



**TOWN OF LOXAHATCHEE GROVES**  
**Administrative Policies and Procedures**  
**Town Clerk's Office**  
**Adopted 202X**

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**EXECUTIVE SUMMARY**

**Subject:** Public Records Requests Policy

**References:** Chapter 119, Florida State Statutes  
Government-in-the-Sunshine-Law

**Purpose:** The Town of Loxahatchee Groves, Florida (the “Town”) fully embraces the letter and spirit of the Florida Public Records Law, Chapter 119, F.S., governing the public’s right to access records held by the Town, and the constitutional right of access guaranteed by Article I, § 24(a) of the Florida Constitution. In support of the public’s right to access such records, the Town hereby establishes the following Public Records Policy (the “Policy”). The guidelines established below are set forth to inform and guide Town Staff in the implementation of the Public Records Law and provide uniformity in providing access and charging fees for inspection and copies of public records. Additionally, the guidelines set forth below are designed to ensure that public records requested are timely compiled, reviewed, and redacted, if necessary, to prevent the inadvertent disclosure of certain information made confidential and/or exempt pursuant to state law.

**Custodian  
of Records:** General / Non-Law Enforcement Records  
Town Clerk’s Office  
155 F. Road  
Loxahatchee Groves, Florida 33470  
Phone: (561) 807-6672  
Fax: (561) 793-2420  
[publicrecordsrequests@loxahatcheegrovesfl.gov](mailto:publicrecordsrequests@loxahatcheegrovesfl.gov)

For law enforcement/traffic crash reports and records, submit your request directly to the Palm Beach County Sheriff’s Office by visiting [www.pbso.org/public-records-request](http://www.pbso.org/public-records-request) to view the different options to make a public records request.

**Complaint**

Persons having submitted a request who wish to submit a grievance related thereto shall contact the Town Clerk directly at (561) 807-6672 or via email at [voakes@loxahatcheegrovesfl.gov](mailto:voakes@loxahatcheegrovesfl.gov).

**Hours of Operation:**

Requests for records only shall be accepted, and records only shall be made accessible for inspection or copying, during normal business hours of Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding identified Town holidays.



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## **DEFINITIONS**

**Confidential Public Record:** Shall be those records, or portions thereof, specifically designated as “*confidential*” by applicable statute. Unlike “*exempt*” records, the Town has no discretion and may not release records designated by the Florida Legislature as confidential.

**Electronic Communications:** All communications, regardless of the technology or means of transmission, sent electronically from one device to another. This includes electronic mail (e-mail), SMS messages (text messages), MMS (multimedia / picture messages), social media records (Facebook, Instagram, YouTube, etc.)

**Employee:** As used in this policy, employee shall include all persons who are full-time, part-time and on-call employees of the Town and shall also include any non-paid / paid volunteers, interns, and appointees to the various advisory boards or committees.

**Exempt Public Records:** Shall be those records, or portions thereof, specifically designated as “*exempt*” by applicable statute. As exempt records, the Town has discretion to release such records, in whole or part, when there is a specific public purpose.

**Officials:** Shall mean the Town Council.

**Public Record:** Public records include all documents whether in paper or electronic form including, but not limited to, papers, emails, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, faxes, or other materials on computers, 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 the Town. (§ 119.011(12), F.S.).

**Redact / Redaction:** The act of censoring all or part of a record to obscure or excise exempt or confidential information contained therein, thereby preventing public disclosure of the protected content.

## **REQUESTS THAT WILL NOT BE PROCESSED**

### **Request for Information vs. Request for Records:**

The Public Records Law only requires the Town to provide access to existing public records. The Town is not required by law to create new documents in response to a public records request (i.e., create lists or other compilations that do not already exist). The Town further will not explain document contents or interpret documents produced as part of a public records request (i.e., provide staff to assist with understanding the information contained in a document).



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**Continuing or Perpetual Public Records Requests:**

The Town is not obligated to provide records on a continuing basis to a requestor. For example, a requestor asks to be supplied with copies of all Town Council agendas for the next two (2) years. The Town is only required to produce documents that exist at the time the request is made. The requestor must renew his or her request with the Town to obtain future documents.

**GENERAL PROCEDURES FOR REQUESTING PUBLIC RECORDS**

**Format of Public Records Request and Identity of Requestor:**

Requests for public records may be made in writing or verbally. As a general rule, the Public Records Law does not require that a request for public records be in writing, although individuals may wish to make their request in writing to ensure that they have an accurate record of what was requested.

