

PUBLIC RECORDS REQUESTS**Original Issue:** 12/28/2017**Effective:** 06/21/2022**Revision Number:** 3**Distribution:** All**CFA Standards:** 1.06-1.07M; 9.02M; 15.03M; 19.01M-19.02M; 20.01M; 26.01M-26.02M; 26.07M-26.08**I. POLICY**

All Delray Beach Police Department (referred to within this Order as the Department) records are considered public unless they are specifically exempt or confidential from disclosure under Florida State Statutes and all employees must ensure public records in their custody are maintained and accessible as required by Florida law. This policy provides guidelines to employees for them to understand and carry out their public records responsibilities. All public records shall be open for inspection and copying at reasonable times except as provided by [Florida Statutes Chapter 119](#) or other applicable law.

II. DEFINITIONS

Member – Any Delray Beach Police Department employee

Public Records – Per [FSS 119.011](#), public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Public Records Management Assistant – The employee responsible for coordinating, implementing, administering, and maintaining the police departments public records management program.

Public Records Request – Pursuant to [FSS Chapter 119](#), a public records request is a request to either inspect or copy, or both, public records maintained by a government agency.

Redaction of Confidential and Exempt Information – [FSS 119.071\(1\)\(e\)](#) – Public Records requiring redaction or considered exempt from inspection, must state the basis for the exemption and the reasons for the conclusion that the record is exempt or confidential. (i.e. Active criminal investigative and intelligence information, sworn and non-sworn personnel information, social security numbers, medical records, Juvenile Offender records, etc.).

III. THE ORDER

1.0 Public records requests can be received in writing, through GovQA, by email, telephone, or in person to any member of the Department. There is no requirement the request must be made in person or in writing, nor be in any particular form.

1.1 Making a public records request

- a. Public records requests shall be processed promptly and responded to in a reasonable time frame.
- b. Any person or entity can make a public records request (requester) to any member of the Department. The request can be made in writing, through GovQA, by email, telephone, or in person.
- c. The requester can remain anonymous or provide their contact information.
 1. If the requester chooses to remain anonymous, in GovQA or in person, they will be provided a reference number and instructed to check the GovQA portal for any updates or the releasability of records requested.
 2. If the requester chooses to provide their contact information, through GovQA or in person, they can choose the format in which they would like to receive the final product. The record can be received by mail, in person, or through the GovQA portal.
 - a) The GovQA portal will generate a unique reference number to the public records request. This reference number will be used to identify which stage of fulfillment the public records request is in.
 - b) The unique reference number will also be used as a method to communicate with the requestor.
- d. Simple public records requests which are made in-person can be completed immediately by the Front Desk/Records Unit. All records released by the Front Desk/Records Unit will be scanned and attached in GovQA. However, requests requiring additional review will be assigned to the Records Management Assistant for follow-up.
- e. Once a request is received and logged into GovQA, the requester cannot change or amend it. The requester will be asked to submit a new request for additional records.
- f. The requester is not required to identify himself/herself, provide information about the reason for the request, or how the records will be used.
 1. Unless specifically permitted or required by [FSS Chapter 119](#) (i.e. a crash report prior to 60 days after the report), members shall not require a requester to provide their name, phone number or other identifying information.
 2. The request must be clear enough to enable members to conduct a meaningful search, so members may ask questions about the request itself in order to respond to it fully and in a timely manner.
- g. Public record requests that are made available for pickup at the Front Desk will be retained by the agency for a period of 30 calendar days. After 30 days, the requester must submit a new request.
- h. Original documents

1. No original documents are to be released without approval of the Chief of Police or his designee; however, copies of original documents can be released.
- i. Certified copies
 1. Requests for certified copies of Department public records can be processed by both the Records Management Assistant and the Front Desk/Records Unit.
- j. Confidential or Exempt Records
 1. Records which are considered confidential or exempt from public disclosure in accordance with applicable laws and legal guidelines shall not be released. The requester will be notified and provided with the applicable statute citation or legal guideline as reference.
 2. If only part of the record is confidential or exempt, members must redact that information and provide the remaining record to the requester.
 3. Any information or records that could be used to locate or harass a victim of any crime or the victim's family, or which could disclose confidential or privileged information of the victim. A "victim" is a person/corporate entity who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term "victim" includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be an actual or potential conflict with the interests of the victim. The term "victim" does not include the accused. The terms "crime" and "criminal" include delinquent acts and conduct. [Article 1, Section 16 of the Florida Constitution, also known as Marsy's Law.]

