

240.042(2)(b) gives the board the power to "provide for the appointment, employment and removal of personnel of the several institutions"

The board has the power and duty, by law, to provide for the employment of university personnel. Information received concerning their qualifications (including complaints, references, information concerning promotion qualifications and quality of professional works, and confidential inquiries made by administrative personnel) is essential to carry out this function. These reports are therefore "made or received pursuant to law." The process of hiring, promoting, or removing an employee pursuant to law is also the "transaction of official business." Thus, personnel reports are received in connection therewith.

Section 119.07, F. S., provides exemptions from the Public Records Act. Although it is provided by law that certain personnel records of county school teachers are to be kept confidential, §231.29, F. S., there is no such provision pertaining to personnel in institutions of higher learning. It must be held, therefore, that the personnel files of faculty and administrators of state universities are public records and must be open to the public.

Your question is answered in the affirmative.

073-212A—September 6, 1973
(Supplement to 073-212)

To: Richard J. Deeb, Senator, 19th District, St. Petersburg

Prepared by: Jan Dunn, Assistant Attorney General

(See 073-212 for question and summary)

Since opinion 073-212 was rendered, it has come to our attention that the legislature adopted Ch. 73-338, Laws of Florida, effective July 1, 1973. Section 16 of this act [§239.78, F. S.] provides as follows:

Regulations of the Florida board of regents may prescribe the content and custody of limited access records which an institution in the state university system may maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the institution who are responsible for supervision of the employee. Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited access employee records may release information from such records only upon authorization, in writing, from the employee or upon order of a court of competent jurisdiction.

Attorney General Opinion 073-212 is modified accordingly.

073-213—June 11, 1973

COUNTIES

DUTIES OF CIRCUIT COURT CLERK AND COUNTY COMPTROLLER

To: Clyde L. Heath, Clerk of Circuit and County Courts, Fort Lauderdale

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTIONS:

1. What are the respective duties of the circuit court clerk and the