



JUSTICE ADMINISTRATIVE
COMMISSION



JAC Public Records Policy and Best Practices



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Overview of JAC's Public Records Policy

- Art. 1, s. 24, Florida Constitution
- Under 43.16, F.S. (JAC's authorizing statute) JAC administratively serves the JROs.
 - *“to maintain a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and public defenders of Florida, the capital collateral regional counsel of Florida, the criminal conflict and civil regional counsel, and the Guardian Ad Litem Program.”*
- Under ch. 119, F.S. (FL Public Records law) JAC is an independent entity that can be held liable for noncompliance.
- **Commission's Answer: JAC's Public Records Policy**



JAC's Public Records Request Policy

“It is the policy of the Justice Administrative Commission (JAC) to make public records available for inspection or copying as quickly as reasonably possible.”

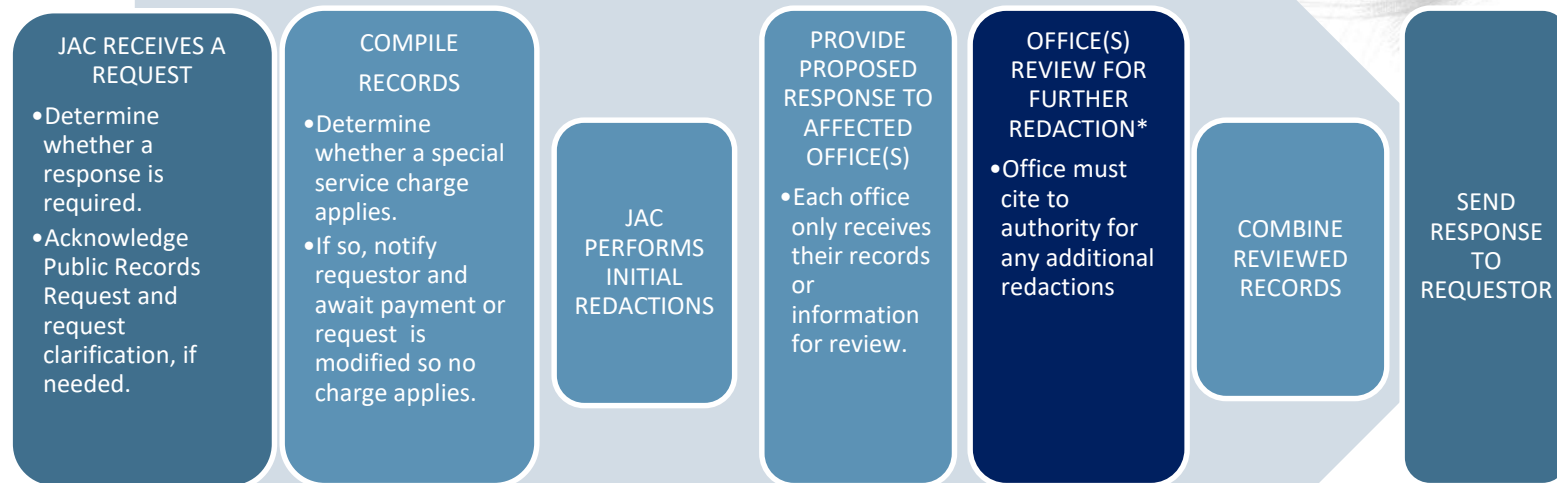
POLICY



JAC receives Two Types of Requests from JROs

- **Requests for Information**: when an office JAC administratively serves requests its own information or records. Records are released without notification.
- **Public Records Requests**: when an office JAC administratively serves requests information OR records pertaining to another office JAC administratively serves. JAC will notify the offices affected of the request.

JAC's Public Records Request Process (JROs)



*JAC is independently liable for compliance with Public Record laws and will determine whether or not, to adopt any additional redactions.



When JAC receives a Public Records Request for Records Originating from a JRO

- JAC compiles the records and performs an initial redaction of Social Security Numbers, banking information, names of minors, and;
- JAC notifies and provides each office JAC's proposed responsive records *related to that office*;
 - The office reviews the records for additional redaction(s);
 - The office provides JAC with citation(s) for the proposed redaction(s), if any;
 - JAC reviews and resolves the office's redaction request;
- JAC provides a compiled response to the requestor.

JAC's Policy and FPAA Requests

- Nineteen State Attorney offices are members of the Florida Prosecuting Attorneys Association (FPAA).
- To avoid additional public records requests for JAC's responses to FPAA public records requests for most or all State Attorney office information the following was proposed by the FPAA and adopted by the Commission:
 - When a public records request is made for information about most or all of the 20 Offices of State Attorney, the person designated by the FPAA may request the complete response from JAC and disseminate JAC's response to the 20 Offices of the State Attorney.
- Each year, the FPAA confirms their public records designee with JAC.



