



CITY OF DORAL

Office of the City Attorney

STANDARD OPERATING PROCEDURE

City Attorney Review of Public Records Requests Related to Potential or Pending Litigation

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Department	Office of the City Attorney

1. Purpose

This Standard Operating Procedure ("SOP") establishes a uniform process for the intake, screening, and handling of public records requests ("PRR") received by the City of Doral ("City") that relate to, arise from, or reasonably appear connected to potential, anticipated, or pending litigation involving the City. The purpose of this SOP is to ensure that the Office of the City Attorney reviews all such requests, and any responsive records, before the Office of the City Clerk issues a response or releases any records, so that applicable exemptions, privileges, and litigation-related considerations are properly evaluated prior to disclosure.

2. Scope and Authority

This SOP applies to all PRR received by the City Clerk's Office, whether submitted in writing, by email, through the City's online portal, or in person, and applies regardless of which City department ultimately holds the responsive records.

2.1 Legal Authority

- Article I, Section 24, Florida Constitution (right of access to public records).
- Chapter 119, Florida Statutes, the Florida Public Records Act, including the exemption for certain attorney work product prepared in anticipation of litigation or in defense of a civil or administrative action, found at Section 119.071(1)(d), Florida Statutes.
- Section 90.502, Florida Statutes, and applicable case law governing the attorney-client privilege.
- The City of Doral Code of Ordinances and any records management or litigation policies adopted by the City Council or City Attorney.
- The City of Doral's Public Records Request Policy, amended and adopted via Resolution 25-27.
- Guidance issued from time to time by the Florida Attorney General's Government-in-the-Sunshine Manual.

Nothing in this SOP is intended to, nor shall it be construed to, delay the City's response beyond what is reasonable under Chapter 119, Florida Statutes, or to serve as a basis for withholding any record that is not otherwise exempt or confidential by law.

3. Definitions

- “PRR” or “Request” – any request for inspection or copies of public records made to the City pursuant to Chapter 119, Florida Statutes.
- “Potential Litigation” – any matter in which the City has received a notice of claim, demand letter, notice of intent to sue, summons, complaint, subpoena, administrative charge (e.g., EEOC/FCHR), bar complaint, or other communication indicating that a claim against or by the City is pending, threatened, or reasonably anticipated; or any matter identified by the City Attorney's Office as involving actual or anticipated adversarial proceedings.
- “City Attorney” – the City Attorney of Doral or their designee within the Office of the City Attorney, including outside counsel of record on a specific matter.
- “Custodian Department” – the City department or office that maintains the records responsive to a given PRR.
- “Flag” or “Flagged Request” – a PRR that the Clerk's Office identifies, using the screening criteria in Section 5, as related to Potential Litigation.

4. Roles and Responsibilities

Role	Responsibility
City Clerk / Records Custodian	Logs and screens every incoming PRR; identifies Flagged Requests; routes Flagged Requests and draft responses to the City Attorney before release; tracks status; issues the final response once cleared.
City Attorney's Office	Reviews Flagged Requests and proposed responsive records within the timeframe in Section 7; identifies applicable exemptions, privilege, or work-product protections; recommends redactions or withholding with legal citation; communicates clearance or objection in writing to the Clerk.
Custodian Department	Searches for and gathers responsive records promptly upon notice from the Clerk; notifies the Clerk immediately if it becomes aware that a request may relate to Potential Litigation.
Risk Management / HR (as applicable)	Assists the Clerk and City Attorney with the updating and record keeping of any open claims, notices of claim, or administrative charges that should inform the litigation screening list.

5. Screening Criteria – Identifying a Flagged Request

Upon receipt and logging of every PRR, the City Clerk's Office shall screen the request against the following criteria. A request meeting any one of these criteria shall be treated as a Flagged Request and routed under Section 6:

- The request is being initiated by an attorney, paralegal, or law firm.
- The requester is a party, attorney, or known representative of a party to a lawsuit, claim, or administrative proceeding involving the City.
- The request references a specific incident, accident, personnel matter, contract dispute, code enforcement action, or other event that is the subject of a notice of claim, demand letter, or pending case known to the Clerk, Risk Management, HR, or the City Attorney.
- The request seeks records concerning a City official, employee, contractor, or department that the City Attorney's Office has previously identified, in writing, as involving potential or active Litigation.
- The request is accompanied by, or references, a subpoena, public records request in aid of litigation, or a request from an insurance adjuster or opposing counsel.

- The Clerk has independent knowledge, or is notified by any City department, that the request relates to Potential Litigation.
- The requester expressly states an intent to use the records in connection with a claim or legal proceeding against the City.

The Attorney's Office, with assistance from the City's Risk Manager shall maintain and periodically update, a current internal Litigation Watch List of open or anticipated matters to assist with this screening step. The existence of the Litigation Watch List does not limit the Clerk's obligation to flag a request meeting any of the criteria above even if the underlying matter is not yet on the list.

