



Public Records Request Policy / Procedures

Contact Information:
 Records Department
records@ocfelections.gov
 (407) 836-2070

Public records requests and written notices to the Supervisor of Elections pursuant to the provisions of Section 119.07 of the Florida Statutes should be directed to the custodian of public records.

Policy

1. **Inspection of Records** – Will take place during normal business hours. Records will be made available as quickly as practical after a request is made. The office will provide supervision assistance free of charge for the first 30 minutes, otherwise, extensive use charges will apply based upon labor costs of the personnel involved in providing the records. The Supervisor of Elections must advise the requester when the records will be available, and if due to the nature and/or volume, it cannot be fulfilled at the time of the request. Per F.S. 119.07 (1). (a,b,c). All records are kept in their original format and file type. Requests to produce in another format may be subject to charges.
2. **Retention and Disposal** – Our public records are in accordance with General Records Schedule GS3 for Election records and GS1-SL for local Government Agencies, as established by the State of Florida Bureau of Archives and Records Management.
3. **Payment** – Is due in advance for all public records requests. Acceptable forms of payment are cash or check. Checks should be made payable to: Orange County Supervisor of Elections. All returned check fees will be the responsibility of the requester. F.S.119.07. (4).
4. **Charges** – For public records requests are based upon F.S. 119.07 (see Public Records Requests Charges & Fee Schedule)⁽¹⁾. The Supervisor of Elections is not required to charge the lowest hourly rate of the employee capable of doing the work needed to comply with Public Record Request to inspect records in accordance with F.S. 119.07[5]. F.S. 119.07[4][d] allows the agency to charge the labor cost of the personnel hours that are “actually incurred” by the agency where extensive assistance is required.⁽²⁾ Charges ensued for extensive use of staff time that exceeds 30 minutes. This includes tasks such as the time it takes to search for hardcopy records, computer research, remove exempt data, photocopy a record, photocopy redaction, on-site inspection, protect the records during inspection, refile the records, etc.
5. **Request Fulfillment** – The Public Records Act “demands prompt attention and a reasonable response time”, not the quickest-possible response.⁽³⁾ Requests may take up to 9 business days during a non-election cycle, 15 business days during an election cycle. This is subject to change depending on the extent of the request. Large requests will be assessed on an individual basis. If the request exceeds the estimated preparation time, the requester shall be notified. F.S. 119.07. (1)(c).
6. **Exempt** – Documents containing exempt information will have the information redacted and the Florida Statute number stating the reason for the redaction.

(1). See Page # 3.

(2). Sunshine Manual Page 180. See *Trout v. Bucher*, 205 So. 3d 876(Fla. 4th DCA 2016).

(3). Sunshine Manual Page 165, *Siegmeister v. Johnson*, 240 So. 3d 70, 74 (Fla. 1st DCA 2018). In



8. **Outstanding Requests & Standing Requests** – If the request is outstanding for 30 days with no response from the requester, the request will be closed and an acknowledgement email will be sent. The request applies only to those records in the custody of the agency at the time of the request. Standing requests for data not yet created will not be honored.

Procedures

1. Public records can be processed using the Public Records Request Form on the Orange County Supervisor of Elections website, by email, or in person. When a request is made an acknowledgement will be sent/given to the requester, and review of the request will determine if an estimated invoice will be sent.
2. If extensive use charges apply to any records request, the requester will be notified and payment will be expected in advance of the request being fulfilled. Please refer to the Public Records Request Charges and Fee Schedule for more information about extensive use charges.
3. EXEMPTIONS: Florida Statutes have established that certain information is exempt from public records requests. When necessary, exempt information will be redacted in order to process a request. A document with exempt information will be copied, the exempt information blacked out with a marker and then copy of the document with the redaction will be given to the requester.
4. Payment is due in advance for all public records requests. If money is collected, a receipt will be completed with method of payment being recorded and a copy given to the requester. All checks are to be made payable to the Orange County Supervisor of Elections. The requester is responsible to pay the returned check fee of \$35.00 on all returned checks
5. Once processed, the record(s) will be made available for retrieval via Access Account/email for all electronic formats, or hard copies (subject to copy fees per Charges and Fee Schedule) for pick up during normal business hours.

Charges/Fees Schedule

For the on-site inspection of records, the office will provide supervision assistance free of charge, except when it requires extensive time by the personnel involved in providing the records. This includes the time it takes to search for the records, remove exempt data, photocopy the record if necessary for redaction, protect the records during the inspection, and re-file the records if exceeds 30 minutes. The requester will be charged \$15.00 per hour for any request that exceeds 30 minutes in addition to the cost of the copies. If, in the opinion of the Supervisor of Elections or his designee, the request involves such an extensive use of clerical time that more than one staff member is required to fulfill the request, an additional charge of \$15 per hour for each additional person will be added. A member of our staff will contact the requester with an estimated time of completion and an estimate of the approximate cost. A deposit in the amount of the estimated cost will be required to initiate the request.



Charges for public records are in accordance with F.S. 119.07(4) (a):

Copies 8.5 by 11-14" (Black & White)	
One sided	\$0.15 / page
Two sided	\$0.20 / page
Copies 8.5 by 11-14" (color copies available upon request)	
One sided	\$0.20 / page
Two sided	\$0.40 / page
Certified Document	\$1.00 / page
Compact Disc + Information requested	\$0.15 +TBD/ each
Map (color) – size 11 x 17	\$1.00 / each
Map size 24 x 36	\$5.00 / each
Map size 48 x 36	\$10.00 / each
Extensive Use (if the request will take more than 30 minutes to be completed)	TBD

Extensive use charges are in accordance with F.S. 119.07(4)(d):“If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.”.

RESERVATION OF AUTHORITY:

The authorization to issue, and/or revise this policy is reserved to the Supervisor of Elections.



Bill Cowles, Orange County Supervisor of Elections