

Big Bend Community Based Care Policy & Procedure

Series: 900: Data Collection, records and Reporting

Policy Name: Public Records Request: Procedure and Costs

Policy Number: 916

Origination Date: 12/01/2018 **Revision Date:** 10/17/2019

Regulation: Ch. 119, F.S., S. 39.00145, F.S.

Referenced Document:

900-916 x 1, BBCBC Public Records Request Form

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to adhere to the requirements under Chapter 119, Florida Statutes (F.S.), entitling the public to access to all public records except documents meeting any of the exemptions identified in the Florida Statutes.

According to subsection 119.011(12), F.S., a “public record” is defined 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.

Procedure

- A. How to Request Information.** Requests can be made by submitting a completed Public Records Request Form to the Chief Information Officer via mail, e-mail or hand delivery. Individuals seeking public records will be contacted once the request has been received. The requested information will be provided in a reasonable period of time under normal conditions and in accordance with applicable law, unless such information is considered under the law to be confidential or exempt from public records disclosure. If the requested documents are exempt from public records disclosure, the requestor will be notified promptly. If time constraints prevent the replication and distribution of the requested material within the specified time frame, the requestor will be contacted and informed of the progress of the request.
- B. Cost.** If the requestor prefers a copy of the desired documents, a reproduction fee of Fifteen Cents (\$.15) per page will be applied for single-sided documents (8 ½ x 11 or 8 ½ x 14) and Twenty Cents (\$.20) if the printed material is double-sided. In addition to the copying fees, postage must also be paid if materials are to be mailed. Payment is required upon pickup or, if the requestor prefers to receive the documents by mail, prior to shipping. In addition to the copying and postage fees, a special service charge will apply when the time it takes staff to respond to the public records request exceeds one (1) hour. Staff time will be based on prorated hourly salary rates. Special service charges are intended to cover all personnel costs incurred in responding to a public records request. The special service charge should be based on actual labor costs for the personnel who are required to complete the records

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request. Complex documents that require an attorney or higher level personnel to be involved will be charged at the hourly calculation of their base salary plus employee benefits.

Upon request of records an estimate of production time will be assessed. The estimate of time and production costs will be calculated and 50% will be required from requester prior to production. Should the request demand more production than expected Big Bend Community Based Care will be allowed to bill for any shortfall.

C. Exemptions.

1. Persons who have aged out of the Foster Care System and individuals listed in subsection 39.00145, F.S.
2. Employees or agents of BBCBC, DCF, and investigation agencies responsible for child investigations, adult investigations, ongoing child or adult protective services, or licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children (NOTE: Licensing files are public record; therefore any abuse or neglect records will be kept segregated to avoid inadvertent disclosure).
3. Employees or agents of the Department of Juvenile Justice who are responsible for provision of service to the child.
4. Criminal justice agencies of appropriate jurisdiction.
5. State attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred (access includes name of reporter).
6. Access will be granted to parents or custodians of any child who is alleged to have been abused, neglected, or abandoned no later than thirty (30) days after the Investigating Agency receives the initial report of abuse, or upon transfer of the case to BBCBC.
 - a. Access to this information will be made in collaboration with the Investigating Agency.
7. All exempt or otherwise confidential information (such as food stamp records; independent medical, psychological, or psychiatric reports; CPT records; and HIV information) shall not be released unless it has been filed in the official court.
8. Court access shall be limited to inspection in camera, unless the court determines that public disclosure of the information is necessary for the resolution of an issue then pending before the court.
9. Appropriate DCF officials, Guardian Ad Litem, if related to case-specific activity, and the Quality Improvement Committee.
10. Any additional persons or entities authorized by subsection 39.202(2)(i), F.S.
11. Employees or agents of a counterpart social services agency in another state, if related to case specific activity.