

RESOLUTION R-17-062

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA ESTABLISHING A POLICY REGARDING REQUESTS FOR RECORDS MADE BY COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 119.07, Florida Statutes, authorizes the custodian of public records to charge a fee for copying requested public records and a special service charge if the nature and volume of a public records request requires extensive use of information technology resources or extensive clerical or supervisory assistance, or both; and

WHEREAS, Procedure No. 301.003 of the Board of County Commissioners Administrative Procedures Manual establishes the manner in which County employees are to respond to public records requests and the fees and charges to be imposed in accordance with Section 119.07, F.S.; and

WHEREAS, Procedure No. 301.003 is silent as to whether it applies to public records requested by a County Commissioner; and

WHEREAS, Section 125.01(s), F.S., authorizes the Board of County Commissioners to make investigations of County affairs, inquire into accounts, records, and transactions of any County department, office, or officer, and, for these purposes, require reports from any County officer or employee and the production of official records; and

WHEREAS, the Board of County Commissioners desires to clarify the circumstances under which a County Commissioner will be subject to the assessment of fees and charges for public records requests pursuant to Procedure No. 301.003; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the County to exempt County Commissioners from Procedure No. 301.003, except for public records requests that are strictly personal in nature as set forth herein.

NOW THEREFORE, be it resolved by the Board of County Commissioners, Manatee County, Florida, as follows:

1. Requests for County records made by a County Commissioner in the faithful discharge of a Commissioner's official duties shall be outside the scope of the County's administrative policy regarding public records requests, and thus not subject to the assessment of fees and charges applicable to public records requests.

2. If, based on the nature and scope of the records requested, the County's Record Manager reasonably believes that a request is personal in nature and not made pursuant to the Commissioner's official duties, the Records Manager shall have the authority to recommend to the Board of County Commissioners (the Board) that a records request should fall within the scope of the administrative policy.

3. If the County's Records Manager reasonably believes that a County Commissioner's records request is personal in nature, the Records Manager shall bring the request to the Board to make a final determination as to whether the request falls within the scope of the County's administrative policy regarding public records requests and is thus subject to the assessment of applicable fees and charges.

4. If the Board determines that a request for records by a County Commissioner falls within the scope of the County's current policy regarding public records requests, the Board's determination shall be final and non-appealable.

5. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting, this 6th day of June,

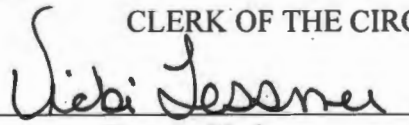
2017.



**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk