




PUBLIC RECORDS



Office of the County Attorney
Jeffrey A. Klatzkow, County Attorney



The State of Florida Strongly Favors Open Access to Public Records


-  **The public's right to inspect or copy any public record is established in the Florida Constitution.**
-  **The legislature enacted Chapter 119 of the Florida Statutes setting the policy for the state.**
-  **Florida courts have routinely held that the Public Records Act is to be liberally construed in favor of open access to public records.**

The Definition of Public Records Open to Inspection to Any Person is Very Broad.

A public record encompasses all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge, regardless of whether such materials are in final form.



Public Records Law

 **Public Records include: All documents, paper, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or means of transmission made or received pursuant to law in connection with transaction of official business by the agency. (*Chapter 119, Florida Statutes*)**

The Public Records Law applies to:

 **Records developed by the Board, Board-Appointed Committees, and employees**

 **All Types of records including written communications, letters, notes and e-mails**

Numerous exemptions are identified in §119.07, Florida Statutes, and other statutes

What Public Records are Exempt From Disclosure?

Common exemptions are:



- 📄 **Records prepared for litigation proceedings or in anticipation of legal proceedings**
- 📄 **Social Security numbers of employees or former employees**
- 📄 **Sealed bids or proposals**

Public Records Requests

Can be made verbally or in writing by any person

The Board or Board-Appointed Committee:

- ☞ Has a “reasonable” time to respond
- ☞ Can charge for the cost of retrieving records if the amount requested is voluminous
- ☞ Can charge 15 cents per page

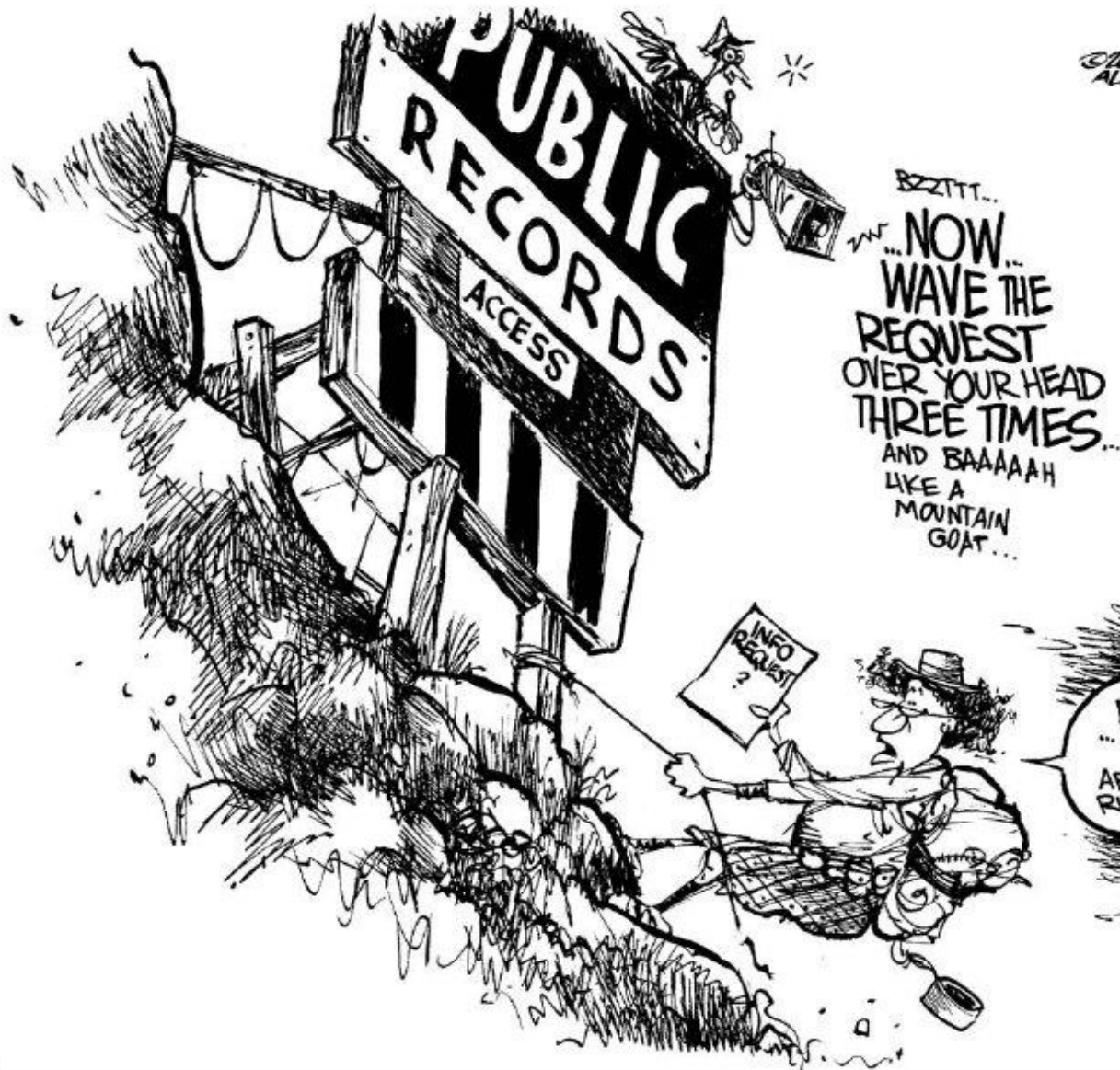
The Public Records Law does not require:

- ☞ The retention of records (this is covered by the State’s records retention policy)
- ☞ The creation of records or the provision of records in the format requested
- ☞ An explanation of the records

Restrictions Placed on Access to Public Records



- ☰ The restrictions a public entity may place on access to public records for reasons of administrative convenience, cost or other factors are narrow and limited.



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BZZTTT...
...NOW...
WAVE THE
REQUEST
OVER YOUR HEAD
THREE TIMES...
AND BAAAAH
LIKE A
MOUNTAIN
GOAT...

BAH
IS
ABOUT
RIGHT.

PENALTIES



A violation of the Public Records Act carries both civil and criminal penalties!

Questions??

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Resources/Contacts

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