Requests for public records are not required to be in any particular format. There are no “magic words” in order to make a request, and requestors are not required to fill out a Town form. However, the requestor must at least identify the records requested with sufficient clarity to allow the Town to identify, retrieve and review the records. If a request is vague or ambiguous, then the Town Clerk or designee may contact the requestor for clarification. Please note that a requestor’s failure to provide clarification when requested may result in a delay of inspection or copying of public records, or may result in a large number of documents being produced for which copying and other special service charges may apply (i.e., extensive requests).

Copies of public records shall be made available to the public in the format requested provided that the Town stores or maintains the records in the requested format.

Requestors of public records do not have to identify themselves or state the reason that they desire the records. However, the Town’s Clerk or designee may request contact information in order to let the requestor know when records are ready for pickup, to seek clarification on a request, or to provide other information to the requestor (i.e., deposit required, copying charges). The Town’s request for contact information is not designed to learn the identity of a requestor, but instead, is designed to ensure that public records are timely received.

**Response Time:**

Public records are to be available for inspection or copying during regular business hours as outlined above, with the exception of identified Town holidays. Inspection or copying of public records must be made available within a reasonable period of time and under reasonable conditions. Many factors determine what is a reasonable time and what are reasonable conditions such as the: nature of the request; time involved in collecting and producing the requested information; scope and volume of the material involved; general accessibility of the records; personnel required to process the request and redact any records requested; and information resources necessary to collect or generate the requested information. The Town must take into account its obligation to the citizens for the daily operation of Town government when presented with a voluminous request. To request that Town Staff immediately cease



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normal business in order to fulfill such requests quickly would disrupt the normal workflow and cause disruption in services to the rest of the citizens. The accumulation of materials, research, and time involved must be weighed against the daily obligations to the taxpayers. Thus, “reasonable” must be defined by staff resources and workload, and not be an arbitrary timeframe.

It is the goal of the Town that all requests for public records will be acknowledged in writing and satisfied within a reasonable time following the Town Clerk's receipt of the request. While every effort will be made to comply with public records requests promptly and in good faith, the Town policy is that an initial acknowledgement of any public records request should be made to a requestor within four (4) business days after receipt. Requests will be processed in the order in which they are received.

**Responding to Requests:**

**1. Town Clerk or Designee Responsibilities:**

The Town Clerk or designee shall serve as the primary intake Department and contact for public records requests in the Town.

Upon receipt of a public records request, the Town Clerk or designee will acknowledge the request and promptly forward it to the appropriate Town Department Head or designee for response. Acknowledgement and forwarding of the request should occur within four (4) business days after receipt of a request.

The Town Clerk or designee shall act as the conduit for the release of all public records and facilitate payment for any fees or charges. When the request is only to inspect records, the Town Clerk or designee shall facilitate the inspection of such records.

The Town Clerk or designee shall endeavor to have written communications with the requestor whenever possible in order to memorialize what documents were requested, and when the request was fulfilled. Copies of written responses will be kept on file for one (1) fiscal year pursuant to the State of Florida General Records Schedule GS1-SL for State and Local Government Agencies.

For large or voluminous requests (those requiring more than \$25.00 in copy/retrieval charges or extensive use charges), the Town Clerk's Office shall require an advanced deposit prior to beginning retrieval. The deposit will be equal to one-half (½) of the written cost estimate, and it will be applied toward the final total cost amount for the request. The remaining balance for the request is due and payable at the time the request is completed and ready for pick-up. The final total may differ from the written estimate, and the final total shall be based on actual cost. The Town Clerk or designee shall notify the requestor that actual costs may vary. In the event the required deposit, based on the good faith written estimate, was more than the actual cost to prepare and produce the records request or prepare and produce for inspection, the Town shall refund the difference.



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**2. Town Staff Responsibilities:**

Town employees receiving a public records request shall forward such request to the Town Clerk or designee for processing. Requests should be forwarded to the Town Clerk or designee as soon as practicable, but no later than two (2) business days after receipt. The Town employee should not respond to the person or entity requesting records other than to state that the request has been forwarded to the Town Clerk's Office for processing, and if the requestor has any additional questions to please contact the Town Clerk's Office.

If a public records request is forwarded to a Department Head or designee by the Town Clerk's Office for response, then the Department Head or designee shall provide the Town Clerk's Office with a written estimate of costs and timeframe for retrieval. Such estimate shall include total hours and the hourly rate, including benefits, for each staff person fulfilling the request. Such written estimate shall be emailed to the Town Clerk's Office within two (2) business days after receipt of the public records request. There shall be no charge for preparing a written estimate of costs and time. The Town Clerk's Office will notify the requestor of the estimated staff cost/time to fulfill the request and any copying charges.

