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Barfield v. School Bd. of Manatee County

District Court of Appeal of Florida, Second District - April 11, 2014 - So.3d - 2014 WL 1396592

Michael Barfield appealed the trial court's order denying declaratory relief and access to public records, raising two issues. First, he argued that the trial court erred in concluding that several requested items contained in a School Board litigation report were exempt under [section 119.071\(1\)\(d\), Florida Statutes \(2012\)](#) concerning attorney work-product. Second, Barfield argued that the School Board policy of suspending an administrative investigation while a corresponding criminal investigation is pending does not preempt the statutory presumption that an administrative investigation is presumed inactive after sixty days.

As to the first issue, the District Court reversed because the School Board failed to prove its burden of entitlement to the exemption under 119.071(1)(d) due to the fact that the cases in question had been closed prior to the request. The court affirmed the second issue without further comment because the School Board offered uncontroverted evidence that it had a reasonable, good faith anticipation that an administrative finding would be made in the foreseeable future.