

North Port to revisit new public records policy

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The city will revisit recent changes to its public records policy after concerns were raised by the state's First Amendment Foundation.

Barbara Petersen, president of the First Amendment Foundation, said the changes North Port approved would make it harder for the public and the media to get public records. And one of the changes, she said, violates state law.



PHOTO PROVIDED / CITY OF NORTH PORT
North Port City Hall.

City attorney Mark Moriarty said Tuesday that, in light of Petersen's concerns, he will ask the city clerk to delay implementing the resolution until he is satisfied that it addresses Petersen's concerns.

"Barbara Petersen is the authority on public records," Moriarty said. "If she has concerns, I have concerns. We don't want to do anything that adversely affects access to public records."

In a 4-1 vote last week, city commissioners passed a resolution to establish a citywide, written public record request policy.

One provision of the policy is that North Port will treat multiple public record requests from the same individual under a single time frame. Once a request exceeds a combined 15 minutes of research in a day, the person is subject to a special service charge.

Another guideline of the policy is that multiple reporters working for a news agency will be charged as a single entity, which Petersen said is not legal.

"It's unauthorized by the law and they can't do it," she wrote in an email. "Each request made must be treated as an individual request, and the city is not authorized under the public record law to create such a policy."

Petersen also criticized the city's decision to cut in half the time its employees will work on completing a public record request before applying a special service charge. Previously, the city applied special service charges to requests that took 30 or more minutes.

"It will cost more to obtain public records," Petersen said. "And I would press the city to provide a justification for the change."

Michael Barfield, vice president of the ACLU of Florida, agreed with Petersen. He said the city's interpretation of Florida statute was "just plain wrong."

"Florida's constitution guarantees every citizen the individual right to access public records," he wrote in an email. "It doesn't depend on one's employment status. No local policy can operate to defeat that constitutional right."

Barfield added that he believed the city's new public records request policy will be "will discourage citizens from seeking access to public records"

"There will be less accountability and transparency, which erodes the public's confidence in government," he said.

City commissioners adopted the new policy via a resolution during their meeting on Sept. 14. The policy set a uniform procedure for all city departments to follow when completing public record requests.

Commissioner Cheryl Cook successfully motioned to amend the resolution to shorten the time for a special service charge, to treat multiple record requests under a single time frame and to treat multiple reporters from the same news organization as a single entity.

At the meeting, Cook stated that an unnamed news agency had multiple reporters making requests about the "same item."

"These city employees have other duties than pulling public records over and over again. This is preventing them from doing other city business," she said in an interview Thursday. "In recent years, staff reductions in the city have caused more work to fall on fewer employees. We need to prevent redundancies whenever possible."

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