

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO FEES CHARGED FOR PRODUCTION OF
3 BROWARD COUNTY PUBLIC RECORDS; AMENDING SECTION 35.20 OF THE
4 BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AND
5 PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND
6 AN EFFECTIVE DATE.

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8 WHEREAS, Broward County (the "County") procured GovQA as its software
9 solution to manage public records requests and to generate and process invoices
10 associated with these requests;

11 WHEREAS, Section 35.20 of the Broward County Administrative Code sets forth
12 the fees for processing public records requests received by the County; and

13 WHEREAS, certain updates to Section 35.20 are recommended to facilitate the
14 implementation of GovQA and to increase the efficiency of generating and processing fee
15 invoices, NOW, THEREFORE,

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

18 Section 1. Section 35.20 of the Broward County Administrative Code is hereby
19 amended to read as follows:

35.20. Public Records Fees and Charges.

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

~~(a)~~ a. *Duplication charges.* The following duplication charges shall apply to all public records that are produced in ~~paper format~~ the fulfillment of a request for public records, including ~~printing printed or copying photocopied records;~~ duplication charges shall not apply to public records that are produced in electronic format.

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

~~(2)~~ 2. After the first fifty (50) pages, there shall be a duplication charge of fifteen cents (\$0.15) per page for one-sided copies and twenty cents (\$0.20) per page for two-sided copies (pages not more than 8½ inches by 14 inches).

~~(3)~~ 3. For records not addressed in ~~sub~~Section ~~(1)~~ 1. or ~~(2)~~ 2. above, the following duplication charges shall apply:

~~a.~~ (a) Plats (Blueprint), five dollars (\$5.00) per page;

~~b.~~ (b) Plats (Mylar), seven dollars and fifty cents (\$7.50) per page;

~~c.~~ (c) Other records (including page sizes more than 8½ inches by 14 inches): A reasonable charge for the labor and overhead associated with the duplication of the record.

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

- ~~(4)~~ 1. Certification. There shall be a one dollar (\$1.00) charge for each certified copy of a record requested.
- ~~(2)~~ 2. Delivery. Actual mailing, shipping, or other delivery costs will be charged when delivery is requested.
- ~~(3)~~ 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, legal, 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 lowest hourly rate, plus benefits, within the pay range of the job classification 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)~~ 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)~~ 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.

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

Section 2. Severability.

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

Section 3. Inclusion in the Broward County Administrative Code.

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

88 | This Administrative Code Resolution is effective upon adoption.