

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

BROWARD PUBLIC INTEREST
RESEARCH GROUP, LLC, a Florida
Limited Liability Company,

Petitioner/Plaintiff,

CASE NO. _____

vs.

NORTH BROWARD HOSPITAL DISTRICT,
d/b/a Broward Health,

Respondent/Defendant.

/

**Verified Petition for Writ of Mandamus and
Complaint for Declaratory Judgment and Mandatory Injunction**

The Petitioner/Plaintiff, Broward Public Interest Research Group, LLC, a Florida Limited Liability Company, (“BPIRG”), files this *Verified* Petition for Writ of Mandamus and Complaint for Declaratory Judgment and Mandatory Injunction pursuant to Fla. Stat. Ch. 119 (“Public Records Act”) and Ch. 86 (“Declaratory Judgments Act”) against Respondent/Defendant, North Broward Hospital District, d/b/a Broward Health (“BH”) and states:

Jurisdiction and Venue

1. This is an action for a Writ of Mandamus and Complaint for Declaratory and Injunctive Relief to enforce the terms of Fla. Const. art. I, § 24(a) (“Sunshine Amendment”), and Fla. Stat. Ch. 119 (“Public Records Act”).
2. This Honorable Court has jurisdiction pursuant to Fla. Const. art. V, § 5(b) (Circuit Court Jurisdiction); Fla. R. Civ. P. 1.630, and Fla. Stat. § 119.11.
3. This Complaint *also* seeks Declaratory and Supplemental Relief pursuant to Fla. Stat. Ch. 86 (“Declaratory Judgments Act”).

4. Venue is proper in this Court pursuant to Fla. Stat. § 47.011 because the cause of action arose in Broward County, in which BH, an independent special taxing district, operates.

Parties

5. At all material times hereto, BPIRG was a Florida Limited Liability Company, with its principal address in Broward County, Florida.

6. At all material times hereto, Daniel Lewis was BPIRG's Managing Director and acting on behalf of BPIRG ("Lewis").

7. At all material times hereto, BH was an "agency" as that term is defined in Fla. Stat. § 119.011(2) and is therefore subject to the provisions of Fla. Stat. Ch. 119 ("Public Records Act").

8. BH is *also* governed by Fla. Stat. Ch. 189 ("Uniform Special District Accountability Act").

9. At all material times, Elizabeth Ferguson was BH's acting Records Custodian Senior Paralegal ("BH's Records Custodian").

10. At all material times, BH's Records Custodian was designated and/or held herself as BH's Senior Paralegal in BH's General Counsel's Office.

11. At all material times, BH's Records Custodian was *not* a practicing attorney.

General Allegations

12. BH maintains a website which contains a form that the public may use to request public records and provides the email address – PublicRecordsRequest@browardhealth.org – to which public records requests may be emailed ("BH's PRR Webpage"). *See Exhibit "1"* hereto: BH's PRR Webpage.

BPIRG's 03/17/25 PRR #1 – W2

13. On March 17, 2025, BPIRG sent a Public Records Request to BH *via email* to PublicRecordsRequest@browardhealth.org (“BH’s PRR email address”) and Brett A. Bauman at bbauman@browardhealth.org¹ (“BPIRG’s PRR #1 – W2”) *See Composite Exhibit “2”* hereto: BPIRG’s 03/17/25 PRR #1 – W2; BPIRG’s 04/03/25 PRR #1; and BH’s 03/21/25 & 04/02/25 PRR #1 Responses.²

14. BPIRG’s PRR #1 – W2 requested in pertinent part the following public records from BH:

Please provide me an electronic report of reported 2024 W2 payroll information for all Corporate Officer’s of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided from the Broward Health’s payroll system. Thank you.

Composite Exhibit “2”: BPIRG’s 03/17/25 PRR #1 – W2; BPIRG’s 04/03/25 PRR #1 Follow-Up; and BH’s 03/21/25 & 04/02/25 PRR #1 Responses.

15. On March 21, 2025, BH’s Records Custodian emailed BPIRG an acknowledgment of receipt of BPIRG’s PRR #1 – W2. *See Composite Exhibit “2”:* BPIRG’s 03/17/25 PRR #1 – W2; BPIRG’s 04/03/25 PRR #1 Follow-Up; and BH’s 03/21/25 & 04/02/25 PRR #1 Responses.

16. On April 2, 2025, BH’s Records Custodian emailed Lewis another response to BPIRG’s PRR #1 – W2 which requested in pertinent part that:

the responsible Broward Health departments are requesting clarification of the term ‘Corporate Officers’ and specific job titles. Please provide the requested information in order to facilitate fulfillment [sic] of your request.

Composite Exhibit “2”: BPIRG’s 03/17/25 PRR #1 – W2; BPIRG’s 04/03/25 PRR #1 Follow-

¹ Hereinafter, Brett A. Bauman at bbauman@browardhealth.org will be referred to as “Bauman”.

² The PRR numbers 1739, 1754, 1756, and 1775 used herein and/or the exhibits hereto were assigned to BPIRG’s PRR #1 - #4 by BH and *not* by BPIRG. Only four (4) of BPIRG’s *currently pending* PRRs are the subject of this Petition and Complaint.

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Up; and BH's 03/21/25 & 04/02/25 PRR #1 Responses.

17. On April 3, 2025, BPIRG emailed BH's Records Custodian to clarify that BPIRG's PRR #1 – W2 is: "directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above."

Composite Exhibit "2": BPIRG's 03/17/25 PRR #1 – W2; BPIRG's 04/03/25 PRR #1 Follow-Up; and BH's 03/21/25 & 04/02/25 PRR #1 Responses.

18. On April 15, 2025, BPIRG emailed BH's PRR email address, Bauman, and Elizabeth R. Ferguson at Erferguson@browardhealth.org ("Ferguson") to clarify that BPIRG's PRR #1 – W2: is directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above.

and to request "a date that you can provide me these records electronically." **Composite Exhibit "3"** hereto: BPIRG's 04/15/25 and 04/16/25 PRR #1 Clarifications & BH's 04/16/25 PRR #1 Response.

19. On April 16, 2025, BH's Records Custodian emailed BPIRG a response to BPIRG's 04/15/25 Clarification of PRR #1 – W2 which stated:

The above-referenced requests (#s 1725 and 1739) are currently in process. Please accept our apologies for the delay. At this time I am not able to give you a date for completion, but will provide you a status update once available. We appreciate your patience.

In the meantime, with regards to request #1739, are you able to provide specific titles for the list of officers you would like to be included in the report that you requested?

Composite Exhibit "3": BPIRG's 04/15/25 and 04/16/25 PRR #1 Clarifications & BH's 04/16/25 PRR #1 Response.

20. On April 16, 2025, BPIRG emailed BH's PRR email address, Ferguson, and Bauman to

clarify that BPIRG's PRR #1 – W2 includes:

[a]ll system Vice Presidents (including Junior, Acting, Senior, and any other type of Vice President) and President/CEO. Please see my previous emails on this.

Surely, this shouldn't present a problem.

Composite Exhibit “3”: BPIRG’s 04/15/25 and 04/16/25 PRR #1 Clarifications & BH’s 04/16/25 PRR #1 Response.

21. On May 8, 2025, BPIRG emailed BH’s PRR email address, Ferguson, and Bauman to follow-up on BPIRG’s PRR #1 – W2 and other PRRs requesting in pertinent part:

...As I understand the rules, Agencies must respond **within a reasonable time**. If fulfilling the request requires extensive staff resources, the hospital may **charge fees** and request **additional time**. If records are **exempt or confidential**, the hospital **must provide a written explanation**. I believe that if you claim an exemption, you must do so specifically and not generally. That is, you need to identify the specific document, the specific information in that document, and the specific exemption you claim.

Currently I have several open requests.....

...3. 3. March 17, 2025 – ‘Please provide me an electronic report of reported 2024 W2 payroll information for all Corporate Officers of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided by Broward Health’s payroll system. The request is directed at Broward Health’s Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above.’ You have asked me to more clearly identify to what I refer to as Corporate Officers, and I have replied with their employee title of ‘and modifier of Vice President and above’. I have additionally asked for a ‘date that you can provide these records electronically’...

...Please provide me an update on all my outstanding requests...

Exhibit “4” hereto: BPIRG’s 05/08/25 PRR #2 and Follow-Up on PRR #1 and Others.

22. On May 9, 2025, BH’s Records Custodian emailed BPIRG to respond to BPIRG’s open PRR requests set forth in BPIRG’s 05/08/25 email *in green*. See **Exhibit “4”**: BPIRG’s

05/08/25 PRR #2 and Follow-Up on PRR #1 and Others and **Composite Exhibit “5”** hereto:

BH’s 05/09/25 PRR #1 and #2 Responses and BPIRG’s 05/10/25 PRR #2 Clarification.

23. In such 05/09/25 email to BPIRG, BH’s Records Custodian responded to BPIRG’s 03/17/25 PRR #1 – W2 *in green* as follows: “**This request is still in process.**” (Emphasis added). **Exhibit “4”**: BPIRG’s 05/08/25 PRR #2 and Follow-Up on PRR #1 and Others and **Composite Exhibit “5”**: BH’s 05/09/25 PRR #1 and #2 Responses and BPIRG’s 05/10/25 PRR #2 Clarification.

24. On June 23, 2025 BPIRG emailed BH’s PRR email address to follow-up on BPIRG’s 03/17/25 PRR #1 – W2 in pertinent parts as follows:

I am writing to follow up on my public records request submitted on **March 17, 2025**, pursuant to **Chapter 119, Florida Statutes**. The request was for:

‘electronic report of reported 2024 W2 payroll information for all Corporate Officers of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided by Broward Health’s payroll system. The request is directed at Broward Health’s Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above.’

As of today, **98 days** have passed, and I have not received the requested records nor any substantive update on the estimated time for production. Under Florida’s Public Records Law, there is a clear obligation to respond to requests **promptly and in good faith** and to provide the records within a reasonable time, as required by § 119.07(1)(c), Fla. Stat.

If the records are voluminous or contain information requiring redaction, please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

Please be reminded that unjustified delays in providing access to public records may be deemed a violation of Chapter 119 and subject the agency to **attorney’s fees** under §119.12, and potential penalties for willful delay under § 119.10.

If the records are now available, I respectfully request they be provided without further delay...

Exhibit “6” hereto: BPIRG’s 06/23/25 Follow-Up on 03/17/25 PRR #1 – W2.

25. On June 24, 2025, BH’s Records Custodian emailed BPIRG which *again* acknowledged receipt of BPIRG’s PRR #1 -W2, PRR #2 - Gala and three (3) of BPIRG’s *other currently pending* Public Records Requests to BH and stated in pertinent part:

We acknowledge receipt of your inquiries regarding the status of the public records requests listed below:

1739, 1753, 1754, 1755, 1758, and 1760.

These requests are currently being processed. We are conducting review and gathering estimates...

Composite Exhibit “7” hereto: BPIRG’s 06/23/25 Follow-Up on PRR #2, BH’s 06/24/25 Non-Responses to PRR #1, #2 and Others, and BPIRG’s 06/24/25 Response to BH’s 06/24/25 Response to BH’s 06/24/25 PRR Non-Responses.

26. On June 24, 2025, BPIRG emailed BH’s PRR email address and Bauman which stated in pertinent part:

Thank you for your response, but it was unresponsive.

Please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

At this point, I think I am entitled to a good faith estimate for the anticipated timeframe for completion, and or for your estimates. Except for the transcripts of the shade meetings, all the requested documents and information will be electronically archived and can easily be accessed by you. Continued delay will be considered intentional...

Composite Exhibit “7”: BPIRG’s 06/23/25 Follow-Up on PRR #2, BH’s 06/24/25 Non-

Responses to PRR #1, #2 and Others, and BPIRG's 06/24/25 Response to BH's 06/24/25

Response to BH's 06/24/25 PRR Non-Responses.

27. On July 1, 2025, BH's Records Custodian emailed BPIRG and stated:

We are compiling estimates of this and all your other open public records requests. Once completed, we will get back with you.

Composite Exhibit “8” hereto: 07/01/25 Emails Between BPIRG and BH on All BPIRG's *Pending* PRRs Including #1-4.

28. On July 1, 2025, BPIRG emailed BH's PRR email address, Bauman, and Gdelamo@browardhealth.org (“Del Amo”) and stated in pertinent parts:

I am writing to follow-up on several outstanding public records requests that remain unfulfilled well beyond a reasonable period...

...3. Additional Requests – All other requests, except for Requests #1774 and #1775, have now been pending for over a month with no clear communication, estimates, or responsive documents provided.

At this point, generic replies indicating that the requests are ‘in progress’ are no longer acceptable and fail to meet the standards of transparency and good faith required under Florida public records law. I respectfully request that you provide:

- Specific estimated time frames for when I can expect to receive the requested documents or a formal response; and
- Any substantive explanation for the continuing delays...

(Emphasis added). **Composite Exhibit “8”**: 07.01.25 Emails Between BPIRG and BH on All BPIRG's *Pending* PRRs Including #1-4.

29. On September 24, 2025, BPIRG emailed BH's PRR email address, Ferguson, and Bauman the required Fla. Stat. § 119.12 Notice as to its 03/17/25 PRR #1 – W2 (“BPIRG's PRR #1 – W2 119.12 Notice”). *See Exhibit “9”* hereto: BPIRG's 09/24/25 PRR #1 – W2 119.12

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Notice.³

30. BPIRG's PRR #1 – W2 119.12 Notice clarified that BPIRG's PRR #1 – W2 use of the term "Corporate Officers:"

includes officers as defined by Broward Health's bylaws and Board appointment or policy and, at minimum, encompasses system-level roles commonly titled President/CEO, General Counsel, Chief Operating Officer, Chief Financial Officer, Chief Human Resources Officer, Chief Medical Officer, Chief Information Officer, and all Vice Presidents and above within the corporate structure

and requested that "[i]f NBHD maintains an official roster of corporate officers, please produce it and provide the requested W-2 information for each officer on that roster." **Exhibit "9":** BPIRG's 09/24/25 PRR #1 – W2 119.12 Notice.

31. BPIRG's PRR #1 – W2 119.12 Notice expressly informed BH that it failed to produce all records responsive to BH's 03/17/25 PRR #1 – W2 and provided BH at least five (5) business days' notice to produce such records in pertinent part as follows:

As of today, I have not received the requested report or a lawful written basis for any withholding, contrary to §119.07(1). Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays.

If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If responsive data is held by a contractor or support organization on NBHD's behalf, please obtain and produce it pursuant to §119.0701. You may produce the report in a commonly used electronic format (e.g., PDF or CSV).

Exhibit "9": BPIRG's 09/24/25 PRR #1 – W2 119.12 Notice.

32. As of December 17, 2025, it has been two hundred and seventy-five (275) days

³ All Fla. Stat. § 119.12 Notices attached hereto have the blind copy ("Bcc") lines redacted for privacy. The Bcc Recipients are *not* statutory recipients. The Statutory Recipients remain visible and un-redacted. No other content has been redacted in such Notices.

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since BPIRG submitted its 03/17/25 PRR #1 – W2 to BH and eighty-four (84) days since

BPIRG submitted BPIRG's PRR #1 – W2 119.12 Notice to BH.

BPIRG's 05/08/25 PRR #2 - Gala

33. On May 8, 2025, BPIRG emailed BH's PRR email address, Ferguson, and Bauman to submit a *new* Public Records Request for:

an electronic copy of the complete contact information for all the participants of the 2025 Broward Health Gala

(“BPIRG's PRR #2 – Gala”). **Exhibit “4”:** BPIRG's 05/08/25 PRR #2 and Follow-Up on PRR #1 and Others.

