



FLORIDA DEPARTMENT *of* STATE

# DIVISION *of* LIBRARY *and* INFORMATION SERVICES



# The Basics of Records Management



FLORIDA DEPARTMENT *of* STATE

DIVISION *of* LIBRARY *and* INFORMATION SERVICES

# Agenda

- Benefits of records management.
- Legal mandates.
- Identifying public records.
- Records retention.
- Records inventory.
- Records storage.
- Electronic records.
- Records disposition.
- Email management.
- Public records access.

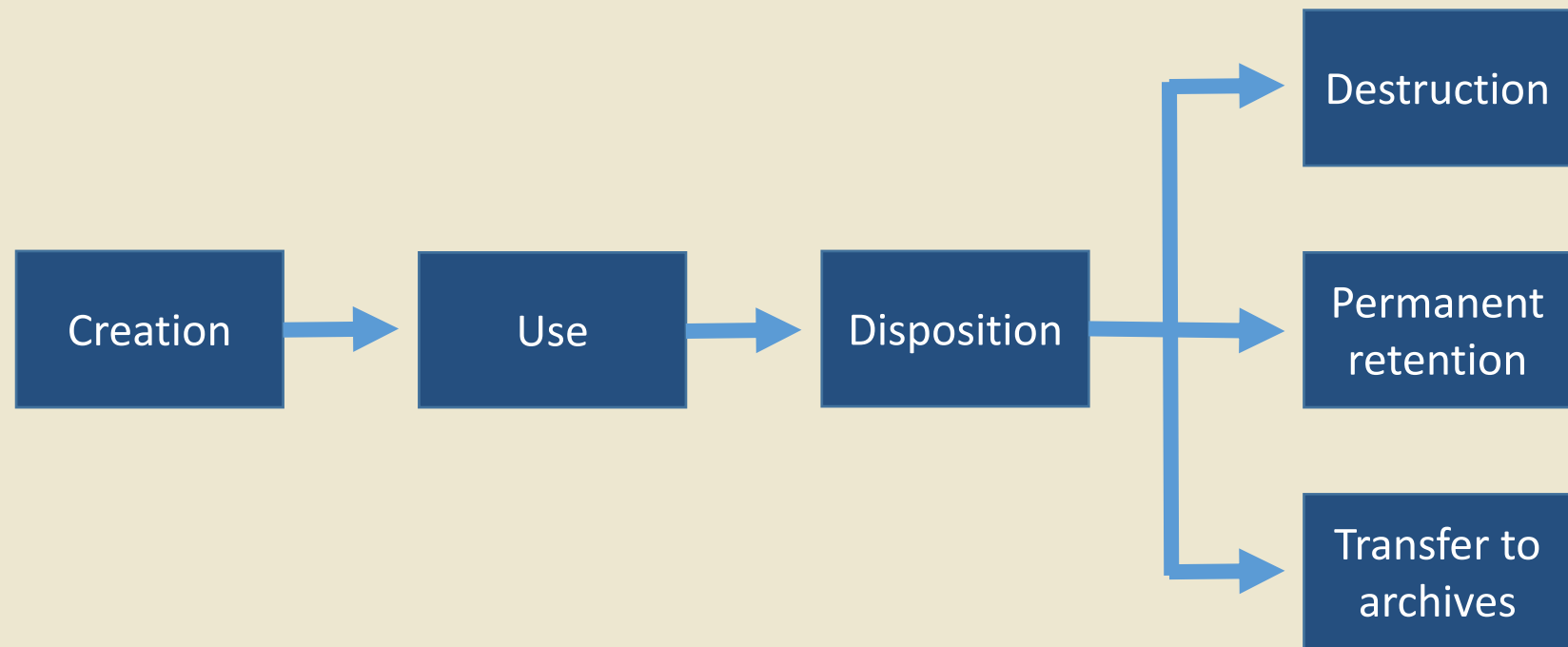
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# What Is Records Management?

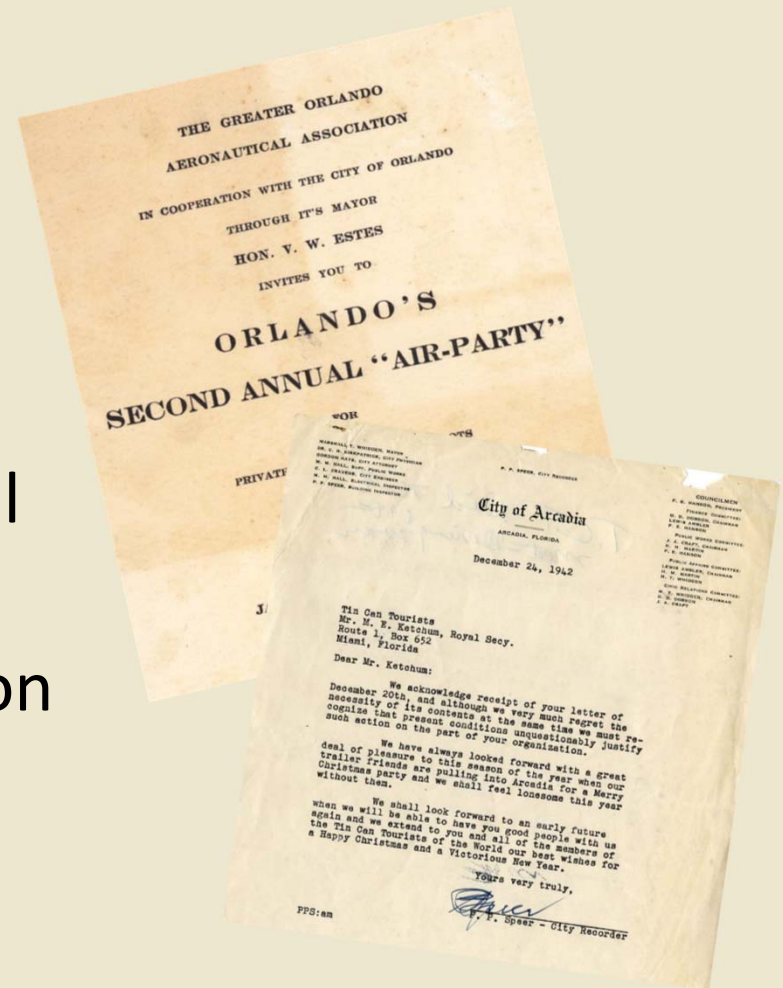
- Records management includes the planning, organizing, directing, controlling and other activities that are needed to effectively create, maintain, access and use an agency's records.
- Effective records management allows an agency to maintain and locate records from the time of creation/receipt to final disposition.

# The Life Cycle of Records



# Benefits of Records Management

- Reduce the number of unnecessary records.
- Improve access to necessary records.
- Identify and protect historical and vital records.
- Reduce premature destruction of records.



# Benefits of Records Management

- Spend less on records storage.
  - Space (onsite, offsite, electronic).
  - Materials.
- Spend less time searching.
- Reduce legal costs.



# Overview of Legal Mandates



# *Florida Statutes, Chapter 119,* Public Records

- Provides a definition of “public record”.
- Dictates that records can only be disposed of according to retention schedules.
- Establishes the right to inspect records unless there is an exemption or restriction.

# *Florida Statutes, Chapter 257,* Public Libraries and State Archives

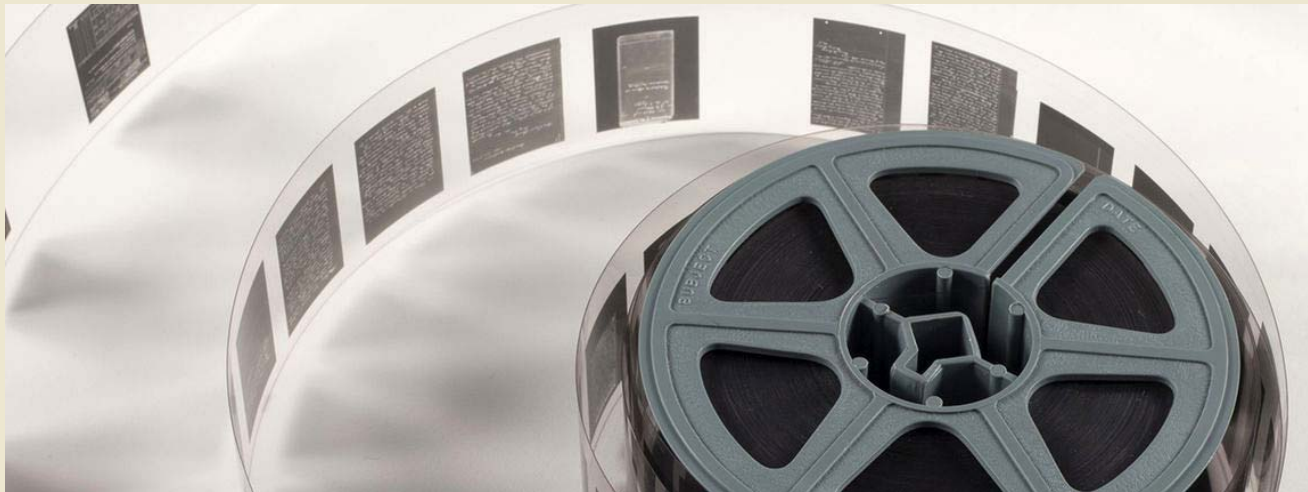
- Authorizes the Division of Library and Information Services (Bureau of Archives and Records Management) to oversee the records management functions of public agencies.
- Specifies the records management responsibilities of public agencies.

