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August 16, 2018

Transmitted via email to lhansell@kissimmee.org,
CityClerkEmail@kissimmee.org

Ms. Linda Hansell
101 Church Street
Kissimmee, FL 34741

Re: Public Records Request Concerning City of Kissimmee's
Proclamation

Dear City Clerk Linda Hansell,

This is a request for records made on behalf of the American Civil Liberties Union ("ACLU") of Florida and the Freedom From Religion Foundation ("FFRF") pursuant to Article I, section 24 of the Florida Constitution, and the Florida Public Records Law, chapter 119, Fla. Stat.

We request, pursuant to Article I, section 24 of the Florida Constitution, and the Florida Public Records Law, that you produce the following materials:

- (1) All documents, records, and communications (including but not limited to emails, attachments to emails, letters, and texts) regarding the City's Proclamation first dated 8/7/2018 ("the Proclamation"). This includes, but is not limited to, all responsive documents to all community leaders, religious and non-religious.
- (2) All documents, records, and communications (including but not limited to emails, attachments to emails, letters, and texts) regarding any policies related to the office's official consideration and support of the City's Proclamation first dated 8/7/2018. Additionally, include a list of all religious leaders invited to the City Proclamation on 8/7/2018.
- (3) All documents, records, and communications (including but not limited to emails, attachments to emails, letters, and texts) regarding

the design, printing, and costs of the signage displayed in front of City Commission Chambers for the Proclamation, indicating “Proclamation for 40 Days of Fasting and Prayer” and stating Commissioner Gonzalez’s phone number as a number of reference for questions related to the Proclamation for 40 Days of Fasting and Prayer.

- (4) The City of Kissimmee’s rules, policies, and guidelines regarding posting of signage and/or displays in City Hall and the City Commission Chambers.
- (5) All documents, records, and communications (including but not limited to emails, attachments to emails, letters, and texts) regarding the rental and usage of the Shingle Creek Regional Park-Ruba location, 4267 Yates Road, Kissimmee, FL 34747 for August 21, 2018, including but not limited to permits and permit requests.

INFORMATION ABOUT THE REQUEST

As required by law, please acknowledge that you have received this public records request and provide an estimated timeframe in which you believe that you will be able to provide the requested information. See § 119.07(1)(c), Fla. Stat. (“A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith.”). If we have not heard from your office within 48 hours of sending this request, we will follow up to discuss when we may expect fulfillment of our request.

The ACLU of Florida is a non-profit tax-exempt organization dedicated to the protection of civil liberties and constitutional rights of all people. The ACLU serves an important public education function, regularly disseminating information of interest to the public through newsletters, news briefings, right-to-know brochures, and other public education materials. The disclosure of the requested information will “promote public awareness and knowledge of governmental actions in order to ensure that governmental officials and agencies remain accountable to the people.” *Forsberg v. Housing Authority of the City of Miami Beach*, 455 So.2d 373, 378 (Fla. 1984). **Therefore, we request that you produce the requested records free of charge.** However, if you are unable to do so, the ACLU will reimburse you for the reasonable costs associated with fulfilling this request, if your office has a policy of requiring the payment of a copying charge for such records. The fees and costs you may charge are governed by Section 119.07(4), Fla. Stat. If you challenge our entitlement to a waiver of fees and

anticipate that the total costs associated with fulfilling this request will exceed \$100, please contact me promptly with an estimate of the likely cost before any charges are incurred.

If you are unable or refuse to provide part or all of the requested public information, please explain in writing and with particularity the reasons for not providing the requested public information in its entirety, as required by Section 119.07(1), Fla. Stat. If any exemption that you assert applies to only a portion of the records (as opposed to the entire record), please redact the portion you claim is exempt, provide copies of the remainder of the record or records, and detail your reasons for the modification as required by Section 119.07(1), Fla. Stat.

We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures and/or exhibits. To the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested.

If any of the requested records are maintained in a common-format electronic-medium, please provide these records in such native electronic medium and not in paper form. See § 119.083(5), Fla. Stat. (“An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium”). For purposes of this request, common electronic formats include (1) American Standard Code for Information Interchange (“ASCII”), (2) files formatted in one of the Microsoft Office Suite, Corel Suite, OpenOffice Suite, or IBM’s Lotus Suite applications (.doc, .xls, .ppt, .mdb, .wpd, etc.), (3) a text file (.txt), (4) hypertext markup language (.html) or similar web page language, or (5) common media file formats, including mp3, mp4, wma, wav. These common formats are the preferred electronic mediums for production. However, if any of the requested records are only maintained or only can be produced as electronic images, for example a portable document format (.pdf), (n.b., it is possible to print documents into a PDF format either by using Acrobat Professional or a free PDF driver like cutePDF.com), then as an alternative, we request an electronic-image format, preferably PDF. See § 119.01(2), Fla. Stat.

Section 119.07(1)(h-i), Fla. Stat., prohibits the destruction of any of the requested records, including any which you may claim are exempt, for a period after the date on which you receive this written request. If we institute a civil action to enforce the Florida Public Records

Law with respect to the requested records, you may not dispose of the records except by court order after notice to all affected parties.

Thank you for your prompt attention to this request. If you have any questions, wish to obtain further information about the nature of the records in which we are interested, or need more information in order to expedite this request, please do not hesitate to contact me at president@cfaclu.org or jazis@aclufl.org or (786) 363-2708.

Sincerely,

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
FLORIDA

Jacqueline Azis, Staff Attorney, ACLU of Florida
Maryjane Cooper, President, ACLU of Florida Central Chapter
Andrew L. Seidel, Attorney, Director of Strategic Response for the
Freedom From Religion Foundation