

MEMORANDUM

TO: CFX Board Members

FROM: Tim O'Toole, Records Administrator 

DATE: April 3, 2017

SUBJECT: Records & Information Management Program Policy Update

Board approval is requested to adopt the amended Records & Information Management Program policy which is attached. The changes made are designed to allow this policy to stand alone while delegating the authority for the creation, implementation, modification and maintenance of departmental procedures to the Executive Director or his or her designee. These departmental procedures are to be based on Records & Information Management industry standards, best practices, and in accordance with any applicable state statutes, rules, and regulations.

Reviewed by: 
Michelle Maikisch
Chief of Staff/Public Affairs Officer

**A RESOLUTION OF THE
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
AMENDING THE RECORDS MANAGEMENT
POLICY TO ADOPT
CHAPTER 119, FLORIDA STATUTES**

WHEREAS, on June 20, 2014, and in accordance with the provisions of Chapter 2014-171, Laws of Florida, the Central Florida Expressway Authority ("CFX") was created and assumed the governance and control of the Orlando-Orange County Expressway System; and

WHEREAS, CFX has an existing Records Management Policy establishing a comprehensive Records Management Plan; and

WHEREAS, to accommodate the complex and diverse nature of records and information management, the CFX Board is desirous of adopting a general Records & Information Management Policy delegating the authority to implement, modify, maintain, and manage the CFX Records & Information Management procedures to the CFX Executive Director or his or her designee.

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY as follows:

Section 1. Adoption. The CFX governing Board does hereby adopt the attached Records & Information Management Policy (**Exhibit "A"**) as the official Records & Information Management Policy for CFX.

Section 2. Effective Date. This Resolution shall become effective upon adoption by the CFX governing Board.

ADOPTED this _____ day of _____, 2017.

ATTEST: _____
Darleen Mazzillo
Executive Assistant

Buddy Dyer, CFX Board Chairman

Approved as to form and legality

Joseph L. Passiatore, General Counsel

**RECORDS & INFORMATION MANGEMENT
PROGRAM POLICY**

Department: Records & Information Management

Supersedes: 12/21/11, 4/23/14, and 10/24/16

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Central Florida Expressway Authority Records & Information Management RIM Program Policy

Contents

- I. Statement of Policy
 - II. Purpose
 - III. Scope
 - IV. Policy
 - V. Authority
 - VI. Definitions
 - VII. RMLO & Records Coordinators
 - VIII. Violation
 - IX. Effective Date / Repeal Date
-

I. Statement of Policy

The Central Florida Expressway Authority (CFX) will establish and maintain an active and continuing program for the economical and efficient management of records pursuant to Section 257.36, *Florida Statutes* and Chapter 119, *Florida Statutes*. CFX will develop and implement policies and procedures to ensure compliance with applicable Federal and State statutes, rules, and regulations as they relate to the management of Public Records.

The records that Florida's state and local government agencies keep in the normal course of carrying out their duties and responsibilities are public records. Public Records are different from records of businesses and private organizations because Florida law requires public records to be readily accessible and available to the public upon request. All employees must ensure that public records in their custody are maintained and accessible as required by Florida law. Employees and agencies do not have the authority to withhold records deemed "sensitive." The only records that can be withheld from public disclosure are those specifically designated by the *Florida Statutes* as confidential or exempt. This policy will provide employees with the information necessary to understand and carry out their public records responsibilities.

II. Purpose

The purpose of this policy is to address the requirements of the Florida Public Records Law, including:

- a) The requirements for managing CFX public records by CFX employees, committee appointees, and governing body members, and
- b) The manner in which public records requests are to be processed to ensure that responses to the request are organized, inclusive, and in compliance with applicable statutes, rules, and regulations.

III. Scope

This policy applies to all CFX employees, committee appointees, and governing body members, as well as publicly created advisory boards and private organizations (such as Citizen Support Organizations), including contractors that have been delegated the authority to perform some governmental function. This policy applies to all public records of CFX, regardless of the medium in which they exist (i.e., paper, electronic or other).

IV. Policy

It is the Central Florida Expressway Authority's policy to ensure that public records in CFX's custody are maintained and managed as required by the Florida Public Records Law. This law provides that all materials made or received by Florida's state and local government agencies in connection with their official business are public records.

It is also the policy of the Central Florida Expressway Authority to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, as required by the Florida Public Records Law. Requested public records may not be withheld for any reason, except if the record or a portion of the record is specifically designated under law as confidential or exempt from public disclosure.

The Central Florida Expressway Authority places a high priority on efficient, effective, and economical management of public records to ensure that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

V. Authority

- a) Sections 257.36(5)(b) and (6), 119.07, 119.011(12), and 119.021, *Florida Statutes*.
- b) Rules 1-2.0031, 1B-24, 1B-26.003, and 1B-26.0021, *Florida Administrative Code*.

VI. Definitions

The definitions set forth in section 119.011, *Florida Statutes*, and rules 1B-24, and 1B-26.003 of the *Florida Administrative Code*, as amended from time to time, are incorporated herein by reference for the terms below.

- a. "Confidential" means public records that have been identified in the *Florida Statutes* as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated in the statute.
- b. "Custodian" means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.
- c. "Exempt" means public records that have been identified in Chapter 119 or other applicable *Florida Statutes* as exempt from public disclosure.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

- d. "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.
- e. "Record Coordinators" means the employees of the Central Florida Expressway Authority responsible for the coordination of Public Records activities.
- f. "Records Management Liaison Officer" (RMLO) means the Central Florida Expressway Authority employee designated in writing to the Florida Department of State. The RMLO is responsible for managing CFX's Records & Information Management Program.

VII. Records Management Liaison Officer and Records Coordinators

The CFX Records Management Liaison Officer (RMLO) is designated by the Executive Director and serves as the CFX's contact for the Records & Information Management program. The RMLO is hereby authorized to implement, modify, maintain and manage CFX's comprehensive Records & Information Management program through the adoption and modification of appropriate procedures. In addition, each department shall appoint a Record Coordinator who will be the RMLO's records contact for that department.

VIII. Violation

Violation of this policy may result in disciplinary action, up to and including termination of employment as well as those penalties prescribed by section 119.10, *Florida Statutes*.

IX. Effective Date and Repeal

This policy shall become effective upon adoption by the CFX governing body and shall supersede and repeal in its entirety RM-4 Public Records Management Policy as previously adopted on 12/21/2011 and 04/23/2014 and administratively revised on 10/24/2016.

Approved by:

Executive Director

Date