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A T T O R N E Y S A T L A W

Florida's Public Records Law



- §119.01(12), F.S. – “Public records” consist of:
 - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other materials . . . made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency

Maintenance of Public Records



- §119.021 , F.S.
 - Records should be kept in buildings in which they are ordinarily used
 - Should be maintained in fireproof or waterproof safes, vaults or rooms with non-combustible materials, in such arrangement as to be easily accessible

Inspection and Copying of Public Records



- §119.07, F.S.
 - Custodian must permit public records to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records

Remote Electronic Access



- §119.07(2), F.S.
 - Custodian may provide remote electronic access to records as an “additional” means of inspecting records



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Penalties for Non-Compliance



- §119.10, F.S.
 - Fine (non-criminal) of up to \$500.00 for violation
 - First degree misdemeanor (up to one year in jail) for knowing and willful violations
- §119.12, F.S.
 - Attorney's fees to successful litigant seeking to compel agency to provide records

Records Retention in Florida



- §257.36, F.S.

Department of State –

Division of Library and Information Services

- Establish and administer a records management program
- Adopt rules relating to the destruction and disposition of records

Requirement for Records Retention



- Rule 1B-24.001, F.A.C.
 - Public records may be destroyed or disposed of only in accordance with retention schedules established by Division
 - Photographic or electronic reproductions may substitute for originals
 - Image reproduction must meet minimum standards

Record Retention Schedules



- FS1 through 5L – State Local Government Agencies
- GS2 through GS 15 – Other Agencies and Officials
- <http://dlis.dos.state.fl.us/recordsmgmt/publications.cfm>

Retention Schedules - Examples



- Inventory of Agency Property
 - Record Copy – 3 fiscal years
 - Duplicates – Retain until obsolete, superseded, etc.
- Budget Records – Approved Annual Budget
 - Record Copy – permanent
 - Duplicates – Retain until obsolete superseded, etc.



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