6. Procedure

6.1 Step 1 – Intake and Logging

1. The City Clerk's Office receives the PRR through any accepted channel (portal, email, mail, or in person) and logs it in the City's public records tracking system with a unique tracking number, date/time received, and requester information.
2. The Clerk's Office sends the requester an acknowledgment in accordance with the City's standard PRR intake practice.

6.2 Step 2 – Litigation Screening

3. Within one to three business days of logging, the Clerk's Office screens the request against the criteria in Section 5.
4. If the request does not meet any screening criterion, it is processed under the City Clerk's standard PRR procedure without referral to the City Attorney.
5. If the request meets one or more screening criteria, the Clerk's Office marks the request as a Flagged Request in the tracking system and proceeds to Step 3.

6.3 Step 3 – Referral to the City Attorney

6. The Clerk's Office forwards the Flagged Request to the City Attorney's Office no later than one to three business days after it is flagged, using the Litigation Referral Checklist (Attachment A), which identifies the requester, the records sought, the related matter (if known), and the standard response due date.
7. The Clerk's Office simultaneously notifies the relevant Custodian Department to begin gathering responsive records, so that the search for records proceeds in parallel with the City Attorney's initial review and is not delayed.

6.4 Step 4 – City Attorney Review

8. The City Attorney's Office reviews the request and provides the Clerk with an estimate of time that it will take to review and redact the public records and estimated cost.
9. Based on the City Attorney's response, the Clerk will advise the requestor in a manner consistent with City policy and obtain approval as to the cost associated with the public records request.
10. Once the City Clerk has obtained the necessary approval from the requestor, the City Attorney shall review the responsive records to determine whether any portion is exempt or confidential under Chapter 119, Florida Statutes (including the Section 119.071(1)(d) litigation work-product exemption), protected by the attorney-client privilege, or otherwise subject to a legal restriction on disclosure.
11. After completion, the City Attorney's Office will document its determination in writing to the Clerk, including: (a) records or portions cleared for release; (b) records or portions recommended for redaction, with the specific statutory or common-law basis for each redaction; and (c) records or portions recommended for withholding in full, with the specific statutory or common-law basis.
12. If the City Attorney's Office needs additional time due to the volume or complexity of the records, it notifies the Clerk's Office in writing with an estimated completion date, and the Clerk's Office relays a status update to the requester consistent with the City's standard PRR practice.

6.5 Step 5 – Clerk Finalizes and Issues the Response

13. Upon receiving the City Attorney's written clearance, the Clerk's Office prepares the final response, applying only the redactions confirmed by the City Attorney and citing the specific exemption for each redaction as required by Section 119.07(1)(f), Florida Statutes.
14. The Clerk's Office issues the response to the requester and retains a copy of the City Attorney's written determination and the final response in the PRR file.
15. No response to a Flagged Request, and no release of any responsive record, shall be issued by the Clerk's Office prior to receiving the City Attorney's written clearance under this Section.

6.6 Step 6 – Recordkeeping and Reporting

16. The Clerk's Office logs the date referred, date cleared, and final disposition of every Flagged Request in the tracking system.
17. The Clerk's Office and City Attorney's Office jointly review the Flagged Request log on a quarterly basis to confirm timeliness and consistency of handling.

7. Timeframes

Florida law requires a reasonable, good-faith response to public records requests without unreasonable delay; it does not impose a fixed statutory deadline. To meet this standard while providing for meaningful legal review, the following internal timeframes apply unless the volume or complexity of records requires additional time under Section 6.4(3):

Action	Target Timeframe
Screening for litigation flag	1 to 3 business days of receipt
Referral to City Attorney	1 to 3 business days of flagging
Custodian Department record gathering	Concurrent with legal review
City Attorney initial review (routine volume)	5 business days
City Attorney review (voluminous/complex)	As estimated in writing by City Attorney
Clerk issues final response after clearance	1 to 3 business days

8. Expedited Handling

If a Flagged Request is subject to a court-ordered deadline, statutory discovery deadline, or other time-sensitive legal requirement, the Clerk's Office shall note the deadline on the and notify the City Attorney's Office by phone or email in addition to the standard referral, so that review can be prioritized accordingly.

9. Attachments

- Attachment A – Litigation Referral Checklist (Clerk to City Attorney)
- Attachment B - Flagged Request Log

10. SOP Review and Revision

This SOP shall be reviewed annually by the City Clerk and the City Attorney's Office, and revised as necessary to reflect changes in Chapter 119, Florida Statutes, applicable case law, or City policy. Revisions shall be approved by the City Manager and/or City Attorney and distributed to all affected departments.

Note: This SOP is an internal administrative procedure and does not itself create any new public-records exemption. All withholding or redaction of records must be based on an exemption or confidentiality provision that already exists under Florida law, as confirmed by the City Attorney's Office.