

## Horst, Rachel

---

**From:** CEER@brevardfl.gov  
**Sent:** Saturday, January 31, 2026 2:09 PM  
**To:** Horst, Rachel  
**Subject:** A new CEER Recommendation has been submitted as ID #2026048

### Recommendation # 2026048

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2026048 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

#### Contact Information:

##### Group/Organization

**Name** Sarah K Hodge  
**Address** 390 Sanders Lane, Merritt Island, FL FL 32953  
**Phone** (321) 452-3340  
**Email** sarahkiserhodge@gmail.com  
**Alternate Email**


#### Recommendation Information:

**Recommendation ID** 2026048  
**Recommendation Title** Public Records Need to be Put on the Internet  
**Areas Affected**  
**Department Affected**  
**Current problem** For many years the Public had difficulties getting Public Records from both the County and Cities. Extremely high costs sometimes or delays until the issue they needed the records for had been voted on.. the School Board charged the Florida Today many years ago \$30,000 for Public Records the Florida Today paid it and sued the School Board to get their money back along with the fees for the lawsuit. The School Board Appealed and lost so it cost the Taxpayers for the costs of both Lawsuits. Redacting Fees can be extremely expensive and sometimes almost everything is redacted. It would save Staff time and the Cost for them to Research to retrieve the Public Records. Miami/Dade has their Public Records on the Internet and Brevard Should Too.  
**Recommendation** It would save Staff time and the Cost for them to Research to retrieve the Public Records. Miami/Dade has their Public Records on the Internet and Brevard Should Too.  
**Attachments** No Documents were attached.



County Attorney's Office  
2725 Judge Fran Jamieson Way  
Building C, Room 308  
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

**TO:** Jim Liesenfelt, County Manager  
**THRU:** Morris Richardson, County Attorney   
**FROM:** Christine Reilly, Senior Law Clerk  
**SUBJ:** Citizen Efficiency and Effectiveness Recommendation #2026048

---

CEER #2026048, titled *Public Records Need to be Put on the Internet*, was received by the County from Ms. Sarah K. Hodge.

**Citizen Statement:**

*For many years the Public had difficulties getting Public Records from both the County and Cities. Extremely high costs sometimes or delays until the issue they needed the records for had been voted on.. the School Board charged the Florida Today many years ago \$30,000 for Public Records the Florida Today paid it and sued the School Board to get their money back along with the fees for the lawsuit. The School Board Appealed and lost so it cost the Taxpayers for the costs of both Lawsuits. Redacting Fees can be extremely expensive and sometimes almost everything is redacted. It would save Staff time and the Cost for them to Research to retrieve the Public Records. Miami/Dade has their Public Records on the Internet and Brevard Should Too.*

**Citizen Recommendation:**

*It would save Staff time and the Cost for them to Research to retrieve the Public Records. Miami/Dade has their Public Records on the Internet and Brevard Should Too.*

**Staff Analysis:**

This CEER recommends that Brevard County place all of its public records on the internet. It is virtually identical to a CEER submitted by the same citizen last year. The Board of County Commissioners rejected that CEER.

As an initial matter, Brevard County presently makes a veritable treasure trove of records available to the public on the internet. For example, detailed agendas, minutes, and videos of Board of County Commissioners' meetings are readily available online. The

Brevard County Code of Ordinances, County budgets, the Comprehensive Plan and various land use studies, interactive maps providing data on future land use and zoning classifications, flood zones, coastal setback and erosion control lines, the Save Our Indian River Lagoon Project Plan, and many more records are all easily accessed from Brevard County Government's official website. Brevard's Advance Service Site (BASS) provides immediate access to records related to building permits and Code Enforcement cases. The public may request records online at [brevardfl.gov/PublicRecordsRequest](http://brevardfl.gov/PublicRecordsRequest), by email at [PublicRecordsRequest@BrevardFL.gov](mailto:PublicRecordsRequest@BrevardFL.gov), by calling the Public Records Request Coordinator at (321) 633-2071, or in person at the County Attorney's Office located at 2725 Judge Fran Jamieson Way Bldg. C-308, Viera, Florida 32940 or any other Brevard County office.

Brevard County's response to public records requests is governed by Chapter 119, Florida Statutes (Florida's Public Records Law) and Brevard County Administrative Order AO-47, *Coordination of Public Records Requests*.

Section 119.011(12), Florida Statutes, defines "public records" as follows:

"Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

See *also* section 119.07(4), Florida Statutes, which indicates that the furnishing of public records is made upon payment of a fee, prescribed by law, or if a fee is not prescribed by law, a fee which is in keeping with the provisions of that section.

The determination of what constitutes a public record is a question of law. See *State v. City of Clearwater*, 863 So.2d 149, 151 (Fla. 2003). In many instances, this is not a simple analysis. "It is impossible to lay down a definition of general application that identifies all items subject to disclosure under the [Florida Public Records Act, Chapter 119, Florida Statutes]." *Shevin v. Byron, Harless, Schaffer, Reid & Assocs.* 379 So.2d 633, 640 (Fla. 1980). "Consequently, the classification of items which fall midway on the spectrum of

clearly public records on the one end and clearly not public records on the other will have to be determined on a case-by-case basis.” *Id.*

“A public record is ‘any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.’” *Id.* For instance, “the handwritten notes of the consultant ... made during or shortly after his interviews with job prospects, are merely preliminary materials intended to aid the consultant when he later formalized the knowledge gained during the interviews” and therefore are not public records. *Id.* at 641. Similarly, drafts are not usually considered public records, unless they have been shown to others. *Times Pub. Co. Inc. v. City of St. Petersburg*, 558 So.2d 487 (Fla. 2d DCA 1990).

