



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, any 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. 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.

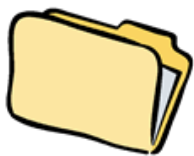
What about if on my private device? Law applies even if on private computer, laptop or phone; no matter whose device it is or who paid for device.

Who is the record's custodian for CTAC? Executive Director Marsha Kiner (or designee).

What if public records request is overboard or would take way too long? The records must still be produced.

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 from a source other than CTAC forward to staff so may be retained.

CTAC has its own exemption – Sec. 125.901(11) Fla. Stat. provides as follows: "Personal identifying information of a child or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity created under this section or by special law, or held by a service provider or researcher under contract with such entity, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held before, on, or after the effective date of this exemption.



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.

The 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. CTAC's emails are on the County's servers and are retained indefinitely. This is why we ask that everything be copied to staff so the individual Board Members do not become records custodians.

What if I 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 discussion 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 meetings 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 from 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 members can meet with staff about board business. However, 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 it 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)

WHEN IN DOUBT – ASK, THAT IS WHAT STAFF AND LEGAL SUPPORT IS FOR.

**Alachua County Attorney's Office
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