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August, 27, 2006

6907 Tarpon Ln.  
Bradenton, FL.

Trailer Estates Park and Recreation District  
PO Box 6298  
Bradenton, FL 34281-6298  
Attn: Mary Lou McNulty

Dear Mrs. McNulty:

Thank you for your prompt response and forwarding of some requested documents.

Pursuant to my current Sunshine Law request, I need more explanation as to the "unavailable" document I requested, which was the citation letter that was sent to us regarding the property at 6603 Arizona, with an issue of blockage of the drainage ditch. When I went to the office this spring to get a copy, TJ told me that these documents were stored in boxes labeled by month and that she was not going to get it for me. Does "unavailable" mean that she is also unwilling to get it for you? I want the document. I sent money to pay for her time to retrieve it. It is a public record. It is within the statutory time for being preserved. It was issued in March of 2005.

I also want to know why you are making it my responsibility to obtain the videos which are used to record meetings. You are responsible for keeping records. I think the volunteer video club is a valuable volunteer service, however, the taping is an official park function (the meetings are re-broadcast on the TV station), and the equipment used belongs to the park. I presume that there is somebody in the park that can get the requested videos and make copies. They are public records. Waiting until October is not acceptable.

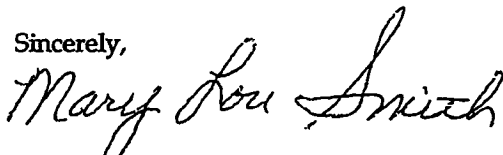
The document you sent for the payment of my parking space was an invoice, marked paid, and was not dated. I asked for the receipt, which is numbered, and dated. The by-laws require a receipt to be issued for every transaction. I want the receipt.

I am also wondering why you returned my check, rather than refunding the difference. When I don't send money, you won't send anything until you get money (by check), but when I send money (by check); you send the documents and return the check, asking me to send the exact amount of money. Please, either send the items and bill me after the fact, or cash the checks I send and refund the difference. Why do you return money that has been paid for services if it is not the exact amount?

Please send these items to my home address: 6309 Porter Avenue, East Lansing, MI 48823.

My e-mail address is [MSmith0603@aol.com](mailto:MSmith0603@aol.com), if you need anything further.

Sincerely,



Mary Lou Smith

rec. 9/5/06

EXHIBIT

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tabbles

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# KIRK • PINKERTON

## MEMORANDUM

TO: Janet Jones, Chair

CC: Trailer Estates Board of Trustees

FROM: Mark P. Barnebey, Esquire <sup>12/5/07</sup>  
 Scott E. Rudacille, Esquire *MPS*

RE: Public Records Policy Issues

DATE: December 5, 2007

Attached is our response to questions raised regarding the proposed Public Records Policy.  
 If you have any questions or wish to discuss this further, please do not hesitate to contact us.

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**TRAILER ESTATES**  
**Questions Regarding**  
**Public Records Policy**

**QUESTION:**

1. Currently the Video/Computer Club makes a VHS recording of our board meetings and workshops. They copy this tape to a DVD and make it available to the public through the TE Office. There is a cost associated with this, which is then put in the Video/Computer Club's account. These are unofficial copies of the meetings and workshops and will say so on the DVD cover. Are we required to "officially" videotape our meetings?

**ANSWER:**

**No, the Board is not required to videotape the meetings. However, if the Board does videotape the meetings, then they are a public record.**

**QUESTION:**

2. We audiotape our board meetings and workshops. Our old tapes are in cassette form, and must be retained for another year. Are we required to provide the old minutes in cassette form if they are requested in that form?

**ANSWER:**

**If the District maintains copies of the meetings in cassette form, then the public is entitled to listen to or obtain a copy of the cassettes.**

3. For individuals who request access to the old or current audiotapes (cassette or DSS/Olympus), are required to provide a listening station in the office, under the supervision of staff, just like we do for reading documents?

**ANSWER:**

**The District is required to make the tapes available for review. It is recommended that such access be under the supervision of staff in order to protect the records.**

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QUESTION:

- 4. Does the law spell out what we can and can't include as we calculate the fees for the copies (cost of duplication materials, machine, etc.)?

ANSWER:

If the record is 14" by 8.5" or smaller, the District is authorized under Section 119.07, Florida Statutes, to charge up to \$0.15 for a one-sided copy and \$0.20 for a two-sided copy. For any other records, the District is authorized to charge its "actual cost of duplication" of the record. This term is defined in Section 119.01(1), Florida Statutes, to include "the cost of materials and supplies used to duplicate the public record, but does not include labor cost or overhead cost associated with such duplication."

There is an exception that allows the District to charge a special service charge when the nature or volume of the request requires extensive supervisory or clerical assistance.

QUESTION:

- 5. We have written a draft of the Public Records Policy for TE. There is some discussion about access and the concern about exempted materials, etc. Could you please review this draft and make recommendations?

ANSWER:

We have reviewed the proposed Public Records Policy Draft, dated 11/16/2007, and have the following comments:

1. We would recommend removing the description of what may constitute public records in the second sentence of Paragraph 1. It is really unnecessary and may cause confusion.
2. We recommend changing the third sentence in Paragraph 1 to state that video or audio recordings of the meetings will be made available for copying or inspection in the form in which they are maintained.
3. The last sentence in Paragraph 1 should either be omitted or should state that public records may have to be altered to redact exempt of confidential information, such as certain medical information, social security numbers, etc. If such information is redacted from requested records, the District must provide a written explanation as to why the District believes the information is exempt or confidential.
4. There is a statement in Paragraph 2 that reads "Requests for information will normally be processed as soon as possible." The word "normally" should be struck from this line. Public records requests should always be processed as quickly as reasonably possible.

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5. We would recommend that there be a clarification that the Request Form is not required, and is only used to assist District Office staff in providing the requested documents.

6. As for the timetable for review, we would recommend removing the statement that the requestor must "Return for review". It should say that all public records in possession of the District will be made available for inspection upon request. However, if the nature or volume of the request is such as would require either extensive clerical work to compile the requested records or extensive supervisory assistance, staff will work with the requestor to provide the records as soon as possible.

7. The denial process is addressed in Question 6. below.

QUESTION:

6. We have added an appeal process for a denial. Would you advise this? Should we put a time limit for when an appeal of a denial must be requested?

ANSWER:

An appeal process should not be necessary for public records requests, as there should never be a "denial". If there is a request for documents which the District believes may contain exempt or confidential information, there should be consultation with the Board Attorney. In those cases, the District is required to provide a written explanation as to the confidential or exempt nature of any information that is withheld.