For large or voluminous requests (those estimated to require more than \$25.00 in copy/retrieval charges or extensive use charges), the Town Clerk's Office will require an advanced deposit from the requestor prior to beginning retrieval. DEPARTMENTS ARE NOT TO BEGIN WORK ON COLLECTING AND RETRIEVING DOCUMENTS UNTIL THE TOWN CLERK'S OFFICE HAS STATED THAT THE REQUIRED DEPOSIT HAS BEEN PAID.

Departments shall respond to all public records requests in a reasonable time, taking into account the extent and nature of the request. If the time to respond to a request exceeds the initial estimate provided to the Town Clerk's Office, the Department Head or designee shall immediately notify the Town Clerk's Office and provide an updated timeframe for completion. It is the Department Head or designee's responsibility to ensure that requests are completed in accordance with estimated timeframes, and to notify the Town Clerk's Office of any changes to those timeframes.

After the appropriate Department compiles the information requested, all information gathered for the request will be submitted to the Town Clerk in writing or e-mail. If the Department Head or designee is responding to numerous requests, the Department Head or designee shall provide the Town Clerk's Office with a short memorandum when providing documents. The memorandum shall identify which documents are responsive to particular requests.

If the requested public records are not within the Department, the Department Head or designee shall notify the Town Clerk's Office immediately. The Town Clerk's Office shall then forward the request to the appropriate Town Department, if known.

Department Heads or designees shall not provide original documents to the Town Clerk's Office in response to a public records request unless a specific request to review original documents has



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been made by a requestor. If a request for original documents has been made, then the Department Head or designee shall notify the Town Clerk's Office in person that the documents provided are originals. A cover page clearly marked "original document" shall also be provided to the Town Clerk's Office.

Department Heads or designees shall be familiar with the disclosure and retention requirements of the Public Records Law, and supervise records review, copying, and redaction activities within their area of responsibility.

**3. Requests by Officials:**

All Councilmember records requests must be submitted to the Town Clerk, who will notify the Town Manager of all Town Councilmember requests. All Councilmembers shall have access to general records of the Town, except: records relating to active or ongoing investigations; records related to active or pending audits; and/or any record protected under Florida Statutes §119 (Public Records Law) or other applicable law. Requests will be considered extensive if they require substantial time or staff resources, or if they incur external costs, such as consultants(s) or legal fees. In such cases, the Town Clerk will prepare and provide a written cost estimate to the requesting Councilmember. The Councilmember must submit full payment in advance. Work on the request will not begin until the required payment has been received. If a records request is fulfilled for one Councilmember, it will not automatically be distributed to the remaining Councilmembers. Other Councilmembers may request the same information, which will be provided free of charge upon their written request.

**DENIAL OR REDACTION OF RECORDS**

A request to inspect or copy public records can be denied only under the authority of a specific statutory exemption.

Department Heads or designees shall be responsible for reviewing and identifying the records or parts thereof in their custody which are exempt or confidential from the inspection, examination, and copying under the Public Records Law. The Town Clerk's Office and the Town Attorney shall be available to answer questions regarding exemptions and proper methods of redaction.

If a public record contains both exempt and non-exempt information, that information which is exempt must be redacted and the remainder of the record provided to the requestor. (§ 119.07(1)(d), F.S.)

If it is determined that a record or part of a record is exempt from inspection or copying, and the request is then denied, the basis for the denial, including the statutory citation to the exemption, must be communicated to the requestor in writing. (§ 119.07(1)(e), F.S.)

*Community Standards Department (Building, Code Enforcement, Engineering, and Planning & Zoning Divisions):* For routine and noncontroversial, walk-in/telephone-initiated, public records requests for Community Standards Department, the Department Head or designee will ensure that the type of confidential and/or exempt information referenced in the attached Appendix "A"



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is not being distributed to the general public. The type of information made exempt and/or confidential pursuant to the requirements of state law as provided in Appendix "A" may only be disclosed as set forth therein. However, depending upon the type of information requested, the state law does allow such exempt and/or confidential information to be given to the following persons or entities: the property owner; a leaseholder; another state or federal agency; or a licensed architect, engineer, or contractor who is performing work on or related to the property.

For more information on the most common exemptions for public records, please see Sec. 119.071, F.S. and Appendix "B", which is attached hereto.

