

FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT PUBLIC RECORDS REQUESTS	POLICY NUMBER 13.04
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13.04.01 PURPOSE

It is the purpose of this policy to establish uniform procedures for the handling of all requests for public records and to establish procedures for the accounting of funds received for such records in accordance with state law.

13.04.02 AUTHORITY

Article I, Section 24, Florida Constitution
 Chapter 119, Florida Statutes, Public Records
 Section 321.23, Florida Statutes, Public Records; Fees for Copies
 DHSMV Policy #9.01, Member Personnel Files and Records
 DHSMV Policy #9.03, Providing Records to the Public
 DHSMV Policy #9.04, Records Management

13.04.03 POLICY

It is the policy of the Florida Highway Patrol to comply with the provisions of Chapter 119, Florida Statutes, governing public records. All public records, excluding exempt records, in the custody of the Division shall be made available to the general public for review or copying at reasonable times, under reasonable conditions, under the supervision of the records custodian or his/her designee, and in accordance with Florida Statutes and DHSMV policy.

13.04.04 DEFINITIONS

- A. **EXEMPT RECORDS** – Those records which are specifically exempt by law from public inspection and/or disclosure as outlined in Section 119.07, Florida Statutes. A person who has custody of a public record and who asserts that an exemption applies to a particular public record or part of such record shall delete or excise from the record only that portion of the record with respect to which an exemption has been asserted and validity applies, and such person shall produce the remainder of such record for examination and inspection.

- B. **PUBLIC RECORDS** – All documents, papers, letters, emails, 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 an agency (Section 119.011, Florida Statutes). Unless the Legislature has exempted a document or certain information by statute, all such materials, regardless of whether they are in final form, are open for public inspection.

13.04.05 RESPONSIBILITIES

- A. Troop Commanders shall be responsible for the efficient and timely implementation of these procedures and shall make periodic checks to ensure compliance.
- B. Station Commanders shall be responsible for ensuring that members and employees charged with the responsibilities of providing records to the public do so in a timely manner.
- C. Station Commanders shall be responsible for ensuring on a daily basis that all records requests are handled in a timely manner and for completing a "daily verification of funds on hand," both at the start, and end of the workday.
- D. Field clerks shall be responsible for ensuring that all requests for public records are properly logged and forwarded in a timely manner.

13.04.06 PROCEDURES

- A. INSPECTION OF PUBLIC RECORDS
 - 1. Any person who wishes to inspect public records may do so, at reasonable times, under reasonable conditions, and under supervision of the Custodian of Records or his/her designee.
 - 2. Reasonable times are generally considered to be regular office hours excluding holidays. Reasonable conditions mean that there is an acceptable area and work space provided for an individual who wishes to review records.
 - 3. Requests for access to public records should be handled promptly. In most cases, a delay of more than one business day is not acceptable.
- B. FEES FOR COPYING PUBLIC RECORDS
 - 1. Fees for copies of public records shall be in accordance with this policy and DHSMV Policy #9.03, Providing Records to the Public.
 - 2. Payment for copies should be exact change only. However, this directive shall not prohibit the making of change when adequate Division funds are available. At **NO TIME** shall an employee use personal money to make change.

3. The custodian shall furnish copies, or certified copies, of the requested records upon payment of fees. Some fees are prescribed by law whereas other payments would entail only the actual cost of duplication.
 - a. Copies of personnel files shall be fifty cents per page. Certified copies of personnel files shall cost one dollar per page.
 - b. Copies of Traffic Homicide Investigations shall be \$25.00.
 - c. Copies of Florida Traffic Crash Reports shall be \$10.00.
4. For those fees not set by law, the cost of duplication shall normally be .15 cents per page or .20 cents for double sided copies and may not normally include clerical time. If it appears that extensive supervisory and clerical time (more than thirty minutes) will be required to comply with a request to provide copies of records, the Accounting Services Administrator, Bureau of Accounting, Division of Administrative Services, may be contacted so that appropriate charges may be computed.
5. For duplication of audio and video recordings to DVD/CDs, a fee based on the cost actually incurred by the Division, including personnel costs, will be charged. Use HSMV 60012 to document these requests and calculate related fees.
6. Postage for sending requested records to a requestor via US mail or other similar courier service shall be charged and collected in accordance with DHSMV Policy 9.03(V)(E)(4).