34. In such May 8, 2025 email to BH's PRR email address, Ferguson, and Bauman, BPIRG followed-up on BPIRG's PRR #1 – W2 and Others and requested in pertinent part:

...As I understand the rules, Agencies must respond **within a reasonable time**. If fulfilling the request requires extensive staff resources, the hospital may **charge fees** and request **additional time**. If records are **exempt or confidential**, the hospital **must provide a written explanation**. I believe that if you claim an exemption, you must do so specifically and not generally. That is, you need to identify the specific document, the specific information in that document, and the specific exemption you claim...

...Please provide me an update on all my outstanding requests...

Exhibit “4”: BPIRG's 05/08/25 PRR #2 and Follow-Up on PRR #1 and Others.

35. On May 9, 2025, BH's Records Custodian emailed BPIRG to respond to BPIRG's open PRR requests set forth in BPIRG's 05/08/25 aforementioned email *in green*. **See Exhibit “4”:** BPIRG's 05/08/25 PRR #2 and Follow-Up on PRR #1 and Others and **Composite Exhibit “5”:** BH's 05/09/25 PRR #1 and #2 Responses and BPIRG's 05/10/25 PRR #2 Clarification.

36. On May 9, 2025, BH's Records Custodian emailed BPIRG an acknowledgement of receipt of BPIRG's PRR #2 -Gala for ““complete contact information for all the participants of

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the 2025 Broward Health Gala”” and requested that BPIRG: “confirm whether ‘participants’ is limited to attendees/guests only.” **Exhibit “10”** hereto: BH’s 05/09/25 PRR Response to BPIRG’s PRR #2 – Gala.

37. In BH’s Records Custodian’s aforementioned 05/09/25 email to BPIRG, BH’s Records Custodian responded to BPIRG’s 05/08/25 PRR #2 – Gala *in green* as follows: “**New request #1754 – receipt acknowledged under separate cover today. Pending response from you regarding ‘participants.’”** (Emphasis added). **Exhibit “4”**: BPIRG’s 05/08/25 PRR #2 and Follow-Up on PRR #1 and Others and **Composite Exhibit “5”**: BH’s 05/09/25 PRR #1 and #2 Responses and BPIRG’s 05/10/25 PRR #2 Clarification.

38. On May 10, 2025, BPIRG emailed BH’s PRR email address and Bauman to clarify BPIRG’s PRR #2 – Gala as follows:

to include all the attendees that were assigned to seats in the banquet. This would include, to the extent that you have it, everyone who registered for a ticket and their registered guest(s).

I hope that clarifies my request. Since you already have that information in a spreadsheet , I presume that this request is easily accessible to you.

Composite Exhibit “5”: BH’s 05/09/25 PRR #1 and #2 Responses and BPIRG’s 05/10/25 PRR #2 Clarification.

39. On June 23, 2025, BPIRG emailed BH’s PRR email address to follow up on BPIRG’s PRR #2 – Gala which stated in pertinent parts:

I am writing to follow up on my public records request submitted on **May 8, 2025**, pursuant to **Chapter 119, Florida Statutes**. The request was for:

‘ Please provide me with an electronic copy of the complete contact information for all the participants of the 2025 Broward Health Gala’

As of today, **45 days** have passed, and I have not received the requested records nor any substantive update on the estimated time for production. Under Florida’s

Public Records Law, there is a clear obligation to respond to requests **promptly and in good faith** and to provide the records within a **reasonable time**, as required by **§ 119.07(1)(c), Fla. Stat.**

If the records are voluminous or contain information requiring redaction, please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

Please be reminded that unjustified delays in providing access to public records may be deemed a violation of Chapter 119 and subject the agency to **attorney's fees** under **§ 119.12**, and potential penalties for willful delay under **§ 119.10**.

If the records are now available, I respectfully request they be provided without further delay.

Composite Exhibit “7” hereto: BPIRG’s 06/23/25 Follow-Up on PRR #2, BH’s 06/24/25 Non-Responses to PRR #1, #2 and Others, and BPIRG’s 06/24/25 Response to BH’s 06/24/25 Response to BH’s 06/24/25 PRR Non-Responses.

40. On June 24, 2025, BH’s Records Custodian emailed BPIRG which *again* acknowledged receipt of BPIRG’s PRR #1 -W2, PRR #2 - Gala and three (3) of BPIRG’s *other currently pending* Public Records Requests to BH and stated in pertinent part:

We acknowledge receipt of your inquiries regarding the status of the public records requests listed below:

1739, 1753, 1754, 1755, 1758, and 1760.

These requests are currently being processed. We are conducting review and gathering estimates.

Composite Exhibit “7”: BPIRG’s 06/23/25 Follow-Up on PRR #2, BH’s 06/24/25 Non-Responses to PRR #1, #2 and Others, and BPIRG’s 06/24/25 Response to BH’s 06/24/25 Response to BH’s 06/24/25 PRR Non-Responses.

41. On June 24, 2025, BPIRG emailed BH's PRR email address and Bauman which stated in pertinent part:

Thank you for your response, but it was unresponsive.

Please advise me of:

3. The anticipated timeframe for completion, and
4. Any estimated costs, if applicable.

At this point, I think I am entitled to a good faith estimate for the anticipated timeframe for completion, and or for your estimates. Except for the transcripts of the shade meetings, all the requested documents and information will be electronically archived and can easily be accessed by you. Continued delay will be considered intentional...

Composite Exhibit “7”: BPIRG’s 06/23/25 Follow-Up on PRR #2, BH’s 06/24/25 Non-Responses to PRR #1, #2 and Others, and BPIRG’s 06/24/25 Response to BH’s 06/24/25 Response to BH’s 06/24/25 PRR Non-Responses.

42. On July 1, 2025, BH’s Records Custodian emailed BPIRG and stated:

We are compiling estimates of this and all your other open public records requests. Once completed, we will get back with you.

Composite Exhibit “8”: 07.01.25 Emails Between BPIRG and BH on All BPIRG’s *Pending* PRRs Including #1-4.

43. On July 1, 2025, BPIRG emailed BH’s PRR email address, Bauman, and Del Amo and stated in pertinent parts:

I am writing to follow-up on several outstanding public records requests that remain unfulfilled well beyond a reasonable period...

...3. Additional Requests – All other requests, except for Requests #1774 and #1775, have now been pending for over a month with no clear communication, estimates, or responsive documents provided.

At this point, generic replies indicating that the requests are ‘in progress’ are no longer acceptable and fail to meet the standards of transparency and good faith required under Florida public records law. I respectfully request that you provide:

- Specific estimated time frames for when I can expect to receive the requested documents or a formal response; and
- Any substantive explanation for the continuing delays...

(Emphasis added). **Composite Exhibit “8”:** 07.01.25 Emails Between BPIRG and BH on All BPIRG’s *Pending* PRRs Including #1-4.

44. On September 24, 2025, BPIRG emailed BH’s PRR email address, Ferguson, and Bauman the required Fla. Stat. § 119.12 Notice as to its 05/08/25 PRR #2 – Gala (“BPIRG’s PRR #2 – Gala 119.12 Notice”). *See Exhibit “11”* hereto: BPIRG’s 09/24/25 PRR #2 – Gala 119.12 Notice.

45. BPIRG’s PRR #2 – Gala 119.12 Notice expressly informed BH that it failed to produce all records responsive to BH’s 05/08/25 PRR #2 – Gala and provided BH at least five (5) business days’ notice to produce such records in pertinent part as follows:

On June 23, 2025, I sent a follow-up to the Records Custodian noting that more than 45 days had elapsed without production or a substantive time estimate. On July 1, 2025, I sent an additional message noting numerous outstanding requests and again identifying PRR #1754. As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt, please produce the non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If records are held by a contractor or support organization on behalf of NBHD (including, if applicable, Broward Health Foundation or event vendors), please obtain and produce them pursuant to §119.0701 and applicable law.

Exhibit “11”: BPIRG’s 09/24/25 PRR #2 – Gala 119.12 Notice.

46. As of December 17, 2025, it has been two hundred and twenty-three (223) days since BPIRG submitted its 05/08/25 PRR #2 – Gala to BH and eighty-four (84) days since BPIRG submitted BPIRG’s PRR #2 – Gala 119.12 Notice to BH.

BPIRG’s 05/21/25 PRR #3 – 9/19 Mtg Ks

47. On May 12, 2025, BPIRG emailed BH’s email address and Bauman to inquire why the agreement that “was presented to the Board for approval at an ‘emergency meeting’ on 9/19/24 and was approved” was *not* included in BPIRG’s original request. **Composite Exhibit “12”** hereto: BPIRG 09/24/25 Email Re 09/19 Mtg Ks.

48. On May 21, 2025, BPIRG emailed BH’s email address and Bauman to submit a Public Records Request for:

electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting. Please include in this request electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting.

(“BPIRG’s PRR #3 – 09/19 Mtg Ks”). **Composite Exhibit “13”** hereto: BPIRG’s PRR #3 - 09/19 Mtg Ks.

49. On May 22, 2025, BH’s Records Custodian emailed BPIRG an acknowledgement of receipt of BPIRG’s PRR #3 – 09/19 Mtg Ks, which requested “...electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting’ including ‘electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting.”” **Composite Exhibit “14”** hereto: BH’s 05/22/25 Acknowledgment of BPIRG’s PRR #3 -09/19 Mtg Ks.

50. On June 23, 2025, BPIRG emailed BH's email address to follow-up on BPIRG's

05/21/25 PRR #3 – 09/19 Mtg Ks which stated in pertinent parts:

I am writing to follow up on my public records request submitted on **May 21 2025**, pursuant to **Chapter 119, Florida Statutes**. The request was for:

'electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting. Please include in this request electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting.'

As of today, **33 days** have passed, and I have not received the requested records nor any substantive update on the estimated time for production. Under Florida's Public Records Law, there is a clear obligation to respond to requests **promptly and in good faith** and to provide the records within a **reasonable time**, as required by **§ 119.07(1)(c), Fla. Stat.**

If the records are voluminous or contain information requiring redaction, please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

Please be reminded that unjustified delays in providing access to public records may be deemed a violation of Chapter 119 and subject the agency to **attorney's fees** under **§ 119.12**, and potential penalties for willful delay under **§ 119.10**.

If the records are now available, I respectfully request they be provided without further delay.

Exhibit "15" hereto: BPIRG 06.23.25 Follow-Up on PRR #3 – 09/19 Mtg Ks.

51. On July 1, 2025, BH's Public Records Custodian emailed BPIRG and stated:

We are compiling estimates of this and all your other open public records requests. Once completed, we will get back with you.

Composite Exhibit "8": 07.01.25 Emails Between BPIRG and BH on All BPIRG's *Pending* PRRs Including #1-4.

52. On July 1, 2025, BPIRG emailed BH's PRR email address, Bauman, and

Gdelamo@browardhealth.org ("Del Amo") and stated in pertinent parts:

I am writing to follow-up on several outstanding public records requests that remain unfulfilled well beyond a reasonable period...

...3. Additional Requests – All other requests, except for Requests #1774 and #1775, have now been pending for over a month with no clear communication, estimates, or responsive documents provided.

At this point, generic replies indicating that the requests are 'in progress' are no longer acceptable and fail to meet the standards of transparency and good faith required under Florida public records law. I respectfully request that you provide:

- Specific estimated time frames for when I can expect to receive the requested documents or a formal response; and
- Any substantive explanation for the continuing delays...

(Emphasis added). **Composite Exhibit "8":** 07.01.25 Emails Between BPIRG and BH on All BPIRG's *Pending* PRRs Including #1-4.

53. On September 24, 2025, BPIRG emailed BH's PRR email address, Ferguson, and

Bauman the required Fla. Stat. § 119.12 Notice as to its 05/21/25 PRR #3 – 09/19 Mtg Ks

("BPIRG's PRR #3 – 09/19 Mtg Ks 119.12 Notice"). *See Exhibit "16"* hereto: BPIRG's

09/24/25 PRR #3 – 09/19 Mtg Ks 119.12 Notice.

54. BPIRG's PRR #3 – 09/19 Mtg Ks 119.12 Notice expressly informed BH that it failed to produce all records responsive to BH's 05/21/25 PRR #3 – 09/19 Mtg Ks and provided BH at least five (5) business days' notice to produce such records in pertinent part as follows:

As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1). To the extent you contend any portion is exempt or confidential, please produce all non-exempt portions and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If responsive records are held by a contractor or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Exhibit “16”: BPIRG’s 09/24/25 PRR #3 – 09/19 Mtg Ks 119.12 Notice.

55. As of December 17, 2025, it has been two hundred and ten (210) days since BPIRG submitted its 05/21/25 PRR #3 – 09/19 Mtg Ks to BH and eighty-four (84) days since BPIRG submitted BPIRG’s PRR #3 – 09/19 Mtg Ks 119.12 Notice to BH.

BPIRG’s 06/25/25 PRR #4 – Empl Ks

56. On June 25, 2025, BPIRG emailed BH’s email address to submit a Public Records Request (“BPIRG’s PRR #4 – Empl Ks”). *See Composite Exhibit “17”* hereto: BPIRG’s PRR #4 - Empl Ks and BH’s 06/25/25 PRR Response to BPIRG’s PRR #4 – Empl Ks.

57. BPIRG’s PRR #4 – Empl Ks requested the following public records from BH:

Please provide me all current employment agreements and or contracts between Broward Health and the CEO/President, the Broward Health General Counsel, and the Broward Health COO.

Composite Exhibit “17”: BPIRG’s PRR #4 - Empl Ks and BH’s 06/25/25 PRR Response to BPIRG’s PRR #4 – Empl Ks.

58. On June 25, 2025, BH’s Records Custodian emailed BPIRG an acknowledgement of receipt of BPIRG’s PRR #4 – Empl Ks, which requested **“all current employment agreements and or contracts between Broward Health and the CEO/President, the Broward Health General Counsel, and the Broward Health COO.”** *Composite Exhibit “17”:* BPIRG’s PRR #4 - Empl Ks and BH’s 06/25/25 PRR Response to BPIRG’s PRR #4 – Empl Ks.

59. On July 1, 2025, BH’s Records Custodian emailed BPIRG and stated:

We are compiling estimates of this and all your other open public records requests. Once completed, we will get back with you.

Composite Exhibit “8”: 07.01.25 Emails Between BPIRG and BH on All BPIRG’s *Pending* PRRs Including #1-4.

60. On July 1, 2025, BPIRG emailed BH’s PRR email address, Bauman, and Gdelamo@browardhealth.org (“Del Amo”) and stated in pertinent parts:

I am writing to follow-up on several outstanding public records requests that remain unfulfilled well beyond a reasonable period...

...3. Additional Requests – All other requests, except for Requests #1774 and #1775, have now been pending for over a month with no clear communication, estimates, or responsive documents provided.

At this point, generic replies indicating that the requests are ‘in progress’ are no longer acceptable and fail to meet the standards of transparency and good faith required under Florida public records law. I respectfully request that you provide:

- Specific estimated time frames for when I can expect to receive the requested documents or a formal response; and
- Any substantive explanation for the continuing delays...

(Emphasis added). **Composite Exhibit “8”:** 07.01.25 Emails Between BPIRG and BH on All Pending PRRs Including #1-4.

61. On September 24, 2025, BPIRG emailed BH’s PRR email address, Ferguson, and Bauman the required Fla. Stat. § 119.12 Notice as to its 06/25/25 PRR #4 – Empl Ks (“BPIRG’s PRR #4 – Empl Ks 119.12 Notice”). *See Exhibit “18”* hereto: BPIRG’s 09/24/25 PRR #4 – Empl Ks 119.12 Notice.

62. BPIRG’s PRR #4 – Empl Ks 119.12 Notice expressly informed BH that it failed to produce all records responsive to BH’s 06/25/25 PRR #4 – Empl Ks and provided BH at least five (5) business days’ notice to produce such records in pertinent part as follows:

NBHD acknowledged receipt on June 25, 2025. As of today, I have not received the requested contracts or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). Personal identifiers may be redacted as authorized by law, but the remainder of each agreement should be produced.

