

ADMINISTRATIVE DIRECTED PROCEDURE

To: Board/Committee Liaisons &
Appointees

From: Don Donaldson, County Administrator

Subject: **Public Records Standard Operating Procedures for Appointees of Boards and Committees**

Effective Date: March 6, 2024

Created by: Administration

PROCEDURE

Martin County Board of County Commission Standard Operating Procedures For Appointees of County Boards and Committees

Introduction

A public record is any record made or received 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 media posts. (Section 119.011(12), Florida Statutes). Appointees of Board and Committee (“appointee” or “member”) are the custodians of public records they make or receive in connection with their Board or Committee related duties. Members are responsible for the preservation and transfer of those records to the County in compliance with Chapter 119, Florida Statutes (“Florida Public Records Laws”). The legal obligation to transfer public records to the County extends to records that exist on personal devices or in personal accounts. Public Records should be preserved and maintained in compliance with all applicable County policies and procedures while the records are in the custody of the Board or Committee members until those records are transferred to the County. The following procedures outline the responsibilities related to public records made or received by Board and Committee members to ensure compliance with Florida Public Records Laws.

1. Upon Appointment

Upon appointment of a Board or Committee member:

- A. The County Liaison for the Board or Committee will schedule public records training and if applicable, initiate a request for a County issued email address for the new Board Member (**presently only applies to the Board of Zoning Adjustment, Community Redevelopment Agency, Historic Preservation Board, and the Local Planning Agency**).
- B. The appointed member shall attend mandatory public records training administered by the County.
- C. The appointed member shall sign the Acknowledgment Receipt Form confirming the following:
 - i) that public records training has been completed
 - ii) that a copy of the Management of Public Records for Appointees of County Board and Committees Policy has been received
 - iii) that a copy of the MC BOCC Standard Operating Procedures for Appointees of County Boards and Committees has been received
- D. The appointed member shall provide the executed Acknowledgement Form to the County Liaison.

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2. Receipt and Maintenance of Public Records

Board and Committee members are the custodians of public records they receive in connection with their appointed Board or Committee related duties. Each appointee is responsible for the preservation and transfer of all public records to the County to ensure compliance with Florida Public Records Laws. Records received digitally must be preserved. Digital public records shall be captured as follows:

- a. **Email:** If you do not have County issued email, forward the email to your County Liaison.
- b. **Text messages:** Take a screen shot of the conversation.
- c. **Social Media posts and other electronic communication:** Take a screen shot or screen capture of the communication or post, including all the comments.

Once the record is captured, the member must transfer the public record to the County in accordance with paragraph 3 below.

If you are issued a County email address, all communication related to your County appointment must be conducted using your County email address. 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 sent to your County Liaison:

As a Board (or Committee) member, I am subject to the Florida's Public Records Laws 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/resent it to my Martin County email address at _____@martin.fl.us.

3. Transfer of Public Records to the County

Any public records that are related to County Board or Committee business must be turned over to the County Liaison within a reasonable time after creation or receipt for preservation.

- A. Paper records shall be delivered in person or sent via U.S. Mail to the County Liaison. Paper records can also be scanned and emailed to your County Liaison (if you are issued a County email address, then the records should be forwarded using this email).
- B. Electronic records created or received, including but not limited to electronic communications (text messages, social media posts, etc.), audio/video recordings, photographs, documents in word, .pdf, or other formats, etc., shall be forwarded as an email attachment to your County Liaison. Electronic records may also be saved to a thumb drive and delivered to the County Liaison.
- C. Any records, physical or electronic, that are not turned over to the County should be maintained as required per the GS1 Schedule from the Division of Library Services, until they are delivered to the County.
- D. After the records have been transferred to the County, they must be deleted from your personal accounts or devices.

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4. Public Records Requests

A public records request is made when a member of the public wants to inspect or obtain a copy of a record that was made or received in connection with the transaction of official County business and that record is not offered in the regular course of business. A request to inspect or copy records may be made by anyone in person, via telephone, email, or U.S. mail. In addition, the requestor does not need to provide their name.

A. When a public records request is made directly to a Board or Committee member, the member shall:

- i. Inform the requestor that we would be happy to respond to their request, however, this request needs to be forwarded to the County for handling.
- ii. Gather all contact information that the Requestor is willing to provide (we cannot require that they produce a name or why they want the records- if they only want to give a telephone number, or email address, that is fine).
- iii. Get a specific description of what record is being requested.
- iv. Immediately forward the request to your County Liaison for handling (if you are issued a County email address, then the request should be forwarded using this email).

B. When a public records request is made directly to the County:

- i. The County will follow the established Public Records Request procedures and practices.
- ii. If the request is seeking records that a Board or Committee member may have, the request will be forwarded to the County Liaison that is assigned to the Board or Committee.
- iii. The County Liaison will contact the Board or Committee members and provide instructions to search for any responsive records that have not been transferred to the County.
- iv. Upon receipt of the request, the Board or Committee members will search their files, email accounts, devices, social media pages, etc. and gather all responsive records.
- v. The responsive records shall be transferred to the County as outlined in Section 4.
- vi. If no responsive records are found, the Board or Committee member shall notify the County Liaison that they have conducted a search and no responsive records were located.

5. Expiration of Term or Resignation of Membership

Upon the resignation or expiration of their term, the exiting Board or Committee member is required to complete an Exit Public Records Form which will be provided by their County Liaison. Upon receipt of the form the exiting member shall:

- A. Check their files, email accounts, devices, social media pages, etc. and gather any public records that have not been transferred to the County
- B. Complete the applicable sections of the Certification of Release of County Records for Departing Board or Committee Members and return the signed form, along with any records found, to the County as directed in section 4.

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- C. If no public records are found, complete the applicable section and return the signed form as directed.
- D. If an Exit Form is not received from the departing member, the County's Legal Department will reach out to ensure that County's records are returned pursuant to Section 119.021(4)(b), Florida Statutes.

Suppression History:

None

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ACKNOWLEDGEMENT RECEIPT

Name of Recipient: _____

I have completed the public records class that has been administered by the Martin County Board of County Commissioners, and I hereby acknowledge receipt of the following:

- 1) Administrative Directed Policy - Management of Public Records for Appointees of County Board Boards and Committees
- 2) Martin County Board of County Commission Standard Operating Procedures for Appointees of County Boards and Committees

Signature: _____

Date: _____

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Certification of Release of County Records for Departing Board or Committee Members

I, _____, the undersigned, do certify that to the best of my knowledge I have:

(Please select the checkbox that applies)

SELECT ONE OR MORE BELOW BOXES:

forwarded all County business related emails, texts or any other form of electronic record to _____ (County Liaison), who has acknowledged receipt of the records.

turned over all County business related paper records in my possession to _____ (County Liaison).

OR SELECT BELOW BOXES:

I do **not** have any County business related emails, texts or any other form of electronic record, any records I may have received during my term was transferred to the County pursuant to the applicable policies and procedures.

I do **not** have any County business related paper records, any records I may have received during my term was transferred to the County pursuant to the applicable policies and procedures.

Departing Member's Signature

Date

County Liaison's Signature

Date