

**TRAILER ESTATES PARK AND RECREATION DISTRICT
PUBLIC RECORDS POLICY AND PROCEDURE PP 18**

Public Records Policy Purpose

The Trailer Estates Park and Recreation District (“District”) frequently receives requests for records. The purpose of this administrative policy is to provide uniformity in the procedural elements of handling records and public record requests while ensuring all staff are compliant with Florida Statutes that govern public records.

DEFINITIONS:

Custodian of Public Records - means every person who has custody of a public record. A custodian of public records and his/her designee must acknowledge requests promptly and respond to requests in good faith. A good faith response includes making reasonable efforts to determine whether a record exists.

Extensive Work Fee - means the fee for time in which clerical or supervisory assistance requires more than 15 minutes using information technology or labor or a combination of both to locate, review, redact, copy, or reproduce the public record(s) being requested.

Florida Statutes (law) – means that as it relates to this policy which is applicable to public record requests under Article I, Section 24(a) of Florida’s Constitution and Chapter 119 of Florida Statutes.

Base Wage - means the base wage rate (without benefits) of the actual paid staff member producing and/or reviewing the requested record prior to release.

Public Records - means all documents, papers, letter, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of physical form, characteristics, or means of transmission, made, or received pursuant to law or ordinance or in connection with the transaction of official business. § 119.011 (12), Florida Statutes.

- o The Public Records Act requires access to the records however, it does not require the District to produce an employee to answer questions regarding the records. (Attorney General Opinion 80-57)

Reasonable Conditions – as used in Florida Statutes 119.07(1)(a) refers to regulations that would permit the custodian of records to protect the record from alteration, damage, or destruction while ensuring that the person reviewing the record is not subjected to physical constraints designed to preclude the review.

Records maintained by more than one entity – pursuant to Attorney General Opinion 86-58, if information contained in a public record is available from other

**TRAILER ESTATES PARK AND RECREATION DISTRICT
PUBLIC RECORDS POLICY AND PROCEDURE PP 18**

sources, a person seeking access to the record is not required to make an unsuccessful attempt to obtain the information from the other source as a condition precedent to gaining access to the public record from the District.

Records not in physical possession of the District – the District may not refuse to allow inspection of public records it made or received, in its official business, on the grounds that the documents are in the possession of another, or available through other means, other than the records custodian.

Right of Access to a Record - means pursuant to, and under all conditions and requirements of Florida Statutes a custodian shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions and supervision of the custodian. § 119.07 (1)(a) Florida Statutes

PROCEDURE:

The best way for an individual to request a record is to contact the District's Clerk. However, under Florida law, a request can be made in-person, in writing by email or letter via drop off or postal or carrier delivery.

Components of Making a Records Request:

Requests for records must include specifics as to the record being requested along with the preferred delivery method. The more details provided by the requestor will narrow the scope of the search which results in a quicker response and reduced costs.

Contact Information or Anonymous:

- The requestor may provide their contact information or remain anonymous in all methods of making and receiving the request. They are not required to provide their identity.
- For anonymous requests, it is important to determine how the individual would like the District to contact them if, and when, the record is available.
- The individual could provide a phone number, email, mailing address or simply indicate they will check back every few days.

What Record? Be Specific:

The District is not required to create a record that does not already exist or provide a specific format of the record if it is not already being kept in that format. However, the District should provide a record or multiple records that in combination provides a response that satisfies the request in whole or in part even if the requestor does not know the specific name of the record or records being kept. The more information

**TRAILER ESTATES PARK AND RECREATION DISTRICT
PUBLIC RECORDS POLICY AND PROCEDURE PP 18**

the District has about the record being requested, the easier it is to locate.

- What is the name, type or description of document / record being requested?
- Is there an associated address, name, or date of service for the record?
- Does the record have an identifying number?
- Is the requestor aware of who created the record?
- Is there a specific date or timeframe referenced?
- How is the Record Being Delivered to the Requestor?
 - In-Person Pick Up (copies or material (USB device) fees apply)
 - The District may NOT accept any foreign (outside) USB device provided for the purpose of uploading the requested records as it may be a security risk for the District's network technology systems. The District may upload the records to a USB device purchased by the District at a materials charge to the requestor.
 - Mailed (copy, materials and postage costs applied, obtain mailing address)
 - In-person review or inspection of the record under reasonable conditions as defined.

