



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: November 6, 2025

RE: Direction to Proceed with Adoption of a Public Records Search Certification Form
(Personal Devices/Accounts)

Introduction

Staff requests Commission direction to proceed with adoption of a standardized Public Records Search Certification Form and related procedures to document compliance with Florida's Public Records Law when responding to public records requests involving personal devices or personal accounts used for City business.

The form and procedure formalize an existing best practice already recommended by the Florida Attorney General and recognized by Florida courts. They ensure that public officials and employees certify their good-faith search for responsive records on personal devices or accounts, consistent with Chapter 119, Florida Statutes, and related case law.

Background

The Florida Constitution (Art. I, §24(a)) and Chapter 119, F.S. establish a strong public right of access to government records. These laws apply to all records—regardless of where they are created or stored—if they relate to official public business.

In *Raydient LLC v. Nassau County* (2021), the court held that a county violated the Public Records Act by failing to provide text messages between officials and employees and by relying on informal self-searches. The court emphasized that agencies have an affirmative duty to conduct diligent, reasonable searches of all potential record locations, including personal devices, when those devices are used for official business. Passive reliance on employees or elected officials to self-select messages was deemed legally insufficient.

This ruling established that municipalities must:

- Perform a documented, good-faith search for all responsive records;
- Maintain proof of that search; and
- Prevent automatic or indiscriminate deletion of electronic communications that may qualify as public records.

The proposed form ensures Eustis's compliance by providing a written certification mechanism that protects both the City and individual employees or officials from liability and reinforces public trust.

Purpose and Intent

The Public Records Search Certification Form will:

- Require any City official or employee responding to a public records request involving personal devices or accounts to certify that they have performed a reasonable, good-faith search;
- Document whether any responsive records exist and whether they have been produced or verified as nonexistent;
- Be maintained as part of the Clerk's public records request file to demonstrate compliance and due diligence;
- Clarify that communications on personal devices used for City business may constitute public records subject to retention and disclosure under Florida law.

This process provides transparency and legal protection by ensuring the City can show both diligence and consistency in its public records handling, especially where personal technology is involved.

Recommendation

Staff recommends that the City Commission direct staff to proceed with:

1. Finalizing the Public Records Search Certification Form (Personal Devices/Accounts);
2. Implementing internal administrative procedures requiring its use for all relevant public records responses; and
3. Bringing forward a formal resolution for Commission adoption at a future meeting.

This direction authorizes staff to move forward with drafting and procedural implementation but does not create new obligations or policy changes until the final form is approved.

Fiscal Impact

No significant fiscal impact is anticipated. Administrative implementation will be managed within existing City Clerk and Information Technology resources. The form and certification process may reduce long-term legal costs by minimizing risk of Public Records Act violations.

Public Benefit

This action promotes open government, accountability, and consistent compliance with Florida's Public Records Law. It protects City officials, employees, and the organization from inadvertent violations while reinforcing the City's commitment to transparency and responsible data management.

Business Impact Estimate

Not Applicable - This action does not enact an ordinance or regulation affecting business operations. It concerns administrative compliance procedures for public records requests.

Attachments

Public Records Search Certification Presentation (November 6, 2025)
Draft Certification of Public Records Search Form

Prepared By

Sasha Garcia, City Attorney

Reviewed By

Tom Carrino, City Manager