



City of Cape Coral, City Clerk’s “Extensive” Public Records Requests Policy

Persons may request public records either verbally or in writing. Requests should be sufficiently detailed to identify the documents sought to be examined or copied. Public records requests are applicable to non-exempt, non-confidential portions of existing records. The City shall not be obligated to create new record or compile lists of information from various existing records to accommodate a public records request.

The term “public records,” as defined in Fl. Stat. § 119.011(11) 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 any agency.

Please refer to the City of Cape Coral Code of Ordinances, Chapter 2, Administration 2-19 for a complete list of copy charges and other miscellaneous fees.

Extensive Records Requests - It is the policy of the City Clerk’s Office that 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 the City of Cape Coral, the City may charge a reasonable special service charge, which shall be *in addition* to the duplication charges, pursuant to Fla. Stat. § 119.07(4)(d).

The term "extensive use" means any time longer than one hour needed to complete all tasks defined in subparagraphs (i) and (ii) below:

- i. The term "extensive use of *clerical or supervisory assistance*" includes longer than one hour of locating and retrieving of records; reviewing records for statutorily exempt information; preparing records for inspection or copying by redacting or excising exempt or confidential information from records prior to review or copying; monitoring of the inspection or copying of records when necessary to ensure the integrity of the records; and instructing, or supervising personnel in performing the foregoing tasks when responding to a particular public records request.

The special service charge for “extensive use” may be based on either *or both* of the following, as applicable:

- i. The cost incurred for extensive use of information technology resources; and/or
- ii. The term "extensive use of *information technology resources*" includes longer than one hour of writing or executing software commands or setting up information technology resources. Under Fla. Stat. § 119.011(9), the term shall include data processing hardware, software, or services; and/or communications, supplies, personnel, facility resources, maintenance, and technology training required to fulfill a given public records request.
- ii. The labor cost actually incurred by, or attributable to, the City for clerical or administrative personnel providing the service.
 - A. As stated in the Attorney General's *Government-in-the-Sunshine* Manual 2007 Part II, § L.11, when "extensive use" consists of clerical tasks such as locating documents in a filing cabinet or making photocopies, the City will charge a clerical rate even, if due to staff shortages, a more highly-paid person actually does the work.
 - B. However, when the "extensive use" consists of tasks that should be performed by a Customer Service Representative, the City will reasonably charge the CSR's hourly salary (excluding benefits), as explained in the Attorney General's *Government-in-the-Sunshine-Law Manual* 2007, Part II, § L.11.

Deposit of Estimated Fees – Prior to the duplication of any public record, the City shall notify the requester of the estimated cost. Prior to the assessment of any special service charge, the City shall notify the requester if the information does not appear to be readily identifiable, possibly not in our possession and/or non-existent, or will require additional time to review and copy. Upon agreement by the requester and payment of estimated charges, if any, the City will proceed to complete the request.

For any copies not listed in the above mentioned Code Chapter, the charge shall be limited to the actual cost of duplication, as defined in Fla. Stat. § 119.07(1)(a).