Fees:

Applicable law authorizes a custodian to charge, in addition to the cost of duplication, a reasonable service charge for the cost of extensive use of information technology resources or of personnel, if such extensive use is required because of the nature or volume of public records to be inspected or copied.

Duplication and Certification:

- One-sided copy not more than 14x8.5 inches: \$.15 cents / per sheet.
- Two-sided copy not more than 14x8.5 inches; \$.20 cents / per sheet.
- For all other copies, the actual cost of duplication of the public record.
- The charge for copies of maps or aerial photographs may also include a reasonable charge for the actual labor and materials associated with their duplication.
- May charge up to \$1 per copy for a certified copy of a public record.

Extensive Services Fees:

If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or involve extensive clerical or supervisory assistance by District personnel, or both, the District may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and based on the cost

**TRAILER ESTATES PARK AND RECREATION DISTRICT
PUBLIC RECORDS POLICY AND PROCEDURE PP 18**

incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is incurred by the District or attributable to the District for the clerical and supervisory assistance required, or both.

- A fee may be warranted if the nature or volume of the requested records to be inspected, copied, reviewed, redacted, or provided electronically requires more than 15 minutes of resources. The charges apply only to the time expended after the initial 15 minutes, meaning there will be no charge for the first 15 minutes expended but chargeable thereafter.
- Clerical or supervisory assistance includes searching for and locating the record, reviewing the record for legally exempt or confidential information, withholding or redaction of exempt or confidential information, and preparing, copying, and refile of the requested records. Email searches estimate an average of 2 minutes per email for review and redaction.

If multiple personnel of the District are involved, the charges will be based on the aggregate time expended by all personnel and information technology resources used in the records response.

- The rate charged for clerical or supervisory assistance will be based on the actual base wage of the staff member producing the record. For any record regarding legal review, the rate shall be charged at the attorney's actual chargeable rate billed to the District for outside legal services.

Response Time and Delay of Record:

Florida law requires a records custodian to provide a record in a reasonable amount of time. Most records can be delivered to a requestor within 3-5 business days. However, there are times when legitimate delays occur. If a District individual is unable to deliver the request in five days, contact the District Clerk's Office to explain the legitimate delay and provide an estimated date of completion so a response can be provided to the requestor.

Notice of Cost Estimate and Payment:

The District Clerk's Office is responsible for notifying the requestor of cost estimates for requests estimated to involve duplication or extensive services fees. After receiving the initial request and sending out assignments to individuals where records may be located, the Clerk will collect data on the estimated time to produce the records along with any fees associated with the duplication of the record.

The Notice from the Clerk to the Requestor Shall Include:

- Estimated material costs for duplication, packaging, or postage if applicable.

**TRAILER ESTATES PARK AND RECREATION DISTRICT
PUBLIC RECORDS POLICY AND PROCEDURE PP 18**

- Estimated labor for hours, over the initial 15 minutes.
- The “base” wage rate of the actual staff member who is providing response or supervisory review for each participating division or department staff.
- Total estimated amount due and deadline to receive payment.
- Notice of process when estimate is overstated or understated.
- Notice of opportunity to narrow the search to reduce costs.
- Notice of deadline to respond to accept the estimate or narrow the search.

Reducing Costs- Limiting Charges and Clarifications:

Costs can be reduced significantly if requests are specific in nature and refrain from open-ended terms such as “all documents and emails,” or all records including this, that, and the other thing. Another way to reduce volume is to target a specific date or timeframe for the search. Sometimes the requesting party does not know the ins and outs of requesting records, so it is okay to

educate the requestor in the best way to reduce the cost. Sometimes clarification is needed to understand a request that is unclear or overly broad. The Clerk may contact the requestor.

Email Searches:

Email searches are performed by the District Clerk. If the records request includes emails, be sure to include the Clerk or in the request activity as these searches are typically quite involved and limited as to who has access.

Legal / Litigation:

If a request for records involves a case that is in litigation or is likely to be in litigation with the District, contact the District’s counsel for review prior to providing any documents to the requestor.

No Record Exists:

If you have searched for the record and have determined “no record exists” please contact the Clerk so the Clerk can notify the requestor as to the status of the request. There are often follow up questions with this response so the more the District knows, the more comprehensive response can be provided to the requestor.