# *Florida Administrative Code, Rule 1B-24,* Public Records Scheduling and Disposition

- Establishes standards and procedures for the scheduling and disposition of public records.
  - Offers guidance of methods of records destruction.
- Articulates that historical records must be identified and protected.

# *Florida Administrative Code, Rule 1B-26.0021, Microfilm Standards*

- Establishes standards for the microfilming of public records.
- Outlines methods for photographing, processing, handling and storing microfilm.



# *Florida Administrative Code, Rule 1B-26.003, Electronic Recordkeeping*

Establishes standards for records maintained or created in electronic media form, including:

- Requirements for creating and maintaining scanned records.
- Requirements for electronic recordkeeping systems.





# Bureau of Archives and Records Management Responsibilities

- Provide technical assistance to aid in compliance.
- Offer records management training and consultation.
- Establish records retention schedules.
- Initiate and send annual compliance statement forms to public agencies for completion.
- Operate the State Records Center.

# Public Agency Responsibilities

- Maintain an economical and efficient records management program.
- Appoint a records management liaison officer (RMLO).
- Adhere to established retention schedules.
- Document the disposition of public records.
- Follow access provisions in regard to public records.
- Return completed annual compliance statement form to Bureau of Archives and Records Management.

# Records Management Liaison Officer

- Point of contact between agency and Bureau of Archives and Records Management.
- Other RMLO duties are determined by the agency but may include:
  - Coordinating the identification of agency's records.
  - Maintaining retention and disposition forms.
  - Coordinating staff training on records management.
  - Participating in the development of records management policies and procedures.

# Identifying Public Records

# What Is a Public Record?

Public records are all materials, “**regardless of the physical form**, ... made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

*F.S. 119.011(12)*

“A public record ... is any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge.”

*Shevin v. Byron, Harless, Schaffer, Reid & Associates Inc.*, 379 So. 2d 633 (Fla. 1980)



# Examples of Public Records

# Personnel Files

- Employment application.
- Performance evaluation reports.
- Training records.
- Personnel action reports.
- Benefits records.
- Emergency contact information.

PERFORMANCE EVALUATION						
Name: _____		Position: _____				
Date: ____ / ____ / ____		Period Covered: _____ to _____				
		1	2	3	4	5 n/a
<b>Attendance</b>						
Was punctual to start work						
Informed supervisor of absence or lateness						
<b>Personal appearance</b>						
Wore appropriate clothes or uniform						
Was neat and tidy in appearance						
<b>Sense of responsibility</b>						
Listened carefully to instructions						
Followed instructions fully						
Willingness to assist with various tasks						
Willingness to accept supervision & feedback						
<b>Interest</b>						
Showed interest in the position						
Showed interest in training						
<b>Policy</b>						
Adhered to policy						
Responsible attitude						
<b>Quality of work</b>						
Worked to capacity						
Fellow staff satisfied with quality/quantity of work						
Supervisor satisfied with quality/quantity of work						
<b>Comments</b>						

1 = Poor; 2 = Adequate; 3 = Good; 4 = Very Good; 5 = Excellent; n/a = Not Applicable

# Public Meeting Records

- Audio/visual recording.
- Handwritten or typed notes.
- Agenda and background materials.
- Transcribed minutes (verbatim or summarization).

Department of State  
Division of Library & Information Services  
Bureau of Archives and Records Management  
Meeting Minutes 2/29/19

- I. Office Update
  - a. Upcoming agency events
- II. Current Projects
  - a. Seminar schedule
  - b. Retrospective conversion project
- III. New Business
  - a. Prospective project
  - b. Event suggestions

State Historical Records Advisory Board (SHRAB) Meeting  
Regular Meeting Minutes  
March 26, 2015  
R.A. Gray Building, Tallahassee, Florida

Members in Attendance

Gerard Clark, Board Coordinator  
Bonnie Brinson  
Elaine Coats  
Kathy Fleming  
Jennifer Koslow  
Martha Martin  
Richard Roberts

Absent – Jim Berberich, Chair

Others in Attendance

Amy L. Johnson, DLIS  
Dolly Frank, DLIS  
Jessica Coker, DLIS

Call to Order and Roll Call

In Chairman Jim Berberich's absence, Gerard Clark called to order the meeting of the State Historical Records Advisory Board at 2:00 p.m., in Tallahassee. Introductions were made, and a quorum was present.

Adoption of Agenda

Gerard Clark called for a motion to approve the meeting agenda. Martha Martin made the motion, and it was unanimously approved.

Minutes of the October 6, 2014 Meeting

Called for a motion to approve the October 6, 2014 minutes. Martha Martin made the motion, and it was unanimously approved.

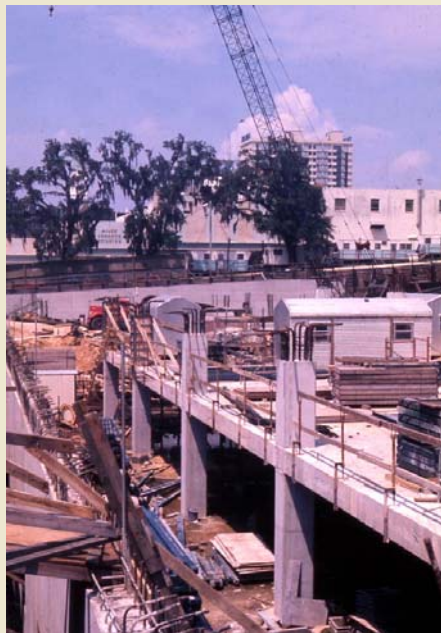
Digitization Plan Update Provided by Dolly Frank

Library Development hired Liz Bishoff and Tom Claeson to help create a Digital Action Plan that would include guidelines and standards for content creation, metadata, digitization, and preservation as well as a plan for helping cultural heritage organizations around the state with digitization and make them available online.

A steering committee made up of librarians, archivists, museum curators, digitization and preservation specialists, representatives of the Florida Virtual Campus and the multi-type library system. The steering committee conducted surveys of cultural heritage organizations around the state and held up with focus groups to direct the plan.

# Photos of Agency Events – Yes

- Governor's inauguration.
- Groundbreaking events.
- Historical reenactments.