C. PERSONNEL RECORDS

1. Personnel records and files are subject to public inspection or copying except the following information which is exempt from public disclosure and shall not be released except for a legitimate governmental purpose.
 - a. Home addresses, telephone numbers, social security numbers and photographs of active or former sworn or civilian law enforcement personnel.
 - b. Home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of active or former sworn or civilian law enforcement personnel.
 - c. Names and locations of schools and day-care facilities attended by the children of active or former sworn or civilian law enforcement personnel.

2. All requests for copies of official personnel files of current or former members or employees shall be referred to the official custodian of personnel records in the Bureau of Personnel Services at General Headquarters.
3. The official personnel file of a member is maintained by the Bureau of Personnel Services located at General Headquarters. A separate personnel file is kept at Troop Headquarters and may contain all or part of the items filed in the official personnel file. However, the duplicate personnel file may not contain any items which are not filed in the official personnel file.
 - a. Duplicate personnel files maintained by the Troop contain public records and should be made available for inspection or copying.
 - b. All confidential information, such as the home addresses of current or former members, should be excised or deleted prior to inspection or copying.
 - c. Troop Commanders should be made aware of any requests to inspect or copy field personnel files.
4. While an internal complaint is being investigated, the complaint and investigative file are exempt from disclosure. After the internal investigation is completed, the file then becomes a public record whether or not the complaint is sustained.
5. Active criminal intelligence and criminal investigative information are exempt from public disclosure and shall not be disseminated to the public.
6. Work notes kept by a member for the purpose of preparing investigative reports, or notes kept by a supervisor to prepare performance evaluations or disciplinary actions, are public records.

D. MAIL-IN REQUESTS FOR PUBLIC RECORDS

1. All mail received at a FHP station that is not addressed to specific personnel shall be opened by the station commander's secretary or another appointed person. Crash records personnel are not to be assigned this duty.
2. All requests for copies of public records (i.e.: crash reports, THI reports, offense/incident reports, etc.) shall be logged by the person described above with the following information:
 - a. Date of request.
 - b. Name of requestor, if disclosed by requester.

- c. Method of payment and amount remitted.
 - d. Date of occurrence.
 - e. Name(s) of participants.
 - f. Other comments.
- 3. In the event a request is received listing only a case number, that number shall be entered in the space provided for "Name(s) of Participants."
 - 4. The log shall be retained in the same manner as the triplicate receipt books.
 - 5. All requests for copies of reports and accompanying monies are to be forwarded to the station crash records clerk. Receiving cash money via mail for public records requests is not recommended. In the unusual occurrence of receiving cash money via mail, the records clerk will document the receipt of cash via mail and process the request.
 - a. The crash records clerk shall prepare a receipt for each request received.
 - b. If for any reason the request cannot be filled (incorrect amount remitted, report made by a different office, etc.) the crash records clerk shall return the request along with a notice to the requester explaining how to properly resubmit the request. A notation will be made in the other comments section of the log explaining why the request was returned.

E. ELECTRONIC REQUESTS FOR PUBLIC RECORDS

Electronic requests for public records shall be processed in accordance with HSMV Policy #9.03, Providing Records To The Public.

F. WALK-IN REQUESTS FOR PUBLIC RECORDS

- 1. Upon receiving a request for a public record, the clerk shall issue a receipt for the amount remitted for the requested report. The FHP case number and method of payment (cash or check with check number) will be entered into the "for:" line on the receipt. If the request is for a public record that does not have a case number, such as personnel record, the nature of the public record will be listed instead of a case number.