If responsive records are held by a contractor or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Exhibit “18”: BPIRG’s 09/24/25 PRR #4 – Empl Ks 119.12 Notice.

63. As of December 17, 2025, it has been one hundred and seventy-five (175) days since BPIRG submitted its 06/25/25 PRR #4 – Empl Ks to BH and eighty-four (84) days since BPIRG submitted BPIRG’s PRR #4 – Empl Ks 119.12 Notice to BH.

BH’s Counsel’s 10/06/25 PRR Responses

64. On October 6, 2025, William R. Scherer, Esq., Counsel for BH (“BH’s Counsel”), sent BPIRG an email that attached a letter dated 10/06/25 with four (4) pages of attachments Bates Numbered BH/PRR000001 – BH/PRR000004. (“BH’s Counsel’s 10/06/25 PRR Letter”). *See Composite Exhibit “19” hereto: 10/06/25 Email Thread Between BPIRG and BH’s Counsel and BPIRG’s 10/10/25 Email to BH’s Counsel Re BH’s Unreasonable PRR Responses; and Composite Exhibit “20” hereto: BH’s Counsel’s 10/06/25 Letter to BPIRG Re BRR’s PRRs With Attachments BH/PRR000001 – BH/PRR000004.*

65. BH’s Counsel’s 10/06/25 PRR Letter stated:

As we recently discussed, our office represents Broward Health in connection with your recent public records requests. We have reviewed requests numbers 1739, 1750, 1753, 1754, 1755, 1756, 1758, 1760, 1774, 1775, and 1776. The attached material is responsive to requests 1753 and 1758.

Our client is continuing to assemble documents which may be responsive to the remaining requests. Our office will review that material to determine if the documents are public records with [sic] the meaning of chapter 119 of Florida Statutes. Prior to disclosure, we will make any necessary redactions permitted by applicable statutes. Due to the volume of the documents, extensive use of technology or extensive clerical or supervisory assistance may be needed. We will advise you as to those charges.

Composite Exhibit “20”: BH’s Counsel’s 10/06/25 Letter to BPIRG Re BRR’s PRRs With Attachments BH/PRR000001 – BH/PRR000004.

66. On October 6, 2025, BPIRG responded to BH’s Counsel’s 10/06/25 PRR Letter in pertinent part as follows:

...I note that only one Org chart dated September 2024 was included in your letter. As I am sure you are aware, this is an incomplete production of the records request which asked for multiple years of org charts.

Further, the minutes attached for the emergency meeting reference an agreement which was similarly requested and not produced with the minutes. Again, a seemingly incomplete production.

As you know, Mr. Scherer, Broward Health is predominantly a paperless organization so the production of these obviously public records should not be delayed unless there is a specific intent to do so. This delay conduct, if provable through discovery, wastes both our time and will eventually come to light...

Composite Exhibit “19”: 10/06/25 Email Thread Between BPIRG and BH’s Counsel and BPIRG’s 10/10/25 Email to BH’s Counsel Re BH’s Unreasonable PRR Responses.

67. On October 10, 2025, BPIRG *again* responded to BH’s Counsel’s 10/06/25 PRR Letter as follows:

The District’s continued slow dribble of records to me is neither ‘continuous’ nor in good faith. The undisputable facts described in my requests, and the empirical calculation about the pace of the District’s records production, demonstrate that the District is, in fact, taking an unreasonable amount of time to provide me with the public records I have requested.

I have attached my copies of my 119-Separate Notices for your review and reference. You will see some of the records the District continues to stonewall go back to March 2025. That's some seven (7) months. Please be aware that on personal knowledge, information and belief that all the records I have requested are easily accessible electronically where obviously any non-disclosable information can be simply not produced. Except for the requested shade meeting transcripts- the requested records on their face likely do not necessitate any but minimal legal review (Note however, that Shade meeting occurring over 3 years ago are disclosable intact without redaction). I have attached Broward Health's own "Common Exemptions 119 Cheat Sheet" for your information as well.

Previously and continuously, I have expressed my willingness to pay reasonable service fees as necessary to produce these records. However, it would be unfortunate if the District's stonewall tactics turns to punitive and excessive fees which I would likely pay under objection and likely litigate the issue under 119 and its associated sections.

Bill, I'm trying to be patient and reasonable, but that patience is about to end.

Please.

Composite Exhibit "19": 10/06/25 Email Thread Between BPIRG and BH's Counsel and BPIRG's 10/10/25 Email to BH's Counsel Re BH's Unreasonable PRR Responses; and

Composite Exhibit "21" hereto: 250924bh_119_SeparateNotice.pdf and **Exhibit "22"** hereto: Common Exemptions Cheat Sheet.docx.

Conditions Precedent

68. To date, BH has failed to provide all the public records responsive to BPIRG's PRR #1, #2, #3, and #4 (collectively "Public Records Requests") or indicate that any record(s) are being withheld pursuant to an exemption and stating with particularity the reason(s) for BH's conclusion(s) that the requested record(s) are exempt or confidential.

69. More than five (5) business days have elapsed since BPIRG served BH with its required Fla. Stat. § 119.12 Notices that identified the public records it sought it in BPIRG's Public Records Requests. *See Exhibit "9":* BPIRG's 09/24/25 PRR #1 – W2 119.12 Notice; **Exhibit**

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“11”: BPIRG’s 09/24/25 PRR #2 – Gala 119.12 Notice; **Exhibit “16”**: BPIRG’s 09/24/25 PRR #3 – 09/19 Mtg Ks 119.12 Notice; and **Exhibit “18”**: BPIRG’s 09/24/25 PRR #4 – Empl Ks 119.12 Notice.

70. All conditions precedent to commence this action, if any, have been performed and/or have been waived.

Count I – Writ of Mandamus to Compel BH to Comply with Fla. Stat. Ch. 119

71. BPIRG re-alleges and incorporates the allegations in paragraphs one (1) through seventy (70) above, as fully set forth herein.

72. To date, BH failed to provide BPIRG with:

a. all public records responsive to BPIRG’s Public Records Requests; and
b. a written statement that specifies, with particularity, the reason(s) for BH’s conclusion(s) that the requested record(s) are exempt or confidential.

73. BPIRG’s Public Records Requests requested public records from BH that were “made or received pursuant to law or ordinance or in connection with the transaction of official business by [BH],” pursuant to Fla. Stat. § 119.011(12).

74. “The determining factor” for what constitutes a public record is its nature and *not* its physical location. State v. City of Clearwater, 863 So. 2d 149, 154 (Fla. 2003).

75. An agent’s duty to permit the inspection and copying of public records in its possession “is not a discretionary act; it is a mandatory act.” Mills v. Doyle, 407 So. 2d 348, 350 (Fla. 4th DCA 1981); *see also* Town of Manalapan v. Rechler, 674 So. 2d 789, 790 (Fla. 4th DCA 1996) (holding that “mandamus was an appropriate remedy to compel the timely production of public records request[ed] under Chapter 119”).

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76. “An unjustified failure to respond to a public records request until after an action has been commenced to compel compliance amounts to an unlawful refusal for purposes of section 119.12(1).” Weeks v. Golden, 764 So. 2d 633, 635 (Fla. 1st DCA 2000).

77. Fla. Stat. § 119.07(1)(f) provides the mandatory duty to “state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.”

78. BH’s continuing refusal to provide BPIRG with the public records responsive to BPIRG’s Public Record Requests is a refusal to perform an official ministerial duty in violation of Fla. Stat. § 119.07. *See* Town of Manalapan, 674 So. 2d at 790.

79. BH has unlawfully refused to comply with its duties to “state in writing and with particularity the reasons for the conclusion that the record[s are] exempt or confidential” pursuant to Fla. Stat. § 119.07(1)(f).

80. The Fourth District Court of Appeal expressly affirmed that “the purpose of the Public Records Act ‘is to open public records to allow Florida’s citizens to discover the actions of their government.’” Bent v. State, 46 So. 3d 1047, 1049 (Fla. 4th DCA 2010), *citing* Christy v. Palm Beach Cnty. Sheriff’s Office, 698 So. 2d 1365, 1366 (Fla. 4th DCA 1997).

81. The Florida Supreme Court “has ‘described the right of access to public records as a ‘cornerstone of our political culture.’’” Board of Trustees, Jacksonville Police & Fire Pension Fund v. Lee, 189 So. 3d 120, 124 (Fla. 2016), *citing* In re Report & Recommendations of Judicial Mgmt. Council of Fla. on Privacy & Elec. Access to Court Records, 832 So. 2d 712, 713 (Fla. 2002).

82. The Public Records Act “‘is to be construed liberally in favor of openness, and all exemptions from disclosure are to be construed narrowly.’” Barfield v. School Board of Manatee County, 135 So. 3d 560, 562 (Fla. 2d DCA 2014) (Citation omitted).

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83. The “courts should find in favor of disclosure rather than secrecy”. Id.

84. The governmental agency bears the burden of proof of exemption entitlement. Id.

(Citation omitted).

85. The Public Records Requester’s motive is “irrelevant.” Id. (Citation omitted).

86. The Public Records agency’s good faith is irrelevant. Board of Trustees, Jacksonville Police & Fire Pension Fund, 189 So. 3d at 122, 128 (Fla. Sup Ct. “decline[d] to import a ‘good faith’ or ‘reasonableness’ requirement into *section 119.12*”).

87. A Writ of Mandamus is the appropriate remedy to compel BH to perform the specific, legal, ministerial duty of timely production of requested public records. *See Town of Manalapan*, 674 So. 2d at 790.

88. BPIRG has a clear legal right to insist upon BH’s mandatory performance of these aforementioned duties.

89. BH’s unlawful withhold of public records responsive to BPIRG’s Public Records Requests causes BPIRG Irreparable Harm and will continue to cause such Irreparable Harm until this Court enters a Writ of Mandamus as to BH’s Fla. Stat. Ch. 119 violations.

90. BPIRG has *no* adequate remedy at law.

91. Declaratory and Injunctive Relief pursuant to Fla. Stat. Ch.s 86 and 119 do *not* provide immediate redress for the Irreparable Harm caused by BH’s unlawful delay in providing BPIRG the records responsive to BPIRG’s Public Records Requests.

92. Each day that BH unlawfully withholds public records responsive to BPIRG’s Public Records Requests, BH unlawfully deprives BPIRG of BPIRG’s rights guaranteed by Fla. Const. art. I, § 24(a) (“Sunshine Amendment”).

93. If a “complaint shows a *prima facie* case for relief, a trial court must issue an alternative

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writ of mandamus.” Smith v. State, 696 So. 2d 814, 816 (Fla. 2nd DCA 1997) (Citations omitted).

94. Since this Complaint evidences a *prima facie* case for Ch. 119 relief, this Honorable Court should enter a Writ of Mandamus. Id.

95. Pursuant to Fla. Stat. § 119.11(1), BPIRG is entitled to an immediate hearing on this Petition for Writ of Mandamus and Complaint for Declaratory Judgment and Mandatory Injunction that is “given priority over more routine matters, and a good faith effort must be made to accommodate the legislative desire that an immediate hearing be held.” Salvador v. Fennelly, 593 So. 2d 1091, 1094 (Fla. 4th DCA 1992).

96. BPIRG is entitled to recover a mandatory award of BPIRG’s “reasonable costs of enforcement, including attorneys’ fees” against BH pursuant to Fla. Stat. § 119.12(1). *See also Weeks v. Golden*, 764 SO. 2d 633, 635 (Fla. 1st DCA 2000).

97. The legislature’s inclusion of an award of attorneys’ fees in Fla. Stat. § 119.12(1) was to counter the foreseeable abuse of governmental entities’ improper use of the “work product” privilege. Smith & William v. West Coast Regional Water Supply Authority, 640 So. 2d 216, 218 (Fla. 2d DCA 1994).

98. To date, BH has failed to comply with its legal duties under Fla. Stat. Ch. 119 (Public Records Act).

Count II – Declaratory Judgment and Mandatory Injunction pursuant to Fla. Stat. Ch. 119

99. BPIRG re-alleges and incorporates the allegations in paragraphs one (1) through seventy (70) above, as fully set forth herein.

100. To date, BH failed to provide BPIRG with:

- a. all public records responsive to BPIRG’s Public Records Requests; and

b. a written statement that specifies, with particularity, the reason(s) for BH’s conclusion(s) that the requested record(s) are exempt or confidential.

101. BPIRG’s Public Records Requests requested records from BH that were “made or received pursuant to law or ordinance or in connection with the transaction of official business by [BH],” pursuant to Fla. Stat. § 119.011(12).

102. “The determining factor” for what constitutes a public record is its nature and not its physical location. State v. City of Clearwater, 863 So. 2d 149, 154 (Fla. 2003).

103. An agent’s duty to permit the inspection and copying of public records in its possession “is not a discretionary act; it is a mandatory act.” Mills v. Doyle, 407 So. 2d 348, 350 (Fla. 4th DCA 1981).

104. “An unjustified failure to respond to a public records request until after an action has been commenced to compel compliance amounts to an unlawful refusal for purposes of section 119.12(1).” Weeks v. Golden, 764 So. 2d 633, 635 (Fla. 1st DCA 2000).

105. Fla. Stat. § 119.07(1)(f) provides the mandatory duty to “state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.”

106. BH’s continuing refusal to provide BPIRG with the public records responsive to BPIRG’s Public Records Requests is a refusal to perform an official ministerial duty in violation of Fla. Stat. § 119.07. *See Town of Manalapan*, 674 So. 2d at 790.

107. BH has unlawfully refused to comply with its duties to “state in writing and with particularity the reasons for the conclusion that the record[s are] exempt or confidential” pursuant to Fla. Stat. § 119.07(1)(f).

108. The 4th DCA expressly affirmed that “the purpose of the Public Records Act ‘is to open public records to allow Florida’s citizens to discover the actions of their government.’” Bent v.

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State, 46 So. 3d 1047, 1049 (Fla. 4th DCA 2010), *citing* Christy v. Palm Beach Cnty. Sheriff's Office, 698 So. 2d 1365, 1366 (Fla. 4th DCA 1997).

109. The Florida Supreme Court “has ‘described the right of access to public records as a ‘cornerstone of our political culture.’” Board of Trustees, Jacksonville Police & Fire Pension Fund v. Lee, 189 So. 3d 120, 124 (Fla. 2016), *citing* In re Report & Recommendations of Judicial Mgmt. Council of Fla. on Privacy & Elec. Access to Court Records, 832 So. 2d 712, 713 (Fla. 2002).

110. The Public Records Act “is to be construed liberally in favor of openness, and all exemptions from disclosure are to be construed narrowly.” Barfield v. School Board of Manatee County, 135 So. 3d 560, 562 (Fla. 2d DCA 2014) (Citation omitted).

111. The “courts should find in favor of disclosure rather than secrecy”. Id.

112. The governmental agency bears the burden of proof of exemption entitlement. Id. (Citation omitted).

113. The Public Records Requester’s motive is “irrelevant.” Id. (Citation omitted).

114. The Public Records Requestee’s good faith is irrelevant. Board of Trustees, Jacksonville Police & Fire Pension Fund, 189 So. 3d at 122, 128 (Fla. Sup Ct. “decline[d] to import a ‘good faith’ or ‘reasonableness’ requirement into *section 119.12*”).

115. BPIRG has a clear legal right to insist upon BH’s mandatory performance of these aforementioned duties.

116. BH has “demonstrated a pattern of noncompliance with the Public Records Law” and “a likelihood of future violations.” Town of Manalapan, 674 So. 2d at 790.

117. BPIRG has no adequate remedy at law to prevent BH’s continuing violations of Fla. Stat. Ch. 119 and to secure timely compliance with Fla. Stat. Ch. 119.

