



City of Eustis

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

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: December 9, 2025

RE: Resolution Number 25-102: Adoption of a Public Records Search Certification Form (Personal Devices/Accounts)

Introduction

On November 6, 2025, staff requested Commission direction to proceed with adoption of a standardized Public Records Search Certification Form and related internal 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 establishes a consistent, documented certification process to ensure that officials and employees complete a good-faith, diligent search, as required under Chapter 119, Florida Statutes, and related case law.

Background

Florida's Constitution (Art. I, §24(a)) and Chapter 119, Florida Statutes, establish a broad public right of access to government records. These requirements apply to any record "made or received in connection with official business," regardless of the device, account, or format used.

Recent case, including *Raydient LLC v. Nassau County* (Fla. 1st DCA 2022) emphasizes that agencies must:

1. Conduct and document reasonable, diligent searches for responsive records;
2. Avoid exclusive reliance on informal or undocumented self-searches; and
3. Preserve, and not delete, electronic communications that may constitute public records.

The proposed certification form formalizes the documentation needed to demonstrate the City's compliance and good-faith efforts, protecting both the organization and the individual employee or official.

Purpose and Intent

The Certification of Public Records Search form will:

- Require officials and employees to certify that they performed a good-faith search of personal devices/accounts used for City business;
- Document whether responsive records were located and whether they were provided to the City Clerk;
- Make clear that the Clerk—not the employee—determines whether any records are exempt or subject to disclosure;

- Clarify that records of official business may not be deleted until retention requirements (e.g., GS1-SL) are met; and
- Serve as part of the permanent public records request file to demonstrate compliance with statutory obligations.
- This form enhances transparency, consistency, and legal defensibility, particularly where personal devices or platforms are involved. It also reduces risk associated with metadata disputes by ensuring the City receives the record in its original or native format when practical.

Recommendation

Staff recommends that the City Commission adopt Resolution 25-102 thereby:

1. Implementing administrative procedures requiring its use whenever personal devices/accounts are reasonably implicated in a records request; and
2. Approving the attached Certification of Public Records Search form for City use.

Fiscal Impact

No significant fiscal impact is anticipated. Administration will be handled using existing City Clerk and IT resources.

Public Benefit

This process strengthens public trust, ensures compliance with Florida's Public Records Law, and protects both the City and its employees from inadvertent violations.

Business Impact Estimate

Not Applicable.

Attachments

Resolution Number 25-102

Certification of Public Records Search Form

Prepared By

Sasha Garcia, City Attorney

Reviewed By

Tom Carrino, City Manager