City of Plantation, Florida
Public Records Policy

I. Purpose:

The purpose of this Public Records Policy is to provide guidance to City of Plantation departments and staff on processes and procedures for public records retention, records disposition and how to properly coordinate and respond to public records requests from any individual or entity in compliance with Chapter 119 of the Florida Statutes, also known as the "Public Records Act."

II. Scope:

This Policy applies to all employees of the City of Plantation as well as publicly created advisory boards and private entities that contract with the City or receive public funds.

III. Definitions:

Actual costs of duplication: means the cost of materials and supplies used to duplicate the public record, not including labor or overhead costs associated with the duplication.

Electronic Records: means any information that is recorded in machine readable form.

Exemption: means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), s. 119.011, s. 286.011, or s. 24, Art. I of the State Constitution.

Extensive use or voluminous request: means the nature or volume of public records to be inspected or copied requires the extensive use of information technology resources or extensive clerical or supervisory assistance, or both.

Information Technology Resources: means hardware and software services, communications, supplies, personnel, facility resources, maintenance, and training.

Person: includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Public Records: as defined by 119.011(12), Florida Statutes, 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 the City or any Department.

Records Custodian: the designated custodian of municipal records, responsible for providing directions on records retention/disposition in all record-keeping units. The City Clerk for the City of Plantation is the records custodian.

Records Liaison: means the designated employee responsible for the coordination of public record activities as appointed by the Department head. Each Department is required to have a Record Liaison.

Records Request: a request for documents made either in writing (including e-mail) or verbally. In accordance with Chapter 119 of the Florida Statutes, a requestor is not required to submit a written request for documents, nor is it within our purview to ask who the requesting party is should they wish not to reveal their name or affiliation, or why the records are being requested.

Records Series: means a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.

Redact: means to conceal from a copy of an original record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.

Retention Schedule: means retention requirements established by the Florida Department of State Division of Library and Information Services for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept. General Records Schedules set retention requirements for records documenting administrative and program functions common to several or all government agencies. Not all individual records are covered by these General Records Schedules. Access to GS Retention Schedules can be found at: https://dos.myflorida.com/library-archives/records-management/general-records-schedules/

Subpoena: a Writ for the summoning of witnesses or the submission of evidence, as records or documents, before a court or other deliberative body or a court reporter.

Subpoena duces tecum: a Writ directing a person to appear in court or deposition and to bring documents described in the writ.

Summons: an official order requiring a person or the City to attend court, either to answer a charge or to give evidence, or the writ making such an order.

- In considering the above definitions, it is critical for the City staff to understand format, media type, or duplication does not affect the public record status of information created or received by a public agency. This policy applies to all public records, hardcopy as well as electronic records.

- There is no unfinished business exception. If the purpose of the record is to perpetuate, communicate or formalize knowledge, then it is a Public Record regardless of whether or not it is in final form. In the absence of final evidence of knowledge. Drafts that are not disseminated cease to be Public Record only after the final intended record has been produced.

IV. Record Retention:

All public records held by the City shall be retained and preserved in accordance with the Retention Schedules, as applicable and as may be amended from time to time, or as otherwise provided by the Florida Department of State, Division of Library and Information Services.

Florida's Records Management Program provides a process where agencies can receive minimum retention schedules for all City records. These retention schedules address the administrative, legal, fiscal and historical values for public records and constitute a minimum retention period. Departments in the City may elect to retain records beyond the minimum retention period approved by the Department of State.

General Records Schedules https://dos.myflorida.com/library-archives/records-management/general-records-schedules/ set retention requirements for many records common to several public agencies. Based on these existing schedules, the City will utilize the State's General Record Schedules in determining the retention of records.

Protection and preservation of all public records is essential. This includes the physical protection from decay and environmental damage. This can be done in numerous ways, including storage in a protective/retardant vault and conversion to electronic record copies. Storage of all records under secure conditions, preventing unauthorized access by both employees and third parties is required. Any questions or concerns relating to the protection and preservation of City's public records can be addressed with the City Clerk's office.

