

Administrative Order



Administrative Order No.: 4-48

Title: Fees Charged to the Public for Examining and Duplicating Records

Ordered: 7/24/1990

Effective: 7/1/1990

AUTHORITY:

Section 4.02, Home Rule Charter. Section 119.07, State Statutes.

SUPERSEDES:

This Administrative Order supersedes existing A.O. 4-48, dated February 6, 1980, A.O. 1-4, "Requests for Assessment Information", and those portions of 4-series administrative orders of individual departments, pertaining to copy charges.

POLICY:

Pursuant to State law, non-confidential public documents are to be made available for examination by the public at reasonable times and under reasonable conditions, and copies provided upon payment of the actual cost of the material and supplies, but not the labor or overhead costs, associated with such duplication, with the following exceptions:

1. The charge for regular "Xerox" copies is set at 15 cents (\$0.15) per page.
2. There is a fee set by State law.
3. The public document in question is a county map or aerial photograph; or,
4. Extensive use of information technology resources or clerical or supervisory assistance is required for the duplication or assembly of materials.

(See below for treatment of these exceptions).

Key County personnel, particularly those involved in criminal justice or public health activities, should become familiar with the confidentiality provisions contained in Chapter 119 of the Florida Statutes.

Departments may elect to assess fees or charges in accordance with this administrative order. Where fees are in fact assessed, department directors may, however, waive the fees in those cases in which the cost would be a hardship and would deny to a citizen copies of materials or access to information that he or she needs in connection with official public business.

"Faxing" of copies is deemed here to be a special service provided at the discretion of departments and charged accordingly.

Coin-operated photocopiers may be made available for use by the public, provided that departments do not realize revenues in excess of the actual cost of providing said copiers, and citizens are to be permitted to utilize their own copying devices where these devices pose no hazard to the materials being copied and do not unduly disrupt normal operations. Agencies should not reproduce or permit the reproduction of copies of copyrighted work in a manner inconsistent with federal law, but must permit access to such materials for inspection or examination.

FEES:

As set forth in the State Statutes, a standard charge of 15 cents (\$0.15) per page is hereby adopted for the incidental "Xerox" copying of public records. Pursuant to said Statutes, the fee for each double-sided "Xerox" copy is set at 20 cents (\$0.20), and the fee for each certified copy of a public record is set at \$1.00.

In cases involving extensive staff resources, as defined below, departments may assess a charge that reflects the lowest salary (plus fringes) among all clerical workers and, if applicable, among all supervisory/management personnel who might perform such work, or the actual salary and fringes of the specific person or persons performing the work. No pre-calculated average or composite unit costs may be charged.

Fees for other than regular "Xerox" copying, and for the examination and/or copying of records which calls for the use of extensive staff or information technology resources, (which fees may include the labor cost(s) or line or other charges connected with providing such services), and fees for the reproduction of County maps or aerial photographs, which may also include the overhead costs associated with their duplication, are to be set in accordance with the Procedure outlined below. Fees set by State law will remain as so set.

Reports and other materials that a department has printed or prepared by the General Services Administration, by the Office of Computer Services and Information Systems, or by an outside contractor, may be offered to the public at the actual per copy cost charged/billed to the department.

Where a department has at the request of interested parties developed materials that meet the definition of public records but which are not required by law or regulation to be prepared, and which are not routinely produced by the department itself for its own use in the form requested, the department may, with the concurrence of those interested parties, charge fees that reflect the development and other costs that the department needs to recover in order to be able to prepare and copy such records. However, in each of the two cases immediately above, where a citizen specifically requests it, copies of such records shall be provided at the costs otherwise provided

for in this administrative order.

Charges for remote electronic access to public records are covered by Sec. 119.085 of the Florida Statutes.

See next section for definitions of key terms.

DEFINITIONS:

For the purpose of this administrative order:

Extensive shall generally mean: 1) a time duration of 20 minutes or more for a) the assembly, retrieval (but not retrieval from a remote location), and copying of the materials in question; or, b) active participation by supervisory staff; or, c) itemized review to determine the appropriateness or confidentiality of the materials in question; or, d) computer programming or operation to extract or retrieve data; or, 2) requiring the establishment of special procedures or the assignment of additional staff to accommodate the volume of a given request and/or the frequency of recurring requests from a given source. The 20 minute criterion must be met separately for clerical and for supervisory/management personnel, but may be met within each of these groups by adding the times of different individuals involved.

(In the Florida Statutes, "Extensive" depends on the circumstances of the particular situation; use the attached form for requesting a definition of "extensive" different from what is presented here.)

Incidental shall mean all situations that can be routinely handled within a reasonable period of time with available staff, and not encompassed under the definition of "Extensive", above.

Information technology resources includes computerized records, microfiche, fax, and electronic databases, and the operating and programming personnel associated with those resources.

Labor cost shall mean the hourly rate of pay of the personnel (including active supervisory personnel) actually providing the service, plus fringes.

Public record means any document, paper, letter, map, book, tape, photograph, film, sound recording or other material made or received pursuant to law or ordinance or in connection with the transaction of official business by an agency.

PROCEDURE:

To establish charges for other than regular "Xerox" copying, to establish a definition of "extensive" for a particular situation, or to establish other charges, a department must prepare an itemized listing in accord with the attached format, and receive the

approval of the Office of Management and Budget. Separate schedules may be established for separate divisions, where justified by different circumstances.

Actual charges are to be assessed on a per page basis and/or in tenths of an hour (six minute) increments, to the nearest increment. Fees are to be collected, deposited and accounted for in the same manner that other operating funds in the department are handled. Total charges of less than 50 cents (\$0.50) may be waived, at the department's discretion. Departments waiving such charges are encouraged to set up charity contribution containers and invite copy customers to donate the waived fees to the charity or charities.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Joaquin G. Aviñó, P.E., P.L.S.
County Manager

PROPOSED RECORD COPYING AND/OR EXAMINATION CHARGES

DEPARTMENT _____

Division _____

PER COPY CHARGES (other than "xerox") _____
(Attach justification)

DEFINITION OF "EXTENSIVE": _____

1. Charges for Services Defined as "Extensive"

Attach listing of hourly and other charges that might be assessed for use of information technology resources, and attach listing of job titles of personnel (grouped by clerical and supervisory/management) whose time might be included in hourly charges.

2. County Maps or Aerial Photographs

PER COPY CHARGES:

SPECIAL MATERIALS, SUPPLIES _____ per Page
(Attach explanation itemizing individual components.)

OVERHEAD CHARGE: _____ per Page
(Attach explanation)

PERSONNEL

Attach listing of classifications of personnel whose time might be included in any hourly charges.

3. Fees established by State law (Attach listing.)

Submitted by: _____ Date _____
Director

OMB: APPROVAL _____ DISAPPROVAL _____

Date: _____ Date: _____

Comments/Conditions: _____