To make all County “public records” available on the internet would require every member of the County staff to review on a continuous basis every communication that they create or receive to determine if it qualifies as a “public record.”<sup>1</sup> This would almost certainly result in frequent staff inquiries to the County Attorney’s Office, requiring significant staff and attorney time to review countless documents that may never be the subject of a request or search by any member of the public.

In addition, each member of the County staff would need to review every document he or she creates or receives to see if it is subject to a provision of confidentiality or exemption under the Public Records Act and prevent records containing confidential or exempt information from being placed on the internet or redact it accordingly. Statutory exemptions are extensive and change frequently.<sup>2</sup> On one day a public record placed on the internet would meet the requirements of the law; however, on a later day, information

---

<sup>1</sup> At a minimum, this would entail a new, rigorous, costly, and time-consuming training process to ensure that all staff would have considerable expertise in Florida law relating to what constitutes a public record, the myriad provisions of exemption or confidentiality, and what information should be redacted if a record is determined to be a public record. Currently, it is the records custodian in each department who receives this level of in-depth training regarding public records.

<sup>2</sup> According to the First Amendment Foundation, there are over 1,100 exemptions to Florida’s Public Records Act. In 2022, lawmakers filed over 50 bills adding new exemptions to the state’s public records law.

contained in the same public record might be deemed confidential or exempt. This means that County staff would need to constantly review all the records placed on the internet for continued compliance with then-current law.

Further, every document uploaded to the internet would need to be formatted to comply with the Americans with Disabilities Act. This process would considerably impinge on the County staff's ability to complete its work in a timely fashion, thereby affecting the ability for all departments to work efficiently. To make all County public records available online would also require a new database requiring multiple operating systems, and the new database would need to be designed to be user-friendly. In addition, optical character recognition would need to be performed on scanned paper documents for a search function to be able to read the documents.

No matter how user-friendly a new database might be, if a public user misspelled a search term, did not know the proper acronyms for a search, or used abbreviations, this might lead to an erroneous response of "no results" or omit some records responsive to the user's intended inquiry. Currently, when a public records request is made to Brevard County, the person responsible for making sure all the relevant records are produced notifies the department(s) that would have the records. As needed, questions are asked of the department(s) to ascertain whether additional information is required to perform the search. This process allows for a more thorough and successful search than would a public records requestor entering search terms on their own into a website search engine.

This CEER suggests that placing all records on the internet would reduce staff time and save money. However, the Herculean effort and corresponding expense required to place all of its public records on the internet would not even relieve Brevard County of its current obligation to respond to public records requests the "old-fashioned" way. In *Lake Shore Hospital Authority v. Lilker*, 168 So. 3d. 332 (Fla. 1<sup>st</sup> DCA 2015), a requestor initially asked for electronic access to certain public records. He then changed his request to one for actual paper copies of the public records, due to his alleged difficulty with the website. When the agency only referred the requestor to the website, this was considered a violation of the Public Records Law. As the court in *Lake Shore* explained, "Access to

public records by remote electronic means is merely ‘an *additional* means of inspecting or copying public records.’ §119.07(2)(a), Fla. Stat. (2013) (emphasis added). This additional means of access, however, is insufficient where the person requesting the records specifies the traditional method of access via paper copies.” *Id.* at 333.

Nor would placement of public records on the internet necessarily allow Brevard County to greatly reduce its current physical or electronic storage requirements. An agency must provide a copy of a public record in the medium requested, if the agency maintains the record in that medium. §119.01(2)(f), Fla. Stat.; *see also* Op. Att’y Gen. Fla. 91-61 (1991) (custodian must provide a copy of computer disk in its original format; a typed transcript does not satisfy the requirements of this statute.) Placing all public records on the internet as proposed by CEER #2026014 would require the County to maintain many records in an additional, internet-friendly and ADA-compliant format, while still maintaining the record in its original medium.

Contrary to the Citizen Statement in this CEER, Miami-Dade County does not place all “its records on the Internet.” Rather, like Brevard County, Miami-Dade County makes specific documents, e.g., agendas, meeting minutes, building and zoning violations, and code enforcement citations available online. Disclaimers on the Miami-Dade County website make clear that the website is not the official record, and that the public should contact the appropriate county staff to assure the accuracy of data or information on the website. By way of example, if a citizen wished to see internal memos or emails between Miami-Dade County staff members, those are nowhere to be found on the county’s website. The citizen would have to make a public records request. Like Brevard County, Miami-Dade County provides multiple ways to submit public records requests including an online form.

**Staff Recommended Action:**

It is recommended that the Board of County Commissioners reject CEER #2026048 as it is inconsistent with the Board’s prior rejection of a virtually identical CEER submitted last year, and because it would not enhance the effectiveness and efficiency of County

Government as contemplated by Section 2.9.10 of the Brevard County Home Rule Charter.