

PINELLAS COUNTY
Public Records Liaison Guidelines
Processing Public Records Requests

These guidelines provide a practical, administrative process for designated public records liaison to follow when responding to public records requests made under [Chapter 119](#), Florida Statutes. The guidelines are not intended as a summary of the public records law.

DEFINITIONS

Agency. Each of the following is a distinct Agency¹ for purposes of this policy:

- Pinellas County Clerk of the Circuit Court and Comptroller
- Pinellas County Property Appraiser
- Pinellas County Supervisor of Elections
- Pinellas County Tax Collector
- Pinellas County Construction Licensing Board (PCCLB). **Note that this relates to the Board, not County employees or departments supporting the PCCLB.*
- Pinellas Planning Council (Forward Pinellas)
- Unified Personnel Board (UPB). **Note that this relates to the Board, not County employees or departments supporting the UPB.*
- Collectively, all other Appointing Authorities under the Unified Personnel System, including County Administration, Human Resources, Office of Human Rights, County Attorney, Business Technology Services, and County departments supporting the PCCLB and UPB (the “County General Agency”).

Confidential Records. Records made confidential by Florida Statute or other law are not subject to inspection by the public and may only be released to those designated in the statutes. Confidential records must be kept confidential.

Exempt Records. Records made exempt from mandatory public records disclosure requirements do not need to be made available for inspection and may be withheld or redacted. However, disclosure may be authorized if there is a substantial policy need to do so.

Public Records. All records, regardless of form, made or received pursuant to law or ordinance or in connection with the transaction of official business, used to perpetuate, communicate or formalize knowledge are public records.

Public Records Liaison. A designated Agency employee whose responsibilities include coordinating responses to public records requests and compliance with the public records laws.

Public Records Request. Any request to inspect or receive a copy of public records received in any format (including verbal). The request does not need to use any specific words, and the Agency cannot require the requester to put the request in writing, use the County’s online form, identify themselves, or provide the reason for making the request.

Responding Liaison. The Public Records Liaison in an Agency with more than one Liaison, responsible for coordinating responses from all other Agency Liaisons, and communicating with the requester, for a particular request. The Responding Liaison may be different for different requests. Assisting Liaisons are those Agency Liaisons not currently acting as the Responding Liaison.

¹ NOTE: The Pinellas County Sheriff (PCSO) is a separate County Constitutional Officer not covered by this policy. Requesters seeking PCSO records should be directed to the PCSO.

PROCEDURES

- 1) Each Agency will designate one or more Public Records Liaisons (“Liaisons”) as necessary based on the size and scope of the Agency, generally naming one Liaison for each major division or department. A list of all designated Liaisons is maintained by the County Attorney’s Office, which should be notified of any changes. The current list of Liaisons can be found on the County’s intranet site at: <http://intranet/PDF/Public-Records-Liaison.pdf>.
- 2) Unless they are able to fully comply with the public records request immediately, any employee who receives a public records request, in any format, must promptly forward the request to their department Liaison. If the request is verbal, the employee may wish to document the request in writing and send it to the Liaison. That Liaison becomes the Responding Liaison unless it is determined that another Liaison is the more appropriate Liaison to be responding (for example, if the more appropriate Liaison’s department has the majority of the records requested), in which case that Liaison becomes the Responding Liaison. The Responding Liaison should advise all Assisting Liaisons that they have assumed the role of Responding Liaison.
- 3) The Responding Liaison (or their successor) must:
 - a) Promptly acknowledge receipt of the public records request, preferably in writing (email or US mail), to the requestor. If the request was made verbally and/or the requester did not provide contact information, acknowledge the request verbally or by whatever means are appropriate based on the facts.
 - b) To the extent that CATS or some other tracking system is adopted by your Agency for this purpose, the Responding Liaison is to utilize that system for subsequent steps in the process and will remain the Responding Liaison unless and until an appropriate successor is identified and has confirmed that they are now the Responding Liaison.
 - c) Request clarification from the requestor, if necessary.
 - d) Provide a copy of the request (and any subsequent changes to, or clarifications of, the request) to any other Liaison(s) within their Agency that might be a source of responsive documents (“Assisting Liaisons”). Liaisons should not forward the request to other Agencies (see the list of Agencies under “Definitions,” above).
 - e) RECORDS HELD BY OTHER AGENCIES. Determine if any responsive records are being held by another Agency or entity on the responding Agency’s behalf, and obtain an estimate of cost to provide the responsive records.²
 - i) Examples of Agency records held by another Agency include:
 - (1) Business Technology Services (BTS) for Agency email records;
 - (2) Clerk Records Management for Agency records in storage; or
 - (3) Clerk Board Records for BCC records.
 - ii) *Note that personnel files held by Human Resources and payroll records held by Clerk Payroll are NOT held “on behalf of” other Agencies, but are records of the County General and Clerk Agencies (respectively). See Paragraph (5)(b) and (c) below for more details.*

