

**ADMINISTRATIVE RULE 9
PUBLIC RECORDS**

EFFECTIVE DATE: August 24, 2006

SCOPE:

This Administrative Rule shall apply to all officers, managers, employees or agents of the Authority and Members of the Governing Board.

AUTHORITY:

Authority for establishment of this Administrative Rule is as follows:

Article 1, Section 24, Florida Constitution

Chapter 119, Florida Statutes

Rule 9: Public Records

Section 9.1. Public Access to Records. Public records held by LYNX, except those specifically protected from disclosure by a statutory exemption, shall be available, in any form and format used by LYNX, to all persons for inspection or copying under the supervision of the records custodian (or designee) during LYNX's normal business hours (generally 8:00 a.m. – 5:00 p.m. Eastern Time, Monday through Friday).

Section 9.2 Definition of Public Records. "Public Records" means 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 LYNX.

Section 9.3 Format of Records. Copies of records shall be made available to the public in the format requested, provided that such records are stored in that format. Copies of records shall be available for a fee as specified by law or, if none is specified, for such fee, not to exceed the actual cost of duplication, as may be in effect at LYNX from time to time. If a person wishes a photocopied page to contain a certification that it is a true and correct copy of the original, there may be an additional charged imposed. If the nature or volume of records to be inspected or copied is such as to require extensive use of LYNX information technology resources or extensive clerical or supervisory assistance by LYNX personnel, an additional service charge will be imposed. This charge shall be reasonable and shall be based on the cost incurred for such extensive use of the information technology resources or the actual labor cost of the personnel providing such assistance.

Section 9.4 Public Records Office. All public records requests should immediately be referred to the LYNX Public Records Office. That office may respond to the request, or relay it to the correct department for response, then act as the conduit for the release of the information and receipt of payment for any fees or charges.

- i. Each LYNX department should identify the records and parts thereof in their custody which are exempt from inspection, examination, and copying under the Public Records Law. The Public Records Office will answer any related questions or refer you to the appropriate legal authority.
- ii. Managers and supervisors should be knowledgeable of records inspection and copying activities occurring within their area of responsibility.
- iii. Managers and supervisors should ensure that the actual cost of duplication and/or extensive use charges are applied to records requests in a consistent manner and communicated to the Public Records Office.

Section 9.5 Public Records Requests.

9.5.1 Form of Request. Requests for records may be made in writing, by electronic mail, telephone, fax or letter, or in person. Preferably, however, to assist in defining and documenting facts necessary for complying with records requests, a requesting party should complete the Public Records Request Form provided on the LYNX web page in accordance with the accompanying Instructions for Requesting Public Records. Requestors are not required to identify themselves or state the reason they desire the records.

9.5.2 Business Hours. Requests for records should be accepted and records made accessible for inspection or duplication during normal LYNX business hours. Inspection and examination should be allowed as soon as reasonably possible after receiving the records request.

9.5.3 Response to Requests. Requests for public records must be filled as soon as reasonably possible after the request is received. If a request is insufficient to identify the documents sought, the requestor shall be notified by mail or in person as soon as reasonably possible after the request is received that more information is needed in order to produce the records. It is the responsibility of LYNX and not the requestor to follow up on any request for public records. If necessary, LYNX staff shall assist the requestor in making a request that describes sufficiently identifiable records. The document custodian shall notify the requestor by mail or in person as soon as reasonably possible after the request is received if the request seeks copies of public records which are not in the possession of or prepared, owned, used, or retained by LYNX and/or otherwise not subject to disclosure, including whether any records requested have been deemed confidential or otherwise exempt from disclosure by the source of the record. If the search for records finds the records voluminous, the requestor must be notified as soon as reasonably possible after the request is received of the approximate number of pages and/or length of time it will take to process the request. If the request is to review records, rather than

receive copies, the documents custodian shall notify the requestor once the records are gathered, and an appointment shall be made with the requestor for review at LYNX business offices.

Section 9.6 Public Records Fees and Charges.

9.6.1 Costs for Duplication of Records. The Public Records Law allows LYNX to collect its actual cost for materials and supplies used to duplicate records. In addition, LYNX may collect a reasonable service charge when the request requires the extensive use of information technology resources and/or the extensive use of clerical or supervisory assistance. LYNX considers records requests taking more than 30 minutes to access the record, copy the record, delete or excise therefrom any confidential material, to have appropriate LYNX staff supervise the review of the record, or to otherwise make available the requested material, as a diversion of resources which will result in extensive use charges.

9.6.2 Multiple Requests. When multiple requests are made by one individual, they may be considered as one request and extensive use charges may be applied after the first 30 minutes of staff or resource time. Costs totaling less than \$1.00 will be waived, as it is not cost effective to process payment for such an amount.