1.2 Walk-In Requests

- a. Walk-in requests must never be required to ask for a public record in writing. Therefore, members shall create the request in GovQA. If the requestor provides an email address, an account may be created for the requestor on their behalf.
- b. If Front Desk/Records Unit personnel are able to immediately fill the request from a walk-in requester, they will do so provided all records are reviewed for legal redaction according to applicable public records laws.
- c. Walk-in requests requiring longer than 20 minutes of information technology resources or extensive clerical assistance will be re-assigned to the Records Management Assistant for processing and completion.

1.3 Public Information Manager and Media Requests

- a. Public records requests received by the Public Information Manager which require processing by another unit or section shall be re-assigned to the Records Management Assistant for processing and completion.
 1. If the Public Information Manager is able to immediately fill the request, they will do so provided all records are reviewed for legal redaction according to applicable public records laws.
- b. All records released to the media by the Public Information Manager will be scanned and attached in GovQA.

2.0 Areas of Responsibility

- 2.1 Public Records requests will be processed by the Records Management Assistant or designee, including portions that require redaction in accordance with applicable laws and legal guidelines. This is to ensure they are answered in a complete and timely manner. Exceptions to this provision are as follows:
 - a. Routine duplication of records which are immediately available and can be processed by the Front Desk/Records Unit.
 - b. Human Resources-related requests.
- 2.2 The Front Desk/Records Unit shall be responsible for requests which do not require extensive use of information technology resources or extensive clerical or supervisory assistance and can be accommodated directly by the Records Unit based on their immediate availability.
- 2.3 When records duplication is requested, members having custody of the records shall receive an activity notification in GovQA. They will provide all cost estimates and completed orders through GovQA activity template.

3.0 Responding to the Request

- 3.1 When public records requests are received via GovQA, the requestor will receive a reference number that is unique to every request submitted. If the requestor creates an account and provides their email address, the requestor will receive a confirmation/receipt email from GovQA.
 - a. The Records Management Assistant shall respond to all public records requests in timely manner while considering the extent and nature of the request. Within a reasonable amount of time after receipt of the request, the Records Management Assistant must take one of the following actions:
 1. Notify the requester of estimated costs and request payment in advance if the nature or volume of the requested records will require extensive use of information technology resources, extensive clerical or supervisory assistance, or both, in addition to the actual cost of duplication or production.
 2. Advise the requester if requested materials do not exist or are not in the custody of the Department.

3. Provide the requested materials to the requester upon receipt of payment.

b. Requests must be paid within 30 calendar days of receipt of invoice. If the request is not paid in full within 30 days, it will be considered cancelled/closed, and a new request will need to be submitted

3.2 The Department may not delay production of records. They must be produced within the time reasonably required to identify, collect, and copy them for the requester. The Department must make a good faith effort to satisfy the request promptly and consistent with available resources and other priorities.

a. Florida Public Records Law does not require the Department to generate or create records not already in their custody in response to a request.

3.3 The Records Management Assistant shall maintain any requests and related paperwork which were made prior to the implementation of GovQA. Requests made through GovQA will be electronically maintained. All records will be retained in accordance with Florida retention schedules.

3.4 The Department shall not dispose of requested records for a period of thirty (30) days after the date on which a request was made. This requirement is in addition to, and does not lessen, the obligation of the Department to retain records pursuant to the otherwise required records retention schedules.

4.0 Schedule of Fees

4.1 The Records Management Assistant shall review the records and determine the estimated fee for researching and copying based on the below schedule:

Medium Type	Document Size/Time	Fee
Hard copy	Up to 11" x 17"	\$0.15 per page/one-sided
Hard copy	Up to 11" x 17"	\$0.20 per page/two-sided
Microfiche Page		\$0.25 per page
Certification of Documents	N/A	\$1.00 per copy + fees
Compact Disc, DVD, & Thumb Drive	N/A	\$5.00 each
Research and Retrieval	Beyond 20 minutes	Employee's labor cost

a. Fees may be paid in person by cash, credit card, check or money order made payable to the City of Delray Beach. Fees by mail may be paid by check or money order.

b. Processing the request will begin upon payment of the fees.

1. Per [FSS 119.07](#), a special service charge may be assessed if the nature or volume of the request for inspection or copies is such that it requires extensive use of information technology resources, clerical or supervisor assistance or both, in addition to the cost of duplication. This charge shall

be reasonable and based on the actual cost of the clerical and supervisor positions providing the service.