² See Paragraph (5) – “Special Circumstances”, below, for additional details.

- f) Determine the Agency cost to produce the records, cumulatively, by aggregating the costs of all responding Agency departments and staff, and the costs of other Agencies holding records on behalf of the responding Agency, pursuant to the policy on costs and service charges in Exhibit A. Provide the requestor with the cost estimate to produce records, if any. Collect payment (if due) and advise Assisting Liaisons or departments when payment has been received so that work compiling and reviewing the records can begin.
 - g) Transmit properly redacted, responsive records (or make them available for inspection), upon receipt of payment due.
 - h) Advise the requestor of the specific statutory section for the exemption(s) applied for any records withheld or information redacted as confidential or exempt. (See sample language in Exhibit B.)
 - i) Retain copies of invoices and receipts for payments received, along with a copy of records provided, for the retention period prescribed by the Florida Department of State Division of Library and Information Services Records Management division.
- 4) The Responding Liaison and each Assisting Liaison must:
- a) Identify responsive documents within the department for which the Liaison is designated as responsible. This may include reviewing records and/or contacting all employees within the department.
 - b) Estimate the cost to compile the responsive records, including reviewing and redacting records. Estimated costs should include duplication costs or special service charges, as authorized by statute (see *Exhibit A: Costs and Service Charges* for details). Assisting Liaisons must provide the estimate to the Responding Liaison, and should include the estimated time to produce the records even if it is less than the time adopted by the Agency as “extensive” for purposes of determining a special service charge, as the total time for all responding staff may cumulatively exceed that amount. Liaisons should not collect or review records prior to receipt of payment.
 - c) Upon acknowledgement that payment has been received, collect, review, and **redact** responsive records. **Before providing the records to the Responding Liaison each Assisting Liaison is responsible for properly redacting any exempt or confidential portions of the records—or ensuring those records have been properly redacted, if delegated to other staff members—and for identifying and providing the citation for any statutory exemption applied.** If entire pages or documents are withheld, track the number of pages or documents withheld and identify the applicable statutory exemption. (See sample language in Exhibit B or contact your department Attorney for guidance.)
- 5) Special Circumstances.
- a) **EMAIL.** BTS maintains emails *on behalf of* all Agencies. Therefore, if an Agency received a request that includes email records, the Liaison must contact BTS to obtain copies of the Agency’s responsive records. When requesting emails from BTS:
 - i) Comply with any BTS procedures related to the form and method of making the request.