New capitol construction,  
1975

FLORIDA DEPARTMENT of STATE



Mission San Luis historical reenactment, 1996

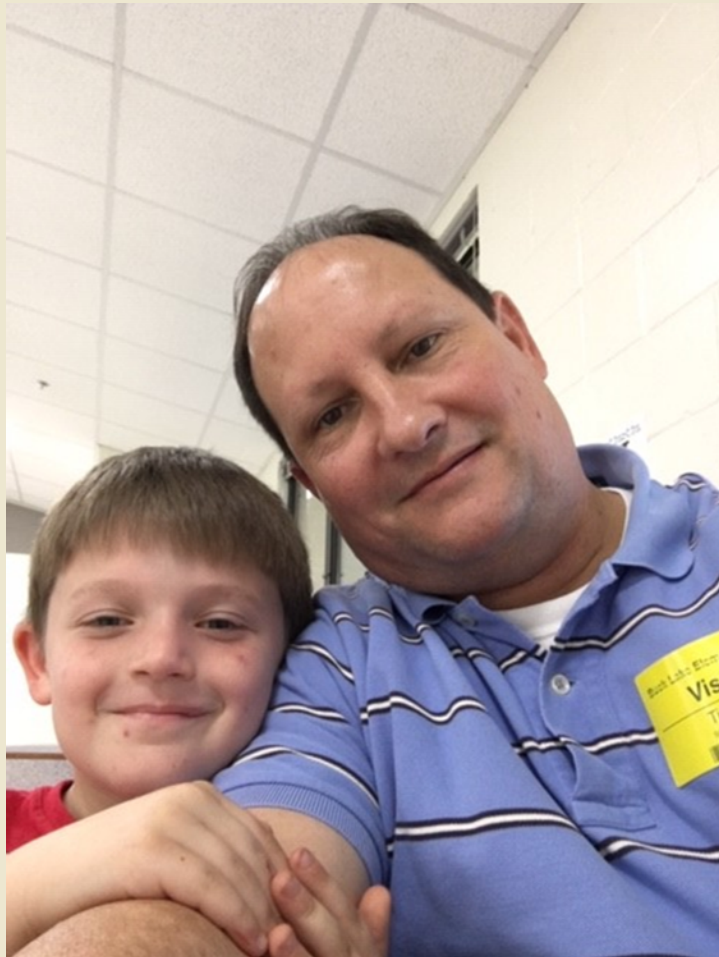


Governor Collins' inauguration, 1957

DIVISION of LIBRARY and INFORMATION SERVICES



# Personal Photographs – No





# Calendars

## Work related – Yes

- Digital and paper calendars.
- Planners.
- Lists of daily tasks.

May 2018 Tallahassee, Florida Today 69°F/42°F Tomorrow 72°F/54°F Saturday 76°F/56°F Search RMTraining - Calendar (Ctrl+E)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 29	30 Travel	May 1 9:00am RMT Seminar -- Orlando; Florida Turnpike Enterprises	2 Seminole County?	3	4 8:00am Tim - SL	5
6	7 8:00am Amber SL	8 Amber at Disaster Preparedness and Response Workshop	9 11:30am RAG Lunch	10 SFA	11	12
13	14	15	16 9:00am Records Management Webinar - City of Sanford (Amber and Tim); Tim's Office	17	18	19
20	21 Travel	22 9:00am Records Management Seminar - Tampa; Hillsborough Community College, B... 12:30pm FMRA - Tim; Safety Harbour	23	24	25	26
27	28 Memorial Day	29	30 3:00pm Set Up for RMT Seminar; Dept of Revenue	31 9:00am Records Management Seminar -- Tallahassee; Dept. of Revenue, Room 1-1820	Jun 1	2

## Personal calendars – No

- Calendars tracking only personal appointments and events.

# Election Information Records

- Official ballots.
- Early voting reports.
- Petition records.
- Campaign registration records.
- Election returns.
- Poll worker records.

**Numbered rows 1 through 7 and 12 must be completed for a new registration.**

**Florida Voter Registration Application**  
Part 2 – Form (DS-DE #39, R1S-2.040, F.A.C.) (eff. 10/2013)

The downloadable/printable online form is available at:  
[dos.myflorida.com/elections/for-voters/voter-registration](https://dos.myflorida.com/elections/for-voters/voter-registration)

This is: ☒ New Registration ☐ Record Update/Change (e.g., Address, Party Affiliation, Name, Signature) ☐ Request to Replace Voter Information Card

1	Are you a citizen of the United States of America? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		OFFICIAL USE ONLY	
2	<input checked="" type="checkbox"/> I affirm that I am not a convicted felon, or if I am, my right to vote has been restored.			
3	<input checked="" type="checkbox"/> I affirm that I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my right to vote has been restored.			
4	Date of Birth (MM-DD-YYYY)		FVRS No:	
	0 1 - 0 1 - 1 9 8 0			
5	Florida Driver License (FL DL) or Florida Identification (FL ID) Card Number		If no FL DL or FL ID, then provide	
	1 2 3 4 - 5 6 7 - 8 9 - 1 2 3 - 4		Last 4 digits of Social Security Number	
6	Last Name		First Name	
	Doe		Jane	
7	Address Where You Live (legal residence-no P.O. Box)		City	
	123 Main St		Anywhere	
8	Mailing Address (if different from above address)		City	
9	Address Where You Were Last Registered to Vote		City	
10	Former Name (if name is changed)		Gender	
			<input type="checkbox"/> M <input checked="" type="checkbox"/> F	
11	Email me SAMPLE BALLOTS if option is available in my county. (See Public Record Notice above) My email address is:		State or Country of Birth	
			Florida	

# Medical Records

- Tissue transplant records.
- Discharge summaries.
- Physical tests.
- Patient medical records and tests.
- X-ray films.
- Death certificates.



Miami-Dade Community College x-ray lab, 1979

# Law Enforcement Records

- Polygraph records.
- K-9/Equine records.
- Subpoena logs.
- Warning tickets and citations.
- Auction records.
- Fingerprint comparison records.

<b><u>POLICE REPORT</u></b>	
Case No: 12345	Date: 1/1/2016
Reporting Officer: John Doe	Prepared By: Jane Smith
<b>Incident:</b> <small>Section 87(2)(b) of the Freedom of Information Act prohibits the release of this information. This information is exempt from release under the provisions of the Freedom of Information Act. This information is not to be disseminated or used for any purpose other than that for which it was collected.</small>	
<b><u>Detail of Event:</u></b> <small>Section 87(2)(b) of the Freedom of Information Act prohibits the release of this information. This information is exempt from release under the provisions of the Freedom of Information Act. This information is not to be disseminated or used for any purpose other than that for which it was collected.</small>	
	
<small>Section 87(2)(b) of the Freedom of Information Act prohibits the release of this information. This information is exempt from release under the provisions of the Freedom of Information Act. This information is not to be disseminated or used for any purpose other than that for which it was collected.</small>	

# What are not public records?

- Blank forms.
- Library books.
- Magazines.
- Newspapers.
- Unused ballots.
- Tissue samples/specimens.
- Office furniture.



Leon County Public Library, 1961

# Are Emails Public Records?

It depends!

“We conclude that **‘personal’ emails are not** ‘made or received pursuant to law or ordinance or in connection with the transaction of official business’ and, therefore, do not fall within the definition of **public records.**”

State v. City of Clearwater, 863 So. 2d 149 (Fla. 2003)

# Work-Related Emails – Yes

Hello,

I am interested in records management on-site training for my agency in Orlando. Can you provide me with a list of your available dates?

Thank you,

Good morning,

We'd be happy to conduct training at your agency. We're fully booked through the end of this month, but next month we have the following dates available:

Good afternoon,

Attached here is the activity report for last month. Please let me know if you have any additional questions.



# Personal Emails – No

Do you want to meet for lunch on Friday? If so, where would you like to go?

Did you watch the game last night?  
It was exciting.

Look at this picture of my new cat!



Remember, for any type of communication, regardless of medium, the **content** determines if it is a public record.

# Retention of Public Records

# Retention of Public Records

“A public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division.”

*F.S. 257.36(6)*



# Record Series

A **record series** is a grouping of related public records that have common characteristics or that relate to the same subject or activity.

Examples:

- Personnel Records: Non-Florida Retirement System (Local Government).
- Minutes: Official Meetings.
- Grant Files.
- Disbursement Records: Detail.

# Records Retention Schedules

Records retention schedules describe various record series and set **MINIMUM** periods of time that the records within those series must be retained before final disposition.

Two types:

- General Schedules.
- Individual Schedules.

# Records Retention Schedules

Retention is based on the following values:

- Legal.
- Fiscal.
- Historical.
- Administrative.

# Records Retention Schedules

<b>Record Series Title</b> →	<b>EQUIPMENT/VEHICLE USAGE RECORDS</b>	<b>Item #224</b>
<b>Description</b>	This record series documents use of agency equipment and vehicles, including, but not limited to, vehicle logs indicating driver, destination, fuel/service stops, and odometer readings and/or total trip mileage; equipment usage logs and/or reports; and other usage documentation.	
<b>Retention</b>	<b>RETENTION:</b> 1 calendar year.	
<b>Item Number</b>		

# Records Retention Schedules

Record Series Title

**Description**

Retention

Item Number

**EQUIPMENT/VEHICLE USAGE RECORDS**

**Item #224**

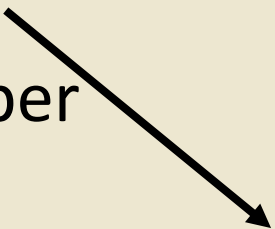
This record series documents use of agency equipment and vehicles, including, but not limited to, vehicle logs indicating driver, destination, fuel/service stops, and odometer readings and/or total trip mileage; equipment usage logs and/or reports; and other usage documentation.