Electronic records retained by the City shall be stored in a manner consistent with Florida Administrative Code 1B-26.003 Electronic Recordkeeping.

V. Record Disposition:

As retention periods are met, the records must be destroyed.

Disposition is the application of approved retention schedules to a record series. The most economical solution to the public records management is to destroy based on GS retention schedules. Section 119.021 F.S., states that public agencies "shall systematically dispose of records no longer needed" according to Department of State requirements. **In the event the City is involved in or can reasonably anticipate, litigation on a particular issue, the City must maintain in native format any and all related and legally discoverable electronic files and other records.**

Record Liaisons shall identify and document specific information relating to the disposition/destruction of public records. This information includes: Retention Schedule number, record series title, inclusive dates of records, identifiable description of records, volume (cubit feet for paper records, if electronic, the number of bytes and indicate that the disposed records were in electronic from), and disposition action.

Disposition Procedure:

1. Record Liaisons review GS Schedule.
2. Record Liaisons initiate the disposal of Public Records documenting cubic foot volume to be destroyed on the City 's Record Disposition Form. Sample form attached (Appendix A).
3. The City' s Records Disposition Document must be filled out properly:
    a. Boxes 1-4, Box 5 a-f, (leaving 5g blank) and submitted to the Clerk's office for review and approval.
4. Approval by Records Custodian is given in Box 6 on the Record Disposition Form, and returned to the Department's Record Liaison for record destruction:
5. If destruction is done at one of the City-wide Shred events- form will be held until shredding has been completed.
6. Upon destruction of the records, the one disposing of records, the date and method/manner of disposition must be noted in Box 5g, and Box 7 must be filled out on the Record Disposition Form, and a copy of the fully-completed form must be submitted to the Clerk's office.
7. If destruction is done at one of the City-wide Shred events, City staff who is monitoring the Shred event must complete Box 5g and Box 7. The form will be returned to the Department, and a copy of the fully completed form must be submitted to the Clerk's office.

VI. Record Requests

Background

1. Every person who has custody of a public record must permit the record to be inspected and/or copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the City Clerk.
2. RECORDS vs. INFORMATION REQUESTS: Florida Public Records Law requires agencies to provide access to existing public records; it does not require that agencies create records or provide information from the records (answering questions).
    a. EXISTING RECORD: Ch. 119, F.S., provides a right of access to inspect and copy an agency's existing public records; it does not mandate that an agency create new records in order to accommodate a request for information.
    b. INFORMATION REQUEST: A records liaison is not required to give out information from the records of their office, which includes answering questions.

Procedures

1. **All Records requests, summons and subpoenas received by any Department are to be immediately sent to the City Clerk. REFER TO APPENDIX C FOR PROCEDURES FOR RECEIVING SUMMONS AND SUBPOENAS.**
2. If the request is made to a Department, take the request for records and forward the information to the City Clerk’s office.

3. The Clerk's office will enter the request into the public records management software (GovQA) and issue the request to the corresponding Department(s) for fulfillment.
4. Florida Law requires record requests to be acknowledged promptly and afforded a good faith response. The City Clerk's office will acknowledge the request in writing.
5. The Department(s) compiling the request will provide the City Clerk with an estimate of time and cost for production of the request prior to performing the work.
6. If the records are readily available and there are no costs involved in compiling the requested documentation the Department will immediately input the requested records into the associated file within the records management system.
7. If the request is extensive, SEE SECTION VII Public Records Fees and Charges
8. All records liaisons will reply to the requestor and/or supply the requested records through the records management system for electronically available records.
9. When all records requests are complete, the liaison will notify the City Clerk's office to close the request file.

Chapter 119, F.S., does not authorize an agency to require that requests for records be in writing. A requestor is not required to provide a name or a reason for making the request in order to receive copies of or access to public records.