JAC's Policy and FPDA Requests

- Nineteen Public Defender offices are members of the Florida Public Defender Association (FPDA).
- When a FPDA public records request encompasses information from some or all of the 20 Offices of Public Defender, each office interested in receiving JAC's complete response to the requestor may request a copy from JAC.
- Each request for JAC's response is treated as a new public records request and all affected offices are notified of the request.

JAC's Policy and FPDA Requests

- However, to ensure more timely responses during the Legislative session, designees of the Florida Public Defender Association (FPDA) President may make public records request for information related to all or some FPDA members (19 PDs). When such requests are received, JAC will compile and submit the responsive records to the FPDA designee. In turn, the FPDA designee will notify the affected PD offices of the request and JAC's response. If the request involves an office that is not a member of the FPDA, JAC will notify that office of the request and the response.

What JAC Can/Cannot do concerning Public Records Requests

JAC Can ✓

- Assist your office with correspondence (without directly addressing the requestor).
- Redact readily apparent confidential (e.g., Social Security Numbers, Bank Account Numbers) or exempt (e.g., Biometrics and Driver License Numbers) information.
- Notify affected offices of JAC's response for additional review.

JAC Cannot ✗

- Provide your office legal advice on responding to public records request.
- Respond or correspond with a public records requestor on behalf of your office.
- Provide document(s) in JAC's custody in response to a public records request made of your office.
- Redact information without a legal citation.
- Alter or "correct" records in JAC's custody when JAC records differ from your office's records.

How You Can Help

- Be specific when responding to a JAC public records request notification about a request that affects your office;
- Provide JAC a citation when requesting further records redaction by JAC;
- Respond in the time provided in the notification email so JAC can respond in a reasonable time; and
- Have an alternate Public Records Contact, should you be out of the office.



Public Records Best Practices

- Develop a **Records Retention Policy** to ensure your records are preserved according to retention periods outlined in the law.
- Develop a **Public Records Exemption form** for your staff.
- Ensure all of your office's contracts have a **Public Records Provision**.



Public Records Best Practices

- Develop a **Public Records Policy** and process all requests according to the policy.
 - Designate a **Public Records Request Coordinator** and back-up for your office.
 - Develop a uniform process and **Manual** outlining practical steps to effectuate the Policy.
 - Develop and advertise different methods to make Public Records Requests of your office.
 - Include anonymous email and anonymous “in person” request options and procedures.
 - **Train** all staff on your Public Records Policy and what to do/not do in the event they receive a request. Especially, Front Desk/Reception staff.
- Prominently **post your Public Records Coordinator’s contact information** in your office’s primary administrative building and on your website.

Public Records Best Practices – Processing Public Records Requests

- Ensure your office is able to receive public records requests via multiple avenues (e.g., phone, email, mail, in-person, and anonymously).
- Receive and log the request.
 - Establish a central location where requests can be stored and worked (e.g., email inbox, hard drive, document management system).
 - Create a log of all requests that includes:
 - Date received
 - Identifying number (PRR 24-97)
 - Requestor type (i.e., anonymous, state agency, general public, etc.)
 - Title and the number of records provided
 - Date closed



Public Records Best Practices – Processing Public Records Requests

- Acknowledge the request in writing (email) in a timely manner
- Clarify the request (if needed).
 - Engage the requestor at the beginning, throughout the process, and at the end.
- Initial determination of responsive records.
 - How many records?
 - Is redaction review required?
 - Will attorney review be required?
 - Will responding to the request require a special service charge pursuant to your office's policy? See, s. 119.07, F.S.
- Compile responsive records.
- Review and redact responsive records.

Public Records Best Practices – Processing Public Records Requests

- Releasing responsive records
 - BEFORE releasing the record(s), consider the following:
 - Are records prohibited from release pursuant to statute, court order, or other reason?
 - Sequentially date stamp voluminous responses to avoid future disputes.
 - Provide partial responses while working on voluminous requests.
 - Provide a close-out letter that includes an index of citations of redacted information.



Resources

- Florida Sunshine Manual is updated each year after legislative session and a searchable (CTRL F) version is online at <https://www.myfloridalegal.com/open-government/sunshine-manual>
- Florida Attorney General Opinions are online in a searchable database at <https://www.myfloridalegal.com/ag-opinions>
- Chapter 119, Florida Statutes.

Questions?

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