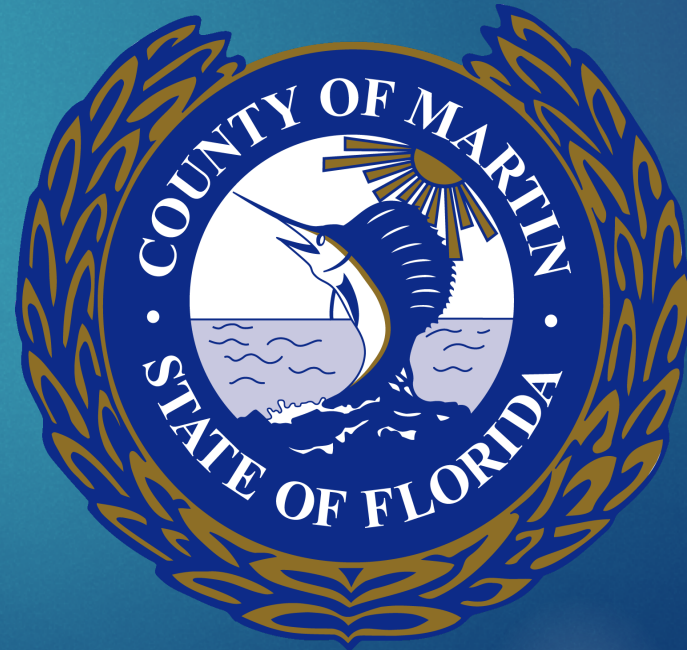


Public Records Training for Board/Committee Members

SANGEETA MARAGH



Introduction



The Public Records Law applies to appointed Board or Committee Members (Board Members)



Board members are responsible for the preservation and transfer of public records in their possession to the County and to respond to public records requests that are submitted



It is important to know what records should be submitted to the County for saving and what may be deleted/destroyed



This training outlines of the responsibilities of the Board/Committee Members once those records are transferred to the County and when a public records request is received

What is a public record?

- A public record is any record made in connection with the transaction of official County business, regardless of physical form, characteristic or means of transmission
- This includes, but is not limited to paper, letters, maps, books, tapes, photographs, videos, recordings, voicemails, text messages, emails, and social medial posts
- It is the **content** of the record that matters, not where it is kept



Is the Public Records Law applicable to Appointed Board and Committee Members?

Yes, board members are custodians of public records that are received or created in connection with board related duties. This includes electronic or written communication from constituents related matters coming before the board. This means:

01

You are legally responsible for the preservation and transfer of those records to the County in Compliance with Chapter 119 (Florida Public Records Law)

02

This legal obligation to transfer public records extends to records that exist on personal devices or in personal accounts. All records should be preserved and maintained until they are transferred to the County

03

Upon resignation or expiration of your term, you are required to transfer all public records to the County before exiting or within 10 days after leaving office pursuant to Section 119.021(4)(b). F.S.

Upon Appointment

Board Members will...

Receive a notification from your County contact which includes whether you will be issued a County email and accompanying information.



Currently, the only Board Members that will be issued a County email address belong to the Board of Zoning Adjustment, Community Redevelopment Agency, Historic Preservation Board and the Local Planning Agency.

The Florida Commission on Ethics will only accept Financial Disclosure Forms from the members of these four Boards that are sent from a County issued email address.

This is pursuant to Chapter 112.31446(3).

The Financial Disclosure Form is due by July 1, 2024.

Upon Appointment



You are required to take Public Records and Sunshine Training



Your County contact will schedule a training date and send an email/meeting invite to confirm the appointment with a copy of the Policy and Procedure (#246) attached



After training is completed, you will be provided the Acknowledgment Receipt Form to complete and return to your County contact



The Form confirms that you have completed the County's Public Records class and are in receipt of the applicable Public Records Policy and Procedure



Please note that refusing to sign the Acknowledgement Form does not relieve you of your obligations pertaining to the public records process

Upon Appointment

If you are issued a county email, all County/Board communication **must** be conducted using that County email



If an email, text message, or other electronic communication (ex. social media posts, comments, etc.) is received on a personal account, the following response shall be sent to the sender, with a copy to sent to your County Liaison:

“As a Board (or Committee) member, I am subject to the Florida Public Records Law and do not conduct any County business using this private account (or number). Therefore, if your message concerns Board (or Committee) business, you should redirect/resend it to my Martin County email address at _____@martin.fl.us.”

