



PUBLIC RECORDS PROCESS

PURPOSE

The Gateway Services Community Development District fully embraces the letter and spirit of the Florida Public Records Law, Chapter 119, Florida Statutes, governing the public's right to access records held by a public agency (i.e. public records). In support of the public's right to access such records, the Gateway Services CDD hereby establishes the following public records process. The guidelines developed below inform District staff about implementation of the Public Records Law within the District and provide uniformity when charging fees for access to and copies of public records.

AUTHORITY

Article 1, Section 24, Florida Constitution
Chapter 119, Florida Statutes
Section 120.536, Florida Statutes
Section 286.011(2), Florida Statutes

SCOPE

This document outlines legal requirements, responsibilities, and describes procedures for providing access to public records. It should be applied to all activities which involve public records requests.

GENERAL LEGAL REQUIREMENTS

Public records (hereafter referred to as "records") held by the District, except those specifically protected from disclosure by a statutory exemption, shall be available, in any form and format used by the District, to all persons for inspection or copying under the supervision of the records custodian (or designee) during the District's normal business hours (generally 8:30 a.m. – 4:30 p.m. Eastern Time, Monday through Friday). Copies of records shall be made available to the public in the format requested providing they are stored in that format.

Copies of records shall be available for a fee as specified in law or, if none is specified, for a fee not to exceed the actual cost of duplication. Currently, photocopies are 15¢ each for single-sided copies, and 20¢ for double-sided copies, not larger than standard legal size paper (8.5"X14"). If a person wishes a photocopied page to contain a certification that it is a true and correct copy of the original, there is an additional charge of \$1.00 per page.

If the nature or volume of records to be inspected or copied is such as to require extensive use of district information technology resources (as defined in Section 282.303(13), Florida Statutes) or extensive clerical or supervisory assistance by district personnel, a service charge will be imposed. This charge shall be reasonable and shall be based on the cost incurred for such extensive use of the information technology resources or the actual labor cost of the personnel providing such assistance.

RESPONSIBILITIES

All District records requests should immediately be referred to the District Office. That office may respond to the request directly, or relay the request to the correct department for response and then act as the conduit for the release of and receipt of payment for any fees or charges.

When a request is to review records only, the District Office or office which has been designated to hold custody of the records should be notified at least 24 hours in advance of public review if it is anticipated that the review will take longer than 30 minutes to allow for staffing availability.

- District Staff should identify the records and parts thereof in their custody which are exempt from inspection, examination, and copying under the Public Records Law. The District Office will answer any related questions or refer parties to the District's Counsel for the appropriate legal opinion.
- Staff should be knowledgeable of records inspection and copying activities occurring within their area of responsibility.
- Staff should ensure that the actual cost of duplication and/or extensive use charges are applied to records requests in a consistent manner and communicated to the Information Services Office.

PUBLIC RECORDS REQUESTS

Requests for records may be made in writing, by electronic mail, telephone, fax or letter, or in person. The requestors do not have to identify themselves or state the reason they desire the records. If the request is insufficient to identify the records sought, the department holding the records should help the requestor clarify the request. The department may ask the requestor to complete forms to assist in defining or documenting facts necessary for complying with records requests; however, the requestor is not obligated to complete such forms or to sign such a form as a condition for obtaining records.

Requests to view personnel files are governed by Florida Statutes, Section 231.291(2), which requires the custodian of the personnel files to maintain, in those files, a record of those persons reviewing such files each time the files are reviewed.

Requests for records should be accepted and records made accessible for inspection or duplication during normal business hours. Inspection and examination should be allowed as soon as reasonably possible after receiving the records request. No set time delay is allowed by law.

PUBLIC RECORDS FEES AND CHARGES

The Public Records Law allows the District to collect its actual cost for materials and supplies used to duplicate records. In addition, the District may collect a reasonable service charge when the request requires the extensive use of information technology resources and/or the extensive use of clerical or supervisory assistance. District administration considers records requests taking more than 15 minutes to pull the record, copy the record, delete or excise there from any confidential material, to have appropriate district staff supervise the review of the record, or to otherwise make available the requested material, as a diversion of district resources which will result in extensive use charges.

