

**DEPARTMENTAL STANDARD OPERATING PROCEDURE**  
**Miami-Dade Aviation Department**  
**DSOP No. 00-08 (Amendment 2)**  
**Effective: July 7, 2003**

**SUBJECT: HANDLING REQUESTS FOR COPIES OF NON-SECURITY-RELATED PUBLIC RECORDS**

**PURPOSE:** To facilitate proper and timely responses to requests for copies of non-security-related public records from the Courts, attorneys, news media, departmental employees or the public in general.

**I. AUTHORITY:**

- A. [Chapter 119.07 \(1\) \(a\) F.S.](#) This State law establishes the right of access to public records as well as the circumstances under which fee(s) can be charged for the provision of this service.
- B. [Government in the Sunshine Manual.](#)
- C. [The Electronic Mail Policy of the Florida Department of State.](#)
- D. [Administrative Order 4-48.](#) Fees Charged to the Public for Examining and Duplicating Records.

**II. DEFINITIONS:**

*Public records* - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance, or in connection with the transaction of official business by any public agency.

- A. It is irrelevant whether the public record is a written document, videotape, or information stored in a computer; the mandatory inspection provisions were intended to apply, regardless of the physical form or characteristics of a particular record.
- B. E-mails, interoffice and intra-office memoranda communicating information from one public employee to another or merely prepared for filing constitute public records inasmuch as they supply the final evidence of knowledge obtained in connection with the transaction of official business.

- C. Notes and draft documents are also public records - There is no “unfinished business” exception to the public inspection and copying requirements of the law. If the purpose of a document prepared in connection with the official business of a public agency is to perpetuate, communicate, or formalize knowledge, it is a public record, regardless of whether it is in final form or the ultimate product of an agency. Accordingly, any document, draft or note, however prepared, even if not circulated, may be a public record. Legal must be consulted before withholding any such documents from disclosure.

### **III. POLICY:**

It is the policy of the Department that:

- A. Every person who has custody of a public record shall permit the record to be inspected by or copied for any person, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record. Non-citizens and public employees possess the same right for inspection as any other person.
- B. If a particular document contains the Social Security number of an employee, the number must be blacked out before the copy is provided to the requestor.
- C. Access will be permitted during regular business hours.

### **IV. CONFIDENTIAL AND/OR EXEMPT RECORDS:**

There is a difference between those records the Legislature has determined to be withheld from disclosure, generally referred to as confidential, and those which are authorized but not required to be withheld from disclosure, generally referred to as exempt. If the Legislature makes certain information confidential with no provision for its release such that its confidential status will be maintained, such information may not be released to anyone other than to the persons or entities designated in the statute. If records are not made confidential but are simply exempt from the mandatory disclosure requirements in 119.07(1), F.S., the agency is not prohibited from disclosing the documents in all circumstances.

*Further information or clarification on exemptions and confidentiality of records can be found in the Government-In-The-Sunshine Manual. (See Section I. B, Internet site). Divisions are also encouraged to consult with MDAD Legal Office, extension 7040.*

### **V. ALLOWABLE FEES AND/OR CHARGES FOR COPIES OF PUBLIC RECORDS**

- A. The law allows agencies to charge for copies made in response to a public record request. Whenever fees or charges apply, the Fees/Charges for Public Record Request Form must be filled out - Annex A.

1. Payment can be made in cash, check, or money order payable to Miami-Dade Aviation Department (MDAD).
  2. A signed receipt must be given to the payer.
- B. The fee structure for copies is as follows:
1. \$.15 per single-sided page.
  2. \$.20 per double-sided page.
- C. If the nature or volume of public records requested to be inspected, examined, or copied, requires 20 minutes or more of information technology resources use or extensive clerical or supervisory assistance, a special service charge can be added to the actual cost of duplication. This charge will be calculated by multiplying the employee's hourly salary, including fringes, by the hours worked to produce the final product. The calculation of hours begins with the retrieval of the documents. The following criteria will be used to calculate the service charge:
1. For MDAD employees, use 1.40 times the hourly rate times the number of hours worked.
  2. For temporary agency employees, use the agency billing rate times the number of hours worked.
  3. If Support Services handles the retrieval and the duplication of the document, the Records Manager will do the calculation of fees/charges. If someone else does, the MDAD Personnel Office will provide the information regarding the employee/s hourly salary.