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118. A Mandamus is not “an adequate remedy...to prevent future harm”. Town of

Manalapan, 674 So. 2d at 790. (Citation omitted).

119. BPIRG is entitled to a Declaration of BPIRG’s rights pursuant to Fla. Stat. Ch. 119 because BH’s failure to produce records and written exemption reason(s) causes BPIRG doubts as to BPIRG’s rights and legal relations with BH.

120. BPIRG is entitled to a Declaration that BH’s failure to provide the public records BPIRG’s Public Records Requests requested violates Fla. Stat. Ch. 119 and to supplemental injunctive relief enjoining BH from continuing such violations.

121. BPIRG is entitled to a Declaration that BH’s failure to provide state in writing and with particularity the reason(s) for any claimed exemption(s) to the public records BPIRG’s Public Records Requests requested violates Fla. Stat. Ch. 119 and to supplemental injunctive relief enjoining BH from continuing such violations.

122. BH’s unlawful withhold of public records responsive to BPIRG’s Public Records Requests causes BPIRG Irreparable Harm and will continue to cause such Irreparable Harm until this Court enters an Injunction as to BH’s Fla. Stat. Ch. 119 violations.

123. Each day that BH unlawfully withholds public records responsive to BPIRG’s Public Records Requests, BH unlawfully deprives BPIRG of BPIRG’s rights guaranteed by Fla. Const. art. I, § 24(a) (“Sunshine Amendment”).

124. The public interest will be served by granting BPIRG an Injunction against BH since its Fla. Stat. Ch. 119 violations are *per se* in derogation of the rights of Florida’s citizens.

125. Pursuant to Fla. Stat. § 119.11(1), BPIRG is entitled to an immediate hearing, giving [this Petition for Writ of Mandamus and Complaint for Declaratory Judgment and Mandatory Injunction] case priority over other pending cases.”

126. BPIRG is entitled to recover a mandatory award of BPIRG's "reasonable costs of enforcement, including attorneys' fees" against BH pursuant to Fla. Stat. § 119.12(1). *See also Weeks v. Golden*, 764 SO. 2d 633, 635 (Fla. 1st DCA 2000).

127. The legislature's inclusion of an award of attorneys' fees in Fla. Stat. § 119.12(1) was to counter the foreseeable abuse of governmental entities' improper use of the "work product" privilege. Smith & William v. West Coast Regional Water Supply Authority, 640 So. 2d 216, 218 (Fla. 2d DCA 1994).

128. To date, BH has failed to comply with its legal duties under Fla. Stat. Ch. 119 (Public Records Act).

129. BH is expected to assert unlawful charges, redactions, and/or exemptions.

130. Declaratory and Injunctive Relief will ensure BH complies with its duties pursuant to Fla. Stat. § 119.07 to assert reasonable charges and written exemption reason(s) and permit this Court to retain jurisdiction to resolve disputes over BH's charges, exemptions, and/or redactions.

Relief Requested

Wherefore, Petitioner/Plaintiff, Broward Public Interest Research Group, LLC, ("BPIRG") hereby respectfully requests that this Court:

- a. issue an Alternative Writ of Mandamus providing for the following relief:
 - i. commanding Respondent/Defendant, North Broward Hospital District ("BH") to respond to Petitioner/Plaintiff, BPIRG's PRR #1, #2, #3, and #4, as set forth *supra*:
 - ii. commanding Respondent/Defendant, BH, to produce all records responsive to Petitioner/Plaintiff, BPIRG's PRR #1, #2, #3, and #4;

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iii. commanding Respondent/Defendant, BH, to state in writing and with particularity all reason(s) that any records responsive to Petitioner/Plaintiff, BPIRG's PRR #1, #2, #3, and #4 are being redacted and/or withheld;

iv. commanding Respondent/Defendant, BH, to show cause at a specific time and place set forth in such Writ why it should not be made peremptory; and

v. awarding Petitioner/Plaintiff, BPIRG, mandatory costs and attorneys' fees pursuant to Fla. Stat. § 119.12(1);

vi. awarding Petitioner/Plaintiff, BPIRG, all BPIRG's legal costs and charges pursuant to Fla. Stat. § 57.041; and

vii. awarding Petitioner/Plaintiff, BPIRG, interest on all the costs and fees awarded herein;

b. entering an Order providing for the following relief:

i. declaring that Respondent/Defendant, BH, and/or its agents, servants, and representatives are obligated to adhere to Fla. Stat. Ch. 119;

ii. declaring that Respondent/Defendant, BH, and/or its agents, servants, and representatives violated Fla. Stat. Ch. 119 by failing to provide any and/or all the public records responsive to Petitioner/Plaintiff, BPIRG's PRR #1, #2, #3, and #4;

iii. declaring that Respondent/Defendant, BH, and/or its agents, servants, and representatives violated Fla. Stat. Ch. 119 by failing to explain its reasons in writing and with particularity for withholding public records and/or portions of public records responsive to Petitioner/Plaintiff, BPIRG's PRR #1, #2, #3, and #4;

iv. affirmatively enjoining Respondent/Defendant, BH, and/or its agents, servants, and representatives to properly respond to Petitioner/Plaintiff, BPIRG's PRR #1, #2, #3, and #4;

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v. providing Petitioner/Plaintiff, BPIRG, supplemental relief pursuant to Fla. Stat. § 86.061 by entering a permanent mandatory injunction which enjoins and restrains BH and/or its agents, servants, representatives, and agents from committing violations of Fla. Stat. Ch. 119, including the aforementioned violations;

vi. providing Petitioner/Plaintiff, BPIRG, supplemental relief pursuant to Fla. Stat. § 86.061 by entering a permanent mandatory injunction which retains jurisdiction over this matter and BH and/or its agents, servants, representatives, and agents to ensure the reasonableness of and adjudicate BH's charges, redactions, and/or exemptions.

vii. awarding Petitioner/Plaintiff, BPIRG, mandatory costs and attorneys' fees pursuant to Fla. Stat. § 119.12(1);

viii. awarding Petitioner/Plaintiff, BPIRG, all BPIRG's legal costs and charges pursuant to Fla. Stat. § 57.041; and

ix. awarding Petitioner/Plaintiff, BPIRG, interest on all the costs and fees awarded herein;

c. entering a judgment against Respondent/Defendant, BH, in Petitioner/Plaintiff, BPIRG's favor for all the relief sought pursuant to Fla. Stat. § 119.12(1); Fla. Stat. § 57.041, and the Inherent Powers;

d. awarding Petitioner/Plaintiff, BPIRG, prejudgment interest on the relief sought herein;

e. awarding Petitioner/Plaintiff, BPIRG, post judgment interest on the relief sought herein; and/or

f. awarding Petitioner/Plaintiff, BPIRG, such further relief as the Court deems equitable and just.

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Respectfully submitted,

By: 

Colleen Kathryn O'Loughlin

Florida Bar No. 0042528

Colleen Kathryn O'Loughlin, P.A.

1201 N. Federal Hwy #4493

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colleen@colleenoloughlin.com

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Counsel for Petitioner/Plaintiff

VERIFICATION BY PETITIONER / PLAINTIFF DAN LEWIS

Under penalties of perjury, I declare that I have read the foregoing *Verified* Petition for Writ of Mandamus and Complaint for Declaratory and Mandatory Injunction and that the facts stated in it are true to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT

Executed at Fort Lauderdale, Florida on the 17 of December, 2025.



DANIEL LEWIS,
Managing Director of BPIRG

State of Florida

County of Broward

BEFORE ME, on this 17 day of December, 2025, the undersigned authority, Daniel Lewis, who personally appeared, and

____ Who is personally known to me to be the person whose name is

subscribed to the foregoing instrument, or

✓ Who presented the following identification: FL Driver License

and who being duly sworn acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal this 17 day of December, 2025.





NOTARY PUBLIC

Exhibit 1:
BH's PRR Webpage

 [Information Request](#)

Patients and Visitors

Public Records Request

Giving access to relevant public records, promoting transparency and accountability while adhering to legal guidelines.

Patients and Visitors



Looking for Medical Records?

Request your medical records quickly and securely by clicking here.

[Request Records](#)

Please Complete the Information Below For a Public Records Request

Your full name, email address, phone number, and specific record request. Provide as much information as possible about the specific record you are requesting.

Your request will be logged and processed expeditiously. The use of this online form is optional. The records custodian can be contacted at the above telephone number and/or email address.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. [See 688.6076, Florida Statutes.](#)

Your Full Name *

Your Phone Number *

Your Email Address *

Public Record Request Specific Information *



We will contact you at the above email address to confirm your request and provide time/cost estimates.

Submit

Public Records Requests

A request for public record can be emailed to PublicRecordsRequest@browardhealth.org or by calling [954-473-7303](tel:954-473-7303) directly.



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Composite Exhibit 2:
BPIRG's 03/17/25 PRR #1 – W2;
BPIRG's 04/03/25 PRR #1 Follow-Up; and
BH's 03/21/25 & 04/02/25 PRR #1
Responses



Re: Public Records Request #1739 - 2024 W2 Payroll Information

From Dan Lewis <Dan@BPirg.org>

Date Thu 2025-04-03 8:50 AM

To Public Records Request <PublicRecordsRequest@browardhealth.org>

Good morning, Elizabeth.

The request is directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above.

I hope this clarifies.

Thank you.

Dan Lewis

Broward Public Interest Research Group, LLC

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From: Public Records Request

Sent: Wednesday, April 02, 2025 4:32 PM

To: Dan Lewis

Cc: Bauman, Brett A; Public Records Request

Subject: Public Records Request #1739 - 2024 W2 Payroll Information

Good Afternoon Mr. Lewis:

Regarding your request for a "report of reported 2024 W2 payroll information for all Corporate Officer's of Broward Health (e.g. Vice Presidents, etc.)" the responsible Broward Health departments are requesting clarification of the term "Corporate Officers" and specific job titles. Please provide the requested information in order to facilitate fulfillment of your request. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson

Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Friday, March 21, 2025 4:45 PM
To: Dan Lewis <Dan@BPirg.org>
Cc: Bauman, Brett A <bbauman@browardhealth.org>; Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Public Records Request #1739 - 2024 W2 Payroll Information

Good Afternoon Mr. Lewis:

We acknowledge receipt of your records request.

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, that is exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is an extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Monday, March 17, 2025 10:40 AM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Cc: Bauman, Brett A <bbauman@browardhealth.org>
Subject: Outstanding Public Record's Requests.

This is my Public Records request good faith effort pursuant to case law.

On 2/4/25, I made the following request: "Please provide me an electronic list of active contracts including as much information as can easily be included. Thank you." You requested a payment for the estimated work which has been remitted. Please provide me a date that you will provide me these records.

On 2/6/25, I made the following request: "Please provide me a list of participants in Broward Health's 457-F pension plan and the total contributions from all sources by participant for each year 2020 through January 2025." To date, I have received no response and no records. Please provide me a date that you will provide me these records.

On 2/20/25, I made the following request: "Please provide me a copy of all written agreements between the North Broward Hospital District and the South Broward Hospital District, dated from 2024 to the present day." To date, I have received no response and no records. Please provide me a date that you will provide me these records.

Today, I make the following additional Public Records request: "Please provide me an electronic report of reported 2024 W2 payroll information for all Corporate Officer's of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided from the Broward Health's payroll system. Thank you"

Dan Lewis

Broward Public Interest Research Group, LLC

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Composite Exhibit 3:
BPIRG's 04/15/25 and 4/16/25
PRR #1 Clarifications &
BH's 04/16/25 PRR #1 Response



Re: Public Records Request # 1725 (457-F Pension Plan) & 1739 - 2024 W-2 Payroll Report

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-04-16 4:34 PM

To Public Records Request <PublicRecordsRequest@browardhealth.org>

Cc Ferguson, Elizabeth R <Erferguson@browardhealth.org>; Brett Bauman <bbauman@browardhealth.org>

With respect to request # 1739, are you able to provide specific titles for the list of officers you would like to be included in the report that you requested: All system Vice Presidents (including Junior, Acting, Senior, and any other type of Vice President) and President/CEO. Please see my previous emails on this.

Surely, this shouldn't present a problem.

Dan Lewis

Broward Public Interest Research Group, LLC

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From: Public Records Request

Sent: Wednesday, April 16, 2025 3:47 PM

To: Dan Lewis

Cc: Public Records Request

Subject: Public Records Request # 1725 (457-F Pension Plan) & 1739 - 2024 W-2 Payroll Report

Good Afternoon Mr. Lewis.

The above-referenced requests (#s 1725 and 1739) are currently in process. Please accept our apologies for the delay. At this time I am not able to give you a date for completion, but will provide you a status update once available. We appreciate your patience.

In the meantime, with regards to request # 1739, are you able to provide specific titles for the list of officers you would like to be included in the report that you requested?

Regards,
Elizabeth.

Elizabeth Ferguson

Senior Paralegal, General Counsel's Office

1800 NW 49th Street, Fort Lauderdale, FL 33309

t- 954.473.7303

PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>

Sent: Tuesday, April 15, 2025 12:01 PM

To: Public Records Request <PublicRecordsRequest@browardhealth.org>

Cc: Bauman, Brett A <bbauman@browardhealth.org>; Ferguson, Elizabeth R <Erferguson@browardhealth.org>

Subject: My Public Records Request

Good morning.

Please recall that on 2/6/2025 I requested :

"Please provide me a list of participants in Broward Health's 457-F pension plan and the total contributions from all sources by participant for each year 2020 through January 2025." . I understand that you will need to redact the participant information, however I believe I am still entitled to this information. It has been over 60 day since my request was made. Please provide me a date that you can provide me these records electronically.

Also, please recall that on 03/17/2025 I requested:

"Please provide me an electronic report of reported 2024 W2 payroll information for all Corporate Officers of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided by Broward Health's payroll system. The request is directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above. Please provide me a date that you can provide me these records electronically.

Thank you for your kind attention to these matters.

Dan Lewis

Broward Public Interest Research Group, LLC

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Exhibit 4:
BPIRG's 05/08/25 PRR #2 and
Follow-Up on PRR #1 and Others



Public Records Request - Note the two new requests in this correspondence.

From Dan Lewis <Dan@BPirg.org>

Date Thu 2025-05-08 12:36 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org
<bbauman@browardhealth.org>

Good afternoon, Ms. Ferguson.

As you know, Hospital Special Districts in Florida, such as **Broward Health (North Broward Hospital District)** are **independent special districts** that operate public hospitals and healthcare facilities. As such, they must comply with **Florida Statutes 119 (Public Records Law) and 189 (Uniform Special District Accountability Act)** to ensure transparency and accountability.

As I understand the rules, Agencies must respond **within a reasonable time**. If fulfilling the request requires extensive staff resources, the hospital may **charge fees** and request **additional time**. If records are **exempt or confidential**, the hospital must provide a written explanation. I believe that if you claim an exemption, you must do so specifically and not generally. That is, you need to identify the specific document, the specific information in that document, and the specific exemption you claim.

Currently I have several open requests:

1. February 4, 2025 – “Please provide me an electronic copy of Broward Hills Public Records log for the period beginning January 2022 through today in electronic copies of the quarterly public records and shade meeting reports to the Board and Governor for the same period. “
2. February 6, 2025 – “Please provide me a list of participants in Broward Health’s 457F Pension plan and the full and the total contributions from all sources by participant for each year 2020 through January 2025.” I acknowledge that you must redact participant personal information in this list.
3. March 17, 2025 - "Please provide me an electronic report of reported 2024 W2 payroll information for all Corporate Officers of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided by Broward Health's payroll system. The request is directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above." You have asked me to more clearly identify to what I refer to as Corporate Officers, and I have replied with their employee title of “and modifier of Vice President and above” . I have additionally asked for a “date that you can provide these records electronically”.
4. April 15th, 2025 - Please provide me electronic copies of the following contracts identified by their ID that was previously disclosed in your contracts production.