Abandoned Requests
Should the City attempt to contact the requestor and/or transmit a cost estimate and the requestor fails to respond in good faith, the City shall deem the request as "abandoned" after a period of ten (10) business days and the log shall reflect the request as 'withdrawn'. In cases where holidays or other closures of the City's administrative offices occur, staff shall afford reasonable additional time to the requestor to respond

Standing Requests
The City shall not be required to process any 'standing request' for records that do not yet exist, or for records which may be created or received by the City at some future date. The City is only obligated provide records which exist at the time a public records request is submitted.

Requestor Disclosures

A person requesting access to or copies of public records may not be required to disclose their name, address, telephone number or the like.

1. A request for inspection or copying of records which is sufficient to identify the records must be honored by the records custodian whether the request is made in person, by telephone, or in writing. If the request is insufficient to identify the records sought, the Department holding the records should work with the requestor clarify the request.
2. A Department may ask the requestor to complete a form to assist in defining or documenting facts necessary for complying with records requests; however, the requestor is not obligated to complete or sign such a form as a condition for obtaining records.

Exemptions

1. **Presumption of Openness** All records are presumed open unless there is a specific statutory exemption. Accordingly, employees must be aware of current Florida Statutes that define public records exemptions. In the absence of a statutory exemption, a Records Liaison must produce the records requested regardless of the number of records involved or possible inconvenience.
2. **Statutory Exemption Citation** If a record or a portion thereof is exempt or confidential from public view (inspection and copying), the Records Liaison of the record must provide in writing the requestor with the Florida Statute that specifically exempts the record or portion thereof from public view.
3. **Examine Records for Exempt Information** Each document must be examined by the Records Liaison to ensure that all exempt or confidential information is redacted. If a record contains both exempt and non-exempt information, the Records Liaison must redact that which is exempt or confidential and provide access to the remainder.

NOTE: An agency may not ordinarily charge for the cost to review records for exempt information. However, pursuant to 119.07(4)(d) FS, an extensive use charge may be imposed if review and redaction require an extensive use of agency resources, SEE SECTION VII. Public Records Fees and Charges.

Screening of Records for Exempt or Confidential Information

By Florida law, records custodians/liaisons are mandated to review records which are known or suspected to contain exempt or confidential content. If a review of the responsive record(s) is warranted, it shall be completed expeditiously by a properly trained employee. Public records declared as Exempt or Confidential by law shall not be made available for inspection or copying to a member of the public, unless the exempted portions are sufficiently redacted to prevent disclosure.

- ❖ Appendix B contains a list of common exemptions.

Records Requested in Medium not Routinely Maintained by the City

An agency must provide a copy of a record in the medium requested if the agency maintains the record in that medium and may charge a fee for such copy. Florida Law does not require an agency to compile reports from records in a medium not routinely maintained by that agency. The agency may elect to provide records in a medium other than the medium in which the records are routinely maintained, or the agency may elect to compile information that is not routinely compiled, in order to satisfy a public records request. The City may charge fees in accordance with F .S. 119.01(2)(f).

VII. Public Records Fees and Charges

The public records law allows the City of Plantation to collect a per copy fee or the actual cost for the materials and supplies used to duplicate records. In addition, the City of Plantation may collect a reasonable service charge when a request to inspect or copy public records requires the extensive use of technology resources and/or the extensive use of clerical or supervisory assistance.

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

City of Plantation personnel, City of Plantation 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.

Where provision of another room or place is necessary to photograph public records, the expense of providing the same shall be paid by the person desiring to photograph the public records.

The custodian of public records may charge the person making the photographs for supervision services at a rate of compensation to be agreed upon by the person desiring to make the photographs and the custodian of public records. If they fail to agree as to the appropriate charge, the charge shall be determined by the custodian of public records.

A service charge for the extensive use of City of Plantation resources will be imposed if a request to inspect or copy public records takes more than fifteen (15) minutes to locate, review and/or redact exempt information, and copy the requested public records.

Multiple requests by one individual may be considered as one request and extensive use charges may be applied after the first fifteen (15) minutes of staff or resource time.