**RETENTION:** 1 calendar year.



# Records Retention Schedules

Record Series Title  
Description  
**Retention**  
Item Number



## **EQUIPMENT/VEHICLE USAGE RECORDS**      **Item #224**

This record series documents use of agency equipment and vehicles, including, but not limited to, vehicle logs indicating driver, destination, fuel/service stops, and odometer readings and/or total trip mileage; equipment usage logs and/or reports; and other usage documentation.

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# Records Retention Schedules

Record Series Title

Description

Retention

Item Number

## **EQUIPMENT/VEHICLE USAGE RECORDS**

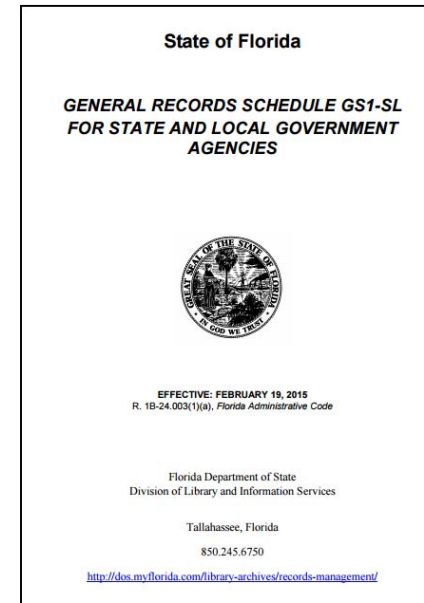
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**RETENTION:** 1 calendar year.

# General Schedules

For most agencies, most records will be covered by a general schedule. This is the first place to look.



State and Local Government Agencies

**GENERAL RECORDS SCHEDULE GS1-SL**

**FOR STATE AND LOCAL GOVERNMENT AGENCIES**

**RETENTION SCHEDULES**

**Item #189**  
Employee or contractor access to a facility or resource (e.g., office or work) including, but not limited to, arrival/departure data, key assignment records, network account and permission records, such as visitor logs or visitor badges, employee separations from employment.

**Item #244**  
Approval or denial of requests to construct or modify a structure in a facility after case closed, whichever is later.

**Item #331**  
Approval or denial of requests to construct or modify a structure in a facility after case closed, whichever is later.

**Item #2**  
Licenses, reports, publications, memoranda, etc., maintained for their duties. The material filed in this series is NOT the official record under a more appropriate retention schedule item. Retention value is lost.

**Item #3**  
Administrative activities rather than the functions for which the agency is engaged and do not serve as official documentation of office operations (e.g., log used to compile periodic activity reports; sign-up sheets for a meeting room); and records documenting operating and use of a facility that fall under a more appropriate retention schedule item or schedule that an individual retention schedule item or schedule item may have archival value.

**Item #122**  
Initiative actions of elected or appointed program managers or staff of an agency's performance of its functions and formulation of various types of records, such as: correspondence; memoranda; statements prepared for delivery at meetings, conventions, or other public functions that are designed to advertise and promote departmental programs, activities, and policies; interviews; and reports concerning agency program development and implementation. See also "CORRESPONDENCE AND MEMORANDA: PROGRAM AND POLICY DEVELOPMENT," "DIRECTIVES/POLICIES/PROCEDURES," and "SUBJECT REFERENCE FILES." These records may have archival value.

**Item #25**  
This record series consists of advertisements which have appeared in newspapers or other publications as stipulated in Section 50.011, Florida Statutes, (Where and in what language legal notices to be published) or in the "Administrative Weekly" regarding matters pertaining to the agency and other legal advertisements which may directly or indirectly affect the agency, e.g., bid invitations for construction jobs, public hearings or notices, and public sales. A legal advertisement is frequently filed with the item to which it applies.

**Item #82**  
This record series consists of records relating to an agency's affirmative action plan, including reports submitted to the Equal Employment Opportunity Commission (EEOC), discrimination complaints, correspondence, and investigation

**ADVERTISEMENTS: LEGAL**  
This record series consists of advertisements which have appeared in newspapers or other publications as stipulated in Section 50.011, Florida Statutes, (Where and in what language legal notices to be published) or in the "Administrative Weekly" regarding matters pertaining to the agency and other legal advertisements which may directly or indirectly affect the agency, e.g., bid invitations for construction jobs, public hearings or notices, and public sales. A legal advertisement is frequently filed with the item to which it applies.

**RETENTION: 5 fiscal years.**

**AFFIRMATIVE ACTION RECORDS**  
This record series consists of records relating to an agency's affirmative action plan, including reports submitted to the Equal Employment Opportunity Commission (EEOC), discrimination complaints, correspondence, and investigation

# General Schedules

## **GS1-SL State and Local Government Agencies**

**GS2** Law Enforcement, Correctional Facilities and District Medical Examiners

**GS3** Election Records

**GS4** Public Health Care Facilities and Providers

**GS5** Public Universities and Colleges

**GS7** Public Schools Pre-K-12 and Adult and Career Education

**GS8** Fire Department Records

**GS9** State Attorneys

**GS11** Clerks of Court Records (***only*** county administrative records)

**GS12** Property Appraisers

**GS13** Tax Collectors

**GS14** Public Utilities

**GS15** Public Libraries

General schedules are available at [info.florida.gov](http://info.florida.gov)

Click Records Management → General Records Schedules

# How to Use the General Schedules

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**ACCESS CONTROL RECORDS****Item #189**

This record series consists of records pertaining to employee, contractor or subscriber access to a facility or resource (e.g., office building, secure office area, parking facility, computer network) including, but not limited to, arrival/departure data, key assignment records, identification badge records, parking assignment records, network account and permission records, etc. This series does not include records relating to visitors, such as visitor logs or visitor badges. See also "VISITOR/ENTRY RECORDS."

**RETENTION:** 1 anniversary year after superseded or access rights terminated.

**ADDRESS REQUEST RECORDS****Item #415**

This record series consists of requests for addresses for properties that previously did not have an address assigned to them. The series includes an address request form providing such information as name of person making request, identifying information regarding the parcel and subdivision, and the type of address requested (residential, commercial, other). The series may also include supporting documentation such as copies of site maps and floor plans.

**RETENTION:** 5 fiscal years.

**ADVERSE ADJUSTMENT HEARING CASE FILES: BUILDING CODE BOARD (COMMERCIAL)****Item #244**

This record series consists of case files documenting approval or denial of requests to construct or modify a commercial structure in a manner not in conformance with the building code.

**RETENTION:** Retain for life of structure OR 10 anniversary years after case closed, whichever is later.

**ADJUSTMENT HEARING CASE FILES: BUILDING CODE BOARD (RESIDENTIAL)****Item #331**

This record series consists of case files documenting approval or denial of requests to construct or modify a residential structure in a manner not in conformance with the building code.

**RETENTION:** 10 anniversary years after case closed.

**ADMINISTRATIVE CONVENIENCE RECORDS****Item #2**

This record series consists of **DUPLICATES** of public records maintained for the convenience of officials and employees in carrying out their duties. These records are **NOT** the official file or record (master) copy. **Do NOT use this item if records fall under a more appropriate retention schedule item.**

**RETENTION:** Retain until obsolete, superseded, or administrative value is lost.

**ADMINISTRATIVE SUPPORT RECORDS****Item #3**

This record series consists of records relating to internal administrative activities rather than the functions for which the

# Keyword Searching

 0/0 1/3

## EMERGENCY OPERATIONS RECORDS: FIVE YEAR STRATEGIC PLAN

Item #266

This record series consists of five year strategic plans addressing areas and objectives for improvement. The series may include plan amendments approved by the state during the five year period. These plans were required under a partnership agreement between the Department of Community Affairs and the [Federal Emergency Management Agency](#); this particular partnership function is no longer in effect, thus the records are no longer being created. See also "DISASTER PREPAREDNESS PLANS."

**RETENTION:** 3 anniversary years after plan expires.

# Individual Schedules

Individual schedules are created for **records unique to a particular agency**. They are also for records not covered in a general schedule.

Before requesting an individual schedule:

- Review the general schedules.
- Review your agency's individual schedules.
- Consult your RMLO.
- RMLO will submit the request form.
- *Request for Records Retention Schedule* form is available on our website.



