

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 21, 2018 2:43 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-206 Roseann Prado, Village Clerk, Village of Biscayne Park (Public Records)

INQ 18-206 Prado

From: Roseann Prado [mailto:villageclerk@biscayneparkfl.gov]
Sent: Tuesday, August 21, 2018 1:44 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: RE: INQ 18-206 Roseann Prado, Village Clerk, Village of Biscayne Park (Public Records)

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Thank you very much Mr. Centorino.

Warm Regards,



Roseann Prado
Village Clerk
Village of Biscayne Park

Village Hall
600 NE 114th Street
Biscayne Park, FL 33161
305 899 8000 – Phone
305 891 7241 – Fax
villageclerk@biscayneparkfl.gov
www.biscayneparkfl.gov

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The Village of Biscayne Park is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our servers and kept as a public record.

From: Centorino, Joseph (COE) [mailto:Joseph.Centorino@miamidade.gov]
Sent: Tuesday, August 21, 2018 1:36 PM
To: Roseann Prado
Cc: Turay, Radia (COE); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: INQ 18-206 Roseann Prado, Village Clerk, Village of Biscayne Park (Public Records)
Importance: High

Ms. Prado,

You have inquired regarding whether there is anything in Chapter 119, Florida Statutes that would prohibit a municipality from getting an upfront deposit before commencing work on a public records request.

While your inquiry references a Florida state statute, this agency has jurisdiction over public records issues by virtue of Section (A)(3) of the Miami-Dade County Citizens' Bill of Rights, under which it has the authority to enforce the latter provision consistent with the requirements of Chapter 119, Florida Statutes.

The courts in this State have interpreted Chapter 119 to permit a municipality to establish a reasonable policy imposing an advance fee for the production of public records. See *Morris Publishing Group, LLC v. State*, 154 So. 3d 528, 534 (Fla. 1st DCA 2015, review denied, 163 So. 3d 512 (Fla. 2015) and *Accord Board of County Commissioners of Highlands County v. Colby*, 976 So. 2d 31, 37 (Fla. 2d DCA 2008).

Based on the authority noted above, it is permissible to require a deposit on a public records request as long as it is reasonable under the circumstances of the request.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
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ethics.miamidade.gov



From: Roseann Prado [<mailto:villageclerk@biscayneparkfl.gov>]
Sent: Tuesday, August 21, 2018 11:21 AM
To: Thompson, Robert A. (COE) <Robert.Thompson@miamidade.gov>
Subject: Question

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Good Morning Mr. Thompson,

Is there anything in Chapter 119 that would prohibit a municipality from getting an upfront deposit before any work commences?

Thank you for all your help.



Roseann Prado
Village Clerk
Village of Biscayne Park

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600 NE 114th Street
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