119.071(4)(b)(1)
- Anything within an employment **background check**. § 110.1127(d)(2)
- **Social security numbers**. § 119.071(5)(a)(5)
- **Bank account and credit card numbers**. § 119.071(5)(b)
- Anything to do with **deferred compensation**, even the words “deferred compensation.” § 112.215(7)
- On **Driver’s Licenses**: photograph, address (excluding the 5 number zip code), number, height, date of birth, and sex. § 119.0712(2)(b)
- **Security and firesafety** plans. These include anything relating directly to the physical safety or firesafety of any *building*, emergency evacuation or sheltering plans, threat assessments, and response plans. § 119.071(3)(a)(2)
- Anything that depicts the **layout or structural elements of a government owned/operated building**. § 119.071(3)(b)
- **Cybersecurity**. § 119.0725
  - **Coverage limits/deductibles of insurance** or other risk mitigation coverages acquired to protect the government’s technology systems and data.
  - Information related to **existing/proposed technology systems and assets** if the incapacity/destruction of such systems and assets would negatively affect security, economic security, public health, or public safety.
- Identifying information of a **dependent child** (must currently be dependent) if the child is insured under government insurance. § 119.071(4)(b)(2)(a)
- Individual currently or formerly **employed by a law enforcement agency** [§ 119.071(4)(d)(2)(a)] **or a firefighter** [§ 119.071(4)(d)(2)(d)]: home address (only the address that the individual currently lives at), telephone number, date of birth, and photographs.
  - **Spouse** (only current spouse) **or child** (of any age) **of such individual**: name, home address (only the address that the individual currently lives at), telephone numbers, photographs, dates of birth, places of employment, and names/locations of their schools and daycares.
- **Sealed bids or proposals** received by an agency pursuant to invitations to bid or requests for proposals until the agency provides notice of an intended decision or 30 days after opening the bids, proposals, or final replies, whichever is earlier. § 119.071(1)(b)
- Information concerning certain **criminal intelligence, criminal investigations, and surveillance** techniques and personnel. § 119.071(2)
- **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, adversarial administrative proceedings, or in anticipation of imminent litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or proceedings. § 119.071(1)(d)1
- **Work product** developed by the City of Tampa in preparation **for and during collective bargaining negotiations** is confidential and exempt. § 447.605(3)
- **Trade secrets:** 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 capable of providing an opportunity to obtain an advantage, over those who do not know or use it.** § 815.045
- **Audit work** papers and notes, until the audit is final. § 119.0713(2)(b)



## ***ATTACHMENT 2: Fee Schedule***

Consistent with Section 119.07(4), Florida Statutes, the City may assess the following fees when providing a response to a public records request:

- 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.
- Twenty (20) cents for each two-sided copy.
- For all other copies, the actual cost of duplication of the public record.
- Two (2) dollars for each copy of data CD or DVD.
- Fifteen (15) dollars for each copy of video DVD provided by Cable Communications (to cover research and labor costs).
- One (1) dollar for each certified copy of a public record.
- If materials are to be mailed, the actual cost of postage may be added to other charges indicated in the preceding paragraph.
- **NOTE:** 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, the City may assess additional charges (“special service charge”), which is to be reasonable and is to be based on the cost incurred for the extensive use of information technology or the labor cost that is actually incurred in furnishing or copying the information requested. The City bases the amount of the charge for labor on the hourly wage of lowest paid person capable of completing the work, excluding benefits, multiplied by actual time spent.