The following fees are designed to ensure that City of Plantation is consistent in its application of the law:

Duplication Costs- Duplication costs shall be applied uniformly throughout the City of Plantation in compliance with the following guidelines, unless otherwise specified:

15 cents per single sided copy (letter or legal size)
20 cents per double sided copy (letter or legal size)
$1.00 per Certified Copy
$1.50 per 11x17 copy
$5.00 per site plan copy
$10.00 per USB/DVD/CD

Photocopies from microfilm

$3.00 per sheet up to 11x17 size sheets
$5.00 per sheet larger than 11x17

Electronic Copies- Electronic files sent to a requestor via e-mail shall be provided at no charge.

All Other Copies- All other copies (larger size paper, CD, DVD, USB, etc) will be provided at the actual of the materials used to duplicate the record. Requestor provided media is prohibited- The City of Plantation will not accept CDs, DVDs, or USB drives (a.k.a. “thumb drives”) provided by requestors due to computer virus and computer security concerns.

2. Extensive Use Costs- Extensive use charges shall not be randomly or automatically applied. Rather, each public records request must be evaluated to determine if extensive use charges are

warranted. Extensive use charges shall be applied in conformity with the following guidelines:

a. Labor Time – When extensive clerical and/or supervisory labor time is spent in the inspection or production of a public records request, a service charge for labor should be applied by computing the actual cost of providing such labor.

b. Information Technology Resources – Departments shall use the documented fee/charge methods established by the city when charging for the extensive use of information technology resources. Service charges shall be based on the actual cost incurred for such extensive use.

3. Shipping

a. U.S. postage or other shipping costs incurred in the delivery of records shall be included in the costs charged to the requestor.

4. Fee Collection and Processing

a. When all allowable fees/charges applicable to a particular public records request can be calculated in advance, they should be collected prior to the provider investing significant information technology resources and/or clerical or supervisory assistance.

b. Where actual costs and extensive use fees cannot be immediately determined due to the nature of the request, the provider shall give an estimated cost for producing the records and inform the requestor that the actual cost may vary, but will not exceed the original estimate by more than an additional 25%. Providers should ensure estimates are accurate within 25% of the actual cost. The requestor accepts the cost estimate, provides a deposit of 50% of the estimate, then the provider may fill the public records request. Once the records are ready, the provider shall notice the requestor of the final cost, less deposit, and furnish the public records upon receipt of final payment.

c. No sales tax is to be charged for a public records request.

d. City of Plantation accepts payments in the form of checks or money orders made out to the ‘City of Plantation’.

Exhibit A

RECORDS DISPOSITION DOCUMENT

NO.

PAGE 1 OF 1 PAGES

1. AGENCY NAME and ADDRESS

City of Plantation
400 NW 73rd Avenue
Plantation, FL 33317

2. AGENCY CONTACT (Name and Telephone Number)

( ) - **Ext.**

3. NOTICE OF INTENTION: The scheduled records listed in Item 5 are to be disposed of in the manner checked below (specify only one).

☐ a. Destruction ☐ b. Microfilming and Destruction ☐ c. Other _____

4. SUBMITTED BY: I hereby certify that the records to be disposed of are correctly represented below, that any audit requirements for the records have been fully justified, and that further retention is not required for any litigation pending or imminent.

Signature Name and Title Date

5. LIST OF RECORD SERIES

a. Schedule No.	b. Item No.	c. Title	d. Retention	e. Inclusive Dates	f. Volume In Cubic Feet	g. Disposition Action and Date Completed After Authorization

6. DISPOSAL AUTHORIZATION: Disposal for the above listed records is authorized. Any deletions or modifications are indicated.

