

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE BY AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE VII “FINANCE”, SECTION 2-349 “FEES FOR COPIES OF ORDINANCES AND OTHER RECORDS” PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, Section 2-349 of the City Code sets forth a definition for extraordinary expenditures of times and extensive research fees for responding to public record requests; and

WHEREAS, the current City Code currently provides that an extraordinary expenditure of time to respond to a public record request shall mean 20 minutes or more; and

WHEREAS, the City of Coral Gables’ current public records request policy provides that an extraordinary expenditure of time, also known as an extensive use request is defined as those requests taking more than 30 minutes; and

WHEREAS, the City Clerk has received over 3,200 public record requests since April of 2018, and has received over 800 requests this calendar year alone; and

WHEREAS, the City Clerk’s office has informally surveyed other municipalities and agencies in Florida and updated the City’s Public Records and Information Request policy to reflect changes to the City’s public records request portal and update the City’s fees and procedures; and

WHEREAS, in an effort to conform the City Code and City Public Records and Information Request policies the City Commission is amending the City Code as detailed below;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 2, Article III- Boards and Committees of the City Code of Coral Gables, Florida, Section 2-147 be amended as follows:

Sec. 2-349. Fees for copies of ordinances and other records.

(a) In accordance with the provisions of F.S. § 119.07, with respect to public records requests, the city is permitted and shall charge an extensive research fee whenever extraordinary time constraint is designated by the person requesting copies or research of public records, requiring extraordinary expenditure of time by the city clerk's office or other city department acting as records custodian. To comply with the request, the city clerk or other city department acting as records custodian, shall collect the cost of providing such extraordinary services (i.e., the extensive research fee) in advance and in addition to the fees which shall be established by the city. For purposes of this section the term "extraordinary expenditure of time" shall mean 230 minutes or more. The extensive research fee shall be calculated using the lowest hourly wage rate of the employee capable of performing such services.

(b) The charges which shall be made for all statements, copies of documents, reports and certificates rendered by the offices of the city shall be in the amount established section 1-8.

(c) All such charges shall be paid into the city's general fund.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2021.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS

CITY ATTORNEY