## **VI. HOW TO HANDLE REQUESTS FOR NON-SECURITY-RELATED COPIES OF DEPARTMENTAL RECORDS:**

Under the Public Records Law, a person requesting access to or copies of departmental records is not required to disclose his or her name, address, telephone number or the like to the custodian as a condition to obtaining permission to inspect or copy public records, unless the custodian is required by law to obtain this information.

- A. Requests from the news media:
1. Requests to access or requests for copies of public records from members of the news media must be channeled through the Public Affairs Office.

2. The Public Affairs Office will inform the Aviation Director and the Deputy Aviation Director, as well as the affected Division Assistant Director, and Manager.
3. This notification process must be done as expeditiously as possible to avoid delays in responding the request.
4. The Fees/Charges for Public Record Request Form must be filled out and processed by the party delivering the copies to the requestor.
5. A copy of all documents provided to the media must be sent to the Safety and Security Division Assistant Director for information.
6. The Safety and Security Division Manager will initial and date the records before forwarding them to the Records and Support Services Section which will serve as the repository of documents provided to the news media.

B. All other requests:

As a rule, Divisions keep their own records for a few years and then send them to the Aviation Records Center (ARC). However, some decide to keep them indefinitely without ever transferring them to ARC.

1. The Division in custody of the records will inform the appropriate Manager and Assistant Director of requests for public records and, according with the State law and A.O. 4-48, will proceed with the service.
2. The Division duplicating the document will fill out and process the [Fees/Charges for Public Record Request Form](#).

C. Public Record Request Log:

The Records Manager in Support Services has established a Public Records Request Log to capture all requests in one single binder. The log will serve as a departmental point of reference. Therefore, departmental entities receiving requests to access public records, must contact the Records Manager at ext. 0214 so that he can record the name of the requestor (if known), the item requested, and the date of the request.

**VII. SUBPOENA DUCES TECUM:**

The Department receives subpoenas addressed to the Records Custodian or to a named individual(s). They must be responded within the timeframe provided in the subpoena.

- A. Subpoenas addressed to Records Custodian:
1. The subpoena will be accepted by that person designated by MDAD as the Records Manager.
  2. Before complying with the subpoena, the Records Manager must determine the storage location of the records (ARC or Division).
  3. If the records are stored at ARC, the Records Manager (as the Records Custodian of ARC) will retrieve the records, and inform the requesting party of any applicable duplicating fees, which must be received prior to making copies of the requested records.
  4. Witness fee checks made payable to MDAD employee/s must be endorsed and submitted to the MDAD Finance Division immediately.
  5. If the requesting party needs to inspect the ARC records, the Records Manager will be responsible for arranging the inspection.
  6. If the records are being stored in a Division, the Records Manager will submit a copy of the subpoena to the Records Liaison of that Division for response. The Records Manager will notify the requesting party by letter indicating the actions taken including contact names and numbers.
  7. The Division Records Liaison is responsible for retrieving the records being requested and complying with the subpoena within the time frame required.
  8. The Division Records Liaison must copy the Records Manager with the actions taken.
  9. If the documents are to be duplicated, the respective Division Records Liaison will notify the requesting party of the duplicating fees and/or charges.
  10. Duplicating fees/charges must be paid in cash or by check or money order made payable to MDAD.

11. Witness fee checks must be endorsed to MDAD and submitted to the MDAD Finance Division immediately.

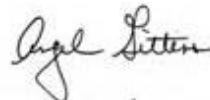
B. Subpoenas addressed to named individual(s):

1. Only the person addressed on the subpoena must accept subpoena for records addressed to a named individual(s) (an employee of the Department).
2. The named individual will comply with the subpoena by making available for inspection or photocopying those records requested within the individual's care, custody or control.
3. The named individual should contact the MDAD County Attorney's Office if there are any concerns.
4. If the requesting party requires duplication of the records, the named individual will inform the requestor of applicable duplicating fees which can be paid in cash, check or money order made payable to MDAD.
5. The checks for witness and/or duplicating fees must be properly endorsed (if payable to named individual) and submitted to the MDAD Finance Division immediately.

*Copies of subpoenas as well as an indication of the party responsible for the submission of records must be sent to the MDAD County Attorney's Office.*

**REVOCATION:** None

**CROSS REFERENCE:** [Overview of Florida's Government in the Sunshine Law](#).



Angela Gittens, Aviation Director

Date: July 7, 2003

**ANNEX:**

[Form for Fees/Charges for Public Record Request](#)