Custodian/Records Management Liaison Officer Date

7. DISPOSAL CERTIFICATE: The above listed records have been disposed of in the manner and on the date shown in column g.

Signature Date

Name and Title

Witness

Continuation Page

a. Schedule No.	b. Item No.	c. Title	d. Retention	e. Inclusive Dates	f. Volume In Cubic Feet	g. Disposition Action and Date Completed After Authorization

EXHIBIT B

Plantation
the grass is greener

COMMON STATUTORY EXEMPTIONS

The following is a list of general records schedules, which are frequently used in daily business. This is not an exhaustive list, and retention schedules are updated by the Florida Division of Library and Information Services. Users should consult with the City Attorney, or refer to the full text of the Florida Statutes for verification of a specific exemption.

☐ 121.031(5) **Retiree Names and Addresses**
The names and addresses of retirees are confidential and exempt from s. 119.07(1), F.S., to the extent that no state or local governmental agency may provide the names or addresses of such persons in aggregate, compiled or list form except to public agencies engaged in official business, to collective bargaining agents or to retiree organizations for official business use.

☐ 119.071(5)(a)(5) **Social security numbers** held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to social security numbers held by an agency before, on, or after the effective date of this exemption. This exemption does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemption for social security numbers existing prior to May 13, 2002, or created thereafter.

☐ 119.071(4)(a) **Social security numbers** of all current and former agency employees which numbers are held by the employing agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(5)(b) **Bank account numbers** and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(4)(b)1 **Medical information** pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from s. 119.07(1), and S.24(a), Art. 1 of the State Constitution. Such information may be disclosed if the person or the person's legal representative provides written permission or pursuant to court order. *Id. See* AGO 98-17 (exemption "appears to extend to governmental employees the protection for personal medical records that is generally enjoyed by private sector employees").

☐ 119.0712(2)(b) **Motor Vehicle Records**
Personal information as defined in 18 U.S.C. s. 2725, contained in a motor vehicle record is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721.

☐ 119.071(5)(c) **Recreation Program Participants** "Government-sponsored recreation program" means a program for which an agency assumes responsibility for a child (child means any person younger than 18 years of age) participating in that program, including, but not limited to, after-school programs, athletic programs, nature programs, summer camps, or other recreational programs. Information that would identify or locate a child who participates in a government-sponsored recreation program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information that would identify or locate a parent or guardian of a child who participates in a government-sponsored recreation program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(1)(a) **Examination questions and answer sheets** of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.

☐ 19.071(1)(b)2 **Sealed bids, proposals, or replies** received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.

☐ 119.071(1)(b)3 **Rejected bids, proposals, or replies:**
If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

☐ 119.071(1)(c) **Prospective bidder financial statement:**
Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(4)(d)2.a **Active or former law enforcement, civilian and correctional personnel**:
The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel; civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers; personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect; and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement are exempt. The names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt.

☐ 166.0444(2) **Employee Assistance Program**
A municipal employee's personal identifying information contained in records held by the employing municipality relating to that employee's participation in an employee assistance program is confidential and exempt.

☐ 119.071(5)(g) **Fingerprint records**:
Biometric identification information is exempt from s. 119.07(1), F.S. Section 119.071(5)(g)1., F.S. The term "biometric identification information" means any record of friction ridge detail, fingerprints, palm prints, and footprints. *Id.*

☐ 401.30(4) **Emergency Medical Service Calls**:
With limited exceptions, s. 401.30(4), F.S., provides, in relevant part, that "Records of emergency calls which contain patient examination or treatment information are confidential and exempt from the provisions of s. 119.07(1) and may not be disclosed without the consent of the person to whom they pertain." Such records may be released only in certain circumstances and only to the persons and entities specified in the statute. AGO 86-97. Thus, a city commissioner is not authorized to review records of an emergency call by the city's fire-rescue department when those records contain patient examination