**LITIGATION**

Any subpoenas or litigation discovery requests shall be referred to the Town Attorney.

**PUBLIC RECORDS FEES AND CHARGES**

Fees to be charged for providing access to public records must be in accordance with Sec. 119.07(4), F.S., as explained below. Fees must be paid before documents are produced.

For any and all requestors that have requested public records and have failed to pay in full for those records, please be advised that the Town Clerk's Office will not process another public records or public data request until the outstanding balance is paid in full. *Lozman v. City of Riviera Beach*, 995 So. 2d 1027 (Fla. 4th DCA 2008).

The Public Records Law allows the Town to collect a "per copy" fee or the actual cost for materials and supplies used to duplicate records. In addition, the Town may collect a reasonable service charge when a request to inspect or copy public records requires the extensive use of technology resources and/or the extensive use of clerical or supervisory assistance.

The following fees and charges are designed to ensure that the Town is consistent in its application of the law and Town rules, and which allow the recovery of duplication costs and a special service charge for the extensive use of Town resources in complying with requests to inspect or copy the Town's public records:

1. **Duplication Costs:** Duplication costs shall be applied uniformly throughout the Town in compliance with the following guidelines, unless otherwise designated by the Town.

- a. Paper Copies:

<u>Copies:</u> Single-Sided B/W or Color 8.5" x 11"; 8.5" x 14"	First 10 Pages	\$0.15 Per Page
<u>Copies:</u> Single-Sided	11 <sup>th</sup> Page and Each Page Thereafter	\$0.15 Per Page



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B/W or Color 8.5" x 11"; 8.5" x 14"		
<u>Copies:</u> Single-Sided B/W or Color 11" x 17"	First Page and Each Page Thereafter	\$0.30 Per Page
<u>Copies:</u> Double-Sided B/W or Color 8.5" x 11"; 8.5" x 14"	First 10 Pages	No Charge
<u>Copies:</u> Double-Sided B/W or Color 8.5" x 11"; 8.5" x 14"	11 <sup>th</sup> Page and Each Page Thereafter	\$0.20 Per Page
<u>Copies:</u> Double-Sided B/W or Color 11" x 17"	First Page and Each Page Thereafter	\$0.40 Per Page

- b. Certified Copies: The cost of providing a certified copy of a record shall be \$1.00 per page, but no more than \$5.00 per public record.
  - c. Actual Cost of Duplication: For all other copies – large size paper, plats, maps, audio tape, video tape, compact discs (“CD”), digital video discs (“DVD”), thumb drive, etc. – the cost to the requestor will be the actual cost of the materials used to duplicate the record. Contact the Town Clerk’s Office for current costs of materials used in accordance with the Town’s Schedule of Fees and Charges.
  - d. Requestors Making Their Own Copies: A requestor making his/her own copies or providing copying materials cannot generally be charged for the cost of making the copies. However, a service charge may be imposed in supervision of those making their own copies requires an extensive use of the Town’s resources.
  - e. Requestor Provided Media: The Town will not accept CDs, DVDs or thumb drives due to risks relating to contracting computer viruses.
  - f. Electronic Files: Electronic files (non-data) sent via email to a requestor shall be provided at no charge.
2. Extensive Use Charges: A special service charge for the extensive use of Town resources shall be applied uniformly throughout the Town in compliance with the following guidelines.



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When more than thirty (30) minutes of clerical and/or supervisory time is to be spent in response to a request to inspect or copy the Town's public records (i.e., time spent locating, reviewing, redacting and/or copying), an extensive use charge will be applied, which is based on the hourly rate of the employee(s) performing tasks associated with the request, inclusive of the employee(s)' benefits. See *Bd. Of Cnty Comm'rs v. Colby*, 976 So. 2d 31 (Fla. 2d DCA 2008). If the employee is not paid hourly, then the hourly cost will be the annual salary of the employee divided by 2,080 (52 weeks times 40 hours per week), plus the employee(s)' benefits. These charges will be billed in fifteen (15) minute increments. The extensive use charge will begin after the first thirty (30) minutes of clerical and/or supervisory time is completed.

Multiple requests by a requestor may be considered as one (1) request and extensive use charges may be applied after the first thirty (30) minutes of staff or resource time. In other words, requestors may not evade the extensive use charges by breaking up large voluminous requests into smaller ones.

