

## **RESOLUTION NO. 2025-064**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING A PUBLIC RECORDS POLICY CONSISTENT WITH FLORIDA LAW; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the purpose of a public records policy is to establish a clear framework for the Town of Southwest Ranches and its agents to effectively process public record requests within a reasonable period, in a professional and ethical manner, and that responses are organized and inclusive; and

**WHEREAS**, it is the policy of the Town of Southwest Ranches to process public record requests in accordance with Article I, Section 24, Constitution of the State of Florida; Section 257.36(5), Florida Statutes; Chapter 119, Florida Statutes; Rule 1B-24, Florida Administrative Code; and Rule 1B-26, Florida Administrative Code, as all may be amended from time to time; and

**WHEREAS**, the Town of Southwest Ranches currently does not have a public records policy to govern the processing, management, and organization of public record requests; and

**WHEREAS**, the Town Council has determined that it is necessary to establish guidelines for the administration of public records requests for Town records, consistent with Florida law; and

**WHEREAS**, the public records policy sets standards for ensuring compliance with applicable laws, maintaining transparency, and promoting efficient management of Town records; and

**WHEREAS**, the Town Council deems that it is in the best interest of the residents to enact a public records policy;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida as follows:

**Section 1: Recitals.** The above-referenced recitals are true and correct and are incorporated herein by reference.

**Section 2: Adoption.** The Town Council hereby approves the adoption of the Town of Southwest Ranches records policy attached hereto as "Exhibit A" and authorizes the Town Administrator and Town Clerk to implement these changes as needed.

**Section 3: Severability.** If any one or more provisions of this Resolution shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be separate from the remaining provisions, and shall in no way affect the validity of all other provisions of this Resolution.

**Section 4: Effective Date.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 12<sup>th</sup> day of June, 2025, on a motion by

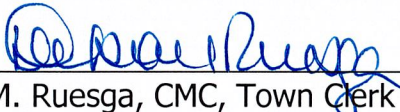
COUNCIL MEMBER KUCZENSKI and seconded by VICE MAYOR HARTMANN.

Breitkreuz	<u>YES</u>
Hartmann	<u>YES</u>
Allbritton	<u>YES</u>
Jablonski	<u>YES</u>
Kuczenski	<u>YES</u>

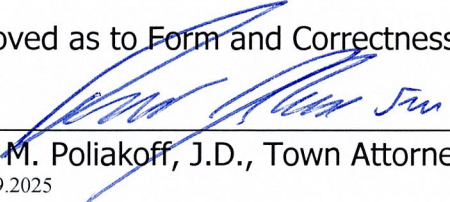
Ayes	<u>5</u>
Nays	<u>/</u>
Absent	<u>/</u>
Abstaining	<u>/</u>

  
Steve Breitkreuz, Mayor

ATTEST:

  
Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

  
Keith M. Poliakoff, J.D., Town Attorney  
1001.049.2025

## Town of Southwest Ranches

### Public Records Policy

Effective Date May 1, 2025

#### I. Introduction

The records that the Town of Southwest Ranches generates and receives in the course of its official duties and responsibilities are public records. Section 119, Florida Statutes, as may be amended from time to time, requires public records to be readily available and accessible to the public upon request. All Town employees and agents shall ensure the public records in their custody are maintained and accessible as required by Florida law. Only records designated by the Florida Statutes as confidential, or exempt, can be withheld from public disclosure.

#### II. Purpose

The purpose of this policy is to provide the Town of Southwest Ranches and its agents with information and guidance to help ensure that public record requests are processed within a reasonable period, in good faith, in a professional and ethical manner, as required by law, and that responses to requests are organized, inclusive, and in accordance with the Florida Statutes.

#### III. Scope

This policy applies to any individual or entity performing work on behalf of the Town, including but not limited to, all Town of Southwest Ranches employees, elected officials, publicly created advisory boards, and public or private entities that have been contracted with the Town to perform governmental functions. This policy applies to all public records of the Town, regardless of the medium.

