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## City clerk imposes \$1 per-page fee for all public records



**'EFFECTIVE IMMEDIATELY ALL COPIES OF PUBLIC RECORDS REQUEST WILL BE CERTIFIED COPIES AND WILL BE A CHARGE OF \$1.00 PER COPY. ALL FEES WILL BE PAID IN ADVANCE'**

Here is a sign from the City of Fanning Springs. This appears to show an intent to charge \$1 for every piece of paper coming from the city's copy machine. This sign was photographed on Thursday (March 3). Perhaps a better-worded and dated demand for payment will appear on Monday. (COMING SOON: State Attorney Bill Cervone comments, and more about whether the request for proposal is ready for publication.)

**Story and Photo By Jeff M. Hardison © March 4, 2016 @ 5:07 p.m.**

**Updated March 6, 2016 @ 1:47 p.m.**

**Publisher's Note: In the first draft, the woman representing City Clerk Sheila Watson was incorrectly identified. We regret the error.**

**FANNING SPRINGS** -- Fanning Springs City Clerk Sheila Watson has an undated sign posted on the front counter window that shows she is demanding \$1 per page "effective immediately" for copies of any public records from the city, and that all public records are going to be "certified."

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While the sign that is in all capital letters may not be a grammarian's dream, the message seems relatively clear. Watson wants \$1 for every page of every piece of paper coming out of the city's copy machine.

A few weeks ago, Watson in a public meeting told HardisonInk.com owner Jeff M. Hardison that it would cost him \$10 for a CD audio record of a meeting. Back when Conrad Bishop Jr. was the city attorney, Hardison called that lawyer and explained that Watson had chosen to overcharge for the material to make the "tape," which also did not take any significant time or expertise to create a copy.

Bishop called Watson and the journalist obtained the CD for free.

On Thursday (March 3), Watson speaking through her agent at the front window (utilities collection clerk Pam Wilson) told Hardison he would have to write down his request to inspect public records.

Hardison refused to do so, explaining that this requirement was a blatant violation of the law. The journalist advised Wilson to confer with whomever the legal adviser is for Fanning Springs as of that moment.

Interim Fanning Springs City Attorney Ray Earl Thomas of Cross City explained to Sheila and Wilson that there is no requirement for a person to write the public records that they want to inspect.

After Hardison told Wilson that he wanted to see the request for proposal for a city attorney, she said the City Council had not approved the request for proposal yet. So no official RFP existed to be a public record.

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It has been more than a month since the City Council noted its desire to send an RFP to find a new city attorney after City Attorney Bishop resigned. During the Tuesday meeting of the City Council (March 1), Watson said the weekly newspapers would have the RFP in the public notices sections of those newspapers.

As for former City Attorney Bishop, he quit working for the city after several years.

(Here is the story about that resignation

<https://hardisoninkarchive.files.wordpress.com/2016/02/2-10-16-hardisonink-com-fanning-springs-city-attorney-resigns-after-28-years-of-service.pdf>)

Hardison asked to see the draft that was "not yet approved." Wilson said that is not a public record until the City Council approves it. There seems to be a conflict between what City Council members think is going to happen and what the city clerk is doing.

As for public records, Florida generally tries to let its residents and visitors see those records without too much interference.

Florida Statute 119 notes in part "(1)(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 supervision by the custodian of the public records.

"(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.

"(c) A 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. 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.

"(d) A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.

"(e) If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute."

Hardison went on to note that it is his understanding that no public records custodian is allowed to impose a rule or condition of inspection which restricts or circumvents a person's right of access.

It is black letter law that no person must write down their request to inspect a public record, Hardison said. Likewise, he added, forcing the public to pay \$1 per page for minutes of meetings, or for copies of city budgets, etc., appears to be an attempt by the government to stop the people from having copies of public records that are not "certified."

Florida Statutes, case law and Florida Attorney General Opinions over the past few decades always have favored the assurance that the public will have access to public records.

"Here is a place where Fanning Springs City Clerk Watson appears to be bending the law to suit her desire to make it difficult for members of the public to have copies of public records in their possession," Hardison said after seeing a sign posted on the window at the front counter. "This clerk is attempting to impose a \$1 fee on every page of public record she copies on a copying machine. Clerk Watson's spokeswoman told me on behalf of Clerk Watson that Florida Attorney General Pam Bondi had approved this sign."

Here is some information copied verbatim from "myfloridalegal.com," which is generated by the Florida Attorney General's Office.

Public Records – Fees and Costs

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In Florida, providing access to public records is the law. With a few exceptions, the records of state and local agencies are subject to the Florida Public Records Act, from records in the Governor's office to those of your local school board. They must give access to public records for inspection as well as for copying. This session is an overview of the types of costs and fees agencies may charge for providing public documents.

Generally, agencies may not charge a fee for the inspection of public records. For example, agencies may not charge citizens for listening to audio recordings of any hearings, or for reviewing documents unless redaction of exempt material is necessary.

With today's technology, it has never been easier to provide citizens free access to public records through the internet. Agencies may post all public records, from minutes of meetings to contracts, on their public website. This is a simple, efficient, and economical way to give all citizens free access to public information. By posting public records on websites, agencies will avoid the use of employees' time for searching and copying records requested, which saves the agency money and resources. This convenient method also provides citizens with records faster and without the expense of paper copies. Agencies may also wish to consider providing access to a computer terminal for citizens to inspect and examine an agency's non-exempt public records.

The Florida Statutes provide a schedule for copying fees. If no fee is set forth in the statutes, section 119.07(4)(a)1 of the Florida Statutes permits agencies to charge up to 15 cents per one-sided copy for paper copies that are 14 inches by 8 1/2 inches or less and an additional 5 cents for two-sided copies. Agencies can also charge one dollar for certified copies of a public record.

For other copies, the charge is limited to the cost of the material and supplies used.

A few exceptions exist where agencies may charge more than 15 cents. Among these are all court records, county maps, aerial photographs, and crash and homicide reports. An agency may not charge a sales tax when providing copies of public records.

For members of the public who want to save money, there is another method. Rather than asking for copies of public records, ask to inspect public records. Bring a camera and take pictures of the pages. Download the pictures on a computer and then print them. Bingo – public records at the actual cost of the paper and ink.

Fanning Springs Mayor Howell E. "Trip" Lancaster III failed to return calls on Thursday (March 3) and Friday (March 4) in regard to Fanning Springs City Clerk Watson charging \$1 per page for all records – including minutes of meetings, agendas, copies of city budgets, etc.

Mayor Lancaster previously had said that he returns calls.