

**POLICY AND PROCEDURE COMMITTEE MEETING**

**June 12, 2019**

**RECREATION CENTER, 7:00 PM**

1. **Public Record Policy**
2. **Review of Charter for possible legislative changes**

**BAYSHORE GARDENS PARK AND RECREATION DISTRICT  
PUBLIC RECORDS POLICY**

1034 PR

It is the intent of the Bayshore Gardens Board of Trustees that our records be maintained and managed as required in connection with official business of the district and open and available to the public with reasonable notice.

The purpose of this policy is to provide Bayshore Gardens employees with the information and procedures necessary to understand and carry out their responsibilities under the Florida Public Records Law, including the way public records requests are processed.

**Florida Statute Chapter 119.01 General state policy on public records.—**

- (1) It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.
- (c) An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the agency, including public records that are online or stored in an electronic recordkeeping system used by the agency.
- (f) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(4).

**119.011 Definitions.—**As used in this chapter, the term:

- (1) "Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, but does not include labor cost or overhead cost associated with such duplication.
- (2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.
- (8) "Exemption" means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), s. 286.011, or s. 24, Art. I of the State Constitution.
- 9) "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

PROCEDURES  
BAYSHORE GARDENS BOARD OF TRUSTEES

REQUEST MAY BE IN WRITING OR VERBAL

The requestor does not have to identify themselves, or explain the reason for their request. The Office staff shall note the information requested, but shall not identify the requestor, but may assign a number to the request to monitor the progress and date delivered to requestor. The notes made by staff are a public record.

IDENTIFY RECORDS SUBJECT TO REQUEST

Requester must identify records that are being requested to view or copy. If requestor is not able to identify, they may review documents in the category they are requesting. The official documents of the District must be in view of the Custodian or their designee at all times. Official documents shall not leave the District Office. The District does not create reports nor does it read thru documents/minutes to satisfy a request. The requestor may review the documents in the District Office with supervision.

EMAILS

The District Office may print and store copies of all emails received at the District Office by date or may provide a computer at the front counter for residents to use to read emails received by the District. Residents may request and receive paper copies of any email at the District published rates.

SOCIAL MEDIA

The District must maintain copies of any Trustees using Social Media to discuss District business. Facebook, or other forms of Social Media pages for District business discussions are public records.

Copies will be made as requested for a charge:

- 15 cents per page or 20 cents for two sided copy.
- Actual cost to District for other documents, such as maps, blue prints, or other oversized documents. Cannot charge for clerical hours unless duplication must be made off sight.
- **Video recordings actual cost to district for DVD or Flash Drive**
- **Audio recordings actual cost to district for CD or Flash Drive**
- **The charge for sending a fax shall be \$1.00 per page**
- **The charge for receiving a fax shall be \$1.00 per page**
- **Notary charges shall be \$5.00 per occurrence.**

The statute requires production in a "reasonable" time but fails to define "reasonable", therefore, the District defines "reasonable" as follows.

REASONABLE TIME TO FULFILL A REQUEST

1. Within one week for a request to inspect/copy records created within the past 5 years with at least a 5 year retention schedule.
2. Within two weeks for a request to inspect/copy documents created and required by Retention Schedule to maintain over 5 years old
3. If fulfilling request will exceed two weeks we will notify the requestor by US Mail or email and the reason for the delay.

4. Clubs may receive up to 20 copies per month without charge. Logs will be kept for the clubs. When their quota is reached the above charges will apply.

#### CHARGES FOR STAFF TIME

1. Records identified by the requestor and created within the past two years, no charge
2. Records identified by the requestor and created beyond the two years in 1 above and retrieved in ½ hour, no charge, after the first ½ hour the requestor will be charged at rate of \$3.25 per ¼ hour. The same fees shall be charged for requestors viewing Public Records.

#### TRUSTEE REQUESTS FOR RECORDS

Trustee request documents to fulfill their obligations to the District and their requests for documents are not public record requests pursuant to this policy. Trustees may have copies of requested documents and their request is a priority.

Date approved \_\_\_\_\_  
Revised \_\_\_\_\_  
Effective \_\_\_\_\_

# SAMPLE FEES

## TRAILER ESTATES PARK AND RECREATION DISTRICT PUBLIC RECORDS FEES/OFFICE FEES PP19

**COPIES:** \$ .15 per page, \$ .20 two-sided page

Audiotape Cassette \$ 1.50      CD Disc \$1.50      DVD Disc \$1.50

<b>FAXES (Sent/Received):</b>	<b>1<sup>st</sup> Page</b>	<b>Additional Pages</b>
FL or 800 numbers	\$ 1.00	\$ 1.00
Other States	\$ 2.00	\$ 1.00
Canada	\$ 5.00	\$ 1.00
Email	\$ 1.00	\$ 1.00

**DEPOSITS:** If the records custodian determines that the request will require extensive clerical work to compile the requested records, extensive supervisory assistance, or an extensive use of information technology resources, an advance deposit may be required before the request will be processed.

### **ADDITIONAL FEE INFORMATION:**

Public record requests requiring extensive clerical or supervisory assistance, extensive research (i.e. legal, paralegal, etc.), or extensive use of information technology resources may be charged an additional fee on a case by case basis.

The fee shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the Trailer Estates Park and Recreation District (TE) or attributable to TE for the clerical and supervisory assistance required, or both. Labor costs will include wages, Medicare/social security employer costs, and costs of benefits (health, dental, and retirement).

An additional fee may be charged for requests which require an extensive amount of clerical or supervisory assistance (more than 15 minutes), or an extensive use of information technology resources (for definition, see Government-in-the-Sunshine Manual, 2007 Edition, Volume 29, Part II: Public Records, Section L, Number 11b, p. 172).