#### IV. Authority

- a. Sections 257.36, 119.07, 119.011, and 119.021, Florida Statutes, as may be amended from time to time.
- b. Rules 1-2.0031, 1B-24, 1B-26.003, and 1B-26.0021, Florida Administrative Code, as may be amended from time to time.

V. Statement of Policy

It is the policy of the Town of Southwest Ranches to ensure that public records in the custody of the Town are managed and maintained as required by Florida Public Records Law.

The Town's Public Records Policy applies to all records, regardless of physical form, characteristics, or means of transmission that are created or received by the Town in connection with the transaction of official business.

It is also the policy of the Town of Southwest Ranches to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, as required by the Florida Public Records Law. Requested public records may not be withheld for any reason, except if the record or a portion of the record is specifically designated under law as confidential or exempt from public disclosure.

VI. Definitions

- a. Confidential - public records that have been identified in the Florida Statutes as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated in Florida Statutes.
- b. Custodian of Public Records – the Town Clerk, who is the appointed municipal officer charged with the responsibility of maintaining the office having Public Records.
- c. Disposition of Records - Section 257.36(6), Florida Statutes, as may be amended from time to time, states that "a public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division." This means that all records, regardless of access provisions, must be scheduled before disposition can occur.
- d. Exempt - public records that have been identified in Chapter 119 or other applicable Florida Statutes as exempt from public disclosure.
- e. Extensive Public Records Request – a public records request that requires thirty (30) minutes or more of staff time to process will be considered extensive and a written good faith estimate for the costs for producing the public records will

be provided to the requestor. Process time includes the time it takes to locate, retrieve, review for exempted information; redact; copy and/or transfer to electronic format.

- f. General Records Retention Schedule - establishes retention requirements for records documenting administrative and program functions common to several or all government agencies, such as personnel, accounting, purchasing and general administration. General records schedules can cover a significant proportion of an agency's record series. \*\*\* The General Records Schedule GS1-SL for State and Local Government Agencies can be used by all state and local agencies in determining their records retention requirements.
- g. Individual Records Retention Schedule - establishes retention requirements for records that are unique to the Town. These schedules are used for records that are not in a general schedule. \*\*\* Individual records schedules may only be used by the agency for which they were established. To establish an individual records schedule, an agency must submit a Request for Records Retention Schedule to the Florida Department of State Records Management Program for review and approval.
- h. Public Record - as defined by Section 119.011(12), Florida Statutes, as may be amended from time to time, means 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.
- i. Record Copy - as defined in Rule 1B-24.001(3)(j), Florida Administrative Code, as may be amended from time to time, means the public records specifically designated by the custodian as the official record.
- j. Records Series - as defined in Rule 1B-24.001(3)(k), Florida Administrative Code, as may be amended from time to time, means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

## VII. General Guidelines for Requests

- a. Identity of Requestor: A person requesting to inspect or obtain copies of public records is not required to disclose their name, address, telephone number, or other identifying information to the Custodian of Public Records.

- b. Written Request Prohibited: A request to inspect or copy public records does not have to be made in writing or in any particular manner.
- c. Clarification of Request: It is permissible to ask a requestor questions about a public records request for clarification purposes and to assist in keeping the costs reasonable for the requestor.
- d. Time for Production: All records requests must be processed within a reasonable period of time. "Reasonable" means the time it takes to locate the record, to review it for exempt information, and to provide to requestor, taking into account the nature of the request, current volume of requests, and staffing levels of the office.
- e. Order of Processing Requests: All public records requests will be processed in order of receipt.
- f. Subpoenas and Litigation Discovery: Subpoenas or litigation discovery requests shall be referred to the Town Attorney, within twenty-four (24) hours from the receipt of same.
- g. Standing Requests: The Town does not provide requests to requestors via a "standing request" and/or on a continuing basis.
- h. Formatting: The Town will provide records requests in the available format of the record. The Town will not reformat records to provide a response, nor will the Town create a new public record to respond to a records request.
- i. Tracking: The Town Clerk's Office will maintain a public records request tracking system to process all requests.
- j. Safeguard: It is the responsibility of the Town Clerk's Office to protect the contents of Public Records from alteration and to prevent disclosure or modification of those portions of Public Records which are exempt from disclosure, as provided by law.
- k. Attorney Review: Some records requests are considered sensitive in nature and may require the review of the Town Attorney's office. A service charge for this

extraordinary service, equal to the actual cost of the review time, shall be included as a cost to receive the requested records.

