

## CHAPTER 3.00 – SCHOOL ADMINISTRATION

### Public Records

3.12

1. Purpose. The purpose of this rule is to implement the requirements of The Florida Public Records Law codified in Florida Statute 119.07.
2. Definition. Florida Statute 119.011(12) defines “public record” to mean any record, regardless of form, made or received by an agency pursuant to law or ordinance or in connection with the transaction of its official business.
3. Designation of Community Relations Department to Process Public Records Requests. Florida Statute 119.07 authorizes records custodians to designate other District officers or employees to respond to public records requests. On behalf of District staff members who are custodians of public records or who have custody of public records, the Chief and selected staff of the Community Relations Department are designated as the custodians’ designee to permit and coordinate the inspection, copying and photographing of District public records. The purpose of such designation is to assure that throughout the District, public record requests are processed uniformly, efficiently and in compliance with the Public Records Law. The Community Relations Department staff members so designated shall be identified by name on the Community Relations Department section of the District website [<http://www.stjohns.k12.fl.us/cr/request/>] or [<http://www.stjohns.k12.fl.us/cr/wp-content/uploads/sites/35/2015/10/PR-Protocol.pdf>]. Their names also may be obtained by emailing or telephoning the Community Relations Department, (904) 547-7504 or [sjpubrec@stjohns.k12.fl.us](mailto:sjpubrec@stjohns.k12.fl.us). Custodians who refer requests to the Community Relations Department shall provide the designated staff member’s name to the requesting party. The Superintendent is authorized to supplement and modify this designation by posting current information on the District website.
4. Inspection and Copying. Pursuant to Florida Statute 119.07(1), members of the St. Johns County School District staff who have custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at a reasonable time, under reasonable conditions, and under supervision by the custodian of the public records or the Community Relations Department staff as the custodian’s designee.
5. Good Faith Review and Response. The custodian of District public records or the Community Relations Department staff designee shall acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other District officers or employees whether such a record exists and, if so, the location at which the record can be accessed. A proper response also requires the custodian or Community Relations Department staff designee to review the request to determine whether any of the requested records are confidential or exempt from public disclosure under the law.

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6. Confidential and Exempt Records Redaction. Records that are by law confidential or exempt from public disclosure are not subject to public records disclosure. If the custodian or Community Relations Department staff designee asserts that part of a requested record is confidential or exempt, the custodian or designee shall redact that portion of the record which is confidential or exempt, and produce the remainder of such record for inspection and copying.
7. Basis of Exemption Claim. If all or part of the requested record is exempt from inspection and copying, the custodian or Community Relations Department designee shall state the basis of the applicable exemption, including the citation to any statutory exemption. If requested by the person seeking to inspect or copy the record, the custodian or designee shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.
8. Electronic Response. As an additional means of inspecting or copying public records, a custodian of public records or the Community Relations Department staff designee may provide access to public records by remote electronic means, provided exempt or confidential information is not disclosed.
9. Charges. There may be charges for inspection, copying and redaction as provided by School Board Rule 3.07.
10. Photographing Records. Pursuant to Florida Statute 119.07(3), any person shall have the right to access to public records for the purpose of making photographs of the record while such record is in the possession, custody, and control of the custodian of public records, subject to the following rules:
  - a. As provided in paragraph 3, selected Community Relations Department staff members are designated as the custodian's designee to permit, coordinate and supervise the photographing of public records. Such staff shall be identified by name as provided in paragraph 3.
  - b. A request to photograph public records shall be responded to in good faith as provided in paragraph 5.
  - c. The review and redaction process provided in paragraph 6 shall apply to requests to photograph records.
  - d. The custodian or Community Relations Department staff designee shall state the basis of any claim of confidentiality or exemption as provided in paragraph 7.
  - e. Photographing public records shall be done under the supervision of the custodian or the Community Relations Department staff designee.

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Photographing shall be done in the room where the public records are kept. If, in the judgment of the custodian or Community Relations Department staff designee, this is impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the custodian or designee. For purpose of this section, the School Board finds that as a general rule, it is impracticable for security reasons to allow the public to photograph records in secure areas of a school that are not open to the general public during the school day. In such cases, the photographing should take place in the school reception area or a nearby office or conference room under the supervision of appropriate staff. Where provision of another room or place for photographing is required, the expense or providing the same shall be paid by the person desiring to photograph the public record.

11. Confidential and Exempt Records. Records maintained by the District which are exempt from public inspection include but not be limited to:
  - (a) Education records, pursuant to Florida Statute 1002.22, and the Federal Family Educational Rights and Privacy Act (FERPA);
  - (b) Portions of personnel records, pursuant to Florida Statute 1012.31;
  - (c) All work products developed in preparation for collective bargaining, pursuant to Florida Statute 447.605;
  - (d) Appraisals, offers, and counter offers relating to purchase of real property, pursuant to Florida Statute 1013.14;
  - (e) Legal records prepared by an attorney exclusively for civil or criminal litigation, pursuant to Florida Statute 119.071(1)(d);
  - (f) Data processing software which qualifies as a trade secret which was obtained under a licensing agreement that prevents its disclosure, pursuant to Florida Statute 119.071(1)(d)1;
  - (g) Sealed responses to request for bids or proposals, until such time as they are publicly opened, pursuant to Florida Statute 119.071(1)(b); and,
  - (h) Security camera videotape pursuant to Florida Statutes 119.071(3)(a) and 281.301. Such videotape is also confidential and exempt as an education record when it depicts students, pursuant to Florida Statute 1002.221.
12. Delegation of Authority. The Superintendent is authorized to enact guidelines and procedures to implement and clarify this rule.

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**STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

**LAWS IMPLEMENTED:** 119.07, 119.071, 281.301, 447.605,  
1002.22, 1002.221, 1012.31, 1013.14, F.S.

**HISTORY:** **ADOPTED: 8/18/98**  
**REVISION DATE(S): 1/12/16**