FLORIDA'S PUBLIC RECORDS ACT

All state, county, and municipal records are open for personal inspection and copying by any person. Florida Statutes Chapter 119 and Florida Constitution Art I, Sec 24(a)

What is a public record? All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, ***made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency***. Section 119.011(11), F.S.

Are things exempt from being produced? Yes, lots. *See* Government in Sunshine Manual. Exemption only applies to the portion of the record and other portion, not exempt, must be released. All materials are subject to disclosure, unless the State legislature has created an exemption.

What does redact mean? Redact means to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.

Can I toss out my notes? Yes, unless you share them. Take care of your notes.

What about text messages? Same rule applies to e-mails and electronic communications (texts)

Even Facebook? Yes, even Facebook. The Opinion of Attorney General is that content and posts on a local government Facebook page is in connection with official business, so is a public record and must be retained (AGO09-19).

What about drafts? Drafts are public records. A record does not need to be in a 'final' form to be public record.

What about if on my private device? Law applies even if on private computer, laptop or phone; no matter whose device it is or who paid for device.

Who is the records custodian for the Children's Trust? Keturah Bailey Acevedo
KBaileyAcevedo@childrenstrustofalachuacounty.us

What if public records request is overboard or would take way to long? CTAC still has to provide the records.

Can I toss out my meeting agenda? Yes, because CTAC staff has a copy to keep. Note: If you receive documents related to your membership on this Board forward to staff so they may be retained.



PUBLIC RECORDS RETENTION

All public records, even exempt public records, must be retained in accordance with the retention schedule of the State. Records Management includes retention, storage, and disposition of records, but also requires organization.

CTAC is required to follow the State of Florida law and General Records Schedule https://dos.myflorida.com/media/698312/gs1-sl-2017-final.pdf. To determine if record is made or received in 'official business' is the nature of the record (i.e. the content) not the location or form that is relevant.

How long for electronic communications? It is content, not the technology involved, that determines the retention schedule. No single retention period that applies whether sent by email, text, social media or any other electronic format – the retention period is determined by the content, nature and purpose of the records.

What if want to keep it longer? The record retention schedule is the minimum length of time record must be retained.



FLORIDA'S SUNSHINE LAW

Purpose is to provide a right of access to government and prevent closed door decision making. Florida Statutes Chapter 286 and Florida Constitution Art I, Sec 24(a)

1. REASONABLE NOTICE - requires giving the public reasonable and timely notice so they can decide whether to attend a meeting
2. OPEN TO ALL PUBLIC – public must be allowed to attend meetings and meetings cannot be held at exclusive or inaccessible facilities
3. MINUTES ARE REQUIRED – written minutes must be taken and made available promptly

What is it? The Sunshine Law says board members cannot engage in private discussions with each other about board business or any business that may foreseeably come before the Board at a later date. The Sunshine Law applies to any gathering, whether formal or casual, of two or more members of the same board, council, or commission to discuss some foreseeable matter that may be taken or considered by them. No whispering at meeting or discussions on break.

What about Email, Texts and Posts? Law says cannot meet outside of the public – this includes communications whether written, e-mail, social media, text message, blog or other electronic communications. DO NOT HIT REPLY ALL.

Any Exceptions? Exemption to Public Records is not the same. Only the State can create an exemption to the Sunshine Law (Example is a closed session, but very restrictive).

May I talk with CTAC staff alone? Individual board member can meet with CTAC staff about board business. However, CTAC staff cannot be used as a liaison or go-between for board members.

Can we have lunch? Yes. The law does not prevent you from attending same social event, church or having a lunch together before meeting. However, save your opinions and ideas about board business for the meeting so can be heard and be on the record.

What are the penalties if I violate the Sunshine Law? Fine non-criminal up to $500, Knowing violation is a misdemeanor (term of imprisonment or fine of up to $1000), and/or reasonable attorney's fees.

VOTING CONFLICTS

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his/her special private gain or loss; which he/she knows would inure to the special private gain or loss of any principal by whom he/she is retained or to the parent organization or subsidiary of a corporate principal by which he/she is retained, other than an agency as defined in s. 112.312(2); or which he/she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law. *F.S. Chp112*
Applies to any person elected or appointed for public office, including any person serving on advisory board

~ Announce, Abstain, Disclose, File ~

Additional Resources:
Florida Attorney General (www.myfloridalegal.com)
FL Commission on Ethics (www.ethics.state.fl.us)

Alachua County Attorney's Office
352-374-5218 – 12 SE 1st Street, Gainesville FL