



FTA-PP-06: PUBLIC RECORDS - REQUEST AGGREGATION

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT legislation clarifying the aggregation of serial public records requests and requiring requestors pay outstanding record request bills before any further requests be processed.

BACKGROUND: Charlotte County is seeking FAC's support for a bill amending s. 119.07 (4)(d) to add clarifying language to allow for the aggregation of serial public records requests and require requestors to pay outstanding record request bills before any further requests be processed.

Over the last couple of years, Charlotte County has seen an unprecedented rise in public records requests. The context of this influx appears to be attempts by requestors to constantly modify their requests to evade administrative charges. For example, a requestor will request emails from a specific time period.

Once a cost estimate is provided, the requestor will then break down the request by day to avoid fees, abusing administrative services.

These abuses must not be allowed to persist and strain administrative time and resources.

To reduce such abuses, our County acted and instituted a policy of *“aggregating multiple related requests made by one individual (or multiple individuals belonging to one group or organization) within a thirty (30) day time period for the purpose of calculating special services fees for extensive use of information technology or excessive staff time.”*

Our County is not the only entity in Florida with such a policy. In *Figure 1* is a list of different policies on Public Records Aggregation throughout the state^{1,2,3}.

City of Pensacola's Public Records Policy- (Escambia County)

All past due fees for records compiled for a previous request for the City's public records must be paid before complying with the requester's subsequent request(s).

Multiple requests by one individual may be considered as one request and extensive use charges may be applied after the first thirty (30) minutes of staff or resource time.

City of Deltona's Public Records Policy- (Volusia County)

If a requestor makes multiple related requests in an attempt to evade these rules, the multiple requests will be aggregated and costs will be calculated as one request as to time spent and costs calculated under these policies.

For any and all requestors that have requested records and have not paid in full for those records, the Clerk will not process another public records request until the outstanding balance is paid in full.

University of South Florida's Public Records Law Compliance and Records Confidentiality- (Hillsborough County)

The special service charge may be based on the aggregate amount of time expended by all personnel and use of information technology resources, whether in response to a single request or multiple requests received from the same Requestor within a one-month period of time.

Figure 1: List of different policies on Public Records Aggregation

¹ 1/10/2011 <https://www.cityofpensacola.com/DocumentCenter/View/1169/City-of-Pensacola-Public-Records-Policy?bidId=>

² <https://www.deltonafl.gov/city-clerk/pages/public-records-protocol>

³ 8/28/2017 <http://regulationspolicies.usf.edu/policies-and-procedures/pdfs/policy-0-106.pdf>



ANALYSIS: Charlotte County is concerned that these abusive requesters will be able to continue using these tactics to avoid charges and hamper administrative resources.

- Charlotte is requesting that FAC act to limit public record request abusers that seek to usurp standard cost charges and burden county administration services.

FISCAL IMPACT: The requested changes to public records laws are expected to yield an indeterminate reduction in the County's overall cost of servicing these requests.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - FTA-PP-06 was recommended for adoption by the committee.
 - Previously FTA-PP-09
- Statutes:
 - [s. 119.07](#), F.S. *Inspection and copying of records; photographing public records; fees; exemptions.*
 - Subsection (4) establishes guidelines surrounding fees for public records requests
 - Current statute provides that public records be furnished on request "upon payment of the fee prescribed by law"
- Past FAC Statements & Guiding Principles
 - FTA-PP-14 (2021-22)
 - SUPPORT legislation clarifying the aggregation of serial public records requests and requiring requesters pay outstanding record request bills before any further requests be processed is allowable.
 - Guiding Principle FTA 10
 - The Florida Association of Counties supports policies that promote access to public records in a manner that is not frivolous; that upholds fiscal responsibility; that does not prevent the efficient and effective administration of local services; and allows for exemptions to protect the safety and security of individuals providing or receiving critical public services.

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ASSIGNED COMMITTEE: FTA

BOARD SUPPORT:

UNFUNDED MANDATE: No



PROTECTIVE OF HOME RULE: N/A