2. Where resources permit, a member other than the clerk issuing the actual receipt shall be assigned the task of taking the request and payment for copies of public records.
3. The requested document will then be copied and the original (white) copy of the triplicate receipt shall be stapled to the copy of the requested document and given to the requester.
4. Although police reports are public records as defined in Section 119.105, Florida Statutes, and must be provided upon payment of fees, nothing precludes a records custodian from advising the requester of the terms and restrictions of Chapter 119, Florida Statutes. Personnel providing such copies shall advise the requester that the use of police reports to obtain the names and addresses of victims, or relatives of victims, for commercial solicitation is a violation of Section 119.105, Florida Statutes and is subject to criminal prosecution. By doing so, it is possible to avoid burdensome public records requests; and more importantly, avoid harassment of victims and their families.

G. TRIPLICATE RECEIPT BOOKS

1. All triplicate receipt books held in inventory shall be stored in a securely locked location under the control of the Troop Office Operations Consultant (OOC) at Troop Headquarters, or the Station Commander at field offices.
2. Upon receiving a request from a district station for an additional receipt book(s), the OOC shall, at the time of issuance, record the date, book number, beginning/ending receipt numbers, and location where the book is issued, in a triplicate receipt book log.
3. A triplicate receipt book log shall be maintained at each FHP station. The log shall account for all triplicate receipt books received from the Troop OOC and shall include the book number and date it was issued to the records clerk.
4. All receipts shall be issued in numerical order, and upon completion of the receipt book, the next sequentially numbered book shall be used, if available.
5. Receipt books currently in use, along with all monies on hand, shall be kept in a locked metal box, in a secure area, when not in use or at any time it is left unattended.
6. All completed triplicate receipt books will be signed and dated on the front cover by the supervisor completing the last daily audit for that particular book. All completed receipts and receipt books shall be retained until authorization for destruction is received from the Department of State.

H. RECEIPTS AND VERIFICATION OF FUNDS RECEIVED

1. Copies of the triplicate receipt shall be distributed as follows:
 - a. White original - Provide to the requester.
 - b. Pink copy - Retain in triplicate receipt book unless required by the DHSMV Revenue Reporting and Distribution Section for audit purposes.
 - c. Yellow copy - Retain in triplicate receipt book.
2. The following verification steps shall be performed by a supervisor, or in a supervisor's absence, by a Department member appointed and/or approved by the Troop Commander:
 - a. Verify the amount of funds on hand at the start and end of each workday.
 - b. Verify at the end of each workday that the total funds on hand equals the total amount of all receipts issued since the last report and the total corresponds with entries reflected in both the mail-in log and walk-in requests for the day.
 - c. Verify that the bank deposit for the week, if any, equals the amount of receipts issued for the week and the deposit is made no later than the following Monday.
 - d. Verify the weekly FHP Field Deposit Report (HSMV 62053) is accurate and complete and reconciles to all funds received and all receipts issued for the reporting week.
 - e. Verify that the beginning receipt number of the current weekly report is sequential to the ending receipt number of the previous week.
 - f. Verify that all overage and shortage of funds collected is identified on the weekly report.
 - g. Verify all transactions at any time there is a change in personnel assigned to collect and receipt remitted funds during the work shift (i.e.: breaks, meals, etc.).
 - h. Print, sign, scan, and transmit via email the completed FHP Field Deposit Report (HSMV 62053), along with the validated deposit slip, no later than the Tuesday following the reporting week to the DHSMV Revenue Reporting and Distribution Section at GHQ.

- i. A weekly report (HSMV 62053) is needed for each week even if there has been no sale of records for that week.
- j. All reports are to be sequentially numbered, with report "number one" being completed on the first Friday in July of each fiscal year.

I. DEPOSIT OF CRASH RECORDS FUNDS

- 1. All checks and cash received through public records requests are to be deposited in the Highway Safety Operating Trust Fund .
 - a. Deposit slips for the State Demand Account are available from Bureau of Accounting Revenue Section in GHQ. Only deposit slips obtained from the Revenue Section are to be used.
 - b. The deposit slips shall list only the total amount of money from both checks and cash. It is not necessary to list each check individually.
 - c. The records clerk shall ensure that an adequate number of deposit slips are available. When the number on hand is less than 25, the clerk shall order additional deposit slips from the Revenue Section. When ordering deposit slips the Revenue Section will need the following information:
 - (1) Last deposit slips number
 - (2) Station address
 - (3) Account number on the deposit slip