- 3. Shipping:** U.S. postage or other shipping costs incurred in the delivery of records shall be included in the costs charged to the requestor. Such charges shall be waived if the requestor provides a postage-paid envelope or other means of shipping.
- 4. Sales Tax:** No sales tax is charged for a public records request.

#### **STORING OF RECORDS / ABANDONED REQUESTS**

The Town Clerk's Office will hold a completed records request for up to thirty (30) calendar days to give the requestor adequate time to pick up the records or make arrangements for the delivery of records. If the records are not picked up within thirty (30) calendar days from the date that the Clerk's Office notifies the requestor that they are ready, and no written request for an extension has been received, then the copies of the records will be destroyed regardless of whether the requestor has paid a deposit with the Town. In such event, the requestor is not entitled to a refund of its deposit.

Should the Town attempt to contact the requestor and/or transmit a cost estimate and the requestor fails to respond in good faith, the Town shall deem the request as "abandoned" after a period of 7 calendar days, and the log shall reflect the abandonment. In cases where holidays or other closures of the Town's administrative offices occur, staff shall afford reasonable additional time to the requestor to respond.

#### **MANAGING RECORDS**

The Town follows the records retention schedule outlined in the State of Florida General Records Schedule GS1-SL for State and Local Government Agencies.



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**APPENDIX A**  
**SECURITY AND FIRESAFETY SYSTEM PLAN EXEMPTION**

Portions of Sec. 119.071, F.S., are provided in the following sub-sections and sub-paragraphs:

3) SECURITY AND FIRESAFETY.

(a)1. As used in this paragraph, the term "security or firesafety system plan" includes all:

- a. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security or firesafety of the facility or revealing security or firesafety systems;
  - b. Threat assessments conducted by any agency or any private entity;
  - c. Threat response plans;
  - d. Emergency evacuation plans;
  - e. Sheltering arrangements; or
  - f. Manuals for security or firesafety personnel, emergency equipment, or security or firesafety training.
2. A security or firesafety system plan or portion thereof for:
- a. Any property owned by or leased to the state or any of its political subdivisions; or
  - b. Any privately owned or leased property held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is remedial in nature, and it is the intent of the Legislature that this exemption apply to security or firesafety system plans held by an agency before, on, or after the effective date of this paragraph. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.
3. Information made confidential and exempt by this paragraph may be disclosed:
- a. To the property owner or leaseholder;
  - b. In furtherance of the official duties and responsibilities of the agency holding the information;



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- c. To another local, state or federal agency in furtherance of that agency's official duties and responsibilities; or
  - d. Upon a showing of good cause before a court of competent jurisdiction.
- (b)1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act.
  3. Information made exempt by this paragraph may be disclosed:
    - a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
    - b. To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or
    - c. Upon a showing of good cause before a court of competent jurisdiction.
  4. The entities or persons receiving such information shall maintain the exempt status of the information.
- (c)1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development, which records are held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. This exemption applies to any such records held by an agency before, on, or after the effective date of this act.
  3. Information made exempt by this paragraph may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to the owner or owners of the structure in question or the owner's



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legal representative; or upon a showing of good cause before a court of competent jurisdiction.

4. This paragraph does not apply to comprehensive plans or site plans, or amendments thereto, which are submitted for approval or which have been approved under local land development regulations, local zoning regulations, or development-of-regional-impact review.
5. As used in this paragraph, the term:
  - a. "Attractions and recreation facility" means any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility that:
    - (I) For single-performance facilities:
      - (A) Provides single-performance facilities; or
      - (B) Provides more than 10,000 permanent seats for spectators.
    - (II) For serial-performance facilities:
      - (A) Provides parking spaces for more than 1,000 motor vehicles; or
      - (B) Provides more than 4,000 permanent seats for spectators.
  - b. "Entertainment or resort complex" means a theme park comprised of at least 25 acres of land with permanent exhibitions and a variety of recreational activities, which has at least 1 million visitors annually who pay admission fees thereto, together with any lodging, dining, and recreational facilities located adjacent to, contiguous to, or in close proximity to the theme park, as long as the owners or operators of the theme park, or a parent or related company or subsidiary thereof, has an equity interest in the lodging, dining, or recreational facilities or is in privity therewith. Close proximity includes an area within a 5-mile radius of the theme park complex.
  - c. "Industrial complex" means any industrial, manufacturing, processing, distribution, warehousing, or wholesale facility or plant, as well as accessory uses and structures, under common ownership that:
    - (I) Provides onsite parking for more than 250 motor vehicles;
    - (II) Encompasses 500,000 square feet or more of gross floor area; or



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- (III) Occupies a site of 100 acres or more, but excluding wholesale facilities or plants that primarily serve or deal onsite with the general public.
- d. "Retail and service development" means any retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite and is operated under one common property ownership, development plan, or management that:
- (I) Encompasses more than 400,000 square feet of gross floor area; or
  - (II) Provides parking spaces for more than 2,500 motor vehicles.
- e. "Office development" means any office building or park operated under common ownership, development plan, or management that encompasses 300,000 or more square feet of gross floor area.
- f. "Health care facility" means a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled.
- g. "Hotel or motel development" means any hotel or motel development that accommodates 350 or more units.