2013923	2002804	2000510	2009900	2011753	2013017
2012392	2013555	2013188	2014432		

Please let me know when these documents can be sent to me electronically.

You have made an estimated cost for this production that I have provided on 4/30/25, again under objection to the fee.

5. 5. April 30, 2025 – “Please provide me with any existing and active intergovernmental interchange agreement between BH & MHS electronically.” This request was a clarification to a believed omission to a previous production of all contracts between BH & MHS dated in 2024 or 2025.
6. 6. April 30, 2025 - “Please Electronic copies of any and all exhibits, recordings, and presentations, provided to the board in connection to the board and committee meetings held on April 30 , 2025, except for the shade meeting held on the same day and except copies of physician employment contracts. In addition, please provide me an electronic copy of the recordings of the meetings
7. 7. May 8th, 2025 – {NEW} The Bylaws of the Board of Commissioners require that an accurate and up-to-date organizational chart accompany the Annual Budget approval and consideration by the Board of Commissioners. Please provide me a copy of the current and required organizational charts for the last three budget years.
8. 8. May 8,2025 - {NEW} Please provide me an electronic copy of the complete contact information for all the participants of the 2025 Broward Health Gala.

Please provide me an update on all my outstanding requests.

Thank you for your assistance.

Dan Lewis
Broward Public Interest Research Group, LLC

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Composite Exhibit 5:
BH's 05/09/25 PRR #1 and #2 Responses
and BPIRG's 05/10/25 PRR #2 Clarification



Re: Public Records Request Status Update

From Dan Lewis <Dan@BPirg.org>
Date Sat 2025-05-10 11:18 AM
To Public Records Request <PublicRecordsRequest@browardhealth.org>
Cc Bauman, Brett A <bbauman@browardhealth.org>

Thank you for the update, Ms. Ferguson. It is much appreciated.

Anticipating your question on my May 8th request for an electronic list of participants, I mean to include all the attendees that were assigned to seats in the banquet. This would include, to the extent that you have it, everyone who registered for a ticket and their registered guest(s).

I hope that clarifies my request. Since you already have that information in a spreadsheet, I presume that this request is easily accessible to you.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request
Sent: Friday, May 09, 2025 3:39 PM
To: Dan Lewis
Cc: Bauman, Brett A; Public Records Request
Subject: Public Records Request Status Update

Hello Mr. Lewis. Please see responses in green below regarding your open requests.

Regards,
Elizabeth.
Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Thursday, May 8, 2025 12:36 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Cc: Ferguson, Elizabeth R <Erferguson@browardhealth.org>; Bauman, Brett A <bbauman@browardhealth.org>
Subject: Public Records Request - Note the two new requests in this correspondence.

Good afternoon, Ms. Ferguson.

As you know, Hospital Special Districts in Florida, such as **Broward Health (North Broward Hospital District)** are **independent special districts** that operate public hospitals and healthcare facilities. As such, they must comply with **Florida Statutes 119 (Public Records Law) and 189 (Uniform Special District Accountability Act)** to ensure transparency and accountability.

As I understand the rules, Agencies must respond **within a reasonable time**. If fulfilling the request requires extensive staff resources, the hospital may **charge fees** and request **additional time**. If records are **exempt or confidential**, the hospital **must provide a written explanation**. I believe that if you claim an exemption, you must do so specifically and not generally. That is, you need to identify the specific document, the specific information in that document, and the specific exemption you claim.

Currently I have several open requests:

1. 1. February 4, 2025 – “Please provide me an electronic copy of Broward Hills Public Records log for the period beginning January 2022 through today in electronic copies of the quarterly public records and shade meeting reports to the Board and Governor for the same period.” **This request was fulfilled on 2/13/25. You have acknowledged receipt.**
2. 2. February 6, 2025 – “Please provide me a list of participants in Broward Health’s 457F Pension plan and the full and the total contributions from all sources by participant for each year 2020 through January 2025.” I acknowledge that you must redact participant personal information in this list. **This request is still in process.**
3. 3. March 17, 2025 - "Please provide me an electronic report of reported 2024 W2 payroll information for all Corporate Officers of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided by Broward Health's payroll system. The request is directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above." You have asked me to more clearly identify to what I refer to as Corporate Officers, and I have replied with their employee title of “and modifier of Vice President and above” . I have additionally asked for a “date that you can provide these records electronically”. **This request is still in process.**
4. 4. April 15th, 2025 - Please provide me electronic copies of the following contracts identified by their ID that was previously disclosed in your contracts production.

2013923	2002804	2000510	2009900	2011753	2013017
2012392	2013555	2013188	2014432		

Please let me know when these documents can be sent to me electronically.

You have made an estimated cost for this production that I have provided on 4/30/25, again under objection to the fee. **Request fulfilled 5/8/25 - You have since acknowledged receipt.**

5. 5. April 30, 2025 – “Please provide me with any existing and active intergovernmental interchange agreement between BH & MHS electronically.” This request was a clarification to a believed omission to a previous production of all contracts between BH & MHS dated in 2024 or 2025. **On April 30, 2025 this request revised from original request #1727 (already fulfilled). We acknowledged receipt of new request - PRR# 1750 - on April 30, 2025 and it is currently in process.**
6. 6. April 30, 2025 - “Please Electronic copies of any and all exhibits, recordings, and presentations, provided to the board in connection to the board and committee meetings held on April 30 , 2025, except for the shade meeting held on the same day and except copies of physician employment contracts. In addition, please provide me an electronic copy of the recordings of the meetings. **Request #1751 received on 4/30/25. We acknowledged receipt on 5/1/25 and it is now in process.**
7. 7. **May 8th, 2025 – {NEW} The Bylaws of the Board of Commissioners require that an accurate and up-to-date organizational chart accompany the Annual Budget approval and consideration by the Board of Commissioners. Please provide me a copy of the current and required organizational charts for the last three budget years.** **New request #1753 - receipt acknowledged under separate cover today. This is currently in process.**
8. 8. May 8, 2025 - **{NEW} Please provide me an electronic copy of the complete contact information for all the participants of the 2025 Broward Health Gala.** **New request #1754 - receipt acknowledged under separate cover today. Pending response from you regarding "participants."**

Please provide me an update on all my outstanding requests.

Thank you for your assistance.

Dan Lewis
Broward Public Interest Research Group, LLC

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Exhibit 6:
BPIRG's 06/23/25 Follow-Up on
03/17/25 PRR #1 – W2



Follow-Up on Public Records Request Pursuant to Chapter 119, Florida Statutes - W2

From Dan Lewis <Dan@BPIrg.org>

Date Mon 2025-06-23 7:54 AM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Dear Public Records Custodian:

I am writing to follow up on my public records request submitted on **March 17, 2025**, pursuant to **Chapter 119, Florida Statutes**. The request was for:

"electronic report of reported 2024 W2 payroll information for all Corporate Officers of Broward Health (e.g. Vice Presidents, etc.) Please include all information except social security numbers. This report should easily be provided by Broward Health's payroll system. The request is directed at Broward Health's Vice Presidents and above. It does not contemplate managers or directors who are not identified as some level of Vice President or above."

As of today, **98 days** have passed, and I have not received the requested records nor any substantive update on the estimated time for production. Under Florida's Public Records Law, there is a clear obligation to respond to requests **promptly and in good faith** and to provide the records within a **reasonable time**, as required by **§ 119.07(1)(c), Fla. Stat.**

If the records are voluminous or contain information requiring redaction, please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

Please be reminded that unjustified delays in providing access to public records may be deemed a violation of Chapter 119 and subject the agency to **attorney's fees** under **§ 119.12**, and potential penalties for willful delay under **§ 119.10**.

If the records are now available, I respectfully request they be provided without further delay.

Thank you for your prompt attention.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Composite Exhibit 7:
BPIRG's 6/23/25 Follow-Up on PRR #2,
BH's 06/24/25 Non-Responses to PRR #1,
#2 and Others, and
BPIRG's 06/24/25 Response to BH's
06/24/25 PRR Non-Responses



Re: Corrected: Follow-Up on Public Records Requests Pursuant to Chapter 119, Florida Statutes

From Dan Lewis <Dan@BPirg.org>

Date Tue 2025-06-24 10:06 PM

To Public Records Request <PublicRecordsRequest@browardhealth.org>

Cc Bauman, Brett A <bbauman@browardhealth.org>

Thank you for your response, but it was unresponsive.

Please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

At this point, I think I am entitled to a good faith estimate for the anticipated timeframe for completion, and or for your estimates. Except for the transcripts of the shade meetings, all the requested documents and information will be electronically archived and can easily be accessed by you. Continued delay will be considered intentional.

Govern yourself accordingly.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request <PublicRecordsRequest@browardhealth.org>

Sent: Tuesday, June 24, 2025 4:33 PM

To: Dan Lewis <Dan@BPirg.org>

Cc: Public Records Request <PublicRecordsRequest@browardhealth.org>; Bauman, Brett A <bbauman@browardhealth.org>

Subject: Corrected: Follow-Up on Public Records Requests Pursuant to Chapter 119, Florida Statutes

Good Afternoon Mr. Lewis:

We acknowledge receipt of your inquiries regarding the status of the public records requests listed below:

1739, 1753, 1754, 1755, 1758, and 1760.

These requests are currently being processed. We are conducting review and gathering estimates. We appreciate your patience.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Monday, June 23, 2025 8:28 AM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Corrected: Follow-Up on Public Records Request Pursuant to Chapter 119, Florida Statutes - 1754 Broward Health Gala

Dear Public Records Custodian:

I am writing to follow up on my public records request submitted on **May 8, 2025**, pursuant to **Chapter 119, Florida Statutes**. The request was for:

"Please provide me an electronic copy of the complete contact information for all the participants of the 2025 Broward Health Gala"

As of today, **45 days** have passed, and I have not received the requested records nor any substantive update on the estimated time for production. Under Florida's Public Records Law, there is a clear obligation to respond to requests **promptly and in good faith** and to provide the records within a **reasonable time**, as required by **§ 119.07(1)(c), Fla. Stat.**

If the records are voluminous or contain information requiring redaction, please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

Please be reminded that unjustified delays in providing access to public records may be deemed a violation of Chapter 119 and subject the agency to **attorney's fees** under **§ 119.12**, and potential penalties for willful delay under **§ 119.10**.

If the records are now available, I respectfully request they be provided without further delay.

Thank you for your prompt attention.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Composite Exhibit 8:
07/01/25 Emails Between BPIRG and BH
on All BPIRG's *Pending* PRRs Including
PRRs #1-4



Request Status Update – Outstanding Public Records Requests

From Dan Lewis <Dan@BPirg.org>

Date Tue 2025-07-01 11:20 AM

To Public Records Request <PublicRecordsRequest@browardhealth.org>

Cc Bauman, Brett A <bbauman@browardhealth.org>; Gdelamo@browardhealth.org
<gdelamo@browardhealth.org>

I am writing to follow up on several outstanding public records requests that remain unfulfilled well beyond a reasonable period.

1. Request submitted March 17, 2025 – *Electronic report of 2024 W-2 payroll information for all Corporate Officers of Broward Health (Vice Presidents and above, excluding Social Security Numbers):*

This request has been open for **over three months**, despite being limited in scope and presumably retrievable directly from the payroll system.

2. Request submitted May 8, 2025 – *Organizational charts required by the Board of Commissioners' Bylaws to accompany the Annual Budget for the last three fiscal years:*

This request has now been pending for **nearly two months**, despite its direct relevance to required public documentation.

3. Additional Requests – All other requests, except for Requests #1774 and #1775, have now been pending for over a month with no clear communication, estimates, or responsive documents provided.

At this point, generic replies indicating that the requests are “in progress” are no longer acceptable and fail to meet the standards of transparency and good faith required under Florida public records law. I respectfully request that you provide:

- Specific estimated time frames for when I can expect to receive the requested documents or a formal response; and
- Any substantive explanation for the continuing delays.

Thank you for your immediate attention to this matter. I look forward to your prompt and complete response.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Tuesday, July 1, 2025 10:36 AM
To: Dan Lewis <Dan@BPirg.org>
Cc: Bauman, Brett A <bbauman@browardhealth.org>; Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: PRR #1776 - Lewis - Board Portal Directory Listing

Good Morning Mr. Lewis:

We are compiling estimates of this and all your other open public records requests. Once completed, we will get back with you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Monday, June 30, 2025 3:58 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Cc: Bauman, Brett A <bbauman@browardhealth.org>
Subject: Re: PRR #1776 - Lewis - Board Portal Directory Listing

Thank you for your reply.

As I understand it, Broward Health contracts with Passageways, Inc (OnBoard) (2002838) for managing your Board Portal. Almost by definition, all records on the Board Portal are public records. Passageways will store those documents either in a searchable database or directory likely on their cloud. That you apparently don't have a catalogue of these documents is concerning.

Regardless, anyone you contract with to store and manage Board Portal documents will have the ability to provide a list of the files and documents that you pay to manage. Their contract with you, by your policy, will enable you to request such a listing as a result of a public records request. Completing the

request for an electronic document listing should only take minutes to complete and I reassert my request.

I would strongly recommend that you maintain mirror copies of these documents on your own cloud since Broward Health is responsible for the management and retention of all of them.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Monday, June 30, 2025 2:00 PM
To: Dan Lewis <Dan@BPirg.org>
Cc: Public Records Request <PublicRecordsRequest@browardhealth.org>; Bauman, Brett A <bbauman@browardhealth.org>
Subject: Re: PRR #1776 - Lewis - Board Portal Directory Listing

Good Afternoon Mr. Lewis:

We are not able to computer generate a list of files/documents from the listings on the board portal. In order to fulfill your request, Broward Health will need to create a list of documents/files by physically accessing several folders (possibly 100+) and subfolders (possibly hundreds) then make screenshots of each displayed page. This, of course would take quite a bit of time to complete. We can send you a rough estimate of time it may take to accomplish that task. Please let us know if you would like us to proceed. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Friday, June 27, 2025 12:29 PM

To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Re: PRR #1776 - Lewis - Board Portal Directory Listing

I understand that you are asserting that there is no electronic directory of the files and documents of or on the Board Portal in existence. In effect, am I to understand that you assert that there does not exist an electronic record of such a directory? Are you sure this is correct ?

Please confirm.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Friday, June 27, 2025 10:52 AM
To: Dan Lewis <Dan@BPirg.org>
Cc: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: PRR #1776 - Lewis - Board Portal Directory Listing

Good Morning Mr. Lewis:

Please be advised that there are no existing records responsive to your request.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Wednesday, June 25, 2025 4:41 PM
To: Dan Lewis <Dan@BPirg.org>
Cc: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: PRR #1776 - Lewis - Board Portal Directory Listing

Good Afternoon Mr. Lewis:

We acknowledge receipt of your records request for **"an electronic directory listing of all files/documents on the Board Portal as this date."**

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Wednesday, June 25, 2025 3:08 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Board Portal Directory Listing

Please provide me an electronic directory listing of all files/documents on the Board Portal as this date.

Thank you.

Dan Lewis
Broward Public Interest Research Group, LLC

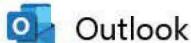
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Exhibit 9:
BPIRG's 09/24/25 PRR #1 – W2 119.12
Notice



Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated March 17, 2025 (NBHD PRR ID #1739) – 2024 W-2 payroll information for Corporate Officers (no SSNs)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:19 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org
<bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on March 17, 2025 (NBHD PRR ID #1739), seeking an electronic report of 2024 W-2 payroll information for all Broward Health Corporate Officers, excluding social security numbers.

