

**FLAGLER ESTATES ROAD AND WATER CONTROL DISTRICT  
PUBLIC RECORDS REQUEST POLICY**

**1. PURPOSE**

The purpose of this Public Records Request Policy is to provide guidance to District staff on how to properly coordinate and respond to public records requests from any individual or entity and to ensure that all responses comply with Chapter 119 of the Florida Statutes, also known as the “Public Records Act”.

**2. COORDINATOR**

The District Administrator is designated as the Public Records Coordinator for all public records requests.

**3. DEFINITIONS**

**3.1. What is a Public Record?**

3.1.1. Section 119.011(12) F.S. defines “public records” to include:

3.1.1.1. all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

3.1.1.2. Through case law, the courts have interpreted a true determining factor for a public record as those records that “**perpetuate, communicate, or formalize knowledge**”.

**4. PROCEDURES**

When a District employee receives a public records request, the following procedures shall apply:

4.1. **I**f the request is verbal, the employee receiving the request shall write down as much information regarding the request as possible; i.e., person making the request including contact information, what documents are being requested, and any specific information such as dollar amount threshold, delivery expectations, time expectations, etc.

4.2. NOTE: A public records request does not have to be in writing.

4.3. The employee receiving the request shall notify the District Administrator of the public records request and provide a copy of any written request. This notification shall be done as soon as possible but no later than two (2) business days from receipt.

4.4. Upon receipt of the public records request, the District Administrator shall **promptly** acknowledge receipt of the request to the requestor and shall coordinate compilation of the requested records.

4.5. “Standing” public records requests: The District has no obligation to honor public records requests that demand future copying or production (i.e., “please forward all future meeting minutes...”). The Public Records Act requires production of existing documents and does not require a custodian to foresee the future as to what documents may or may not be generated.

## **5. EXCEPTIONS TO PUBLIC RECORDS INFORMATION**

5.1. Although documents that perpetuate, communicate, or formalize knowledge are public records, not all information found in that public record is necessarily subject to dissemination or release. For example, employee personnel files are public records; however, information such as social security numbers is protected and is not to be released.

5.2. The following public documents/instruments are examples that may include sensitive material that is either confidential or exempt from the Public Records Act or some other statutory exemption.

5.2.1. Employee records

5.2.2. Settlement documents

5.2.3. Attorney client communications/bills

5.3. This list is not all encompassing. The District Administrator shall seek guidance from the District Attorney if they are unsure of what constitutes confidential or exempt information prior to release of the public record(s).

5.4. Documents that contain protected exempt material will be redacted and the document shall then be released to satisfy the public records request.

## 6. FEES

All fees imposed for duplication of printed public records will comply with the Public Records Act. Fees may only be imposed for duplication of public records.

6.1. Unless specifically stated otherwise by state statute, the following statutory fees will apply to copying of public records:

- 6.1.1. single sided page (letter & legal): .....\$0.15 per page
- 6.1.2. double sided page (letter & legal): .....\$0.20 per page
- 6.1.3. certified copy: .....\$1.00 per page
- 6.1.4. optical disk charge if required: .....\$1.00 per disk
- 6.1.5. email search: .....\$48.00 base charge per search  
(depending on the extensive nature of the email search, additional costs may be charged under Section 6.3).

6.2. Exception: Maps, aerial photographs, and large format photos may be reproduced and a fee charged to cover the materials used for those duplications. A reasonable labor and overhead charge associated with duplication may also be included.

6.3. 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 extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and 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 agency or attributable to the agency for the clerical and supervisory assistance required, or both.

6.3.1. Florida courts have stated that “extensive” means taking more than fifteen (15) minutes to locate, review and copy the requested information.

6.3.2. To assess the fee for employee hours spent, the District Administrator will ascertain the hourly rate of the lowest paid position able to provide the duplication. For example, we may not charge the hourly rate of the District Administrator unless the person in that position was the only one able to locate, review and copy the requested materials.

6.4. Deposits: If a request is voluminous by nature, the District shall require a deposit before starting the reproduction. The requesting person or entity shall be notified of the estimated cost to reproduce the records and any deposit requirement, if applicable.

6.4.1. In the event that are cost overages, the additional amount will be billed to the requesting person or entity. Any extra monies will be returned.

6.4.2. Once the District receives the fees associated with reproduction, it shall provide the requested information.

Adopted \_\_\_\_\_, 2019.