# Individual Schedule: Review and Approval Process

- A records analyst:
  - Researches similar established schedules for consistency.
  - Researches applicable statutes, rules, etc. to ensure all legal requirements are met.
  - Standardizes the record series title and description.
  - Determines an appropriate retention period.
- An archivist reviews each new records schedule to determine whether records may have archival value.
- The analyst returns the final, approved schedule to the agency (page 2).

# Calculating Retention

# Types of Retention Periods

- OSA: Retain until Obssolete, Superseded or Aministrative value is lost.
- Fiscal year:
  - Most state agencies: July 1 through June 30.
  - Most local agencies: October 1 through September 30.
- Calendar year:
  - January 1 through December 31.
- Anniversary year:
  - 12-month period from a particular day.

# Triggering Events

Retention calculation starts after a **specified event** has occurred.

Examples from GS1-SL:

- 10 anniversary years **after issuance of certificate of occupancy.**
- 5 fiscal years **after audit report release date.**
- 1 calendar year **after last date of service.**
- Destroy **immediately upon completion** of transaction.
- 5 fiscal years after completion of contract **or** program/event, **whichever is later.**

# Calculating Eligibility Dates

**Fiscal year: July 1 through June 30**

Example: Record dated April 30, 2018 | Retention – **1 fiscal year**

1. Go to the end of the fiscal year that the record date falls in.

April 30, 2018 → June 30, 2018

2. Add the required number of years.

June 30, 2018 + 1 year → June 30, 2019

3. Eligibility begins on the next day.

June 30, 2019 + 1 day → July 1, 2019

Eligible for disposition on **July 1, 2019**

# Calculating Eligibility Dates

**Fiscal year: October 1 through September 30**

Example: Record dated April 30, 2018 | Retention – **1 fiscal year**

1. Go to the end of the fiscal year that the record date falls in.

April 30, 2018 → September 30, 2018

2. Add the required number of years.

September 30, 2018 + 1 year → September 30, 2019

3. Eligibility begins on the next day.

September 30, 2019 + 1 day → October 1, 2019

Eligible for disposition on **October 1, 2019**

# Calculating Eligibility Dates

## Calendar Year

Example: Record dated April 30, 2018 | Retention – **1 calendar year**

1. Go to the end of the calendar year that the record date falls in.

April 30, 2018 → December 31, 2018

2. Add the required number of years.

December 31, 2018 + 1 year → December 31, 2019

3. Eligibility begins on the next day.

December 31, 2019 + 1 day → January 1, 2020

Eligible for disposition on **January 1, 2020**



# Calculating Eligibility Dates

## **Anniversary Year**

Example: Record dated April 30, 2018 | Retention – **1 anniversary year**

1. Add the required number of years.

April 30, 2018 + 1 year → April 30, 2019

Eligible for disposition on **April 30, 2019**

# Reasons to Retain a Record Longer

- Administrative need.
- Public records request within the last 30 days.
- Active or anticipated litigation.
- Audit pending.



# Records Inventory

# Completing a Records Inventory

At a minimum, an inventory should note:

- Record series title.
- Description.
- Inclusive dates.
- Volume.
- Vital records status.
- Retention.

# Inventory: Inclusive Dates

Earliest Record Date → Most Recent Record Date

Examples:

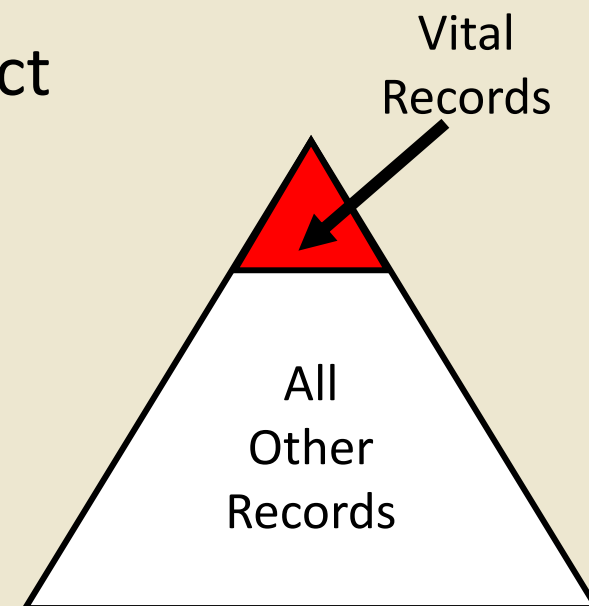
- Vehicle logs: January 1, 2018 – December 31, 2018.
- File transfer records: FY 2015/16 – FY 2018/19.
- Minutes: Official Meetings: 1970 – 2018.

# Inventory: Volume

Converting Record Volume to Cubic Foot Measurements	
Cassette tapes, 200	1.0 cubic foot
Letter-size, drawer or box	1.5 cubic feet
Legal-size, drawer or box	2.0 cubic feet
Letter-size, 36-inch shelf	2.0 cubic feet
Legal-size, 36-inch shelf	2.5 cubic feet
Magnetic tapes, 12	1.0 cubic foot
3 x 5 card, ten 12-inch rows	1.0 cubic foot
3 x 5 card, five 25-inch rows	1.0 cubic foot
4 x 6 card, six 12-inch rows	1.0 cubic foot
5 x 8 card, four 12-inch rows	1.0 cubic foot
16mm microfilm, 100 rolls	1.0 cubic foot
35mm microfilm, 50 rolls	1.0 cubic foot

# Inventory: Vital Records

- **Vital records** are necessary to conduct business under other-than-normal conditions and to resume normal business operations afterwards.
- Typically, vital records make up less than 5% of an agency's records.



# Inventory: Vital Records

## **Which of your agency's records are vital?**

- Vital records differ by agency.
- Each agency must determine which of its records are vital.
- What you need to know to identify vital records:
  - Your agency's essential functions.
  - Your agency's stakeholders.
  - Your agency's records.
  - Relevant statutes, regulations and standards.



# Inventory: Retention

- Check existing retention schedules.
- RMLO can request an individual schedule if required.

# Records Storage



# Records Storage

## **Short-Term Records**

Retention < 10 Years

## **Long-Term Records**

Retention  $\geq$  10 Years

# All Records: Storage Considerations

- Secure area.
- Away from windows.
- Shelving:
  - Anchored.
  - Flame retardant metal.
  - Bottom shelf 3-6 inches from floor.
- No food, beverages or plants.
- Clean air.



# Long-Term and Archival Records: Additional Storage Considerations

- Climate control.
  - Temperature: 65-70°.
  - Relative humidity: 40-50%.
- Low lighting in stack area.



# Records Storage

## **Active Records**

Used at least once a  
month

---

Store these records  
close at hand.

## **Inactive Records**

Used less than once a  
month

---

These records are great  
candidates for off-site  
storage.



# Off-Site Storage

- Facility should be close enough for records to be retrieved efficiently.
- Agency is responsible for ensuring storage considerations are met.
- Location should minimize risks.



# Electronic Storage

In most cases, *Florida Statutes*, Section 92.29, permits agencies to maintain photographic reproductions as official (record) copies of records.





# Storage of Vital Records

Because of vital records' role in disaster recovery, proper storage is imperative.



# Electronic Records

# Electronic Records

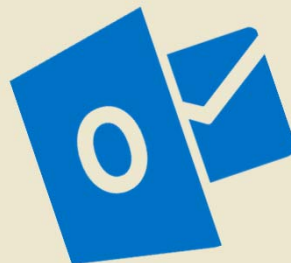
An **electronic record** is any information that requires a computer to read it.



*Florida Administrative Code*, Rule 1B-26.003 is the **Electronic Recordkeeping Rule**.

# Electronic Records Formats

- Word documents.
- Databases.
- Emails.
- Digital photographs and audio.
- Scanned copies of paper or microfilm documents.
- Text messages.



# Retention of Electronic Records

Determine the record series and retention of an e-record based on its **CONTENT**.