and treatment information, except with the consent of the patient. AGO 04-09. *See Lee County v. State Farm Mutual Automobile Insurance Company*, 634 So. 2d 250 (Fla. 2d DCA 1994), upholding the county's right to require the patient's notarized signature on all release forms, to ensure that these confidential records are not improperly released. *And see* AGO 09-30 (entire record of emergency call containing patient examination and treatment information which is maintained as required by s. 401.30[1], F.S., is confidential and exempt; reports containing statistical data, required by the Department of Health, are public records and must be made available for inspection and copying following redaction of any patient-identifying information).
However, s. 401.30(4), is not violated by the city attorney, or an attorney under contract to the city, and other city officials having access to the city fire-rescue department's records of emergency calls that contain patient information when such access is granted to such individuals in carrying out their official duties to advise and defend, or assess the liability of, the city in a possible or anticipated claim against the city arising out of the provision of such care. AGO 95-75. *And see* AGO 08-20 (s. 401.30[4], F.S., permits emergency medical services transportation licensee to release records of emergency calls including patient's name, address, and pertinent medical information to local law enforcement agency that does not provide regulatory or supervisory responsibility over licensee).
Reports to the Department of Health from service providers that cover statistical data are public except that the names of patients and other patient-identifying information contained in such reports are confidential and exempt from s. 119.07(1), F.S. Section 401.30(3), F.S.

☐ 119.071(1)(d)1. **A public record that was prepared by an Agency Attorney** – (General Statement) - You must read specifics by referencing the citation.)

With the enactment of s. 119.071(1)(d), F.S., the Legislature created a narrow statutory exemption for certain litigation work product of agency attorneys. *See City of Orlando v. Desjardins*, 493 So. 2d 1027, 1029 (Fla. 1986), in which the Court noted that the exemption was enacted because of "developing case law affording public entities no protection under either the work product doctrine or the attorney-client privilege ..... "

☐ 119.071(3)(a)1. **Security System Plan**. - (General Statement) - You must read specifics by referencing the citation.)

That portion of a meeting that would reveal a security system plan or portion thereof made confidential and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

☐ 119.071(4)(d)2.i. **Code Enforcement**:
The home addresses, telephone numbers, and dates of birth, photographs of current or former code enforcement officers are exempt. The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt.
from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(4)(d)2.h. **Human Resource Directors...**
The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties are exempt. The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt.

☐ 365.171(12) **Emergency Service**
Any record, recording, or information, or portions thereof, obtained by a public agency or public safety agency for the purpose of providing emergency services and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency communications E911 system is confidential and exempt from public disclosure requirements except that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services.

☐ 119.071(5)(f) **SHIP/CDBG**: Medical history records and information related to health or property insurance provided by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.

☐ 119.071(2) **Agency Investigations** - (General Statement) - You must read specifics by referencing the citation.)

All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(2)(d) **Agency Investigations** - (General Statement) - You must read specifics by referencing the citation.)

Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies, as defined in s. 252.34(3), are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Division of Emergency Management as having an official need for access to the inventory or comprehensive policies or plans.

☐ 119.071(3)(b)1. **Building Plans (Government Facilities)**: This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act.

☐ 119.071(3)(c)1 **Building Plans**: Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel

or motel development, which records are held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 119.071(2)(j)1 **Victims of specified crimes listed in s. 119.071(2)(j)1.,** F.S., are authorized to file a written request for confidentiality of their addresses, telephone numbers and personal assets as follows: Any information not otherwise held confidential or exempt [from disclosure] which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or **domestic violence** is exempt from {from disclosure} upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. (e.s.)

☐ 382.025(1) **Birth and adoption records:**
Except for birth records over 100 years old which are not under seal pursuant to court order, all birth records are confidential and are exempt from the provisions of s. 119.07(1). Such records may be disclosed only as provided by law. Section 382.025(1), F.S.; AGO 74-70. *Cf.* s. 383.51, F.S. (the identity of a parent who leaves a newborn infant at a hospital, emergency medical services station, or fire station in accordance with s. 383.50, F.S., is confidential). Adoption records are confidential and may not be disclosed except as provided in s. 63.162, F.S. An unadopted individual, however, has the right to obtain his or her birth records which include the names of the individual's parents from the hospital in which he or she was born. *Atwell v. Sacred Heart Hospital of Pensacola*, 520 So. 2d 30 (Fla. 1988). In the absence of court order issued for good cause shown, the name and identity of a birth parent, an adoptive parent, or an adoptee may not be disclosed unless the birth parent authorizes in writing the release of his or her name; the adoptee, if 18 or older, authorizes in writing the release of his or her name; or, if the adoptee is less than 18, written consent is obtained from an adoptive parent to disclose the adoptee's name; or the adoptive parent authorizes in writing the release of his or her name. Section 63.162(4), F.S. *And see* s. 63.165(1), F.S. (state adoption registry); and s. 63.0541, F.S. (putative father registry).

