



Meeting Name: Town Council Meeting
Meeting Date: January 28, 2026
Prepared By: C. Copeland-Rodriguez, Town Clerk
Item Title: Explanation of Legal and Practical Limitations on Posting Public Records on the Town's Website

BACKGROUND:

The Town is committed to transparency and open government in accordance with Article I, Section 24 of the Florida Constitution and Chapter 119, Florida Statutes. As part of this commitment, the Town routinely posts a wide range of records on its website to provide convenient access to information of public interest such as Agenda Backup Materials, Minutes, Resolutions, Ordinances, Comprehensive Development Plan, Event flyers, Annual Comprehensive Financial Reports, etc.

Florida's Public Records Law requires that public records be made available for inspection and copying upon request unless a statutory exemption applies. However, state law does not require municipalities to proactively post all public records on their websites. As a result, not all records maintained by the Town can or should be published online.

1. Statutory Exemptions and Confidential Records *(See Attachment 1)*

Under Chapter 119, Florida Statutes, certain records are confidential or exempt from public disclosure and may not be released or posted online. Examples include, but are not limited to:

- Confidential personnel and employment-related information (e.g., Social Security numbers, medical information, addresses of law enforcement officers and their families)
- Attorney-client privileged communications (§ 90.502, Fla. Stat.)
- Active law enforcement and security-related records (§ 119.071, Fla. Stat.)
- Certain building permit records related to public facilities (§ 119.071(3)(b), Fla. Stat.)
- Information that could facilitate unauthorized access to information technology systems or otherwise compromise cybersecurity (§ 119.0725(2)(3)(5), Fla. Stat.)

These records cannot be posted on the Town's website and, in some cases, cannot be released at all. Additionally, certain records that may not be exempt at the time of posting may become exempt in the future.

2. Temporarily Exempt Records

Some public records are temporarily exempt from disclosure and may only be released after specific statutory conditions are met. For example, § 119.071(1)(b), Florida Statutes, provides that sealed bids, proposals, or replies received in response to a competitive solicitation are exempt from disclosure until notice of an intended decision is issued or until 30 days after the opening, whichever occurs first. Posting such records online prior to the expiration of the exemption would violate state law.

3. Records Requiring Review and Redaction

Many records contain both public and exempt information. Before release, these records must be reviewed and, where required, redacted in accordance with § 119.07(1)(d), Florida Statutes. The redaction process is necessary to ensure compliance with the law and to prevent the inadvertent disclosure of protected information. Due to the volume of records created and maintained by the Town, it is not feasible to review and redact all records for proactive online posting.

4. Operational and Technical Limitations

The Town maintains a significant volume of records across multiple departments and formats. Posting all records online would require substantial staff time, technical resources, and ongoing maintenance. Additionally, not all records are suitable for online posting due to file size, format, or accessibility considerations.

5. Public Records Request Process

Public access to records is ensured through the Town's established public records request process. All non-exempt public records remain available for inspection and copying upon request, in accordance with Chapter 119, Florida Statutes. Requests are processed in a manner that ensures compliance with Florida law. To enhance efficiency and accessibility, the Town Clerk has obtained quotes for Public Records Request software (*see Attachments 2 & 3*). This software program will streamline request management, improve tracking of responses, and help ensure timely fulfillment of requests. ***Please note that CivicPlus is the only provider capable of offering bi-directional search integration across its Website platform, Social Media Archiving (Open Archive), Agenda and Meeting Management, NextRequest, and Municode Online Code Hosting solutions. This software would enable the Town to go above and beyond its current practices by enhancing accessibility, efficiency, and transparency.***

6. Posting Confidential or Exempt Records is a Violation of Florida's Public Records Law

Release of confidential or exempt records is a violation of Florida's Public Records Law that can expose the Town, its officers, elected officials, and employees to serious consequences. Section 119.10(1)(b), Florida Statutes, states that a public officer who knowingly violates the provisions of s. 119.07(1), Florida Statutes, is subject to suspension and removal or impeachment and commits a misdemeanor of the first degree, punishable by possible criminal penalties of one year in prison, or \$1,000 fine, or both. *See State v. Webb*, 786 So. 2d 602 (Fla. 1st DCA 2001) (s. 119.10[1][b] authorizes a conviction for violating s. 119.07 only if a defendant is found to have committed such violation "knowingly"; statute cannot be interpreted as allowing a conviction based on mere negligence).

Section 119.10(1)(a), F.S., provides that a violation of any provision of Ch. 119, F.S., by a public officer is a noncriminal infraction, punishable by fine not exceeding \$500. *Cf. s. 838.022(1)(b), F.S.* (unlawful for a public servant or public contractor, to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another, by concealing, covering up, destroying, mutilating, or altering any official record or official document, except as authorized by law or contract, or causing another person to perform such an act).

A state attorney may prosecute suits charging public officials with violations of the Public Records Act, including those violations which may result in a finding of guilt for a noncriminal infraction. AGO 91-38.

Proactive Review and Posting of Contracts

Staff is actively reviewing Town contracts to determine which documents may be released for public viewing through the Town's Laserfiche public portal. As part of this process, contracts are evaluated to confirm they are fully executed, no longer subject to negotiation, and do not contain confidential or exempt information that would require redaction under Florida law. Where contracts are determined to be eligible for public release, staff will post them to the Laserfiche portal to enhance transparency and improve public access to frequently requested records. This ongoing review process is intended to balance transparency with the Town's obligation to comply with Chapter 119, Florida Statutes, and to safeguard confidential information.

CONCLUSION:

The Town remains fully committed to transparency and compliance with Florida's Public Records Law. While posting records on the Town's website enhances public access where appropriate, it does not replace the statutory public records request process. Legal exemptions, temporary confidentiality, and practical limitations prevent all records from being posted online. The Town will continue to balance transparency with its legal obligations and operational responsibilities.

RECOMMENDATION:

Staff recommends that the Town Council considers approval to proceed status quo on posting records to the Town's website, continuing to post records where appropriate and maintain review and redaction processes as described. Also, consider approval of funding for the proposed agreement with CivicPlus for Public Records Request Software in the next budget cycle and approve the agreement at an annual cost of \$9,498 for a two-year term, with an option to renew annually thereafter, and an initial term cost of \$10,998; and authorize the Town Manager to execute the agreement and any related documentation necessary to implement the contract.

Public-Facing FAQ: Access to Public Records

Why aren't all public records posted on the Town's website?

Florida law does not require municipalities to post all public records online. Some records are confidential or exempt from disclosure, while others must be reviewed and redacted before release.

Does this mean the records are being withheld from the public?

No. Public records that are subject to disclosure remain available through the Town's public records request process, as required by Chapter 119, Florida Statutes.

What types of records cannot be posted online?

There are more than 600 types of exempt and confidential records under Florida's Public Records Law. Records that are confidential or exempt by law, temporarily exempt (such as active procurement materials), or those containing protected information that requires redaction cannot be posted online.

How can I obtain records that are not posted on the website?

Members of the public may submit a public records request to the Town. Requests are processed in accordance with Florida law.

Why does the Town need time to respond to some requests?

Some records require legal review and redaction to ensure compliance with state law and to protect confidential information.

When will I receive the records I have requested?

Florida Law Chapter 119 provides that when copies of records are requested, the records custodian must respond in a reasonable amount of time to allow the custodian to retrieve the records and delete those portions of the records the custodian asserts are exempt.

Is posting records online required by Florida law?

No. Florida law requires access to public records upon request but does not require municipalities to proactively post all records online.