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**APPENDIX B**  
**PUBLIC RECORDS REQUEST EXEMPTION OVERVIEW**

**Sec. 119.011, F.S., defines the following terms at the noted sub-section:**

**(12) 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 any agency.”

**(8) Exemption** – “means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to access requirements of Fla. Stat. § 119.07(1), § 286.011, or § 24, Art. I of the State Constitution.” *[Records, or portions thereof, which are exempt shall not be produced or copied in response to a public records request, but the person who has custody of the public record must state the basis for the exemption to include statutory citation].*

**(13) Redact** – “means to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.”

**Public Records Request** – This is essentially any request to inspect or obtain copies of documents maintained by the Town in the ordinary course of business. Accordingly, any agency document, however prepared, if circulated for review, comment or information, is a public record regardless of whether it is an official expression of policy or marked "preliminary," "working draft," or similar label. It is not a request to create a new document or report not used by the Town.

The following types of records may be confidential and/or exempt from disclosure under the Public Records Law or at other sections of general law as noted in parentheses. This list is not all inclusive but is provided as general guidance. *If an employee has any question or concern regarding whether a record is confidential or exempt from disclosure, the Town Clerk's Office or the Town Attorney's Office should be contacted to help determine whether an exemption applies.*

**Personal Information**

- Social security numbers of all current and former Town employees are confidential and exempt. (§ 119.071(4)(a), F.S.)
- Social security numbers collected by the Town may not be disclosed except according to Town policy on such in accordance with state law. (§ 119.071(5), F.S.) *See also Resolution 09-22.*
- Credit card account numbers and debit card and bank account numbers. (§ 119.071(5)(b), F.S.)
- Names, home addresses (includes PCN and legal description), telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of active or former



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sworn law enforcement personnel, certified firefighters, code enforcement officers, human resources directors and managers; and the names and locations of schools and day care facilities attended by the children of such personnel. There may be some limitations to these exemptions. For example, if the Town is a custodian of such information but is not the employer of the persons identified above, it shall maintain the exempt status of the information only if the officer, employee or other type of person identified under the law related to such exemption submits a written request for maintenance of the exemption. (§ 119.071(4), F.S.)

- Home addresses (includes PCN and legal description), telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses (includes PCN and legal description), telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel. (§ 119.071(4), F.S.)
- Names and addresses of retirees *in aggregate, compiled or list form* except to other public agencies. (§ 121.031(5), F.S.)
- All records identifying participants in a deferred compensation program of the State pursuant to Sec. 112.215, F.S. and their personal account activities are confidential and exempt. (§ 112.215(7), F.S.)
- United States Census Bureau address information, which includes maps showing structure location points, agency records verifying addresses, and agency records identifying address errors or omissions. (§ 119.071(1)(g)1., F.S.) *Note:* such information may be released to another agency in furtherance of its duties and responsibilities under the Local Update of the Census Address Program.
- All birth records, except those over 100 years old and not under seal pursuant to court order. (§ 382.025(1), F.S.)
- All papers and records pertaining to an adoption, including the original birth certificate, whether part of the permanent record of the court or a file in the office of an adoption entity are confidential and subject to inspection only upon the order of the court; however, the petitioner in any proceeding for adoption under this chapter may, at the option of the petitioner, make public the reasons for a denial of the petition for adoption. The order must specify which portion of the records are subject to inspection, and it may exclude the name and identifying information concerning the parent or adoptee. Papers and records of the department, a court, or the Town, which papers and records relate to adoptions, are exempt. (§ 63.162(2), F.S.)
- An employee's personal identifying information contained in records held by the Town relating to the employee's participation in an employee assistance program is confidential and exempt from disclosure. (§ 166.0444, F.S.)
- Records identifying individual participants in any annuity contract or custodial account under Sec. 112.21, F.S. (relating to tax sheltered annuities or custodial accounts for employees of government agencies), as well as their personal account services. (§ 112.21(1), F.S.)
- Direct deposit records made prior to October 1, 1986 are exempt from the provisions of Sec. 119.07(1), F.S. With respect to direct deposit records made on or after October 1, 1986, the



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names of the authorized financial institutions and the account numbers of the beneficiaries are confidential and exempt. (§ 17.076(5), F.S.)