Transfer of Records to the County

Records may be submitted to the County via mail, in person or via email



Mail

If you possess paper records, or records on a CD or thumb drive, those records should be submitted to the County via U.S. Mail, addressed to your County contact, or you may deliver the records to your contact in person



Email

If you possess public records that are in electronic format, they should be forwarded via email to your County contact and deleted from your personal devices or accounts

Transferring Public Records to the County- Examples



Text messages- take a screenshot of the conversation, forward to your County contact via email, delete the conversation, screenshot and sent email from your device



Videos- Download the video and forward to your County contact via email (delete the video and email after it is sent) or place the video on a thumb/CD and mail/deliver in person to your County contact



Social Media Posts- take a screenshot or screen capture of the post, along with all the comments, etc. and forward to your County contact; delete the post once it has been forwarded



Emails should be forwarded to your County contact and deleted from your account



If you choose to keep these records after they are forwarded, you will still be in possession of County records which will need to be produced when requested

Are there records that are related to County business that are not considered a Public Record?

YES, notes and rough drafts



Notes

Notes taken to jog your memory are not a public record and do not need to be turned over. They can be destroyed when no longer needed. However, if you share those notes, then they become a public record and should be submitted to the County. Personal notes should be kept where they are not accessible to anyone.



Rough Drafts

Notes jotted down to create a draft of a document are not public record. Drafts are a public record, but rough draft notes are not. If you share those rough drafts, they become a public record and should be forwarded to the county for saving. They should also be kept where they are not accessible to anyone.

- **Transitory messages are created primarily to communicate information of short-term value and is not intended to:**
 - **Formalize or perpetuate knowledge**
 - **Set policy**
 - **Establish guidelines or procedures**
 - **Certify a transaction**
 - **Become a receipt**
 - **Ex. Meeting reminder emails/text, announcement of office events like holiday lunches, etc. messages sent as an FYI**
- **Transitory records should be retained until they are:**
 - **Obsolete**
 - **Superseded**
 - **Or administrative value is lost**
- **They should be deleted once the event they are referring to has passed, they do not need to be forwarded to your County contact**

Are there public records that do not need to be forwarded and preserved?

11



Public Records Requests

- If anyone makes a request to you for a copy or to inspect records related to your duties on the Board, please direct them submit the request to your County contact or they may submit a request directly to the County
- Once a public records request is received, your County contact will reach out to you via email with a PEC Form attached
- Search your files, including your electronic devices and accounts and gather any responsive records that have not yet been turned over to the County.
- Complete the PEC Form and return it along with the records found to your County contact
- If you have no records, complete the PEC form confirming this and return the form to your County contact



Expiration or Resignation of Term

Upon resigning or on the expiration of your term, you will:

01

Receive an email from your County contact with the Exit Public Records Form attached with instructions to check your files, devices and accounts, gather any records not yet submitted to the County, complete the applicable sections of the form and return it along with any records found.

02

All public records should be turned over to the County within 10 days of exiting Office.

03

This is pursuant to Section 119.021(4)(b), F.S. Criminal consequences can result from failure to turn over the records to the County.

What happens if you are found to have knowingly, purposefully or maliciously violate the Public Records Law?



Failure to comply with the public records law may result in:

- ✓ The County having a judgement entered against it for violating public records law in a civil action and ordered to pay the attorney fees of the petitioner- there is no cap on attorney fees
- ✓ Your arrest for a misdemeanor charge, punishable by a up to a year in prison, or a \$1,000.00 fine, or both
- ✓ Issuance of a citation to you for a noncriminal infraction and made to pay \$500.00 if you are found guilty
- ✓ You could be removed from Board or Committee
- ✓ You could also be held individually liable in civil court

Questions



**NOTE: Contact
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with any questions**