- ii) Provide BTS with necessary search parameters to search email records. BTS will search only the parameters provided. Do not add search terms outside of what has been expressly requested, or expand the search parameters beyond the request specifications. Provide, at a minimum, the following search parameters:
 1. The Agency that is the custodian of the records to be searched.
 2. The date range for the search.
 3. Specific email addresses or domains (for example *@mypinellasclerk* or *@pcpao.org*) for senders or recipients.
 4. Specific search terms, with any variations. For example, if a request is for “any emails related to Roger L. Jones,” you might include the following search terms: *Roger L. Jones; Jones, Roger L.; Roger Jones; Jones; Roger;* or any other variation you know or expect may result in responsive records.
 - a. If there are known records that are not produced by the search terms, the Liaison should review the search terms to determine the deficiency, and rerun the search with proper or additional search terms.
 - b. NOTE: Depending on the search terms, the results BTS provides may be overinclusive. It is the duty of the Liaison to review any records provided by BTS to determine which are responsive to the request.
 - iii) BTS will provide a cost estimate for producing the records, and will produce records upon receipt of payment.
 - iv) BTS will not review or redact records for other departments or Agencies; that must be done by the Agency Liaison(s) prior to production to the requestor.
 - v) If any responsive email records are to or from the County Attorney’s Office, the Assisting or Responding Liaison reviewing those records must contact the County Attorney’s Office to review the records prior to releasing them, to ensure that there are no exemptions or protections for those records.
- b) **PERSONNEL RECORDS.** If an Agency receives a request for Agency personnel records, the Agency should produce only those records maintained by the Agency. The Pinellas County Human Resources division is part of the County General Agency but not part of the individual appointing authority Agencies. Liaisons who are not in the same Agency as Human Resources should not forward the request to, or seek to obtain records held by, Human Resources in response to a records request. At the Agency’s discretion, the Agency Liaison may refer a requestor to Human Resources as a potential source of additional records.
- c) **PAYROLL RECORDS.** If an Agency receives a request for Agency payroll records, the Agency should produce only those records maintained by the Agency. While the Clerk may provide payroll services to the County General Agency, the Clerk remains a separate Agency for public records purposes. Non-Clerk Liaisons should not forward the request to, or seek to obtain records held by, the Clerk in response to a records request. At the Agency’s discretion, the Agency Liaison may refer a requestor to the Clerk as a potential source of additional records.
- 6) Questions about the public records law or application of this process should be made by the Liaison to the department’s Assistant County Attorney.

- 7) Each Agency that opts to adopt this policy may adopt its own policy concerning the cost for production of public records, in compliance with public records laws. An optional policy on costs and service charges is attached hereto as “Exhibit A.”
- 8) This policy is designed to ensure consistent, efficient, and uniform compliance with the public records laws. Any deviation from this policy should be approved in advance by the head of the Agency, or his or her designee, in consultation with the County Attorney’s office.

Attached:

Exhibit A: Public Records Requests: Costs and Service Charges

Exhibit B: Sample Language for Responding to Public Records Requests

Revised and Effective June 10, 2020

EXHIBIT A
Public Records Requests: Costs and Service Charges¹

Duplication Charges for Public Records: For letter or legal-sized paper copies, the duplication charges are as provided in Section 119.07, Florida Statutes, as it may be amended from time to time. Currently, those charges are: **15¢ for one-sided and 20¢ for two-sided** copies. Oversized copies will be charged based on the actual cost of preparing or having copies prepared. Based on the cost of processing payments, **the first \$5.00 of otherwise applicable charges will be waived.**

Special Service Charges for Public Records Requests:

1. When the nature or volume of a public records request requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the County Agency or its agent, the County Agency or agent will charge a special service charge as provided in Section 119.07, Florida Statutes.
 - (a) “County Agency” means a distinct part of the Unified Personnel System (or County). Each of the following is a distinct Agency for purposes of this policy:
 - (i) Pinellas County Clerk of the Circuit Court and Comptroller
 - (ii) Pinellas County Property Appraiser
 - (iii) Pinellas County Supervisor of Elections
 - (iv) Pinellas County Tax Collector
 - (v) Pinellas County Construction Licensing Board (PCCLB) **Note that this relates to the Board, not County employees or departments supporting the PCCLB.*
 - (vi) Pinellas Planning Council (Forward Pinellas)
 - (vii) Unified Personnel Board (UPB) **Note that this relates to the Board, not County employees or departments supporting the UPB.*
 - (viii) Collectively, all other Appointing Authorities under the Unified Personnel System, including County Administration, Human Resources, Office of Human Rights, County Attorney, Business Technology Services, and County departments supporting the PCCLB and UPB (the “County General Agency”).
 - (b) “Agent of the County agency” means any public or private agency, company, organization, or person acting on behalf of the County agency and subject to the requirements of Section 119.07, Florida Statutes.
 - (c) “Extensive,” for the purposes of this policy, means any time longer than **thirty (30) minutes** to complete all tasks defined in paragraphs (d) and (e), below.¹
 - (d) “Clerical or supervisory assistance” includes locating and retrieving records, reviewing records for statutorily exempt information, preparing records for inspection or copying, redacting exempt or confidential information from records prior to review or copying, monitoring the inspection or copying of records when necessary to ensure the integrity of the records, instructing, or supervising personnel in performing the foregoing tasks, and the time to refile the requested records (if any).

¹ Each agency may adopt a policy waiving a different amount of applicable charges, or adopting a different definition of “extensive” for calculating service charges (not shorter than 15 minutes).

- (e) “Use of information technology resources” includes writing and executing software program commands and hardware setup of information technology resources, and as defined by Section 119.011(9), Florida Statutes.
2. When an accumulated time longer than thirty (30) minutes is anticipated to complete all tasks, the special service charge minutes will be computed to the nearest quarter of an hour based on the labor costs to the County agency including benefits (referred to as the “loaded rate”) of all personnel involved. The County agency or its agent will provide the requestor an estimate of the special service charge. When the special service charge is assessed, the statutory default duplication costs may not be assessed; instead, the actual cost of materials and mailing costs may be charged. The County agency or its agent may collect a deposit before beginning the research, as long as it is reasonably based on an estimate.

Other Charges:

1. When copies are mailed to the requestor for the convenience of the requestor, the actual cost of mailing may also be charged. The cost of mailing should be collected, as well as the payment for copies, prior to mailing.
2. When the County agency is subpoenaed to produce records in a suit in which the County agency is not a party, for records produced by the County agency, the County agency may charge pursuant to the policies set forth herein. If the cost to produce the copies is less than or equal to an accompanying witness fee, and the copies may be produced in lieu of an employee’s appearance, then there will be no charge for the copies.
3. If a public records request is satisfied by electronically transmitting documents held in electronic form, there will be no charge unless the County agency or its agent was required to employ extensive use of information technology resources or clerical or supervisory assistance in which case a special service charge as described herein will be charged. If, however, a public records request is satisfied by electronically transmitting documents which had been maintained in non-electronic form, and the documents had to be converted to be transmitted electronically, then the County agency or its agent may charge as if the converted documents were produced in their original form.
4. If a public records request is satisfied by producing electronic or digital copies of records on a UBS flash drive, thumb drive, compact disk (CD), digital video disk (DVD), or other portable format, then the County agency may charge the actual cost of the material and supplies used to duplicate the public record (for example, the actual cost of a flash drive), in addition to the applicable special service charge, if any.

EXHIBIT B
Sample Language for Responding to Public Records Requests

Acknowledging the request:

OPTION 1 (for requests by email): This will acknowledge receipt of your public records request, below. We are reviewing our records to determine if there are any records responsive to your request. Once this has been determined, I will provide you an estimate of the cost to provide these records.

OPTION 2 (for request for paper copies with no applicable service charge): This will acknowledge receipt of your public records request made _____, 20____, for [*identify records requested*, or, if lengthy, "*for the records enumerated in your letter*"]. We have identified XXX pages of records responsive to your request. If you would like copies of these records, please remit \$_____ to me at _____, by check made out to [Agency Name]. On receipt of payment, I will compile and provide the records.

OPTION 3 (to verify or clarify a request): This will acknowledge receipt of your public records request made _____, 20____. I understand your public records request to be as follows: [*restate what you think they are asking for*]. If this is not your request, please let me know immediately. In the meantime, we will proceed with determining if there are any records responsive to your request as stated. Once this has been determined, I will provide you an estimate of the cost to provide these records, as authorized by Florida Statutes.