NBHD acknowledged the request on March 21, 2025 and, on April 2, 2025, requested clarification of the term “Corporate Officers.” For avoidance of doubt, “Corporate Officers” includes officers as defined by Broward Health’s bylaws and Board appointment or policy and, at minimum, encompasses system-level roles commonly titled President/CEO, General Counsel, Chief Operating Officer, Chief Financial Officer, Chief Human Resources Officer, Chief Medical Officer, Chief Information Officer, and all Vice Presidents and above within the corporate structure. If NBHD maintains an official roster of corporate officers, please produce it and provide the requested W-2 information for each officer on that roster.

As of today, I have not received the requested report or a lawful written basis for any withholding, contrary to §119.07(1). Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays.

If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If responsive data is held by a contractor or support organization on NBHD’s behalf, please obtain and produce it pursuant to §119.0701. You may produce the report in a commonly used electronic format (e.g., PDF or CSV).

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney’s fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Exhibit 10:
BH's 05/09/25 PRR Response to
BPIRG's 05/08/25 PRR #2 – Gala

PRR Request #1754 - Participants' Contact Info - 2025 BH Gala

From Public Records Request <PublicRecordsRequest@browardhealth.org>

Date Fri 2025-05-09 12:59 PM

To Dan Lewis <Dan@BPirg.org>

Cc Public Records Request <PublicRecordsRequest@browardhealth.org>

Good Afternoon Mr. Lewis:

We acknowledge receipt of your records request.

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, that is exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is an extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Your request is for "complete contact information for all the participants of the 2025 Broward Health Gala." Please confirm whether "participants" is limited to attendees/guests only.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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Exhibit 11:
BPIRG's 09/24/25 PRR #2 – Gala 119.12
Notice



Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 8, 2025 (NBHD PRR ID #1754) – “2025 Broward Health Gala participants: complete contact information (electronic copy)”

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:21 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 8, 2025 (NBHD PRR ID #1754), seeking an electronic copy of the complete contact information for all participants of the 2025 Broward Health Gala.

On June 23, 2025, I sent a follow-up to the Records Custodian noting that more than 45 days had elapsed without production or a substantive time estimate. On July 1, 2025, I sent an additional message noting numerous outstanding requests and again identifying PRR #1754. As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt, please provide the non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If records are held by a contractor or support organization on behalf of NBHD (including, if applicable, Broward Health Foundation or event vendors), please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis

Broward Public Interest Research Group, LLC

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Composite Exhibit 12:
BPIRG 09/24/25 Email Re 09/19 Mtg Ks



Re: Possible contract omission from BH-MHS contract production

From Dan Lewis <Dan@BPirg.org>

Date Mon 2025-05-12 2:39 PM

To Public Records Request <PublicRecordsRequest@browardhealth.org>

Cc Bauman, Brett A <bbauman@browardhealth.org>

Interesting.

I understand that this agreement was presented to the Board for approval at an "emergency meeting" on 9/19/2024 and was approved. Why would it not be included in my original request?

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request
Sent: Monday, May 12, 2025 2:29 PM
To: Dan Lewis
Cc: Bauman, Brett A; Public Records Request
Subject: Possible contract omission from BH-MHS contract production

Good Afternoon Mr. Lewis:

On April 30, 2025 you requested "...any existing and active intergovernmental interchange agreement between BH & MHS..." which you expected to have received as part of the records produced in response to PRR #1727. If such an agreement exists, it would not fall within the criteria you stated in request #1727 (all written agreements between North Broward Hospital District and the South Broward Hospital District dated from 2024 to present day" (2/20/25)) hence we informed you that this would be handled as a separate request - #1750.

In the email below you have requested "...Employee Interchange Agreement between BH an MHS regarding Mr. Strum serving as interim CEO of MHS that should have been included with the previous production." Is this meant to be further clarification of the prior request #1750, or is an additional request?

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Friday, May 9, 2025 12:00 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Cc: Ferguson, Elizabeth R <Erferguson@browardhealth.org>; Bauman, Brett A <bbauman@browardhealth.org>
Subject: Possible contract omission from BH-MHS contract production

Please provide me with an electronic copy of the Employee Interchange Agreement between BH and MHS regarding Mr. Strum serving as interim CEO of MHS that should have been included with the previous production.

Thank you.

Dan Lewis
Broward Public Interest Research Group, LLC

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Composite Exhibit 13:
BPIRG PRR #3 – 09/19 Mtg Ks

Re: PRR #1750 - Intergovernmental Interchange Agreement between BH & MHS

From Dan Lewis <Dan@BPirg.org>
Date Wed 2025-05-21 1:32 PM
To Public Records Request <PublicRecordsRequest@browardhealth.org>
Cc Bauman, Brett A <bbauman@browardhealth.org>

Please provide electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting. Please include in this request electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Friday, May 16, 2025 3:42 PM
To: Dan Lewis <Dan@BPirg.org>
Cc: Bauman, Brett A <bbauman@browardhealth.org>; Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: PRR #1750 - Intergovernmental Interchange Agreement between BH & MHS

Good Afternoon Mr. Lewis:

In response to your records request for existing and active intergovernmental interchange agreement between BH & MHS/Employee Interchange Agreement between BH an MHS regarding Mr. Strum serving as interim CEO of MHS, please be advised that there are no records responsive to your request.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Wednesday, April 30, 2025 12:40 PM
To: Dan Lewis <Dan@BPirg.org>
Cc: Public Records Request <PublicRecordsRequest@browardhealth.org>; Bauman, Brett A <bbauman@browardhealth.org>
Subject: PRR #1727 - Agreements & Contracts between BH & MHS

Thank you. We will treat this one as a new request - PRR #1750.

We acknowledge receipt of your records request.

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, that is exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is an extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office

1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303

PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Wednesday, April 30, 2025 12:25 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Re: PRR #1727 - Agreements & Contracts between BH & MHS

Thank you for your question, Elizabeth.

Let me do it this way - please provide me with any existing and active intergovernmental interchange agreement between BH & MHS. Thank you.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request
Sent: Wednesday, April 30, 2025 12:04 PM
To: Dan Lewis
Cc: Public Records Request; Bauman, Brett A
Subject: Re: PRR #1727 - Agreements & Contracts between BH & MHS

Good Morning Mr. Lewis:

To assist us in properly identifying the agreement you are requesting, can you provide some additional information regarding that agreement? Also, is it dated within the period "2024 to present day" (2/20/25 - date your request was received) as stated in your original request)?

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Wednesday, April 30, 2025 10:10 AM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Re: PRR #1727 - Agreements & Contracts between BH & MHS

Good morning.

I had expected to receive the intergovernmental interchange agreement between BH & MHS as part of this production.

Please send me an electronic copy of this agreement.

Thank you.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: Public Records Request
Sent: Wednesday, April 02, 2025 4:41 PM
To: Dan Lewis
Cc: Public Records Request
Subject: PRR #1727 - Agreements & Contracts between BH & MHS

Good Afternoon Mr. Lewis:

Please find attached records responsive to your request for "all written agreements between North Broward Hospital District and the South Broward Hospital District dated from 2024 to present day" (2/20/25).

Regards,
Elizabeth.
Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Public Records Request <PublicRecordsRequest@browardhealth.org>
Sent: Thursday, February 20, 2025 3:05 PM
To: Dan Lewis <Dan@BPIrg.org>
Cc: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Re: Agreements & Contracts between BH & MHS

Good Afternoon Mr. Lewis:

We acknowledge receipt of your records request.

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, that is exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is an extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPIrg.org>
Sent: Thursday, February 20, 2025 1:05 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Agreements & Contracts between BH & MHS

Good afternoon, Elizabeth.

This is a new public records request.

Please Complete the Information Below For a Request

Your full name, email address, phone number, and specific record request. Provide as much information as possible about the specific record you

Your request will be logged and processed expeditiously. The use of this online form is optional. The records custodian can be contacted at the al

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, c contact this office by phone or in writing. [See 688.6076, Florida Statutes.](#)

Your Full Name *

Daniel Lewis

Your Phone Number *

954 558 0488

Your Email Address *

Dan@BPirg.Org

Public Record Request Specific Information *

Please provide me an electronic copy of all written agreements between the North Broward Hospital District and the South Broward Hospital D

Thank you|

We will contact you at the above email address to confirm your request and provide time/cost estimates.

Please acknowledge receipt.

Thanks,

Dan Lewis

Broward Public Interest Research Group, LLC

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Composite Exhibit 14:
BH's 05/22/25 Acknowledgment of
BPIRG's PRR #3 – 09/19 Mtg Ks

Re: PRR #1756 - Agreements - Board of Commissioners 09/19/24 Emergency Meeting

From Public Records Request <PublicRecordsRequest@browardhealth.org>

Date Thu 2025-05-22 3:05 PM

To Dan Lewis <Dan@BPirg.org>

Cc Bauman, Brett A <bbauman@browardhealth.org>; Public Records Request <PublicRecordsRequest@browardhealth.org>

Good Afternoon Mr. Lewis:

We acknowledge receipt of your records request for "...electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting" including "electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting."

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, that is exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is an extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>

Sent: Wednesday, May 21, 2025 1:32 PM

To: Public Records Request <PublicRecordsRequest@browardhealth.org>

Cc: Bauman, Brett A <bbauman@browardhealth.org>

Subject: Re: PRR #1750 - Intergovernmental Interchange Agreement between BH & MHS

Please provide electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting. Please include in this request electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting.

Dan Lewis
Broward Public Interest Research Group, LLC

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Exhibit 15:
BPIRG 06.23.25 Follow-Up on PRR #3 –
09/19 Mtg Ks

**Corrected: Follow-Up on Public Records Request Pursuant to Chapter 119, Florida Statutes - 9/19/24
Emergency Meeting**

From Dan Lewis <Dan@BPirg.org>

Date Mon 2025-06-23 8:20 AM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Dear Public Records Custodian:

I am writing to follow up on my public records request submitted on **May 21, 2025**, pursuant to **Chapter 119, Florida Statutes**. The request was for:

"electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during their 09/19/24 emergency meeting. Please include in this request electronic copies of the minutes for this meeting whether approved or in draft as well as any reports or documents provided to the Board of Commissioners for this meeting."

As of today, **33 days** have passed, and I have not received the requested records nor any substantive update on the estimated time for production. Under Florida's Public Records Law, there is a clear obligation to respond to requests **promptly and in good faith** and to provide the records within a **reasonable time**, as required by **§ 119.07(1)(c), Fla. Stat.**

If the records are voluminous or contain information requiring redaction, please advise me of:

1. The anticipated timeframe for completion, and
2. Any estimated costs, if applicable.

Please be reminded that unjustified delays in providing access to public records may be deemed a violation of Chapter 119 and subject the agency to **attorney's fees** under **§ 119.12**, and potential penalties for willful delay under **§ 119.10**.

If the records are now available, I respectfully request they be provided without further delay.

Thank you for your prompt attention.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Exhibit 16:
BPIRG's 09/24/25 PRR #3 – 09/19 Mtg Ks
119.12 Notice



Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 21, 2025 (NBHD PRR ID #1756) – Agreements & minutes from the 09/19/2024 Emergency Meeting

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:21 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 21, 2025 (NBHD PRR ID #1756), seeking electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during the September 19, 2024 emergency meeting; and electronic copies of the minutes for that meeting (approved or draft) as well as any reports or documents provided to the Board for that meeting.

As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1). To the extent you contend any portion is exempt or confidential, please produce all non-exempt portions and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If responsive records are held by a contractor or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Composite Exhibit 17:
BPIRG's PRR #4 - Empl Ks and
BH's 06/25/25 Response to BPIRG's PRR
#4 – Empl Ks

PRR #1775 - Lewis - Selected Employment Contracts

From Public Records Request <PublicRecordsRequest@browardhealth.org>

Date Wed 2025-06-25 4:38 PM

To Dan Lewis <Dan@BPirg.org>

Cc Public Records Request <PublicRecordsRequest@browardhealth.org>

Good Afternoon Mr. Lewis:

We acknowledge receipt of your records request for "**all current employment agreements and or contracts between Broward Health and the CEO/President, the Broward Health General Counsel, and the Broward Health COO.**"

You should be aware that some records, in whole or in part, are deemed by Florida law to be confidential or exempt from production. We will not produce any record, or portion of a record, exempt by Florida law. Further, please note that pursuant to Florida law and Broward Health policy, there are times when requests will incur a fee to prepare and produce requested documents. These times include, among others, where there is extensive use of information technology resources or where extensive clerical or supervisory assistance is required. We will contact you regarding any estimate of fees that you will incur with this request.

Should we need additional information, we will contact you. Thank you.

Regards,
Elizabeth.

Elizabeth Ferguson
Senior Paralegal, General Counsel's Office
1800 NW 49th Street, Fort Lauderdale, FL 33309
t- 954.473.7303
PublicRecordsRequest@browardhealth.org



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From: Dan Lewis <Dan@BPirg.org>
Sent: Wednesday, June 25, 2025 2:58 PM
To: Public Records Request <PublicRecordsRequest@browardhealth.org>
Subject: Selected employment contracts

Please provide me all current employment agreements and or contracts between Broward Health and the CEO/President, the Broward Health General Counsel, and the Broward Health COO.

Thank you.

Dan Lewis

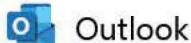
Broward Public Interest Research Group, LLC

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Exhibit 18:
BPIRG's 09/24/25 PRR #4 – Empl Ks
119.12 Notice



Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated June 25, 2025 (NBHD PRR ID #1775) – Selected Employment Contracts (CEO/President, General Counsel, COO)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:19 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on June 25, 2025 (NBHD PRR ID #1775), seeking electronic copies of all current employment agreements and/or contracts between Broward Health and the CEO/President, the Broward Health General Counsel, and the Broward Health COO.

NBHD acknowledged receipt on June 25, 2025. As of today, I have not received the requested contracts or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). Personal identifiers may be redacted as authorized by law, but the remainder of each agreement should be produced.

If responsive records are held by a contractor, affiliate, or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Composite Exhibit 19:
10/06/25 Email Thread Between BPIRG and
BH's Counsel and
BPIRG's 10/10/25 Email to BH's Counsel
Re BH's Unreasonable PRR Responses



Re: Broward Health Public Records

From Dan Lewis <Dan@BPirg.org>
Date Fri 2025-10-10 9:31 AM
To William Scherer <WScherer@conradscherer.com>

✉ 2 attachments (995 KB)
250924bh_119_SeperateNotice.pdf; Common Exemptions Cheat Sheet.docx;

Good morning, Mr. Scherer,

The District's continued slow dribble of records to me is neither "continuous" nor in good faith. The undisputable facts described in my requests, and the empirical calculation about the pace of the District's records production, demonstrate that the District is, in fact, taking an unreasonable amount of time to provide me with the public records I have requested.

I have attached my copies of my 119-Seperarate Notices for your review and reference. You will see some of the records the District continues to stonewall go back to March 2025. That's some seven (7) months. Please be aware that on personal knowledge, information and belief that all the records I have requested are easily accessible electronically where obviously any non-disclosable information can be simply not produced. Except for the requested shade meeting transcripts- the requested records on their face likely do not necessitate any but minimal legal review (Note however, that Shade meeting occurring over 3 years ago are disclosable intact without redaction). I have attached Broward Health's own "Common Exemptions 119 Cheat Sheet" for your information as well.

Previously and continuously, I have expressed my willingness to pay reasonable service fees as necessary to produce these records. However, it would be unfortunate if the District's stonewall tactics turns to punitive and excessive fees which I would likely pay under objection and likely litigate the issue under 119 and its associated sections.

Bill, I'm trying to be patient and reasonable, but that patience is about to end.

Please.

Dan Lewis
Broward Public Interest Research Group, LLC

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From: William Scherer <WScherer@conradscherer.com>
Sent: Monday, October 6, 2025 4:24 PM
To: Dan Lewis <Dan@BPirg.org>
Subject: Re: Broward Health Public Records

Thanks Dan. I will look into this. I am encouraging them to keep rolling with this production I don't think there's any intent to short you on the documents. Will have my office check and fix it.