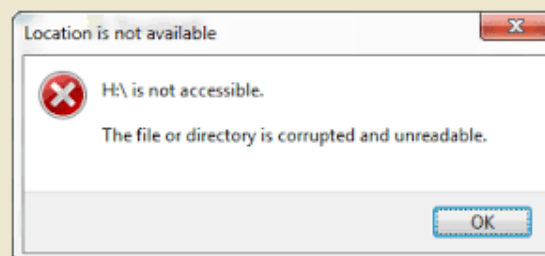
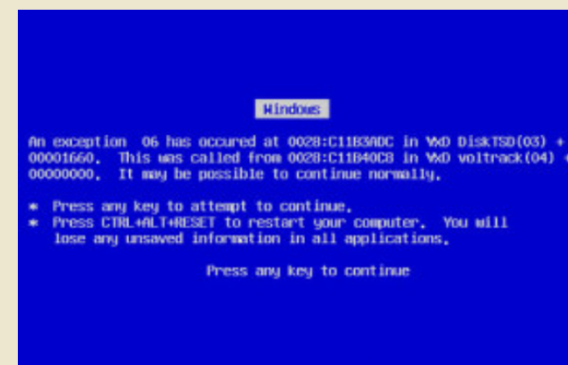
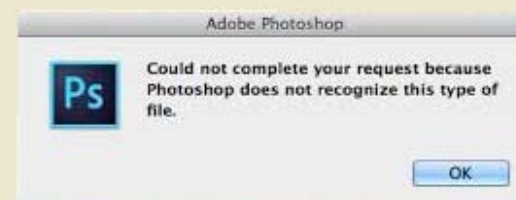
*Format is irrelevant.*

# Requirements for Keeping Records Electronically

- Cannot impair the right of the public to inspect or copy records.
- Must allow for compliance with retention schedules and disposition requirements.
- Must protect confidential and/or exempt information.

# Challenges of Electronic Records

- Findability.
- Completeness.
- Obsolescence.
- Digital storage needs.
- Physical vulnerability.





# Benefits of Electronic Records

- Shortened retrieval time.
- Ease of reproduction.
- Accessibility.
- Reduces physical storage space needed.





# Starting a Scanning Project

Scanning must comply with requirements found in  
*Florida Administrative Code, Rule 1B-26.003.*



# Scanning Requirements

- Scan long-term or permanent records at a minimum of **300 DPI**.
- Store long-term or permanent records in an ISO open standard image format:
  - PDF.
  - TIFF.

# Maintenance of Electronic Records

- Back up records on a regular basis.
- Check a sample annually to identify and correct any information loss.
- Test **ALL** records for permanent errors at least once every 10 years (every 5 years is recommended).
- Convert records to new hardware and software as needed.



# Disposition of Public Records

# Disposition of Records

- Per *Florida Administrative Code*, Rule 1B-24.003(9)(d), agencies must document records disposition.
- Documentation is not required for OSA records unless they are part of a **retrospective conversion project**.



# Retrospective Conversion Project

A **retrospective conversion project** is the bulk microfilming or scanning of existing **backfiles**.

Note: **Ongoing scanning** of current items conducted as part of routine workflow is **not** considered retrospective conversion.

# Disposition Documentation

- Organized by record series.
- Must include for each record series:
  1. Schedule number.
  2. Item number.
  3. Record series title.
  4. Inclusive dates.
  5. Volume.
  6. Date and manner of destruction.

F.A.C. 1B-24.003(9)(d)

# Manner of Disposition

“Agencies shall ensure that all destruction of records is conducted in a manner that safeguards the interests of the state and the safety, security, and privacy of individuals.”

The disposition method for confidential and exempt information must “prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered.”

*F.A.C. 1B-24.003(10)*



# Disposition Methods

## **Paper**

- Shredding.
- Incinerating.
- Pulping.
- Macerating.

## **Electronic**

### Physical Destruction:

- Shredding.
- Incinerating.
- Crushing.

### Data Destruction:

- High-level  
overwriting.
- Degaussing.

## **Other Media (tapes, film, etc.)**

- Shredding.
- Pulverizing.
- Chemically  
decomposing.

When possible, recycling after destruction is encouraged.

# Untimely Disposals

- Create disposition documentation.
- Document what you can – you may need to make some educated guesses.
- Document dispositions as you become aware of them.
- Consider including additional documentation.



# Annual Compliance Statement

“Each agency shall submit to the Division, once a year, a **signed statement** attesting to the agency’s compliance with records management laws, rules, and procedures.”

*F.A.C. 1B-24.003(11)*

- Completed by the agency.
- Mailed out to agencies in November of each year.
- Must be completed and returned by **December 31**.

# Email Management

# Email Policies

Each agency should have an email policy to:

- Provide guidelines for the management and usage of email.
- Inform employees that emails and other forms of electronic communication relating to agency business are public records and are subject to all public records access, duplication, retention and legal discovery requirements.

# Long-Term/Permanent Emails

- Do NOT rely on any email program to save long-term/permanent records.
- Instead, either:
  - Print them out and maintain as paper records.
  - Save them in a universal format (HTML, PDF).

## EXCEPTION

Do NOT convert or print, file and delete records that need to be available for e-discovery!

# E-Discovery

Per the *Federal Rules of Civil Procedure*, if there is active or anticipated litigation regarding an email record, that record must be kept in its “ordinarily maintained” format or in a “reasonably usable” format to allow for e-discovery.

# Email Records

- Email message/body.
- All attachments.
- Header information (sender, recipient(s), date/time, subject, etc.).

**From:** Boggs, Stephanie  
**Sent:** Friday, March 8, 2019 4:55 PM  
**To:** Golding, Beth  
**Cc:** Few, Tim  
**Subject:** March 2019 Webinars

---

For the month of March 2019, the training team conducted these webinars:



# Email Management in Action

**Individual Email  
Management**

**Enterprise Email  
Management**

# Individual Email Management

- Ensure employees understand what is and isn't public record.
- Messages that are NOT public record can be deleted:
  - Spam messages.
  - Personal messages.
- What remains will need to be identified for retention purposes.



# Possible Record Series

As well as Transitory Messages, other record series in the GS1-SL Schedule may include:

- Item #17 – Correspondence and Memoranda: Administrative.
- Item #422 – Grant Files.
- Item #23 – Information Request Records.
- Item #19 – Personnel Records: Florida Retirement System.

# Identifying Record Series

From: Jane Doe  
To: John Smith  
Mr. Smith,

**Depends on use:  
Personnel Records  
Staff Administration Records**

I am writing to notify you of my resignation from my current position. My last day will be May 19, 2019.

Regards,  
Jane Doe

From: John Smith  
To: All staff

All:

We will be having a farewell breakfast for Jane in the conference room on May 18. Contributions will be accepted towards a parting gift.

Sincerely,  
John Smith

**Transitory Messages**

From: Concerned Taxpayer  
To: John Smith

To whom it may concern:  
Please send me a copy of last week's city council meeting minutes.

Sincerely, **Information Request Records**  
A concerned citizen

# Who Has the Record Copy?

- If an email is sent to or received from another agency, then both agencies would have a record copy.
- Determining the record copy for internal emails will depend on the content of the record and the office or position responsible for that function.

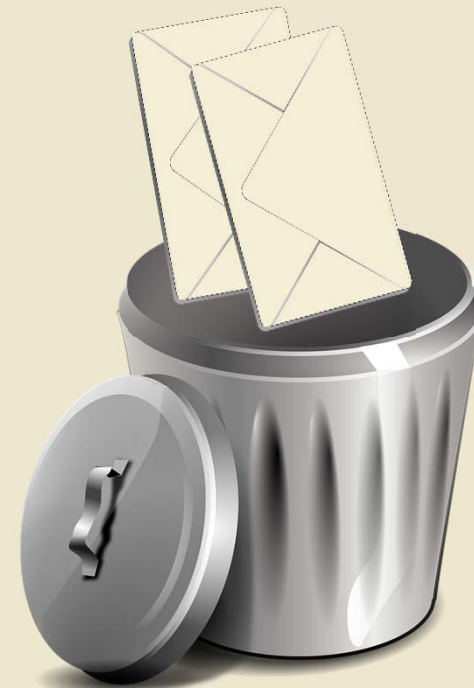
# Individual Email Management: Storage

- Move messages to appropriate folders.
- Retain for the required retention period.



# Individual Email Management: Disposition

- OSA messages can be deleted as they lose value.
- Disposition documentation is required for non-OSA messages.



# Enterprise/Agency-Wide Email Management

- The agency manages the retention of email messages that are public records.
- The agency establishes agency-wide storage periods for email messages.



# Establishing a Storage Period

1. Identify the different record series that apply to the agency's email messages.
2. Identify the longest retention period that covers the majority of email messages.
3. Storage period = that retention period.

# Establishing a Storage Period: Example

2% of emails have a permanent retention

95% of emails have a 5-year or less retention

60% of emails have a 1-year or less retention

Storage period: 5 years

# Enterprise/Agency-Wide Email Management

- Records with a retention that is longer than the one the storage period is based on should be treated like long-term email records:
  - Store separately from other emails.
  - Maintain as needed for e-discovery.
- At the end of the storage period, eligible messages can be deleted.
  - Disposition documentation is required.
  - Documentation must include record series information.



