



A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS  
ATTORNEYS AT LAW

## MEMORANDUM

**TO: ALL FLORIDA PENSION CLIENTS**

**FROM: KLAUSNER, KAUFMAN, JENSEN & LEVINSON**

**RE: PUBLIC RECORDS LAW**

**DATE: JANUARY 2019**

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On occasion, Boards are presented with public records requests under Chapter 119, Florida Statutes. Not all information contained within a public record or document is accessible to the public. Some personal information is considered confidential and privileged. This type of information is exempt from public inspection and, therefore, must be removed prior to the dissemination of any public record. Below is a checklist of items which need to be redacted:

- Social Security Numbers;
- Bank account, debit, charge and credit card numbers, and credit reports;
- Birth Certificates;
- Physical fitness exams and employee medical records/examinations. This includes any medical records which have been gathered for processing of a disability application;
- Education records/transcripts;
- Interview/polygraph examination questions and answers;
- Psychological testing/mental health information;
- Records which are confidential the Under Drug-Free Workplace Act or confidential under a drug testing program;

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- Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation; and
- Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment.

The below public records exemptions are applicable only if the public agency is the individual's employer. A Request for Confidentiality form (see attached) may be completed and submitted to the Pension Fund, if an individual wishes to maintain the confidentiality afforded by the Florida Statutes. The following personal information is only exempt for active and former Public Safety Officers' (Police Officers' and Firefighters') and their spouses and children.

- Home addresses;
- Telephone numbers, including personal cellular numbers, personal pager numbers, and telephone numbers associated with personal communication devices;
- Dates of birth;
- Photographs.
- Places of employment of the spouse and children; and
- Names and locations of schools and day care facilities attended by the children.

In 2018, Florida's public records law was amended. Most of these amendments do not directly apply to Pension Funds records, however, there are two that may have a tangential effect as the information could appear in Board meeting minutes or in medical records:

- Address of a victim of an incident of mass violence; and
- Any portion of a meeting revealing fire safety system plans.

Redacting exempt information is vital, however, we understand the process can be long and tedious. Please contact our office if your pension fund has questions or needs assistance. Additional information on Florida's Public Records Law requirements and exemptions may be found here: [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0119/0119.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119.html).