SAMPLE LETTER ADDENDUMS

These sections may be added to public records response letters as needed:

Response to Request for Records from a different Agency

The subject matter of your public records request may also encompass records within the custody of [*name the other Agency*]. As [*other Agency*] is a separate agency under Section 119.011(2), Florida Statutes, you will need to contact them directly to request any records in their custody.

Response to a Request for Records in a Special Format, or to Create Records

This will acknowledge receipt of your public records request made _____, 20____ for [*identify records requested*]. Our office does not maintain the records in the format requested, and will not respond to requests to analyze or summarize public records, or create new records. We will provide access to, or copies of, nonexempt public records in their existing format. There are XXX records responsive to your request in [*explain format*]. The cost to produce such records is . . .

[Special note: records must be provided in the format in which they are maintained, if requested; and any records, must be provided in paper hard copy, subject to applicable charges, on request.]

Response to a Request for Information or for an Explanation of Records

While this office will fully comply with Chapter 119, Florida Statutes, we will not interpret documents, or compile or analyze data. The public records law does not require agencies to respond to requests for information.

OPTIONAL: The public records law relates to production or review of public records. There is no mechanism in the public records law relating to or requiring public officials to answer questions, analyze documents, or explain decisions (although they may choose to do so). Therefore, your questions are separate from your public records request. This response is addressing only the public records portion of your letter.

ALTERNATE: We have reviewed our records to determine if there are any documents that would answer the questions raised. [*Address whether you have records responsive, whether they are exempt, whether there is a cost, etc.*] While we will fully comply with Chapter 119, Florida Statutes you will be charged the special service charge provided for in Florida Statutes.

Response to a Request for a High Volume of Records

While this office will fully comply with Chapter 119, Florida Statutes, you will be charged applicable statutory costs and charges. The volume of records responsive to your request is substantial, and will incur substantial cost to produce [*or, provide actual cost estimate*]. If you would like to narrow the focus of your request—for example, by providing a reduced timeframe—please provide your revised request immediately. Otherwise, we will proceed with determining the full scope of responsive records and will provide you an estimate of the cost to produce them.

Confidential or Exempt Information Redacted or Withheld

Social Security numbers are confidential per Fla. Stat. § 119.071(4) and (5), and have been redacted throughout the responsive records. Additionally, four (4) pages of [*type of documents*] have been withheld, as those documents are confidential and exempt from disclosure pursuant to [*list statutory exemption, for example: Fla. Stat. § 193.074*].

SAMPLE LIAISON EMAILS TO DEPARTMENT STAFF

On Receipt of Request (standard)

We have received the attached public records request. Please review your records and advise, by [*reasonable deadline*], if you have any records responsive to the request. Please also let me know the estimated number of documents or pages, and estimated time to compile, review, and redact the records (as appropriate). **DO NOT begin collecting, redacting or copying documents yet.** Pursuant to the Public Records Policy, once we determine what documents are responsive and whether there will be a special service charge, the responding public records liaison will contact the requester with the estimate of cost. If the requester agrees and pays, then I will advise you of same, and we will compile and provide the documents. If you do not have any documents responsive to this request, please simply confirm by reply email.

On Receipt of Request (when using CATS or other tracking system)

Note in the CATS item: Please review your records and provide an estimate of cost to produce records responsive to this request, if applicable. Please DO NOT start compiling any records until advised to proceed.

On Receipt of Payment

We have received payment of the estimated cost to provide records responsive to the attached public records request. Please compile any responsive records maintained by your department, and redact any information that is confidential or exempt, providing the statutory citation for such redactions. Be sure to track all time spent in compiling, reviewing, and redacting records, as we can only charge for actual costs (time) incurred. If your tracked time exceeds the time initially estimated, please stop and contact me before proceeding, as we may need to request additional costs.