

# PROPOSED

## RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO FEES AND CHARGES FOR PRODUCTION OF PUBLIC RECORDS; REPEALING AND CREATING A NEW SECTION 35.20 OF THE BROWARD COUNTY ADMINISTRATIVE CODE (“ADMINISTRATIVE CODE”); UPDATING PUBLIC RECORDS FEES AND CHARGES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, Florida law, including Section 119.07, Florida Statutes, requires that public records be produced upon request and authorizes certain fees and charges for the production of the requested records; and

WHEREAS, the Broward County Board of County Commissioners has determined that it is appropriate to amend Section 35.20 of the Broward County Administrative Code, pertaining to fees and charges for production of Broward County public records, to be consistent with the fees and charges authorized by Section 119.07, Florida Statutes, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 35.20 of the Broward County Administrative Code is hereby repealed in its entirety, and a new Section 35.20 is hereby created to read as follows:

[Underlining omitted]

1 **35.20. Public Records Fees and Charges.**

2 The following fees and charges shall apply for production of Broward County public  
3 records, except for official records and court records subject to state regulation under  
4 Section 28.24, Florida Statutes.

5 (a) *Duplication charges.* The following duplication charges shall apply to all  
6 public records that are produced in paper format, including printing or copying; duplication  
7 charges shall not apply to public records that are produced in electronic format.

8 (1) There shall be no charge for duplication of the first fifty (50) pages of public  
9 records (pages not more than 8½ inches by 14 inches). For the first fifty  
10 (50) pages only, a double-sided page counts as one (1) page.

11 (2) After the first fifty (50) pages, there shall be a duplication charge of fifteen  
12 cents (\$.15) per page for one-sided copies and twenty cents (\$.20) per  
13 page for two-sided copies (pages not more than 8½ inches by 14 inches).

14 (3) For records not addressed in subsection (1) or (2) above, the following  
15 duplication charges shall apply:

- 16 a. Plats (Blueprint), five dollars (\$5.00) per page;
- 17 b. Plats (Mylar), seven dollars and fifty cents (\$7.50) per page;
- 18 c. Other records (including page sizes more than 8½ inches by  
19 14 inches): A reasonable charge for the labor and overhead  
20 associated with the duplication of the record.

21 (b) *Service fees.* In addition to the applicable duplication charges, the following  
22 service fees apply, to the extent applicable:

23 (1) Certification. There shall be a one dollar (\$1.00) charge for each certified  
24 copy of a record requested.

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(2) Delivery. Actual mailing, shipping, or other delivery costs will be charged when delivery is requested.

(3) Special Service Fee. If the nature or volume of public records requested to be inspected or copied is such as to require extensive information technology resources or extensive clerical or supervisory assistance by County personnel, a special service fee shall be charged. As used herein, "extensive" means more than fifteen (15) minutes of work is required by County personnel to comply with the public records request. The fee charged shall be calculated at the hourly rate, plus benefits, of the person(s) performing the applicable work (including, if applicable, supervisory, management, information technology, or legal personnel), and shall be charged in fifteen (15) minute increments (excluding the first fifteen (15) minutes).

(4) Notarial Fee. For each separate notarial act requested in connection with a public records request, a notarial fee of ten dollars (\$10.00) shall be charged.

(5) Physical media. A fee of two dollars (\$2.00) or the actual cost of the medium, whichever is less, shall be charged for any common physical medium (such as a universal serial bus drive with a capacity of two (2) gigabytes or less) upon which electronic records are provided. For unusual, high-capacity, or specialized physical media, the fee shall be the actual cost of the medium.

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1 (b) *Deposits and payment.* County staff shall request a deposit equal to the  
2 estimated total of the duplication charges and any applicable service fees before fulfilling  
3 any public records request that appears likely to cost twenty dollars (\$20.00) or more.  
4 The requestor must pay any requested deposit before production is made. Requested  
5 records may be withheld until all applicable duplication charges and service fees have  
6 been paid.

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8 Section 2. Severability.

9 If any portion of this Administrative Code Resolution is determined by any court to  
10 be invalid, the invalid portion will be stricken, and such striking will not affect the validity  
11 of the remainder of this Administrative Code Resolution. If any court determines that this  
12 Administrative Code Resolution, in whole or in part, cannot be legally applied to any  
13 individual, group, entity, property, or circumstance, such determination will not affect the  
14 applicability of this Administrative Code Resolution to any other individual, group, entity,  
15 property, or circumstance.

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17 Section 3. Inclusion in the Broward County Administrative Code.

18 It is the intention of the Board of County Commissioners that the provisions of this  
19 Administrative Code Resolution become part of the Broward County Administrative Code  
20 as of the effective date. The sections of this Administrative Code Resolution may be  
21 renumbered or relettered and the word "resolution" may be changed to "section," "article,"  
22 or such other appropriate word or phrase to the extent necessary in order to accomplish  
23 such intention.

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