

**LAKE SHORE HOSPITAL AUTHORITY
PUBLIC RECORDS REQUEST POLICY**

1. PURPOSE & INTENT

Every public agency that has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee.

The purpose of this Policy is to establish uniform procedures for the handling of all requests for public records in the custody of the Lake Shore Hospital Authority ("Authority"). The Authority's intent is to fully comply with all laws that may regulate the records of the Authority, protect confidential records, and maintain appropriate exemptions provided by law.

2. DEFINITIONS

A. Public records – Public Records are currently defined by Florida Statutes as, "all documents, papers, letters, maps, books, tapes, photographs, films, 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 any agency."

B. Public Records Act – Chapter 119, Florida Statutes and affiliated statutes referencing Ch. 119, Florida Statutes.

C. Reasonable time - As used herein, a reasonable time shall be construed by considering the normal business hours of the Authority.

D. Record Custodian – The Record Custodian is the person or persons responsible for the custody and safeguarding of the Authority's records. A person who has temporary possession of the Authority's records shall not be construed as a Record Custodian. The Executive Director, or their designee with authorization to release or communicate public records, shall act as the Authority's Record Custodian.

E. Requester – The individual or entity that has made a request of the Authority for public records.

3. EXEMPT OR CONFIDENTIAL INFORMATION IN PUBLIC RECORDS

Although items that perpetuate, communicate, or formalize knowledge are public records, not all information found in that public record is necessarily subject to dissemination or release. For example, employee personnel files are public

records; however, information such as social security numbers is protected and is not to be released; and, even some addresses are exempt.

All records gathered in response to a public records request shall be reviewed prior to disclosure for information that is either exempt or confidential by law and thus not able to be disclosed. Exempt or confidential information shall be redacted from the public record prior to its dissemination or disclosure.

Due to the exhaustive and ever-changing list of public records that are excluded from disclosure by the Florida Statutes, the Record Custodian should contact the Authority's legal counsel regarding any questions concerning public records disclosure requests and related exemptions or records that are confidential.

4. FEES

All fees imposed for duplication of public records will comply with the Public Records Act.

Unless specifically stated otherwise by law, the following statutory fees shall apply to the duplication of public records:

A. Fees for paper sizes 8 1/2" x 11", 8 1/2" x 14", or 11" x 17" , shall cost:

1. Single sided pages shall cost \$.15 per page.
2. Double sided pages shall cost \$.20 per page.

B. Certified Copies shall cost \$1.00 per certified page.

C. Other Media: All other requests for duplication of records shall be charged the actual cost of duplication including for records such as:

- Audio Tape and CD Fees Audio Tapes
- Data CD
- Audio CD
- Authority maps, aerial photographs

*See below for charges applicable to extensive information technology use, clerical or supervisory assistance.

D. Extensive Information Technology, Clerical, or Supervisory Assistance:

Where the nature or volume of a request requires extensive use of information technology resources or extensive clerical or supervisory assistance, the Authority may charge a special and reasonable service charge based on the cost actually incurred for the extensive use of information technology resources or the labor cost of the personnel that is actually incurred for the clerical or supervisory assistance required. The charge shall be referred to as a "service charge". A special and reasonable service charge shall be based on the amount

of the Authority's resources both used to fulfill the request and available to the Authority at the time the request is fulfilled. When calculating the usage of clerical or supervisory assistance the wage (including benefits) of the lowest earning employee who is capable of processing the request shall be used for calculations.

E. Advance Deposits:

When a request is made which will require extensive resources by nature, the Authority may require a "deposit" before starting the reproduction. The Record Custodian will review the materials needed, and develop an estimate for the cost for reproduction. The Authority shall notify the requesting person or entity of the estimate and the need for an advance deposit. Service charges that exceed the advance deposit shall be collected before delivery. Any excess advance deposit shall be refunded to the requesting party.

F. No sales tax shall be charged.

G. Fees and Charges Due Prior to Release:

The Record Custodian shall be responsible for the verification that all applicable fees and charges have been paid prior to the release of any records. The Record Custodian shall not allow the Authority to incur additional debt by the processing of requests from requesters that have outstanding balances owed to the Authority due to previous requests for records.

5. RECORDS RETENTION

Public records must be retained in accordance with retention schedules set forth by the Division of Library and Information Services (division) of the Department of State of Florida.

6. PROCEDURES

When an Authority employee receives a public records request for the duplication or inspection of records the following procedures shall be followed:

A. Upon receipt of any request, whether written or verbal, of a public record the person receiving the public records request shall complete the Authority Public Records Request Form ("APRRF"), attached hereto, to the extent possible based on information offered by the requestor. The completed APRRF along with any written or documented request shall be forwarded to the Record Custodian for data input and action.

Notification to the Record Custodian should be done within a reasonable time.

NOTES:

1. A request for public records is not required to be in writing as a prerequisite for completing the APRRF.
2. Public Records shall be provided in the format of an existing record.
3. The Public Records Act does not require the Authority to produce an employee to answer questions regarding the records disclosed.

B. Upon receipt of the APRRF the Record Custodian shall assign a tracking number to the request and make an initial determination as to whether an advance deposit is necessary.

C. If a request is determined to be from a requester who has an outstanding balance owed to the Authority, due to previous requests for records, the processing of the request shall be suspended until the outstanding balance is paid to the Authority.

D. The Record Custodian shall communicate with the requestor unless arrangements are made between the Record Custodian and the department possessing the requested public records.

E. The Record Custodian will document and maintain communication with the department possessing the public records throughout the processing of the records request and will notify the department when all aspects of the public records request have been satisfied.

F. The Record Custodian shall review all records gathered in response to a request for statutorily exempt or confidential information, and make all necessary redactions, prior to the disclosure of the public records.

G. For those public records requests seeking records that are a part of litigation, or requests that are made by, or on behalf of, parties to pending litigation, the Authority's legal counsel shall be notified in order to ensure compliance with legal requirements.

7. REVOCATION:

This policy supersedes and revokes all existing policies of the Authority that regulate public records requests.

Revised May 11, 2015