



Public Records

Communications and Public Records Associate

Communications, Family and Community Engagement Department

Public Records Law



- Florida's Public Records Act, Chapter 119, Florida Statutes, provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- As soon as a document is received by a public agency, it becomes a public record, unless there is a legislatively created exemption which makes it confidential and not subject to disclosure.

What Does 'Public Record' Mean?



- All “documents, papers, letters, maps, books, tapes, photos, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission.” **This would now include emails, text messages, and social media.**
- Made or received in connection with the transaction of official business by any agency (including a private entity acting “on behalf of a public agency”).
- Which are used to perpetuate, communicate, or formalize knowledge.



Items Found Not to be a Public Record

- **PERSONAL NOTES** when they are solely for the persons own use to remember things are not a public record. *The Justice Coalition v. The First District Court of Appeals Judicial Nominating Commission*, 823 So. 2d 185 (FLA. 1st DCA 2002).
- **PRIVATE EMAILS** stored in government computers do not automatically become a public record by virtue of that storage. *State v. City of Clearwater*, 863 So. 2d 149 (Fla. 2003).

Providing Public Records



- A requestor is not required to provide a reason or purpose for the request.
- A request cannot be denied because it is “overbroad”.
- An agency may not require that public records requests be in writing or require the identity of the requestor.
- The Public Records Act does not contain a specific time limit to respond but states it must be done in a reasonable amount of time and without unjustified delay.

Providing Public Records



- An agency is not required to comply with a “standing” request for records that may be created in the future.
- An agency is not required to answer questions about its public records (other than information on how to obtain or the cost).
- An agency is not required to create a new record. (Data that is stored electronically and can be retrieved by running a report is not considered creating a new document).

Providing Public Records - FERPA



- FERPA – Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records.
- District school principals and/or registrars are the Custodians of their School and Student Records.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.
- “Directory” information may be disclosed without consent.
 - Name, address, tel. number, date and place of birth, honors and awards, and dates of attendance. This list is only disseminated to qualifying agencies doing business with the district or the military.

Cost for Public Records



- A charge of 15 cents per one-sided copy up to 8.5x14 inches is authorized. An additional 5 cents may be charged for two-sided copies.
- An agency may impose a reasonable service charge for the actual cost of extensive labor and technology required.
 - The District charges for requests that consume more than 30 minutes of time to complete at the rate of the lowest paid employee capable of completing the job. (This includes the hourly cost FRS, Medicare, and Social Security taxes)
- Payment is required before processing of the request.

District Level Requests



- All District level requests should be immediately referred to the Office of Communications:
 - Identify the District Records Custodian and provide contact information – publicrecords@manateeschools.net or 941-708-8770 ext. 41225
- This office may respond to the request, relay it to the correct department for a response, and then act as the conduit for the release of and receipt of payment for any fees or charges.

Public Records – School/Student Record



- All School based or Student Record requests should be directed to the Principal or Registrar of the school as they are the custodian of their own records. These records are governed more closely to the FERPA Laws than the Sunshine Laws.
- All transcript and diploma requests less than five years old should be directed to the graduation school.
- All Student based records requests older than five years should be directed to Property Records and Records Management at <https://www.manateeschools.net/studentrecordsrelease>

Public Records - District Script



- Person states they want to make a Public Records Request:
 - “I am not the District Custodian of Records but I will transfer you to them.”
 - Transfer to ext. 41225
- Person states their Public Records Request:
 - “Thank you for your public records request. I am not the District Custodian of Records. You may contact public records by email at publicrecords@manateeschools.net, by phone at (941)708-8770 x41225, or in person at the School Support Center, 215 W. Manatee Ave. in Bradenton.”
- Person states their Public Records Request and District Custodian of Records is unavailable:
 - “Thank you for your public records request. I am not the District Custodian of Records but I will direct your request to Public Records. How would you like to be contacted?”
 - Be sure to repeat back the request and contact information, and then immediately forward it to the Public Records Associate for response.

Useful Websites



- Office of Attorney General
 - <http://myfloridalegal.com>
- 2020 "Government in the Sunshine" Manual
 - [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)
- Family Educational Rights and Privacy Act (FERPA)
 - <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>