☐ 97.0585(1) **Voter Records**
The following information held by an agency, as defined in s. 119.011, and obtained for the purpose of voter registration is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration: (a) All declinations to register to vote made pursuant to ss. 97.057 and 97.058. (b) Information relating to the place where a person registered to vote or where a person updated a voter registration. (c) The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter. (d) Information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored by the Board of Executive Clemency or pursuant to s. 4, Art. VI of the State Constitution. (e) All information concerning preregistered voter registration applicants who are 16 or 17 years of age. (2) The signature of a voter registration applicant or a voter is exempt from the copying requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

☐ 741.4651 **Victims of Stalking**
The names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking are exempt from s. 119.071(1) and s. 24(a), Art. I of the State Constitution in the same manner that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are held by the Attorney General under s. 741.465 are exempt from disclosure, provided that the victim files a sworn statement of stalking with the Office of the Attorney General and otherwise complies with the procedures in ss. 741.401-741.409.

☐ 119.071(5)(k) **Service Members**

Identification and location information of current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or The National Guard, who served after September 11, 2001

Appendix C

ADMINISTRATIVE POLICY: PROCEDURES FOR RECEIVING SUMMONS AND SUBPOENAS

PURPOSE

The purpose of this policy is to establish the procedures for receipt and handling of subpoenas, Summons and Complaints, Notices of Deposition, and other requests for information from City employees and elected officials in a manner, which is in the best interests of employees, elected officials and the City of Plantation.

NOTE: This procedure does not apply to the Police or Fire Departments' criminal cases.

SUMMONS

A **SUMMONS** is a legal document which, in many cases, can be served upon individual departments notifying them of the commencement of a civil action or special proceeding against the city. A summons should be accepted by the City Clerks' Office and given priority handling as these documents are *time sensitive*.

Documents relating to injuries that may have occurred on city property, while participating in city programs, vehicle accidents, false arrest, police misconducts, employer's liability, workers compensation or employment actions, should be forwarded to RISK MANAGEMENT (please scan as a pdf file and email to avoid delay). Please assume these documents are time sensitive and transmit same to RISK MANAGEMENT without delay.

Periodically, the City will be named in a foreclosure action. Please forward these documents to Administration upon receipt. Once again, please assume that these are time sensitive.

SUBPOENAS

A **SUBPOENA** is a command served upon the city to have a person appear at a specific time and place to give testimony upon a certain matter. A **SUBPOENA DUCES TECUM**, which can be served upon an individual or department, is a request to provide records, books, papers or other items related to a specific civil action. A subpoena must be served upon the actual individual named. If the individual named is not available, the process server should be advised of such and asked to return when that person is available for proper service. No one other than the named employee should accept service. Any employee receiving a subpoena shall immediately notify Risk Management, and provide a copy of the subpoena. The City Clerk, Assistant City Clerk or designee, may accept service for the Mayor, Council members or Chief Administrative Officer.

ACCEPTANCE OF SUMMONS, SUBPOENAS OR OTHER LEGAL NOTICES

The City Clerk, Assistant City Clerk, or designee, are the only persons authorized to accept service of process (e.g. summons, subpoenas, or other legal notices) on behalf of the City, Mayor, Council members, or Chief Administrative Officer. Service should be accepted for these persons/entities only.