- Address of a victim of an incident of mass violence. “Incident of mass violence” means an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another. (§ 119.071(2)(o), F.S.)

**Bid Documents**

- Sealed bids or proposals received by Town are exempt from disclosure until such time as the Town provides notice of a decision or intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier. (§ 119.071(1)(b)2., F.S.)
- Notwithstanding the above requirement of Sec. 119.071(1)(b)2., F.S., a sealed bid *associated with a bid for construction or repairs on a public building or public work* that includes the competitive price must be opened at a public meeting conducted in accordance with public meeting requirements (§ 286.011, F.S.) and the name of each bidder and the price submitted *must be announced* at that meeting; in addition, the Town *must make available upon request* the name of each bidder and the price. (Effective July 1, 2012- SB 704) (§ 255.0518, F.S.)
- Financial statements required to be submitted by bidder or proposer to prequalify for bidding or for responding to a proposal for a road or any other public works project. (§ 119.071(1)(c), F.S.)
- Appraisals, offers and counteroffers relating to Town's purchase of real property –exempt for limited time. (§ 166.045(1)(a), F.S.)

**Finance Department or Information Systems Department**

- Town-produced data processing software that is sensitive. (§ 119.071(1)(f), F.S.)
- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency. (§ 119.0725(2)(a), F.S.)
- Information relating to critical infrastructure, defined to mean existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety. (§ 119.0725(2)(b), F.S.)
- Cybersecurity incident information reported pursuant to s. 282.318 or s. 282.3185. (§ 119.0725(2)(c), F.S.)
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of data or information, whether physical or virtual; or information technology resources, which include an agency's existing or proposed information technology systems. (§ 119.0725(2)(d), F.S.)
- The audit report of an internal auditor and the investigative report of the inspector general prepared for or on behalf of the Town, including workpapers and related notes are



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confidential and exempt until the audit is completed and presented to Town Council. (§ 119.0713(2)(b), F.S.)

**Building Department**

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary and final formats, depicting the internal layout or structural elements of any building or structure owned or operated by Town, including water plants and wastewater treatment plants. (§ 119.071(3)(b)1., F.S.)
- Information regarding Town's security systems or firesafety plans for any property owned by or leased to the state or any of its political subdivisions or any privately owned or leased property. (§ 119.071(3)(a)1. & 2., F.S.)
- Building security system plans, firesafety plans, or portions thereof. (§ 119.071(3)(a)2., F.S.)  
*Note:* Security or firesafety system plans includes the following: records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations or consultations or portions thereof relating directly to the physical security or firesafety of the facility or revealing security systems; threat assessments; threat response plans, emergency evacuation plans; sheltering arrangements; or manuals for security or firesafety personnel, emergency equipment, or security or firesafety training.
- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development, which records are held by the Town. (§ 119.071(3)(c)1., F.S.)

**Emergency Management**

- Records, data, information, correspondence and communications relating to registration of persons with special needs for emergency management purposes. (§ 252.355(4), F.S.)
- Address and telephone number of a person provided public emergency shelter during a storm or catastrophic event held by the local agency that provided the shelter. (§ 252.385(5), F.S.)
- Any record, recording or information regarding request for emergency services - limited exemption. (§ 365.171(12), F.S.)
- Information furnished by a person to the Town for the purpose of being provided with emergency notification by the Town is exempt. (§ 119.071(5)(j), F.S.)

**Recreation Department**

- Information that would identify a child who participates in a Town-sponsored recreation program or the parents or guardians of such child. (§ 119.071(5)(c)2.-3., F.S.)

**Education Records**

- Education records and the federal regulations issued pursuant thereto. (§ 1002.221(1), F.S.)

**Medical Records**



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- Medical records, medical claims records (§ 112.08(7), F.S.) and employee medical information records. (§ 119.071(4)(b)1., F.S.)
- Clinical records. (§ 394.4615(8), F.S.)

**Drug Test Results**

- Drug test results and other information, interviews, reports, statements or memoranda received or produced by the Town as an employer as a result of a drug-testing program are confidential and exempt and may not be disclosed except as authorized in the statute. (§ 112.0455(11), F.S.)

