

# PUBLIC RECORDS

Jay O. Barber, General Counsel  
Workforce Florida, Inc.

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## “PUBLIC RECORDS” ACT

- Pertains to “public records:”
- F.S., Section 119.01(1): “It is the policy of this state that all state, county, and municipal records **shall be open** for personal inspection by any person.

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## WHAT IS A “PUBLIC RECORD”

- F.S., Section 119.011(1): ...”all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant...to official business by any agency.”
- Florida Supreme Court: Any materials used to perpetuate, communicate or formalize knowledge.
- Unfinished records such as drafts, notes, preliminary revisions, etc. may be public records
- “WFI business” records kept on Board member’s computer

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## WORKFORCE FLORIDA, INC. SUBJECT TO PUBLIC RECORDS ACT

Section 445.004(1), Florida Statutes, (in part):

“The Legislature determines...that public policy dictates that Workforce Florida, Inc. operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of Chapter 119 relating to public records...”

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## HOW DOES THIS AFFECT EACH BOARD MEMBER?

- Every “record” received or generated by a Board member in the course of his/her Board duties is a “public record” and subject to the provisions of Chapter 119.
- Section 119.021(4)(a), (in part): “Whoever has custody of any public records shall deliver, at the expiration of his or her term of office, to his or her successor or, if there be none, to the [state records management program] all public records kept or received by him or her in the transaction of public business.”
- Section 119.07(1)(a), (in part): “Every person who has custody of a public record shall permit the record to be inspected...”
- Workforce Florida, Inc. staff is available upon request to assist Board members in complying with the Public Records Law requirements.

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## WHAT IS “OPEN” TO ANY PERSON

- The “record” custodian may restrict public access to records by requiring the following:
  - Reasonable Notice (before inspection)
  - Reasonable Time (for the inspection event)
  - Reasonable Conditions (under which inspection takes place)
  - Under Supervision of Record Custodian
  - Payment Of Actual Costs
    - Inspection Costs—When “extensive” assistance needed
    - Copying Costs—Statutory fees
  - Numerous specific exemptions to Public Records Act (“Privacy Act” information)

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EXAMPLES OF  
PUBLIC RECORD EXEMPTIONS  
TO WATCH FOR

- Social security numbers ( & other confidential info) *Sec.119.0721 and others*
- Attorney work product (limited) *Sec. 119.021(6)(l)*
- Contracts bids received (temporarily) *Sec. 119.(6)(m)*
- Many, many others. Seek legal advice.

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CONSEQUENCES OF  
“PUBLIC RECORDS” LAW  
VIOLATION

- For a public officer:
  - (unknowingly?) fine not more than \$500
  - knowingly, 1<sup>st</sup> degree misdemeanor & suspension/removal
- For “any person” who “willingly and knowingly”:
  - 1<sup>st</sup> degree misdemeanor (and subject to employee discipline including suspension/removal)

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