



# Broward County

## Legislation Details (With Text)

**File #:** 20-495 **Version:** 1

**Status:** Agenda Ready

**In control:** REQUEST TO SET FOR PUBLIC HEARING

**On agenda:** 3/31/2020 **Final action:** 3/31/2020

**Title:** MOTION TO ADOPT Resolution No. 2020-113 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 7, 2020, at 10:00 a.m., in Room 422 of the Governmental Center to consider adoption of a proposed Resolution Amending the Broward County Administrative Code, the title of which is as follows:

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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Resolution to Publish Notice of Public Hearing, 2. Exhibit 2 - Copy of Proposed Resolution Amending the Broward County Administrative Code

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2020-113 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, April 7, 2020, at 10:00 a.m., in Room 422 of the Governmental Center to consider adoption of a proposed Resolution Amending the Broward County Administrative Code, the title of which is as follows:

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#### Why Action is Necessary

The Broward County Charter requires the posting of notice and a public hearing for adoption of amendments to the Broward County Administrative Code.

### **What Action Accomplishes**

Enables the setting of a public hearing during which the Board may consider adopting a Resolution amending the Administrative Code to amend the fees and charges for production of public records.

### **Is this Action Goal Related**

No

### **Previous Action Taken**

### **Summary Explanation/Background**

Florida law authorizes certain fees and charges for the production of requested public records. The authorized fees and charges include duplication charges on a per-page basis and special service fees for extensive use of information technology resources or agency personnel.

The current provisions of the Administrative Code impose the authorized duplication charges at the statutory rates, but impose the special service fee for extensive information technology or personnel time at a rate that is significantly less than the statutorily permitted rate. The special service fee currently charged is imposed only after the first fifteen (15) minutes of time incurred, and then is imposed at the rate of \$2.50 for each quarter hour.

The amendments in the proposed Resolution would increase the special service fee to the actual hourly rate, inclusive of benefits, of the County personnel performing the work, which is permissible under Florida law.

Records requested by the public must be timely produced under Florida law, and that timely production requires the availability of adequate County staff resources. The proposed amendment seeks to more substantially recover the actual costs incurred by the County in responding to public records requests.

### **Source of Additional Information**

Mark A. Journey, Senior Assistant County Attorney, 954-357-7600

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

The fiscal impact/cost summary will be provided at the time of the public hearing.