- c. When records can be released via Records portal, the Department will do so in the interest of efficiency and minimized costs. In these cases, only charges for extensive time shall be applied.
- d. For the purpose of reasonable service charges, extensive time will be considered more than 20 minutes to complete the request. If the nature or volume of the Public Records Request to be inspected or copied requires extensive use of Information Technology (I.T.) resources or extensive clerical and/or supervisory assistance the agency may charge a "reasonable service charge" based on the actual cost incurred by the agency.
- e. The labor costs must be considered "reasonable" for the request.
- f. Calculations of labor costs may include: the salary of the clerk, supervisory assistance and attorney's salary due to complexities of the case.
- g. The public records management assistant shall collect half the service charge (50%) to fulfill the records request and the fee for duplication in advance. Upon completion of the effort, the remaining balance will be collected prior to delivery of the public record.
 1. If a requester has overdue or unpaid fees the public records management assistant shall not process any further requests until all fees past due have been paid in full. Notice to the requester shall be made in writing.

5.0 Records Management

5.1 All requests for public records shall be held for a period of one year.

- a. Once retention requirements have been met, a Records Disposition Form shall be completed for destruction of the requests in compliance with applicable laws and legal guidelines.



JAVARO A. SIMS
CHIEF OF POLICE

Replaces: G.O. 1645 dated 06/16/2020

Attachments: A

Reference:

1. [Government-in-the-Sunshine Manual, Vol. 39. Public Records: A Guide for LE Agencies, 2016 Edition](#)
2. [Government-in-the-Sunshine Manual, Vol. 39, Public Records: A Reference for Compliance with Florida Public Records and Open Meetings Laws, 2017 Edition.](#)
3. [FS Chapter 119](#)

Attachment A

Schedule of Fees

Hard copy (one –sided):

\$0.15 per page

Hard copy (two-sided):

\$0.20 per page

Traffic Crash Reports:

\$1.00

Compact Disc (CD) or DVD:

\$5.00 each

Research and Retrieval (Beyond 20 minutes):

Employee’s labor costs

If the Police Department determines that a special service charge will be applied for extensive use of technology resources, clerical and/or supervisor assistance, a written estimate of charges will be provided to the requestor. Receipt of a deposit may also be required prior to compiling such requests.

The records that Florida’s state and local government agencies keep in the course of carrying out their duties and responsibilities are public records. Public records are different from records of businesses and private organizations because Florida law requires public records to be readily accessible and available to the public upon request. All employees must ensure public records in their custody are maintained and accessible as required by Florida law. Employees and agencies do not have the authority to withhold records deemed “sensitive.” The only records that can be withheld from public disclosure are those specifically designated by the Florida Statutes as confidential or exempt.

All City records are considered public records unless they are specifically exempt or confidential from disclosure under Florida State Statutes.

The City has a responsibility to provide records (except those that are confidential and/or exempt from disclosure by law) but does not have an obligation to create records that do not already exist.

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**DELRAY BEACH
POLICE
DEPARTMENT**



**PUBLIC
RECORDS
REQUESTS**

TO SUBMIT A PUBLIC RECORDS
REQUEST, GO TO
www.mydelraybeach.com

and click:

- I WANT TO
- Request a Public Record
- Police Public Records Portal
- Submit a Request to the Police Department

Attachment A – cont'd

Florida Statute 119.011(12) defines "public records" to include all documents, papers, letters, emails, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

A public records request is a request to either inspect or copy, or both, public records, pursuant to F.S. Chapter 119.

Requests are not required to be in writing nor is the requestor required to provide their name or an explanation as to why the request is being made.

The request must be clear enough to enable the Police Department to conduct a meaningful search. The Police Department may ask questions about the request in order to respond to the request fully and in a timely manner.

TO SUBMIT A PUBLIC RECORDS REQUEST, GO TO

www.mydelraybeach.com

Click:

- I WANT TO
- Request a Public Record
- Police Public Records Portal
- Submit a Request to the Police Department



One Delray.

One Community.

One Police Department.

Please note that Section 119.071(2)(c)1., F.S., exempts active criminal intelligence information and active criminal investigative information from public inspection.

Motor vehicle crash information is confidential and exempt from disclosure for a period of 60 days after the crash report is filed, 316.066(2)(a), F.S. To access a crash report within 60 days after the report is filed, a person must present a valid driver's license or other photographic identification, proof of status or identification that demonstrates his or her qualifications to access that information and file a written sworn statement stating that information from a crash report made confidential by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation during the period of time that the information remains confidential and exempt.

