

**RESOLUTION # 16-09**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT CREATING A PUBLIC RECORDS POLICY**

**WHEREAS**, the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT (hereinafter referred to as the "Board") is empowered to construct, operate and maintain a Water and Sewer System (the "System") as described in Florida Statute Chapter 78-494, Laws of Florida, which was amended by chapters 93-366, 94-489, and 95-492, Laws of Florida, was codified, reenacted, amended, and repealed as Chapter No. 98-495, was amended in Chapter 2005-298; and was amended in Chapter 2015-205; and

**WHEREAS**, the Board is authorized and empowered to make rules and regulations for its own government and proceedings; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT**, in public meeting assembled that the following be recognized as Resolution 16-09:

## PUBLIC RECORDS POLICY

Public records are defined as "all documents, papers, letters, maps, books, tapes, photographs, 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 the District."<sup>1</sup>

Florida's Constitution<sup>2</sup> and public records laws<sup>3</sup> provide a right to inspect or copy such records unless specifically exempted by the Constitution or by Florida statute.

### Public Records Request Procedure

Public records may be requested by submitting an online request form, by emailing [oonareyna@iw-sd.com](mailto:oonareyna@iw-sd.com) or by calling the District Office (239) 658-3630 and speaking to Oona Reyna-Rodriguez or Eva Deyo. Requestors are not required to provide their identity or purpose for seeking the records.

We will acknowledge a new request as soon as practicable and may provide one or more of the following initial responses:

- A statement that the District is initiating a search for responsive records
- An inquiry to clarify the scope of the request when more information is necessary to initiate a search
- A statement that the Immokalee Water & Sewer District does not have the requested records
- Referral to the proper custodian of the requested records
- An estimate of time required to fulfill the request
- An estimate of fees associated with processing the request

### Publication of Public Records Requests

Information on all public records requests processed on or after June 2016 will be publicly available online. The request and responsive documents, if any, will be posted online upon completion of processing. This will enable easier and more expeditious access to public records, while lowering costs to the requesting party.

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<sup>1</sup> Section 119.011(12), F.S.

<sup>2</sup> Article I, s. 24, Fla. Const.

<sup>3</sup> Chapter 119, F.S.

### Duplication & Materials Costs

If documents are requested in hard copy or disc format, they may be provided upon payment of the following actual duplication and materials costs when applicable:

- One-sided Copy: \$ 0.15 per page of not more than 8½ x 14 inches
- Double-sided copy: \$ 0.20 per page of not more than 8½ x 14 inches
- All other duplication: Actual cost (material and supplies, not labor)
- CD-ROM: \$0.85 each
- DVD: \$1.15 each
- Certified Copies: \$1.00 per page
- Packaging and shipping charges: Estimated costs may be changed to reflect actual cost incurred.

### Special Service Charge

A special service charge will continue to be imposed pursuant to section 119.07(4)(d), Florida Statutes, if the nature or volume of the requested public records requires extensive use of information technology resources and/or extensive clerical or supervisory assistance by District personnel. This charge will be separate and in addition to actual duplication and material costs.

- a. A special service charge will be warranted if the nature or volume of the requested records to be inspected or copied requires more than 30 minutes of District resources. Once 30 minutes of District resources have been expended on a request, the charge will apply only to any time expended in addition to the first 30 minutes. Therefore, there will not be a special service charge for the first 30 minutes of time regardless of how long it takes to fulfill the request.
- b. Clerical or supervisory assistance includes searching for and/or locating the requested record, reviewing records for legally exempt or confidential information, withholding or redaction of such exempt or confidential information, and preparing, copying, and re-filing of the requested records.
- c. If multiple District divisions are involved, the special service charge will be based on the aggregate amount of time expended by all personnel and information technology resources when applicable.
- d. The rate charged for clerical or supervisory assistance will be based on the lowest paid full-time personnel in the Immokalee Water & Sewer District capable of processing public records requests (salary and benefits), even if a specific request requires labor by higher paid employees (such as managerial review).

### Cost Estimate and Payment

Upon receiving requests for public records, the Immokalee Water and Sewer District will provide an itemized estimate to the person initiating the request. The estimate will include the hours required, the estimated service charge for extensive labor, and actual duplicating or other

material costs. If upon receipt of an initial estimate of charges, a request is changed or otherwise limited in scope (limiting individuals or District Departments for example), the person initiating the request will be provided with a new estimate of charges.

Review and redaction will not begin until payment of the estimated charges is received. If the actual time required to process the request exceeds the initial estimate, the actual cost must be paid before the records are released.

Reducing Costs and Limiting Charges

Labor costs can be reduced significantly if requests include keywords instead of open-ended terms such as “all documents or emails.” Similarly, narrowing a request to certain individuals or a particular date range can greatly reduce the use of extensive labor.

Many easily accessible records are already available online for no charge (www.iw-sd.com). The Immokalee Water & Sewer District will continue to add documents and information as we identify some of the most frequently requested public records and will help direct requestors to free online sources whenever possible.

Non-Responsive Requestors

If a requesting party fails to respond to inquiries for clarification, cost estimates, or any other communication from the Immokalee Water & Sewer District for 30 business days, the request will be closed. A non-responsive request may be resubmitted and will be processed as a new request.

This resolution shall become effective on July 20, 2016.

**PASSED AND DULY ADOPTED** by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this 20th day of July 2016.

BOARD OF COMMISSIONERS  
IMMOKALEE WATER AND SEWER DISTRICT

BY: \_\_\_\_\_  
**Joseph Brister**  
Chairperson

BY: \_\_\_\_\_  
**Bonnie Keen**  
Secretary