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ORDINANCE NO. 780

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA PROVIDING FOR AN ADMINISTRATIVE FEE SCHEDULE AND THE IMPLEMENTATION OF PROCEDURES FOR THE DISSEMINATION OF PUBLIC DOCUMENTATION PURSUANT TO THE FLORIDA PUBLIC RECORDS ACT; PROVIDING FOR A PURPOSE; PROVIDING FOR SECURITY OF RECORDS; PROVIDING FOR THE OFFICIAL RELEASE OF PUBLIC RECORDS; PROVIDING FOR ADMINISTRATIVE CHARGES; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE STAFF POLICIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR SEGMENTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION INTO THE DAVENPORT CITY CODE; PROVIDING FOR LIBERAL NON-CONFLICTING CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166.011, Florida Statutes, et.seq., the “Municipal Home Rule Powers Act” provides that municipalities shall have the governmental, corporate and proprietary powers to enable them to conduct municipal government, to perform municipal functions, to render municipal services, and to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, in exercising said authority, City staff has recommended to the City Commission that an Ordinance be adopted to establish, set and control administrative fees as well as to enact procedures for the dissemination of public documentation relative to the Florida Public Records Act; and

WHEREAS, based on those recommendations, the City Commission of the City of Davenport finds that it is necessary to develop uniform procedures as well as an administrative fee schedule to ensure compliance with the Florida Public Records Act in all instances, and to otherwise create all other provisions necessary to facilitate the release the of public documentation.

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Davenport, Florida, as follows:

1 **SECTION 1. Recitals Incorporated.**

2 The above recitals are true and correct and are incorporated herein.

3 **SECTION 2. Title.**

4 This Ordinance shall be titled to read as follows: "Maintenance, Access and
5 Dissemination of Public Records".

6 **SECTION 3. Purpose.**

7 The purpose of this Ordinance is to ensure compliance with the Florida Public Records
8 Act (Chapter 119, Florida Statutes) by establishing guidelines and enumerating and providing
9 for specific procedures concerning access, maintenance, assembly, review, and dissemination
10 of public records.

11 **SECTION 4. Security and Maintenance of Records.**

12 All files and records originated or received by City officials or employees which are
13 related to the business of City Government shall be physically located and securely
14 maintained at City Hall, by an electronic records system, or at such other place or places with
15 in which the City Clerk from time to time deems appropriate.

16 The City Clerk shall be responsible for the maintenance and security of the files and
17 records. Access to City records shall be restricted to those persons having legitimate business
18 in the area. Any Commission Member or City employee may have access to official records,
19 under supervision of the City Clerk.

20 A person who is neither a Commission Member nor an employee of the City will not
21 be permitted in the records area. Any and all review of City records will only be permitted
22 pursuant to direct supervision at all times by the City Clerk, or his or her authorized designee.

23 **SECTION 5. Document Dissemination By Electronic Media.**

24 When documents can be sent by electronic mail, and the requesting party does not
25 object to that form of record production or requested production in another form, electronic
26 mail should be utilized in the interest of efficiency and to minimize costs. If the volume of
27 documents requested is too large for feasible production by way of electronic mail, then one
28 or more CD ROM's or DVD's should be utilized or arrangements should be made to enable

1 the requesting party to remotely access the requested documents by way of the internet.
2 Regardless of the method of production utilized, appropriate measures shall be taken to ensure
3 that the integrity of all records is protected, and that no confidential or exempt records are
4 disclosed or subject to access.

5 **SECTION 6. Administrative Charges.**

6 There will be a charge of Fifteen Cents (\$0.15) per page for duplicated copies of not
7 more than fourteen inches by eight and one-half inches (14" x 8 ½"), and a charge of twenty
8 cents (\$0.20) for a double sided page. A One Dollar (\$1.00) charge will be assessed for all
9 certified copies. For large, single documents not specified herein, (i.e., blueprints, maps,
10 plats, etc.) the charge shall be the actual cost to the City for outside reproduction. The charge
11 for CDs/DVDs is One Dollar (\$1.00) each.

12 In addition to the actual cost of materials and supplies, a special service charge will
13 be assessed for providing information when the nature or volume of the records requested
14 requires extensive clerical or supervisory assistance by City employees. For the purpose of
15 this Section, "extensive" means that it will take more than twenty (20) minutes to locate,
16 review for confidential information, copy and refile the requested material. The special
17 service charge will be computed to the nearest one-third (1/3) of an hour exceeding twenty
18 (20) minutes based on the current rate of pay for the pay grade of the person who would
19 normally perform clerical services for the City for the retrieval, copying, and dissemination
20 of the particular records at issue. The special service charge will be assessed regardless of
21 the number of individual copies made. The City may also charge for the actual cost of
22 mailing the requested records.

23 **SECTION 7. Payment in Advance.**

24 If charges are expected to be imposed for copies and/or the extensive use of clerical
25 or supervisory assistance or resources, as specified above, the requestor will be advised of the
26 estimated costs. An initial deposit of fifty percent (50%) of the total estimated costs shall be
27 required of the requesting party before beginning to perform the required work if the
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1 estimated costs to fulfill the request is in excess of One Hundred Dollars (\$100.00). Full
2 payment will be collected as a precondition to providing the requested documentation and/or
3 materials.

4 **SECTION 8. Implementation of Administrative Staff Policy.**

5 When he or she deems it necessary, the City Manager, may from time to time,
6 implement administrative policies to facilitate the orderly assembly and dissemination of
7 public records so long as the policy will assist in achieving the objectives of this Ordinance.

8 **SECTION 9. Contractors Acting on Behalf of the City of Davenport.**

9 A contractor, as defined in Section 119.0701, Florida Statutes, who enters into a
10 contract for services with the City and who is acting on behalf of the City pursuant to Section
11 119.011(2), shall agree to keep and maintain public records, to provide the public with access
12 to public records, shall ensure that any exempt or confidential public records are not
13 disclosed, and shall meet all requirements for retaining public records and transfer to the City,
14 at no cost to the City as specified in Section 119.0701, Florida Statutes.

15 **SECTION 10. Repeal of Conflicting Ordinances.**

16 All ordinances or segments of ordinances in conflict herewith are hereby repealed.

17 **SECTION 11. Provision for Inclusion in Davenport City Code.**

18 It is the intention of the City Commission of the City of Davenport that the provisions
19 of this Ordinance shall become and be made a part of the Code of the City of Davenport, and
20 that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance"
21 may be changed to "Section", "Article", or such other appropriate word or phrase in order to
22 accomplish such intentions.


23 **SECTION 12. Liberal, Non-Conflicting Construction.**

24 The provisions of this Ordinance shall be liberally construed in order to effectively
25 carry out the purposes of this Ordinance and in the interest of ensuring compliance with the
26 Florida Public Records Act, Chapter 119, Florida Statutes.

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1 APPROVED AS TO FORM AND CONTENT:

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By: 
Kirk S. Warren, City Attorney

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