Get [Outlook for iOS](#)

William R. Scherer
Founder and Managing Partner

Conrad & Scherer, L.L.P.

614 South Federal Highway
Fort Lauderdale, Florida 33301
(954) 847-3362 | phone
(954) 463-9244 | fax



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IMPORTANT - INVOICE SUBMISSION POLICY: To help us serve you better, please email all invoices directly to our Billing Department at billing@conradscherer.com. This ensures prompt handling and avoids confusion.

From: Dan Lewis <Dan@BPirg.org>
Sent: Monday, October 6, 2025 4:15:29 PM
To: William Scherer <WScherer@conradscherer.com>
Subject: Re: Broward Health Public Records

Thank you, Mr. Scherer.

I note that only one Org chart dated September 2024 was included in your letter. As I am sure you are aware, this is an incomplete production of the records request which asked for multiple years of org charts.

Further, the minutes attached for the emergency meeting reference an agreement which was similarly requested and not produced with the minutes. Again, a seemingly incomplete production.

As you know, Mr. Scherer, Broward Health is predominantly a paperless organization so the production of these obviously public records should not be delayed unless there is a specific intent to do so. This delay conduct, if provable through discovery, wastes both our time and will eventually come to light. Certainly, this comment is not directed at you.

I appreciate your diligence even while you are in court. Again, good luck with your trial.

Best

Dan Lewis
Broward Public Interest Research Group, LLC

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From: William Scherer <WScherer@conradscherer.com>
Sent: Monday, October 6, 2025 8:28 AM
To: Dan Lewis <Dan@BPirg.org>
Subject: Broward Health Public Records

Good morning Mr. Lewis,

See attached.

William R. Scherer
Founder and Managing Partner
Conrad & Scherer, L.L.P.
614 South Federal Highway
Fort Lauderdale, Florida 33301
(954) 847-3362 | phone
(954) 463-9244 | fax

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Composite Exhibit 20:
BH's Counsel's 10/06/25 Letter to BPIRG
Re BRR's PRRs With Attachments
BH/PRR000001 – BH/PRR000004

CONRAD & SCHERER

TRIAL LAWYERS

William R. Scherer
(954) 847-3360 Direct Line
WScherer@conradscherer.com
614 South Federal Highway
Fort Lauderdale, FL 33301

October 6, 2025

E-Mail

Mr. Dan Lewis
460 N. Victoria Park Road,
Fort Lauderdale, FL 33301
E-Mail: Dan@BPirg.org

Re: **Broward Health Public Records**

Mr. Lewis,

As we recently discussed, our office represents Broward Health in connection with your recent public records requests. We have reviewed requests numbers 1739, 1750, 1753, 1754, 1755, 1756, 1758, 1760, 1774, 1775, and 1776. The attached material is responsive to requests 1753 and 1758.

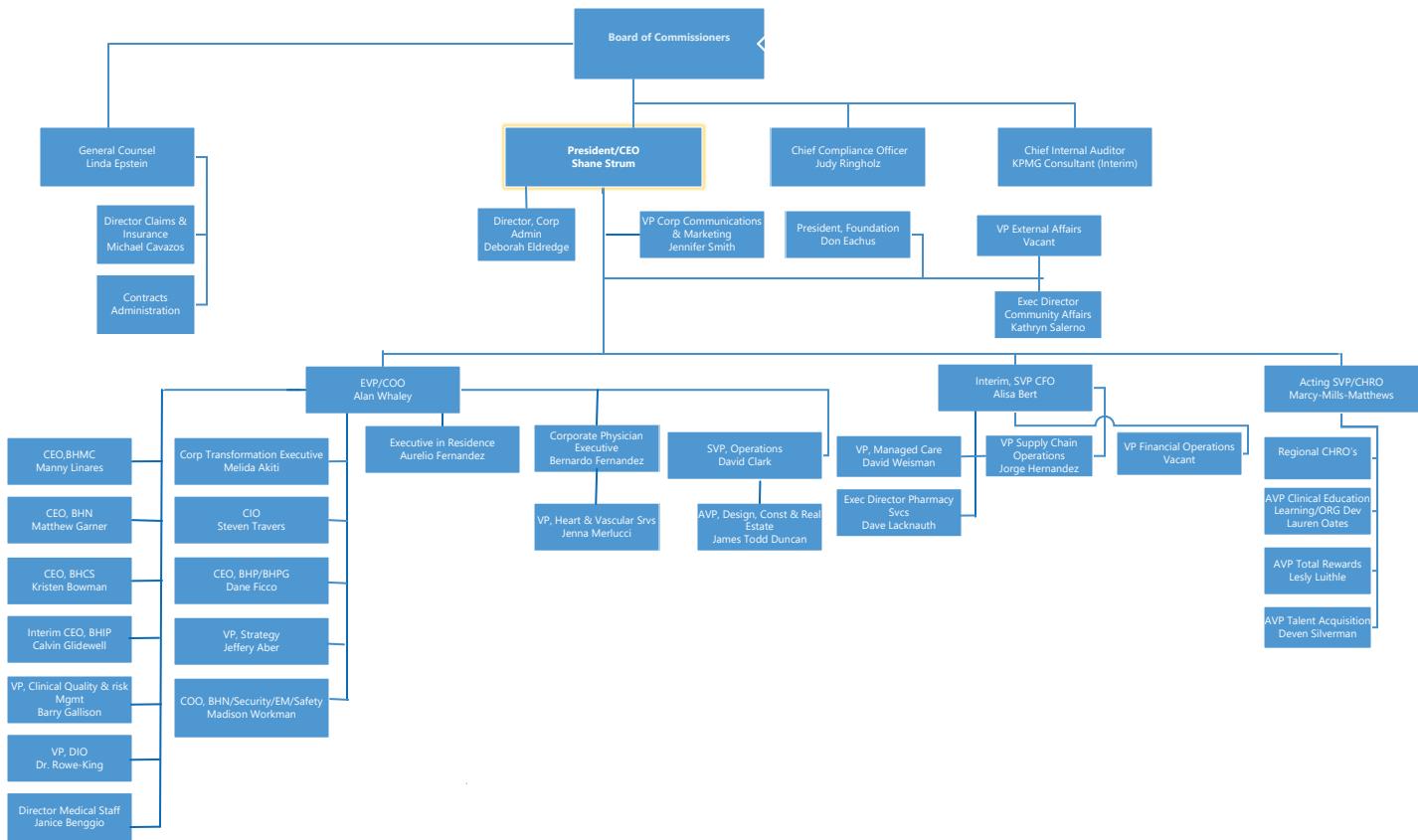
Our client is continuing to assemble documents which may be responsive to the remaining requests. Our office will review that material to determine if the documents are public records with the meaning of chapter 119 of Florida Statutes. Prior to disclosure, we will make any necessary redactions permitted by applicable statutes. Due to the volume of the documents, extensive use of technology or extensive clerical or supervisory assistance may be needed. We will advise you as to those charges.

Sincerely,

Conrad & Scherer LLP



William Scherer Jr., Esq.
Founder and Managing Partner



September 2024

BH/PRR000001

MINUTES

NORTH BROWARD HOSPITAL DISTRICT

North Broward Hospital District Board of Commissioners
1601 S. Andrews Avenue, Suite 100, Fort Lauderdale, FL 33316

BOARD OF COMMISSIONERS EMERGENCY BOARD MEETING 4:00 p.m., Thursday, September 19, 2024

The Board of Commissioners Emergency Board Meeting of the North Broward Hospital District was held at the Broward Health Sports Medicine Building, 1601 S. Andrews Avenue, Suite 100, Fort Lauderdale, FL 33316.

1. NOTICE OF MEETING

2. CALL TO ORDER

There being a quorum present, the meeting was called to order by Chair Christopher J. Pernicano at 4:02 p.m.

3. ROLL CALL

Present:

Commissioner Stacy L. Angier
Commissioner Nancy W. Stamper
Commissioner Ray T. Berry
Commissioner Jonathan K. Hage, Secretary/Treasurer (Via Teams)
Commissioner Paul C. Tanner, Vice Chair
Commissioner Christopher J. Pernicano, Chair

Senior Leadership

Additionally Present:

Shane Strum, President, Chief Executive Officer
Alan Whaley, EVP, Chief Operating Officer
Alisa Bert, VP, Interim Chief Financial Officer
Linda Epstein, Corporate General Counsel

4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Stacy L. Angier

5. PUBLIC COMMENTS

Chair Pernicano opened the floor for public comments, in which there were none.

6. CONFIRMATION OF EMERGENCY MEETING

(Presenter – Linda Epstein, General Counsel)

Ms. Epstein addressed the Board of Commissioners with the first order of business at this Emergency Meeting. The Board of Commissioners is to confirm, via motion, that a bona fide emergency exists and that the Board is holding this meeting to discuss and approve Mr. Shane Strum, President, and CEO of the North Broward Hospital District to serve as Interim CEO for the South Broward Hospital District.

MINUTES

NORTH BROWARD HOSPITAL DISTRICT

North Broward Hospital District Board of Commissioners
1601 S. Andrews Avenue, Suite 100, Fort Lauderdale, FL 33316

MOTION It was ***moved*** by Commissioner Stamper, ***seconded*** by Commissioner Angier, that:

The Board of Commissioners of the North Broward Hospital District finds that a bona fide emergency exists to hold this emergency meeting to discuss and approve Mr. Shane Strum, President, and CEO of the North Broward Hospital District to serve as Interim CEO for the South Broward Hospital District.

Motion confirmed by roll-call vote:

YES Commissioner Stacy L. Angier
YES Commissioner Nancy W. Stamper
YES Commissioner Ray T. Berry
YES Commissioner Jonathan K. Hage (Via Teams)
YES Commissioner Paul C. Tanner
YES Chair Christopher J. Pernicano

Motion carried 6/0.

7. APPROVAL OF DELEGATION OF AUTHORITY

(Presenter – Linda Epstein, General Counsel)

Ms. Epstein informed the Board of Commissioners that on Monday, September 16, 2024, the Board of Commissioners of the South Broward Hospital District voted to appoint Mr. Shane Strum as Interim CEO of the Memorial Healthcare System, with such appointment contingent upon the approval of this Board. Section 112.24, Florida Statutes allows two political subdivisions to enter into an interchange agreement which temporarily assigns an employee from one political subdivision to another. Under such agreement, Mr. Strum would remain President/CEO of the North Broward Hospital District while serving in the Interim CEO role.

Because both the North Broward Hospital District and South Broward Hospital District are political subdivisions, this would be the appropriate path for this type of arrangement. As such, we are requesting that this Board approve the District's entry into an employee interchange agreement with the South Broward Hospital District in accordance with Section 112.24 of the Florida Statutes to assign Mr. Shane Strum as Interim CEO Counsel, South Broward Hospital District with such agreement to be on such terms agreeable to my office, the Office of General Counsel, and this District's Chief Financial Officer.

MOTION It was ***moved*** by Commissioner Berry, ***seconded*** by Commissioner Angier, that:

The Board of Commissioners of the North Broward Hospital District approve the North Broward Hospital District's entry into an employee interchange agreement with the South Broward Hospital District in accordance with Section 112.24, Florida Statutes, to assign Mr. Strum as Interim CEO of the South Broward Hospital District with such agreement to be on such terms agreeable to our District's

MINUTES

NORTH BROWARD HOSPITAL DISTRICT

North Broward Hospital District Board of Commissioners
1601 S. Andrews Avenue, Suite 100, Fort Lauderdale, FL 33316

General Counsel and our District's Chief Financial Officer, and where Mr. Strum would remain as President/CEO of the North Broward Hospital District while serving in this Interim role.

Motion confirmed by roll-call vote:

YES Commissioner Stacy L. Angier
YES Commissioner Nancy W. Stamper
YES Commissioner Ray T. Berry
YES Commissioner Jonathan K. Hage (Joined the meeting in person at 4:06 pm)
YES Commissioner Paul C. Tanner
YES Chair Christopher J. Pernicano

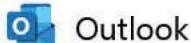
Motion carried 6/0.

8. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 4:09 p.m.

Respectfully submitted,
Commissioner Jonathan K. Hage, Secretary/Treasurer

Composite Exhibit 21:
250924bh_119_SeparateNotice.pdf



Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated March 17, 2025 (NBHD PRR ID #1739) – 2024 W-2 payroll information for Corporate Officers (no SSNs)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:19 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org
<bbauman@browardhealth.org>

[REDACTED]

Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on March 17, 2025 (NBHD PRR ID #1739), seeking an electronic report of 2024 W-2 payroll information for all Broward Health Corporate Officers, excluding social security numbers.

NBHD acknowledged the request on March 21, 2025 and, on April 2, 2025, requested clarification of the term “Corporate Officers.” For avoidance of doubt, “Corporate Officers” includes officers as defined by Broward Health’s bylaws and Board appointment or policy and, at minimum, encompasses system-level roles commonly titled President/CEO, General Counsel, Chief Operating Officer, Chief Financial Officer, Chief Human Resources Officer, Chief Medical Officer, Chief Information Officer, and all Vice Presidents and above within the corporate structure. If NBHD maintains an official roster of corporate officers, please produce it and provide the requested W-2 information for each officer on that roster.

As of today, I have not received the requested report or a lawful written basis for any withholding, contrary to §119.07(1). Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays.

If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If responsive data is held by a contractor or support organization on NBHD’s behalf, please obtain and produce it pursuant to §119.0701. You may produce the report in a commonly used electronic format (e.g., PDF or CSV).

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney’s fees under §119.12.

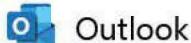
Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

Note: This email includes confidential information intended only for the named individual. If you have received this email by mistake, please notify the sender immediately and delete it from your system. Please remember that email transmission may not be secure or error-free, and the sender does not accept liability for any errors or omissions that may arise from email transmission. If you need to verify, please ask for a hard copy.

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Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 8, 2025 (NBHD PRR ID #1753) – Organizational charts accompanying the Annual Budget (last three budget years)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:21 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org
<bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 8, 2025 (NBHD PRR ID #1753), seeking copies of the current and required organizational charts that accompany the Annual Budget for the last three budget years (as required by the Board of Commissioners' Bylaws).

As of today, the records have not been produced, and I have not received a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt, please provide the non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If responsive records are held by a contractor or support organization on behalf of NBHD, please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

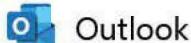
Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 8, 2025 (NBHD PRR ID #1754) – “2025 Broward Health Gala participants: complete contact information (electronic copy)”

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:21 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 8, 2025 (NBHD PRR ID #1754), seeking an electronic copy of the complete contact information for all participants of the 2025 Broward Health Gala.

On June 23, 2025, I sent a follow-up to the Records Custodian noting that more than 45 days had elapsed without production or a substantive time estimate. On July 1, 2025, I sent an additional message noting numerous outstanding requests and again identifying PRR #1754. As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt, please provide the non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If records are held by a contractor or support organization on behalf of NBHD (including, if applicable, Broward Health Foundation or event vendors), please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis

Broward Public Interest Research Group, LLC

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SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 9, 2025 (NBHD PRR ID #1755) – Commission “shade meeting” transcripts (2021–2024)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:21 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 9, 2025 (NBHD PRR ID #1755), seeking electronic transcripts of the Commission’s “shade meetings” for the following meetings:

- 2021: Jan. 26; Jul. 21; Aug. 30
- 2022: Nov. 30
- 2023: Mar. 29; Aug. 30
- 2024: Jan. 31; Feb. 28; Mar. 27; May 29; Aug. 28

As of today, I have not received the requested transcripts or a lawful written basis for any withholding, contrary to §119.07(1). To the extent you contend any portion is exempt or confidential, please produce all non-exempt portions and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If you rely on §395.3035 for any claimed exemption related to public hospital competitive matters, please identify the specific subsection(s) for each transcript/date.

