

RESOLUTION NO. 41-11-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 23-1998 TO REVISE THE FEE SCHEDULE PERTAINING TO PUBLIC RECORDS, REVISING THE PUBLIC RECORDS POLICY, AND AMENDING THE LIEN SEARCH FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

WHEREAS, Section 119.011(12), Fla. Stat. defines public records as “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”; and

WHEREAS, Section 119.07 (1)(a) and (b), Fla. Stat. establishes a right of access to public records as follows:

(a) “Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under the supervision of the custodian of the public record”.

(b) “A custodian of public records or a person having custody of public records may designate another officer or employee of the agency to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy public records”.

WHEREAS, Section 119.07(1)(c), Fla. Stat. provides that the “custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith; and

WHEREAS, as used in the statute, a good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed,” and

WHEREAS, Section 119.07(4), Fla. Stat., provides that “the custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law”.

WHEREAS, the lien search process is a service provided to the community. This process uses resources from various departments and can be lengthy for staff; and

WHEREAS, the Town Commission desires to update its fee schedule so that the Town’s fees for performing such services are adequate to cover the Town’s actual costs.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

Section 1: The whereas clauses are incorporated herein.

Section 2: Upon receipt of a public records request, the Town employee who is the custodian of the record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record and in accordance with 119.07(1)(d), Fla. Stat. If the custodian of the record reasonably believes that an exemption applies to all or a portion of a record which has been requested to be produced, the custodian shall redact that portion of the record to which an exemption has been asserted and produce the remainder of the record for inspection and copying.

Section 3: The following fees are authorized in accordance with the schedule established in the table below:

| Record | Size | Single/Double/Color | Cost |
|-------------------|-------------|----------------------------|--------------------|
| Copies: | 8 ½ X 11 | Single sided | \$.15 per page |
| | 8 ½ X 11 | Double sided | .20 per page |
| | 8 ½ X 11 | Color copies | .15 per page |
| | 8 ½ X 14 | Single sided | .15 per page |
| | 8 ½ X 14 | Double sided | .20 per page |
| | 8 ½ X 14 | Color copies | .15 per page |
| | 11 X 17 | One sided | .15 per page |
| | 11 X 17 | Double sided | .20 per page |
| | 11 X 17 | Color copies | .15 per page |
| Certified copies: | | | \$ 1.00 per page |
| CD/DVD: | | | \$ 5.00 per CD/DVD |

If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by Town staff the Town 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 Town staff providing the service that is actually incurred by the Town or attributable to the Town for the clerical and supervisory assistance required, or both.

Section 4: The Town's established fees for lien searches shall be adequate to cover the Town's actual costs for performing these services. The fees for lien searches shall be in accordance with the following schedule:

| | | |
|----------------|--|---|
| Lien Searches: | Includes code violations, open building permits, and sanitation services | \$ 65.00 standard fee \$ 100.00 rush fee (24 hour turnaround time) |
|----------------|--|---|

Section 5: This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Commissioner Rapoza and upon being put to a roll call vote, the vote was as follows:

| | AYE | NAY |
|---------------------------------|----------|-----|
| MAYOR JAMES DUBOIS | <u>/</u> | ___ |
| VICE-MAYOR KIMBERLY GLAS-CASTRO | <u>/</u> | ___ |
| COMMISSIONER ERIN FLAHERTY | <u>/</u> | ___ |
| COMMISSIONER MICHAEL O'ROURKE | <u>/</u> | ___ |
| COMMISSIONER KATHLEEN RAPOZA | <u>/</u> | ___ |

The Town Commission thereupon declared the foregoing Resolution NO. 41-11-14 duly passed and adopted this 5 day of November, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James Dubois
JAMES DUBOIS
MAYOR

ATTEST:

Vivian Mendez
VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY