

FREQUENTLY ASKED QUESTIONS ABOUT PUBLIC RECORDS

1. What is the Florida Public Records Law?

Chapter 119, Florida Statutes is commonly known as Florida's "Public Records Law." The law provides information on public records in Florida, including policies, definitions, exemptions, general information on records access, inspection, examination and duplication of records.

2. What is a public record?

"Public records" are defined as "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 law or ordinance or in connection with the transaction of official business by any agency. Essentially, recorded information, in any format, that is created or maintained by the agency in connection with carrying out agency activities is a public record.

3. What information is included in my public record?

Different public agencies create and maintain a wide variety of different public records, containing vastly diverse types of information. The District's public records include all information present in the employee's personnel file. Exceptions include information such as social security numbers, medical records and payroll deductions, unless requested by a court order or released via employee authorization.

4. Who is exempt from public records?

Certain types of personal information in records relating to individuals employed in specified job categories, or related to victims of certain crimes, are exempt from public disclosure. Many of these exemptions are implemented with the purpose of providing personal safety.

The complete list of exemptions is available in State Statute 119.071. For instance, the home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, code enforcement officers, firefighters, state attorneys, U.S attorneys, judges, personnel directors, and a number of other categories, as well as information about their spouses, children, and children's schools, are exempt from public disclosure.

Not all records relating to such individuals are exempt from disclosure – only those types of information specified in the statutes. For instance, a law enforcement officer's salary, or performance evaluation is *not exempt* from disclosure – though if his/her home address were

to appear on those records, that information would be removed before the record could be disclosed.

5. What information is kept confidential in public records?

The type of information that is kept confidential depends entirely on the type of record. In general, the Statutes exempt records or information from public disclosure when necessary to protect public health, public safety, or personal privacy.

6. How do I declare my exempt status?

You must notify the District by filling out and returning to the HR Support Services Department the attached Personnel Information Exemptions from and Name & Address Change Form. To be eligible for exemption status, you must meet any of the criteria listed on the Personnel Information Exemptions form. Both forms must be signed and dated before they are sent (together) to the HR Support Services Department, or they will not be processed.

Per State Statute 119.071(4)(m)3, other agencies (businesses, stores, etc.) that might hold your personal information must also maintain your exempt status, provided you “submit a written request for maintenance of the exemption to the custodial agency.”

7. Who can access my public record?

Sections 119-01 (1) and 119.07(1)(a) of the Florida statute state that public records are open for inspection and copying by “any person.” Agencies cannot require that the person be a Florida citizen or a U.S. citizen or provide identification or a reason for wanting to see the records.

8. What is the purpose of a public records request?

People could have any number of reasons for making a public records request – scholarly research, market research, commercial ventures, journalism, filmmaking, etc. All requests are treated equally, regardless of motivation.

9. What do requestors do with public records?

Requestors may use public records for various purposes, some of which are listed above.

10. Why are my records made available?

The policy of the State of Florida, as expressed in both the Statutes (Chapter 119) and the State Constitution (Article 1, Section 24), is that public records are open to inspection and copying unless specifically made confidential or exempt from disclosure by the Constitution or Statutes. Open records serve to ensure government accountability.

11. Do I ever have to renew or update my exemption status?

Once your current employer or agency is notified that you are exempt, you will remain in that status as long as you are employed with that agency. Please note that certain exemption categories, such as “firefighter”, require active employment in the specific position to maintain exemption status. If a different agency (ex. a new public company) acquires custody of information as discussed in questions four and six above, the individual should contact that agency regarding specific procedures for requesting that the exemption be maintained by that agency. Once in place, the exemptions should be maintained for as long as the agency retains custody of the records.

12. Who do I contact with additional questions?

For answers to general questions about the Florida Public Records Law:

Questions about the Florida Public Records Law and records management requirements may be directed to the Florida Department of State, State Library and Archives of Florida, Records Management Program at (850) 245-6750, option 2. Questions may also be emailed to recmgt@dos.myflorida.com.

For reference information regarding Public Records, visit the Florida Department of State website at <https://dos.fl.gov/library-archives/records-management/>.

The Attorney General’s website provides an abridged version of the Government-in-the-Sunshine Manual, with a link to view additional FAQ’s (<http://myfloridalegal.com/sun.nsf/manual>). The website also has a long list of exemptions, citing statutes that exempt records from public disclosure.

For answers to specific questions regarding the School Board’s procedures, etc.:

- Forms or Processing Questions – Compensation & HRIS Department – (754) 321-0150
- District Job Classifications/Automatically Exemption Questions – Compensation & HRSS – (754) 321-0150

- What Specific Information is Exempt from Public Release – HR Support Services – (754) 321-0100