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If responsive records are held by a contractor or support organization on NBHD’s behalf (including, if applicable, Broward Health Foundation or outside vendors), please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney’s fees under §119.12.

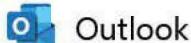
Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 21, 2025 (NBHD PRR ID #1756) – Agreements & minutes from the 09/19/2024 Emergency Meeting

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:21 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 21, 2025 (NBHD PRR ID #1756), seeking electronic copies of any and all agreement(s) acted upon by the Board of Commissioners at or as a result of their votes during the September 19, 2024 emergency meeting; and electronic copies of the minutes for that meeting (approved or draft) as well as any reports or documents provided to the Board for that meeting.

As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1). To the extent you contend any portion is exempt or confidential, please produce all non-exempt portions and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If responsive records are held by a contractor or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

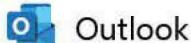
Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated June 25, 2025 (NBHD PRR ID #1774) – Pension & Investment Committee subcommittee agendas and minutes (May 25, 2022–present)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:20 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on June 25, 2025 (NBHD PRR ID #1774), seeking an electronic copy of all agendas and minutes of the Pension and Investment Committee subcommittee as established and adopted by the Board on May 25, 2022 through present day.

NBHD acknowledged receipt on June 25, 2025. As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e).

If responsive records are held by a contractor, affiliate, or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

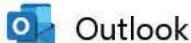
Sincerely,

Dan Lewis

Broward Public Interest Research Group, LLC

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Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated June 25, 2025 (NBHD PRR ID #1775) – Selected Employment Contracts (CEO/President, General Counsel, COO)

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:19 PM

To Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org <bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on June 25, 2025 (NBHD PRR ID #1775), seeking electronic copies of all current employment agreements and/or contracts between Broward Health and the CEO/President, the Broward Health General Counsel, and the Broward Health COO.

NBHD acknowledged receipt on June 25, 2025. As of today, I have not received the requested contracts or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). Personal identifiers may be redacted as authorized by law, but the remainder of each agreement should be produced.

If responsive records are held by a contractor, affiliate, or support organization on NBHD's behalf, please obtain and produce them pursuant to §119.0701 and applicable law.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

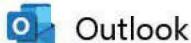
Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Outlook

SEPARATE WRITTEN NOTICE to Custodian – Public Records Request dated May 22, 2025 (forwarded to Custodian on May 27, 2025) (NBHD PRR ID #1760) – FAU/Broward Health Academic Practice Plan (APP) Board records and related materials

From Dan Lewis <Dan@BPirg.org>

Date Wed 2025-09-24 1:20 PM

To Alisa Bert <abert@browardhealth.org>; Public Records Request <publicrecordsrequest@browardhealth.org>

Cc Ferguson, Elizabeth R <erferguson@browardhealth.org>; bbauman@browardhealth.org
<bbauman@browardhealth.org>



Dear Custodian of Public Records:

This is the separate written notice required by section 119.12(1)(b), Florida Statutes. It identifies the public-records request I submitted on May 22, 2025 to Broward Health's APP Secretary/Treasurer (with a forward to the custodian on May 27, 2025) regarding the FAU/Broward Health Academic Practice Plan (APP), assigned NBHD PRR ID #1760. The request covers the APP and all subordinate entities and seeks electronic copies of: (1) agendas and minutes (draft/approved) for all APP Board and committee meetings; (2) all board/committee exhibits and materials provided in advance of or during those meetings (excluding physician contracts); (3) the "Transition Plan" referenced in the Affiliation Agreement; (4) the "Initial Start-Up Budget"; (5) operating and capital budgets presented to or approved by the Board/committees; (6) quarterly and periodic reports to the APP Board re: GME at Broward Health North; (7) all quarterly or semi-annual financial reconciliations of APP performance; and (8) all financial audits required by or prepared pursuant to the APP bylaws.

On May 28, 2025, NBHD acknowledged receipt. As of today, I have not received the requested records or a lawful written basis for any withholding, contrary to §119.07(1).

Please provide the requested records within five (5) business days after your receipt of this notice, excluding Saturdays, Sundays, and legal holidays. If any portion is claimed exempt or confidential, please produce all non-exempt portions immediately and state with particularity the legal basis and statutory citation for each redaction or withholding, as required by §119.07(1)(e). If responsive records are held by a contractor, affiliate, or support organization on NBHD's behalf (including, if applicable, the APP or associated vendors), please obtain and produce them pursuant to §119.0701.

Absent timely compliance, I intend to file an enforcement action in the Seventeenth Judicial Circuit (Broward County) requesting an immediate hearing under §119.11 and recovery of costs and attorney's fees under §119.12.

Please confirm receipt and advise of your production plan and any reasonable cost estimate.

Sincerely,

Dan Lewis
Broward Public Interest Research Group, LLC

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Exhibit 22:
Common Exemptions Cheat Sheet.docx

Common Public Records Exemptions

Bank Account, Debit Cards, or Credit Card Numbers

- Bank account numbers and debit, charge, and credit card numbers are exempt pursuant to § 119.071(5)(b), F.S.

Bids and Competitive Solicitations

- Sealed bids, proposals, and replies received as a part of a competitive solicitation is exempt pursuant to § 119.071(1)(b)2., F.S.

Only until:

1. such time as Broward Health provides notice of an intended decision; or
2. until 30 days after opening the bids, proposals or final replies, whichever is earlier.
3. If all bids are rejected the information remains exempt until a new bid is awarded or no longer than 12 months after the initial agency notice rejecting all bids, proposals or replies. § 119.071(1)(b)3., F.S.

- Financial statements that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or other public works project are exempt pursuant to § 119.071(1)(c), F.S.

Contracts

- Managed Care Contracts (HMOs, EMOs, etc.) are confidential and exempt pursuant to § 395.3035(2)(a), F.S.

Emergency Management Plans

- Portions of emergency management plans pertaining to terrorism are exempt pursuant to § 395.1056(2), F.S.

Human Resources Records

- Limited-access HR records are exempt pursuant to § 395.3025(9), F.S.

Redactions of and Limited to only “Limited-access” records which are records containing information regarding evaluations of employee performance, including records forming the basis for evaluation and subsequent actions.

Unless:

1. It is the employee requesting their own record; or
2. The employee provides consent.

Only exempt until 5 years from the date such records are designated limited-access records.

Investigations

A. Discrimination Complaints

- Discrimination complaints are exempt pursuant to § 119.0713(1), F.S.

Redactions of:

1. Complaints and other records alleging or relating to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the financing of housing.
- Discrimination complaints are also exempt pursuant to § 119.071(2)(g), F.S.
1. Complaints and other records alleging or relating to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities.

In both instances, only exempt until:

1. a finding is made relating to probable cause;
2. the investigation of the complaint becomes inactive; or
3. the complaint or other record is made part of the official record of any hearing or court proceeding.

B. Employee Misconduct

- A complaint of misconduct and all information obtained from such investigation is confidential and exempt pursuant to § 119.071(2)(k), F.S.

Permits redactions of:

1. Complaints of misconduct against an agency employee; and
2. All information obtained pursuant to an investigation by the agency of the complaint.

Only exempt until:

1. the investigation ceases to be active, or
2. until the agency provides written notice to the employee who is the subject of the complaint, either personally or by mail, that the agency has either:
 - a. Concluded the investigation with a finding not to proceed with disciplinary action or file charges; or
 - b. Concluded the investigation with a finding to proceed with disciplinary action or file charges.

C. Internal Audit Report

- Audit workpapers, drafts, and reports are confidential and exempt pursuant to § 119.0713(2)(b), F.S.

Permits nondisclosure/redactions of:

1. Audit workpapers and notes related to such audit and information received, produced, or derived from an investigation
2. Audit reports

Only exempt until:

1. The audit or investigation is complete and the audit report becomes final or when the investigation is no longer active.
 - a. An audit or investigation becomes final when the audit report or investigative report is presented to the unit of local government (governing board).
 - b. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

D. Whistle Blower Complaints

- Complaints/allegations of whistleblowers and information received, produced, or derived from fact-finding or investigations thereof are confidential and exempt pursuant to § 112.3188, F.S.
 - The statute cross-references the whistleblower statute (§ 112.3187, F.S.) which defines these complaints as:
 - Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
 - Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.
 - Gross mismanagement is defined under the statute as "a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact."

This permits redactions of:

1. The name or identity of any individual.
 - a. NOTE: This information may not be disclosed to anyone other than the CEO or other local official without the written consent of the individual unless the CEO or other local official determines that: (a) the disclosure of the individual's identity is

necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime; or (b) the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.

- b. *But See*, 119.071(2)(k), F.S. (and discussion above), providing that complaints alleging employee misconduct are confidential until the investigation is no longer active or has concluded (but not the names and identities of the individuals) (the AG's Office asserts this should be disclosed; however, § 112.3188, F.S. makes it a crime to disclose this without the consent of the individual or a determination of the above factors in a.(a) or (b)).
2. All information received or information produced or derived from fact-finding or investigations conducted when an investigation is active.

The complaint/allegation must pertain to a disclosure of an employee, agent, or independent contractor who:

1. Has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or
2. Has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.

Litigation

- Records prepared by or at the direction of an attorney exclusively for pending litigation or administrative proceedings or anticipation of imminent litigation or administrative proceedings is exempt pursuant to § 119.071(1)(d)1., F.S.

However, it must reflect:

1. A mental impression;
2. Conclusion;
3. Litigation strategy; or
4. Legal theory.

Medical Records

- All medical records are completely confidential and exempt from disclosure without a release signed by such patient pursuant to § 395.3025(4) & (8), F.S.; HIPAA.
- Medical information of employees even information that, if disclosed, would identify them is exempt pursuant to § 119.071(4)(b)1., F.S. unless they consent or there is a court order.

Peer Review

- Reports regarding physician discipline under § 395.0193(3), F.S. are confidential pursuant to § 395.0193(4), F.S.
- Peer review proceedings and records are confidential pursuant to § 395.0193(7), F.S.

Personal Information

All of the Personal Information of the following individuals are confidential and exempt (**NOTE:** These are not all of them. Be aware if anyone is engaged in any type of investigative work that would negatively impair another's profession or life (e.g., practitioner consultants, DCF workers, service members when it complies with § 119.071(5)(i)2., F.S., etc.):

- Employees who are threatened (§ 395.3025(11), F.S.): *Employee*: Home addresses, telephone numbers, dates of birth, and photographs; *Employee's Family*: Names, home addresses, telephone numbers, 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.
 - a. The employee must have a reasonable belief, based upon specific circumstances that have been reported in accordance with the procedure adopted by the facility, that release of the information may be used to threaten, intimidate, harass, inflict violence upon, or defraud the employee or any member of the employee's family.
 - b. The employee must submit a written request for confidentiality.
- EMTs or Paramedics (§ 119.071(4)(d)2.q., F.S.): *EMT/Paramedic*: Home addresses, telephone numbers, dates of birth, and photographs; *Family Members*: Names, home addresses, telephone numbers, 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.
- Firefighters (Active or Former) (§ 633.408, F.S.): Home Addresses, Telephone Numbers, Dates of Birth, and Photographs.
- Hospital Employees who Provide Direct Patient Care or Security Services (§ 395.3025(10), F.S.): *Employee*: Home addresses, telephone numbers, and photographs; *Family Members*: Names, home addresses, telephone numbers, 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.
- Human Resource Directors, Managers, Asst. Managers, etc. involved in hiring & firing of employees (§ 119.071(4)(d)2.h., F.S.): *HR Manager*: Home addresses, telephone numbers, dates of birth, and photographs; *Family Members*: Names, home addresses, telephone numbers, 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.
- Internal Auditors (119.071(4)(d)2.r., F.S.): *Auditor*: Home addresses, telephone numbers, dates of birth, and photographs; *Family*: Names, home addresses, telephone numbers, 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.
- Law Enforcement (Active or Former) (§ 119.071(4)(d)2.a., F.S.): *Law Enforcement*: Home addresses, telephone numbers, dates of birth, and photographs; *Law Enforcement Spouses*: Names, home addresses, 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.

Proprietary Business Information

Proprietary financial Information in contracts with Prepaid Limited Health Service Organizations is confidential and exempt pursuant to § 636.064(2) and (2), F.S.

Risk Management

- Risk Management Annual Reports are confidential pursuant to § 395.0197(6)(c), F.S.
- Any Code 15 Reports are confidential pursuant to § 395.0197(7), F.S.
- Risk Management investigations regarding sexual misconduct are confidential pursuant to § 395.0197(13), F.S.
- Claims files maintained by any risk management program are confidential and exempt until termination of all litigation and settlement of all claims arising out of the same incident pursuant to § 768.28(16)(b), F.S.

Security of Information and Technology Systems

§ 119.0713(5)(a), F.S.

Exemption applies to: records relating to security of information technology (IT) systems of local government owned or operated utilities.

- Security plans are confidential and exempt pursuant to § 119.071(3)(a), F.S.
- Blue prints, designs, etc. are exempt pursuant to § 119.071(3)(c)1., F.S.
- Information relating to security and fire safety systems is confidential and exempt pursuant to § 281.301(1), F.S.

Social Security Numbers

- Social security numbers of current and former employees are confidential and exempt pursuant to § 119.071(4)(a)1., F.S.
- Social security numbers of anyone is confidential and exempt pursuant to § 119.071(5)(a)5., F.S.

Strategic Plans

- A strategic plan, the disclosure of which would be reasonably likely to be used by a competitor to frustrate, circumvent, or exploit the purpose of the plan before it is implemented and which is not otherwise known or cannot otherwise be legally obtained by the competitor is confidential and exempt pursuant to § 395.3035(2)(b).

Only confidential and exempt until the strategic plan is implemented or publicly disclosed or three (3) years following a closed board meeting to discuss the strategic plan, whichever is sooner. § 395.3035(4)(b) & (5).

Strategic plans are written records that include the following: (a) Initiate or acquire a new health service; (b) Materially expand an existing health service; (c) Acquire additional facilities by purchase or by lease; (d) Materially expand existing facilities; (e) Change all or a material part of the use of an existing facility or a newly acquired facility; (f) Acquire another health care facility

or health care provider; (g) Merge or consolidate with another health care facility when the surviving entity is an entity that is subject to s. 24, Art. I of the State Constitution; (h) Enter into a shared service arrangement with another health care provider; or (i) Any combination of (a)-(h).

Strategic plans are not records that describe the existing operations of a hospital or other health care facility which implement or execute the provisions of a strategic plan, unless disclosure of any such document would divulge any part of a strategic plan which has not been fully implemented or is a record that is otherwise exempt from the public records laws. § 395.3035(6).

Trade Secrets

- Trade secrets (as defined within § 688.002(4), F.S.) of Broward Health are confidential and exempt pursuant to § 395.3035(2)(c), F.S.

§ 688.002(4), F.S. defines trade secrets as information, including a formula, pattern, compilation, program, device, method, technique, or process that:

1. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
2. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

- Trade secrets (as defined within § 812.081(c), F.S.) of other organizations disclosed to Broward Health are confidential and exempt pursuant to § 815.045, F.S. & *Sepro Corporation v. Florida Department of Environmental Protection*, 839 So. 2d 781, 785- 787 (Fla. 1st DCA 2003).

§ 812.081(c), F.S. defines trade secrets as the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is:

1. for use, or is used, in the operation of a business; and
2. which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it.
3. The term includes any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof.
4. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:
 - a. Secret;
 - b. Of value;
 - c. For use or in use by the business; and
 - d. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.

- e. The owner thereof must take measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

However, this only applies when:

The other company has marked it confidential or has subsequently notified that such records are confidential.

But See:

If information is received that appears not to be trade secret even though it is marked as trade secret or if such information is not marked confidential or trade secret then the sender should be notified that the agency “has received a public request and will release the records and allow the sender to seek a protective order for those materials.” Inf. Op. to Brown, March 11, 2016.