

Memorandum



Date: May 13, 2008

B & F
Agenda Item No. 4 (A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Implementing Order No. 4-48; Fees Charged to the Public for Examining and Duplicating Records

Recommendation

It is recommended that the Board approve the attached Implementing Order which has been revised to unify the County public records fee structure to be utilized by all County agencies and departments. It is also recommended that the Board rescind Administrative Order 4-48.

Scope

The impact of the agenda item is countywide in nature.

Fiscal Impact/Funding Source

There is no fiscal impact of the proposed agenda item.

Track Record/Monitor

Not applicable.

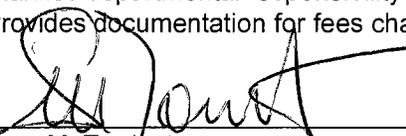
Background

On January 10, 2008, the Board of County Commissioners approved R-66-08, sponsored by Commissioner Sally Heyman, to develop a uniform Miami-Dade County public records request fee. The County's current public records fees and the State of Florida public records fee were reviewed.

Chapter 119, Florida Statutes, commonly known as Florida's "Public Records Law," provides information on public records in Florida, including policies, definitions, exemptions, general information on records access, inspection, examination and duplication of records. It is a policy of Miami-Dade County's agencies and departments that records are open for personal inspection and copying by any person. The accompanying Implementing Order is a review and update of Miami-Dade County's public record fees.

This amended Implementing Order updates I.O. 4-48 Fees Charged to the Public for Examining and Duplicating Records as follows:

- Reflects the correct name of the County as Miami-Dade as per Ordinance No. 97-212
- Maintains current standard photocopy fee at \$0.15 per page, but eliminates separate double-sided photocopy fee of \$0.20 and establishes certified copy fee at \$1.00
- Unifies charges for photocopies, DVD and VHS copies
- Clarifies departmental responsibility in charging for public records
- Provides documentation for fees charged for public records



Susanne M. Torriente
Chief Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 3, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
6-3-08

RESOLUTION NO. _____

RESOLUTION APPROVING IMPLEMENTING ORDER 4-48:
FEES CHARGED TO THE PUBLIC FOR EXAMINING AND
DUPLICATING RECORDS; AND RESCINDING
ADMINISTRATIVE ORDER 4-48

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the amendments to Implementing Order 4-48, fees charged to the public for examining and duplicating records; and rescinds Administrative Order 4-48.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd of day of June, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

I.O.A.O. No.: 4-48
Ordered:
Effective:

MIAMI-DADE COUNTY
ADMINISTRATIVE IMPLEMENTING ORDER

FEES CHARGED TO THE PUBLIC FOR EXAMINING AND DUPLICATING
RECORDS

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 Implementing Order supersedes previous Administrative Order 4-48, ordered July 24, 1990, effective July 1, 1990.

~~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.~~

DEFINITIONS:

For the purpose of this Implementing 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

I.O.A.O. No.: 4-48

Ordered:

Effective:

MIAMI-DADE COUNTY
ADMINISTRATIVE IMPLEMENTING ORDER

FEES CHARGED TO THE PUBLIC FOR EXAMINING AND DUPLICATING
RECORDS

~~Administrative Order~~

~~Administrative Order No.: 4-48~~

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 - 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 (Public Records Request Charge fee 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.

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" photocopies is set at ~~45 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~~ Implementing eOrder. ~~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 and scanned PDF 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" photocopying of public records. Pursuant to said Statutes, the fee for each double-sided "Xerox" photocopy 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~~ ^{above}, 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" photocopying, 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~~ Enterprise Technology Services Department 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. 119.07 of the Florida Statutes.

See next section for definitions of key terms.

DEFINITIONS:

For the purpose of this administrative order:

Extensive shall generally mean:

3. 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,
4. 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 (Public Records Request Charge fee 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" photocopying, to establish a definition of "extensive" for a particular situation, or to establish other charges, a department ~~must~~ may prepare an itemized listing, ~~in accord with the attached format, and receive 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 Implementing administrative eOrder is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

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

MEMORANDUM

Agenda Item No. 11(A) (24)

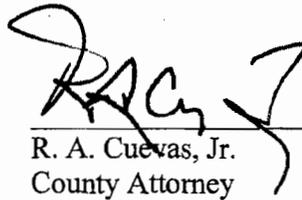
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 10, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing County
Mayor to propose uniform
County public records fee
structure

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

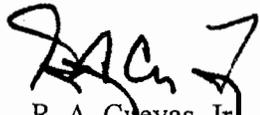
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MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 10, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A) (24)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(24)
1-10-08

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR TO STUDY
AND PROPOSE A UNIFORM COUNTY PUBLIC RECORDS
FEE STRUCTURE TO BE UTILIZED BY ALL COUNTY
AGENCIES AND DEPARTMENTS

WHEREAS, Miami-Dade County is required under the Public Records Law to make available for inspection and copying materials made or received in connection with official business which are used to perpetuate, communicate or formalize knowledge; and

WHEREAS, in order to comply with the Public Records Law, in many instances the cost associated with this compliance is significant; and

WHEREAS, along with making available public records, Miami-Dade County may expend significant resources and costs when determining whether certain records are exempt from disclosure under the Public Records Law; and

WHEREAS, under the Florida Public Records Law Miami-Dade County is entitled to impose fees for inspecting and copying public records; and

WHEREAS, currently there is no standardized policy and fee structure in place throughout the various agencies and departments of Miami-Dade County to deal with these obligations under the Public Records Law; and

WHEREAS, it is in the best interests of Miami-Dade County to have a uniform system in place setting a county-wide policy as to the criteria and amount of fees to be charged to inspect and copy public records,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor is directed to study and propose a uniform County public records fee structure utilized by all County

agencies and departments and report back to this Commission within 60 days from the adoption of this resolution.

The foregoing resolution was sponsored by Commissioner Sally A. Heyman and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|------------------------------------|
| | Bruno A. Barreiro, Chairman |
| | Barbara J. Jordan, Vice-Chairwoman |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

K B D

Kenneth B. Drucker

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