**Law Enforcement**

- Active criminal investigative and intelligence information. (§ 119.071(2)(c)1., F.S.)
- Information revealing the source of confidential informants or sources. (§ 119.071(2)(f), F.S.)
- Information that reveals the identity of victims of crime - some limitation to exemption. (§ 119.071(2)(h)1., F.S.)
- Information that reveals the personal assets of the victim of a crime, other than property stolen or destroyed during commission of the crime. (§ 119.071(2)(i), F.S.)
- Biometric identification information, which means any record of friction ridge detail, fingerprints, palm prints and footprints. (§ 119.071(5)(g), F.S.)
- Driver information contained in a uniform traffic citation, with driver information meaning a driver's date of birth, driver license or identification card number, address excluding the five-digit zip code, telephone number, motor vehicle license plate number, and trailer tag number but not the driver's name. (§ 316.650(11)(b)1., F.S.)
- Any portion of a campus emergency response held by a state or local law enforcement agency, a county or municipal emergency management agency and that portion of a public meeting which would reveal information related to a campus emergency response. (§ 1004.0962(2)(b) & (5), F.S.)
- Law enforcement geolocation information, or information collected using a global positioning system or another mapping, locational, or directional information system that allows tracking of the location or movement of a law enforcement officer or a law enforcement vehicle, held by a law enforcement agency. This exemption does not apply to uniform traffic citations, crash reports, homicide reports, arrest reports, incident reports, or any other official reports issued by an agency which contain law enforcement geolocation information. (§ 119.071(4)(e)1., F.S.)
- A photograph or video or audio recording that depicts or records the killing of a minor, except that a surviving parent of the deceased minor may view and copy the photograph or video recording or listen to or copy any audio recording, and the surviving parent is not precluded from sharing or publicly releasing such photograph or video or audio recording. (§ 119.071(2)(p)2.b., F.S.)
- An autopsy report held by a medical examiner which is of a minor whose death was related to an act of domestic violence, except a surviving parent of the deceased minor may view and copy the autopsy report if the surviving parent did not commit the act of domestic violence



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leading to the minor's death. Notice and due process requirements apply. (§ 406.135(2)(b), F.S.)

- Investigative genetic genealogy information and materials which means the information, records, and DNA records created or collected by or on behalf of a law enforcement agency conducting investigative genetic genealogy research, and includes the names and personal identifying information of persons identified through the use of genealogy databases, traditional genealogical methods, or other investigative means. (§ 119.071(2)(r)2., F.S.)
- Any information that may identify whether a particular individual has been assigned as a safe-school officer at a private school that is held by a law enforcement agency (§ 1002.42(18)(c), F.S.)

**Town and/or Other Agency Investigations**

- All complaints and other records in the custody of the Town which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classification, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities until a finding is made relative to probable cause, the investigation of the complaint becomes inactive or the complaint or other record is made part of any hearing or court proceeding. (§ 119.071(2)(g)1., F.S.)
- A complaint and records related to a complaint to or to any preliminary investigation by the Commission on Ethics held by the Town is confidential and exempt until the complaint is dismissed, the alleged violator requests in writing that such records be made public, the Commission determines that it will not investigate the referral or the Commission determines whether probable cause exists. (§ 112.324(2)(a), F.S.)
- All investigations of misconduct by public officials by the Department of Law Enforcement are confidential and exempt until the investigation is complete or ceases to be active. (§ 943.03(2), F.S.)
- All investigatory records made pursuant to workers' compensation coverage are confidential and exempt until the investigation is completed or ceases to be active. (§ 440.108(1), F.S.)
- The name of any individual who discloses in good faith to the state Chief Inspector General or the Town Manager or other appropriate local official related to suspected violations of federal, state or local law or alleges that an employee or agent has committed gross mismanagement or malfeasance is confidential and exempt while an investigation is active. (§ 112.3188(1), F.S.), *a/k/a Whistleblowers Act*.
- Crash reports that reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes for a period of sixty (60) days after the date the report is filed. (§ 316.066(2)(a), F.S.)
- Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment. (§ 119.071(1)(a), F.S.)
- Information relating to the Nationwide Public Safety Broadband Network. (§ 119.071(3)(d)1., F.S.)



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- United States Census Bureau address information, including maps showing structure location points, records that verify addresses or that identify address errors or omissions held by the Town pursuant to the Local Update of Census Addresses Program. (§ 119.071(1)(g)1., F.S.)

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