# Public Records Access

# Public Records Access

“Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.”

*F.S. 119.07(1)(a)*

# Restrictions

- Florida State Legislature creates restrictions.
- Over 1,100 restrictions located throughout the statutes.
- Information can be “exempt” or “confidential and exempt”.

<a href="#">TITLE I</a>	CONSTRUCTION OF STATUTES	Ch.1-2
<a href="#">TITLE II</a>	STATE ORGANIZATION	Ch.6-8
<a href="#">TITLE III</a>	LEGISLATIVE BRANCH; COMMISSIONS	Ch.10-11
<a href="#">TITLE IV</a>	EXECUTIVE BRANCH	Ch.14-24
<a href="#">TITLE V</a>	JUDICIAL BRANCH	Ch.25-44
<a href="#">TITLE VI</a>	CIVIL PRACTICE AND PROCEDURE	Ch.45-88
<a href="#">TITLE VII</a>	EVIDENCE	Ch.90-92
<a href="#">TITLE VIII</a>	LIMITATIONS	Ch.95
<a href="#">TITLE IX</a>	ELECTORS AND ELECTIONS	Ch.97-107
<a href="#">TITLE X</a>	PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	Ch.110-122
<a href="#">TITLE XI</a>	COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Ch.124-164
<a href="#">TITLE XII</a>	MUNICIPALITIES	Ch.165-185
<a href="#">TITLE XIII</a>	PLANNING AND DEVELOPMENT	Ch.186-191
<a href="#">TITLE XIV</a>	TAXATION AND FINANCE	Ch.192-220

# Exempt Information

“‘Exemption’ means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to ... access requirements.”

*F.S. 119.011(8)*

Exempt information may be subject to disclosure in certain circumstances.

# Occupational Exemptions

The home addresses and selected personal information of **certain** public officers and employees – and their spouses and children – is exempt. Some occupations that have exemptions:

- Law enforcement personnel.
- Armed Forces service members (serving after 9/11/01).
- Firefighters.
- Judges.
- Human resource officials.
- County tax collectors.

Occupational exemptions are identified in  
*Florida Statutes, Section 119.071.*



# Exemption Requests

- Unless they are employed by the agency, it is up to an individual to notify an agency in writing that their records should be exempt from inspection.
- Many agencies make available an exemption request form.

**PUBLIC RECORDS EXEMPTION REQUEST**  
**to the FLORIDA DEPARTMENT OF STATE**

Florida law allows eligible persons and their employing agencies to request in writing that a non-employing agency maintain as exempt from public disclosure certain identification and/or location information contained in records within the agency's custody. *If an employing agency is requesting for the employee*, add agency name, and requester's name and title, to the signature line.

**NOTE:** The officer, employee, justice, judge, other person entitled to the exemption, or employing agency of the designated employee, **must** submit this written request **directly** to a custodial agency in order for the agency to maintain the exemption for the records in its custody. For records in the custody of the Department of State, please return this completed form or a written request directly to: *Department of State, Attn: Public Records Officer, R.A. Gray Building, Ste. 100, 500 S. Bronough St., Tallahassee, FL 32399*. To have an exemption maintained in the records in the custody of any other agency, please contact that agency directly for information on how to make a written request.

**If your spouse and/or children are subject to your exemption** (not applicable for victim\* of battery, abuse, harassment, or stalking or for participant\* in address confidentiality program), please check here ☐ and attach a page with the name, date of birth, and relationship of each to assist in identifying each person in any public records within the custody of the agency.

**To facilitate processing your request** for any of records in the custody of the Division of Corporations, please complete the Addendum for Exemption of Public Disclosure on the next page. *If not applicable*, check here ☐.

**I hereby request exemption maintenance by your agency based on the following category/categories for which I qualify:**

<input type="checkbox"/> Code Enforcement Officer.	<input type="checkbox"/> County Tax Collector. †
--	--

# Confidential and Exempt Information

- Information deemed confidential is not open to public inspection and can only be released to the specific individuals outlined in the pertinent statute.
- Confidential information remains so, regardless of whether or not a person has any exemptions.



# Confidential and Exempt Information

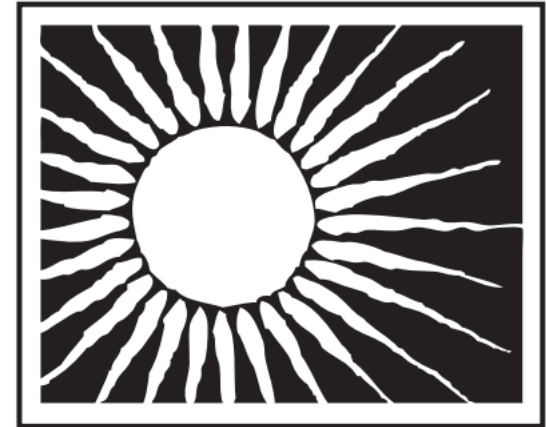
Examples include:

- Social Security numbers.
- Misconduct complaint investigation records (until the investigation is closed).
- Agency security system information.

# Government-in-the-Sunshine Manual

- Notes restrictions and corresponding statutes.
- Published by Florida First Amendment Foundation.
- Available on the Florida Attorney General's website.

## GOVERNMENT-IN- THE-SUNSHINE MANUAL



**2019 Edition**

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*A Reference For Compliance  
with Florida's Public Records  
and Open Meetings Laws*

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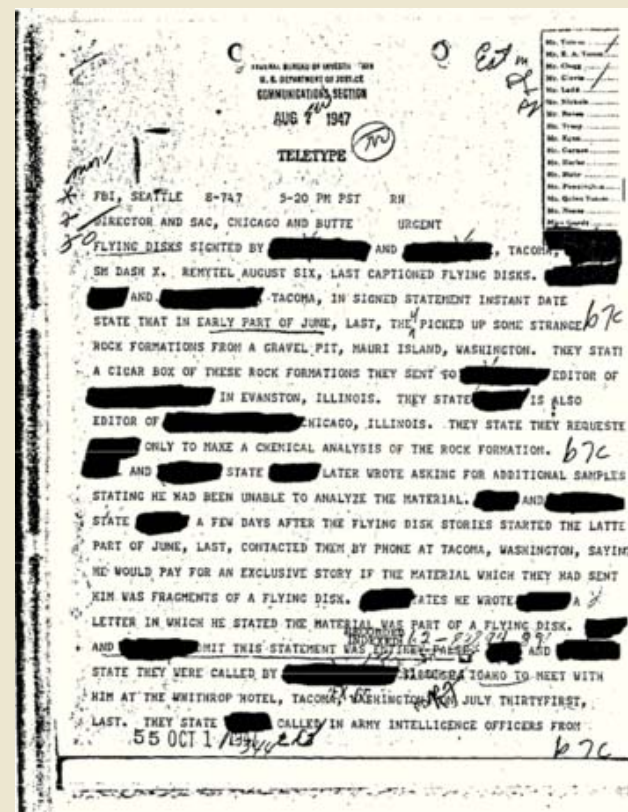
**Volume 41**

# Protecting Restricted Information

If an exemption applies to part of a record, redact that portion and produce the remainder of the record for inspection and copying.

F.S. 119.07(1)(d)

Redact any exempt and/or confidential information from the **distributed copy** (not the record copy).



# Redacted Information

- The agency cannot impose its own restrictions on copying or access.
- Your agency's general counsel should be consulted regarding restricted information.
- A statutory citation must be provided upon request.

Subject	Re: Request for Patron Records
<p>The record cannot be released to the public since <b>a Department of State legal opinion from 1991 indicates that State Archives patron records are confidential and exempt under Section 257.261(1), Florida Statutes:</b></p> <p>257.261 Library registration and circulation records. — (1) All registration and circulation records of every public library, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. 119.07(1) and from s. 24(a) of Art. I of the State Constitution.</p> <p>Sincerely,</p>	

# Public Records Requests

Barring exemptions, public records are open for inspection and copying by **any person**, “whether he or she be the most outstanding civic citizen or the most heinous criminal.”

Church of Scientology Flag Service Org. Inc. v. Wood, No. 97-688CI-07

“The motivation of the person seeking the records does not impact the person’s right to see them.”