- I. Previous Unpaid Requests: In the event a requestor has failed to pay all fees associated with a previously received public records request, the Town shall not produce any additional record requests or prepare records for inspection until the balance owed to the Town is paid in full.

#### VIII. Procedures for Processing Public Records Requests

- a. All public records requests shall be processed through the Town Clerk's Office and the Town Clerk's Office shall serve as a liaison between the requestor and Town staff. If a records request is received by another department the Town Clerk's Office shall be notified within twenty-four (24) hours of the request and shall process it in accordance with the Town's policy. Individuals making records requests are not required to make requests directly to the Town Clerk's Office.
- b. Upon receipt of a records request the Town shall respond to the requestor in writing within two (2) business days acknowledging receipt of the request if contact information is provided.
- c. The Town Clerk's Office will conduct a quick review of the request for clarity of request and to determine if the request will be considered an extensive request. If deemed an extensive request, or if at any point it becomes an extensive request, the Extensive Public Records Request procedures will be followed.
- d. All public records requests shall be directed to the appropriate department for processing. Departments will return documents to Clerk's Office to compile a response.
- e. The Town Clerk's Office will compile all the requested records and review for potential redactions of confidential and exempt information prior to inspection, duplication, or release of records.
- f. If the requested materials do not exist, the Town Clerk's Office will notify the requestor there are no records responsive to the request.

- g. The Town Clerk's Office will notify the requestor that the request is complete after reviewing the files and will apply any fees if applicable. (See Section X: Fees) The balance of the fees are due prior to inspection or release of the requested files.

IX. Processing Extensive Public Records Requests

- a. Extensive Public Records Requests: A public records request involving more than thirty (30) minutes of staff time will be considered extensive.
- b. Written Estimate: The Town shall provide a written good faith estimate of all costs associated with requests of an extensive nature.
- c. Deposit: When the Town receives an extensive public records request, the Town shall collect a reasonable deposit of fifty percent (50%) of the good faith written estimate, prior to the commencement of fulfilling the records request.
- d. Final Payment: The balance of the remaining fees is due prior to inspection or release of the requested files.
- e. Refunds: In the event the required deposit, based on the written estimate, was more than the actual cost to fulfill the records request, the Town shall refund the balance.

X. Fees

- a. An estimated cost can be provided to the requestor for approval prior to the start of any research. This will include any associated costs for researching and collecting information by the City Clerk's Department. Below is a description of the various fees, which may be amended by the Town Clerk's Office, based upon actual Town costs, from time to time:

Fee Schedule

One Sided B&W Copies 8½"x11", 8½"x14", or 11"x17" - \$ 0.15

Two-Sided B&W Copies 8½"x11", 8½"x14", or 11"x17" - \$ 0.20

Certified Copies - \$1.00

Flash Drive – \$2.00



b. Extensive Process Fees - A fee based on the custodian's or his/her designee's actual rate of pay will be charged for extensive requests, including the size of the request, the time it takes to respond to the request, the use of information technology, resources, clerical labor, or supervision of record review. Extensive means more than thirty (30) minutes to locate, retrieve, review for exempted information, redact, copy and/or transfer to electronic format to locate, review for confidential material, remove confidential material, copy and re-file the requested material. Charges will be calculated at the current rate of pay and benefits of the person processing the request. When requests involve contracted personnel, the actual cost to the Town will be charged.

- i. Administrative ..... Time x Rate of Pay + Benefits
- ii. Contract Provider ..... Actual Cost