When multiple requests are made by one individual, they may be considered as one request and extensive use charges may be applied after the first 15 minutes of staff or resource time. Costs totaling less than \$1.00 will be waived, as it is not cost effective to process payment for such an amount.

The following fee/charge standards and guidelines are designed to ensure that the District is consistent in its application of the law, which allow the recover of actual duplication costs and extensive use charges.

1. Actual Duplication Costs – Actual duplication costs shall be applied uniformly throughout the district in compliance with the following guidelines, unless otherwise designated by law. The records custodian should consult with the Board of Supervisors to determine the actual cost of duplication when records are duplicated using a medium other than those listed below.

(a) Paper copies – Paper copies, letter, legal, and computer size, shall be provided at a cost of .15¢ per one-sided copy and .20¢ per double-sided copy. The cost of providing a certified copy of a record shall be no more than \$1.00 per page.

(b) Shipping – U.S. postage or other shipping costs incurred in the delivery of records shall be included in the actual duplication costs charged to the requestor.

(c) Audio Tapes – The cost of an audio tape is \$1.50 plus any staff/information technology resource time in excess of 15 minutes. The District will accept a tape of the same length from the requestor and, in this instance, the cost of the tape will not be included in the final charges.

(d) Video Tapes – The cost of a video tape is \$2.00 plus any staff/information technology resource time in excess of 15 minutes. The District will accept a tape of the same length from the requestor and, in this instance, the cost of the tape will not be included in the final charges. (if applicable)

(e) Diskettes/CD ROMs – The cost of a computer diskette/CD ROM is \$1.00 plus any staff/information technology resource time in excess of 15 minutes. The District will not accept external diskettes/CDs brought in by a requestor due to the possibility of contracting a computer virus.

2. Extensive Use Charges – Extensive use charges shall be applied uniformly throughout the district in compliance with the following guidelines. Departments shall use the fees of charges set forth in these guidelines when charging for extensive use of staff time or information technology resources. When the use of a particular technology is not specifically stated herein, the department should consult with the Board of Supervisors to determine a fair fee charge.

(a) Labor Costs – When more than 15 minutes of clerical and/or supervisory time is spent in the inspection or duplication of a record, the special service charge shall be calculated from the hourly cost of the salary of the Consultant, Staff, Contractor or Agent multiplied by 125% required to fulfill the request. If the employee is not paid hourly, then the hourly cost will be the annual salary of the Consultant, Staff, Contractor or Agent multiplied by 125% and divided by 2,080. If a consultant is required to compile request it will be an equivalent of the consultant's hourly fee as contracted, if applicable.

(b) Information Technology Resource Costs – Information technology resources include use of personal computers, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonably required to produce or display the record is over 15 minutes. The special service charge shall be based on a prorated amount to be determined by the department providing the record.

3. Fee Collection and Processing

(a) When all allowable fees/charges applicable to a particular records request can be calculated in advance, they must be collected in advance. Items will be held for final payment for a period not to exceed 14 days.

(b) When actual duplication costs and extensive use charges cannot be calculated in advance, the department responding to the request shall quote and collect one-half of the estimated costs in advance. (Providers should use their best efforts to ensure that the estimates are accurate within 25% of the final cost). If the requestor accepts the estimate and prepays half the cost estimate, the District will then fill the request and furnish the records upon receipt of the balance due.

(c) Should the requestor fail to pay the total duplication costs and/or extensive use charges incurred to fulfill the request, Staff shall refer the bill to the District Office for collection. Future records requests by such an individual will not be filled without payment of all past due amounts and a deposit of at least one-half the estimated cost of the new request.

(d) No sales tax is currently charged on public records fees.

(e) All requests and payments must be report to the District Office. All payments are processed through the District's Accounting Department.

4. Public Records Exemptions

The District is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law. A specific listing is available in Florida Statutes, Section 119.07(3)(a), and the annual Government in the Sunshine Manual.

Confidential information shall be deleted or excised from records prior to inspection, examination, or distribution of copies of the nonexempt portions. Charges for the use of District/staff resources to extract the information may be levied according to the above guidelines. Future data processing systems should be designed with extraction capabilities so that the nonexempt portions of records can be made readily for public review.