Curry v. State, 811 So. 2d 736, 742 (Fla. 4th DCA 2002)



# Fulfilling Records Requests

- A request cannot be refused on the grounds that the records are also held by another agency.
- Agencies are not required to create a record that does not exist just to fulfill a request.
- Agencies are only required to provide a record in a format in which they maintain it.



# Fulfilling Records Requests

- A request does not need to be made in writing.
- No name is required.
- The agency must “acknowledge requests to inspect or copy records promptly and respond to such requests in good faith”.

*F.S. 119.07(1)(c)*



# Fulfilling Records Requests

- The law does not specify a maximum allowable time.
- The time it takes to fulfill a request will vary based on:
  - The nature/volume of the request.
  - The location of the records.
  - Whether there is restricted information that must be redacted.
  - The number of copies required.

# Overbroad Requests

An agency cannot deny a request because of its volume or lack of specificity.

**Example:** A person requesting ALL financial records can't be required to specify a particular year.

# Fees for Copies of Public Records

Maximum allowable material charges:

- 15¢ per one-sided copy, legal-size or smaller.
- 20¢ per two-sided copy, legal-size or smaller.
- \$1.00 per certified copy.
- Actual cost of duplication for all other copies.

*F.S. 119.07(4)*

# Special Service Charge

An “agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use”.

*F.S. 119.07(4)(d)*

- **Can include cost of employee benefits.**

Highlands County v. Colby, 976 So. 2d 31  
(Fla. 2d DCA 2008)

- **Cannot include travel time.**

AGO 90-7



# Payments and Deposits for Copy Fees

- Copies are provided “upon payment of the fee prescribed by law.”

*F.S. 119.07(1)(a)*

- An agency can charge an advanced deposit prior to fulfilling a request.

*AGO 2005-28*



# Inspection of Records

“Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under **supervision** by the custodian of the public records.”

*F.S. 119.07(1)(a)*

An agency is not required to provide information from its public records.

AGO 80-57

# Inspection of Records

“If the nature or volume of public records requested to be inspected ..... pursuant to this subsection is such to require ..... extensive clerical or supervisory assistance by personnel of the agency involved, ..... the agency may charge, ..... a special service charge that is reasonable and shall be based on ..... the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.”

*F.S. 119.07(4)(d)*



# Public Records Request/Access Policy

Policies can include:

- Procedures for handling public records requests.
- Timeframes for responding to requests.
- Time period the agency considers non-extensive.
- Procedures for protecting information that is confidential and/or exempt from disclosure.
- Other related procedures.

# Violations and Penalties

“Any public officer who violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$500.”

*F.S. 119.10(1)(a)*



# Violations and Penalties

“Any person who **willfully** and **knowingly** violates any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.”

*F.S. 119.10(2)(a)*



# Violations and Penalties

“A person who comes into possession of exempt or confidential information contained in police reports may not use that information for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents and may not knowingly disclose such information to any third party for the purpose of such solicitation during the period of time that information remains exempt or confidential.”



*F.S. 119.105*

# Florida Attorney General's Office

[myfloridalegal.com](http://myfloridalegal.com)



Florida is proud to lead the nation in providing public access to government meetings and records. This website is designed to help government agencies, the media and private citizens understand Florida's Open Government and Public Records laws.

Government must be accountable to the people. The Florida Constitution, which sets forth our rights as citizens of this great state, provides that the public has the right to know how government officials spend taxpayer dollars and make the decisions affecting their lives. The principle of open government is one that must guide everything done in government for its public.

The Attorney General's Mediation Program assists in resolving public access disputes. For additional information on Open Government and public records, please call 850-245-0140.

## **Custodian of Records**

Director, Office of Public Records  
107 West Gaines Street, Suite 228  
Tallahassee, FL 32399-1050

Tel: 850-414-3300

Fax: 850-487-1705

E-mail: [PublicRecordsRequest@myfloridalegal.com](mailto:PublicRecordsRequest@myfloridalegal.com)

# Common Elements of a Records Management Policy

- Introduction.
- Definitions.
- Agency authority and responsibility.
- Inventory procedures.
- Filing and storage.
- Record copy designation.
- Retention.
- Disposition.
- Legal holds.
- Electronic records.
- Email.
- Social Media.
- Public records requests/access.

From *The Basics of Records Management*, available at [info.florida.gov](http://info.florida.gov)

# DOS Records Management Resources

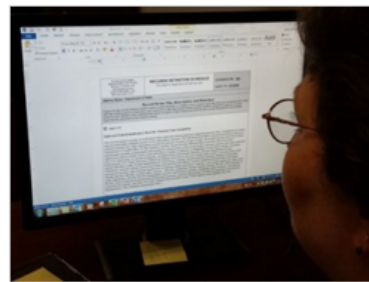
[info.florida.gov/records-management/](http://info.florida.gov/records-management/)

Department of State / Division of Library and Information Services / Records Management

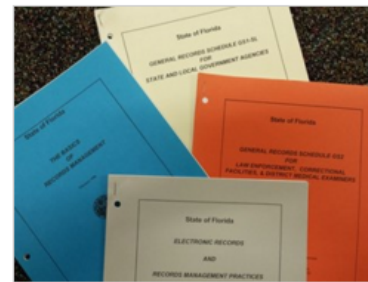
## Records Management



General Records Schedules



Records Management  
Liaison Officers



Forms and Publications



Records Management  
Training



Dispose of Public Records



State Records Center

# DOS Resources: General Schedules

[info.florida.gov/records-management/general-records-schedules/](http://info.florida.gov/records-management/general-records-schedules/)

## General Records Schedules

General Records Schedules set retention requirements for records documenting administrative and program functions common to several or all government agencies.

Examples include personnel, accounting and general administration.

Not all individual records are covered by these General Records Schedules. Please contact your Records Management Liaison Officer for more information.

Schedule Number	Agency	Last Revised	PDF	Excel
GS1-SL	State and Local Government Agencies	2017	<a href="#">356KB</a>	<a href="#">86KB</a>
GS2	Law Enforcement, Correctional Facilities and District Medical Examiners	2017	<a href="#">196KB</a>	<a href="#">49KB</a>
GS3	Election	2012	<a href="#">632KB</a>	<a href="#">138KB</a>
GS4	Public Hospitals, Health Care Facilities and	2007	<a href="#">89KB</a>	



# DOS Resources: Forms and Publications

[info.florida.gov/records-management/forms-and-publications/](http://info.florida.gov/records-management/forms-and-publications/)

## Forms

Form	Word	PDF
Request for Records Retention Schedule	57 KB	50 KB
Records Disposition Document	44 KB	13 KB
Records Management Liaison Officer Appointment Form		99 KB
Transmittal and Receipt for Records Storage	67 KB	14 KB
Request for Reference Service	80 KB	16 KB
Request for Return of Reference Service Work	55 KB	13 KB
Records Storage Box Labels (Two Per Page)	65 KB	106 KB
Records Storage Box Labels (Three Per Page)	78 KB	200 KB
Request for Non-SRC Destruction	38 KB	25 KB
Non-SRC Destruction Box Label	34 KB	7 KB
Records Inventory Worksheet	77 KB	18 KB
Transmittal/Receipt Transfer of Public Records to Archives		38 KB

## Publications

- > General Records Schedules
- > Basics of Records Management (PDF)
- > Florida State Records Center Handbook (PDF)
- > Public Records Center Facilities Guidelines (PDF)
- > Records Storage and Facilities Guidelines for Archives and Historical Records Repositories (PDF)
- > Electronic Records and Records Management Practices (PDF)
- > Files Management Handbook (PDF)
- > Records Management Self-Evaluation Guide (PDF)
- > Micrographics Handbook (PDF)
- > Legislative Records: Guide to Preparation and Transfer (PDF)



# Records Management Program Contact Information

Records Management:

[recmgt@dos.myflorida.com](mailto:recmgt@dos.myflorida.com) | 850.245.6750, Option 2

Records Management Training:

[rmtraining@dos.myflorida.com](mailto:rmtraining@dos.myflorida.com)

Stephanie Boggs:

[stephanie.boggs@dos.myflorida.com](mailto:stephanie.boggs@dos.myflorida.com) | 850.245.6745

Tim Few:

[tim.few@dos.myflorida.com](mailto:tim.few@dos.myflorida.com) | 850.245.6746



FLORIDA DEPARTMENT *of* STATE

Ron DeSantis, Governor  
Laurel M. Lee, Secretary of State  
Florida Department of State  
Division of Library and Information Services