9.6.3 Fee Standards. The following fee/charge standards and guidelines are designed to ensure that LYNX is consistent in its application of the Public Records Law, which allows the recovery of actual duplication costs and extensive use charges. Applicable fees and charges will be adjusted from time to time to account for inflation.

- i. Actual Duplication Costs – Actual duplication costs shall be applied uniformly by LYNX in compliance with the following guidelines. The records custodian should consult with the Public Records Office to determine the actual cost of duplication when records are duplicated using a medium other than those listed below. However, LYNX is not required to create a record in a particular medium if the record is not maintained in such medium in the normal course of business.
 - (a) Paper copies – The cost for one-sided and double-sided paper copies, and any additional charge for a certified copy of a record, shall be published in the Instructions for Requesting Public Records, available at www.golynx.com, under the "Public Records" menu. The cost for such copies shall include and be increased by the amount of any staff/information technology resource time in excess of 30 minutes. All such charges shall be adjusted and republished from time to time to reflect the actual cost to LYNX of producing such copies.
 - (b) Shipping – U.S. postage or other shipping costs incurred in the delivery of records shall be included in the actual duplication costs charged to the requestor.

- (c) Audio Tapes – The cost of an audio tape shall be published in the Instructions for Requesting Public Records, available at www.golynx.com, under the "Public Records" menu. The cost for an audio tape shall include and be increased by the amount of any staff/information technology resource time in excess of 30 minutes. All such charges shall be adjusted and republished from time to time to reflect the actual cost to LYNX of producing such copies. LYNX will accept a tape of the same length from the requestor for duplication, in which case the cost of the tape will not be included in the final charges.
 - (d) Video Tapes – The cost of a video tape shall be published in the Instructions for Requesting Public Records, available at www.golynx.com, under the "Public Records" menu. The cost for a video tape shall include and be increased by the amount of any staff/information technology resource time in excess of 30 minutes. All such charges shall be adjusted and republished from time to time to reflect the actual cost to LYNX of producing such copies. LYNX will accept a tape of the same length from the requestor for duplication, in which case the cost of the tape will not be included in the final charges.
 - (e) Diskettes and CD's – The cost of a computer diskette and compact disc shall be published in the Instructions for Requesting Public Records, available at www.golynx.com, under the "Public Records" menu. The cost for a computer diskette and compact disc shall include and be increased by the amount of any staff/information technology resource time in excess of 30 minutes. All such charges shall be adjusted and republished from time to time to reflect the actual cost to LYNX of producing such copies. LYNX will not accept external diskettes brought in by a requestor due to the possibility of contracting a computer virus.
- ii. Extensive Use Charges – Extensive use charges shall be applied uniformly in compliance with the following guidelines. Departments shall use the fees set forth in this policy when charging for extensive use of staff time or information technology resources. When the use of a particular technology is not specifically stated herein, the department should consult with the Public Records Office to determine a fair charge.
- (a) Labor Costs – When more than 30 minutes of clerical and/or supervisory time is spent in the inspection or duplication of a record, the special service charge shall be calculated from the prorated hourly cost of the salary of the employee(s) required to fulfill the request. If the employee is not paid hourly, then the

hourly cost will be the prorated cost of the annual salary of the employee.

- (b) Information Technology Resource Costs – Information technology resources include use of personal computers, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonably required to produce or display the record is over 30 minutes. The special service charge shall be based on a prorated amount to be determined by the department providing the record.

iii. Fee Collection and Processing -

- (a) When all allowable fees/charges applicable to a particular records request can be calculated in advance, they will be collected in advance.
- (b) When actual duplication costs and extensive use charges cannot be calculated with certainty in advance, the department responding to the request shall estimate the charges and collect one-half of the estimated amount in advance. Providers should use their best efforts to ensure that the estimates are accurate within 25% of the final cost. If the requestor accepts the estimate and prepays half the cost estimate, the district will then fill the request and furnish the records upon receipt of the balance due.
- (c) Should the requestor fail to pay the total duplication costs and/or extensive use charges incurred to fulfill the request, the Public Records Office shall refer the bill to the Accounts Payable department for collection. Future records requests by such an individual will not be filled without payment of all past due amounts and a deposit of at least one-half the estimated cost of the new request.
- (d) No sales tax is currently charged on public records request fees.
- (e) All requests and payments must be reported to the Public Records Office. All payments are processed through the Finance Department.

9.7 Public Records Exemptions. LYNX is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law, and each department is responsible for knowing what information is exempt. A specific listing is available in Section 119.07, Florida Statutes, and the Government in the Sunshine Manual prepared annually by the Florida Attorney General's Office. Confidential information shall be deleted or excised from records prior to inspection, examination, or

distribution of copies of the nonexempt portions. Charges for the use of district/staff resources to extract the information may be levied according to the above guidelines. Questions relative to these guidelines should be directed to the Public Records Office, 455 N. Garland Avenue, Orlando, Florida 32801, phone (407) 841-LYNX.