

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.

7
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:

20 **35.20. Public Records Fees and Charges.**

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

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

28 ~~(1)~~ 1. There shall be no charge for duplication of the first fifty (50) pages of public
29 records (pages not more than 8½ inches by 14 inches). For the first fifty (50)
30 pages only, a double-sided page counts as one (1) page.

31 ~~(2)~~ 2. After the first fifty (50) pages, there shall be a duplication charge of fifteen
32 cents (\$0.15) per page for one-sided copies and twenty cents (\$0.20) per
33 page for two-sided copies (pages not more than 8½ inches by 14 inches).

34 ~~(3)~~ 3. For records not addressed in ~~sub~~Section ~~(1)~~ 1. or ~~(2)~~ 2. above, the
35 following duplication charges shall apply:

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

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

38 c. (c) Other records (including page sizes more than 8½ inches by
39 14 inches): A reasonable charge for the labor and overhead
40 associated with the duplication of the record.

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

- 43 ~~(1)~~ 1. Certification. There shall be a one dollar (\$1.00) charge for each certified
44 copy of a record requested.
- 45 ~~(2)~~ 2. Delivery. Actual mailing, shipping, or other delivery costs will be charged
46 when delivery is requested.
- 47 ~~(3)~~ 3. Special Service Fee. If the nature or volume of public records requested to
48 be inspected or copied is such as to require extensive information
49 technology resources or extensive clerical, legal, or supervisory assistance
50 by County personnel, a special service fee shall be charged. As used
51 herein, “extensive” means more than fifteen (15) minutes of work is required
52 by County personnel to comply with the public records request. The fee
53 charged shall be calculated at the lowest hourly rate, plus benefits, within
54 the pay range of the job classification of the person(s) performing the
55 applicable work (including, if applicable, supervisory, management,
56 information technology, or legal personnel), and shall be charged in fifteen
57 (15) minute increments (excluding the first fifteen (15) minutes).
- 58 ~~(4)~~ 4. Notarial Fee. For each separate notarial act requested in connection with a
59 public records request, a notarial fee of ten dollars (\$10.00) shall be
60 charged.
- 61 ~~(5)~~ 5. Physical media. A fee of two dollars (\$2.00) or the actual cost of the
62 medium, whichever is less, shall be charged for any common physical
63 medium (such as a universal serial bus drive with a capacity of two (2)
64 gigabytes or less) upon which electronic records are provided. For unusual,

65 high-capacity, or specialized physical media, the fee shall be the actual cost
66 of the medium.

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

72 Section 2. Severability.

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

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

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

87 Section 4. Effective Date.

88 This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2024. **PROPOSED**

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ De'Anne A. Jackson 02/01/2024
De'Anne A. Jackson (date)
Assistant County Attorney

By: /s/ Danielle W. French 02/01/2024
Danielle W. French (date)
Deputy County Attorney

DAJ/cv
Public Records Fees and Charges Reso
02/01/2024
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.