

**State of Florida**

***THE BASICS  
OF  
RECORDS MANAGEMENT***



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FLORIDA DEPARTMENT OF STATE  
BASICS OF RECORDS MANAGEMENT HANDBOOK

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## PREFACE

The goal of Florida's Records Management Program is to provide professional assistance to state and local government agencies in managing the records and information required to take care of the business of government. This is a particularly challenging goal in the 21<sup>st</sup> century. Our society generates and processes information on an unprecedented scale. Trying to manage this information in an effective and cost-efficient manner can be an overwhelming task.

Besides the sheer volume of information that faces us, another challenge is the rapid advance of technology. This results in vast quantities of information and the equally rapid evolution of the principles of law that govern the legality and admissibility of records created or maintained by this technology. As records and information managers, we must make every effort to keep ourselves educated and informed so that the decisions we make are consistent with law and best practices.

In Florida, those of us in the business of managing information are faced with yet another challenge. Not only must we control costs through the application of sound records and information management principles, but we must also apply these principles in light of the public's right to know. Florida's Public Records Law is one of the most open public records laws in the country, and is a model for other states. Florida has had some form of a public records law since 1909, and we are recognized nationally for the leadership role we take regarding public records and accessibility to public information. As we go about our business, we must remember the dual responsibility we have as public records and information managers: to reduce government agencies' costs of doing business and to guarantee the public's right to know what their government is doing.

The benefits of an effective records and information management program are many. Compliance with legal retention requirements, faster retrieval of information, space savings, fewer lost or misfiled records, and reduction of expenditures for records filing equipment are just a few of the benefits that good records management can help achieve. *The Basics of Records Management* is intended to serve as an effective introduction to records management and a useful guide to the ways in which Florida's Records Management Program can help you achieve your goals.

## **I. AN INTRODUCTION TO RECORDS MANAGEMENT**

### **A. THE OBJECTIVES OF RECORDS AND INFORMATION MANAGEMENT**

The primary concern of Florida's Records Management Program is the efficient, effective, and economical management of public records and information. Proper records management ensures that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

While the importance of records management might not be obvious to everyone, its impact on the ability of an organization to function effectively is indisputable. It is only through the operation of a well-run records management program that an organization retains control of its corporate memory, which allows an organization, either public or private, to conduct business. Records management is more than retention, storage, and disposition of records. It entails all recordkeeping requirements and policies that allow an organization to establish and maintain control over information flow and administrative operations.

Records management can help answer important questions such as:

- Where are the organization's records?
- How long are they kept?
- When are they eligible for destruction?
- On what media are they recorded?
- Is the recording medium of sufficient stability to maintain the viability of the records for the duration of their retention period?
- What records are vital to the continued operation of the organization?
- Are these vital records sufficiently protected?
- What recovery procedures are in place to help the organization assemble its records and resume administrative operations in case of a disaster?
- How do you manage electronic records?
- Is e-mail a record?
- Are any of the records in an organization historically significant?

In this day of rapidly advancing technology and abundant information, records management is one of the key tools in assisting government agencies to answer these questions and to function effectively in the information age.

Records management seeks to manage and control records throughout their life cycle, from their creation and distribution, through their filing and use, and ultimately to their final disposition or permanent retention.

## **B. THE BENEFITS OF RECORDS MANAGEMENT**

The benefits of a well-run records management operation are many:

***Space savings.*** Space savings is the most immediately realized benefit of a records management program. By implementing retention schedules and systematically destroying records that have met their retention requirements, an organization can significantly reduce the space occupied by records.

***Reduced expenditures for filing equipment.*** Appropriate disposition of records can greatly reduce the need for filing cabinets, file folders, electronic storage media, etc.

***Increased efficiency in retrieval of information.*** Retrieval of information is made more efficient through improved management of paper records systems and through cost-effective and efficient implementation of non-paper systems, such as electronic document imaging and micrographics. An added benefit in improving filing systems is the reduction of misfiles and lost records, which can result in costly searches to locate needed records.

***Compliance with legal retention requirements and the establishment of administrative, fiscal, and historical retention requirements.*** The hallmark of a good records management program is the establishment of retention requirements based upon an analysis of the records' legal, fiscal, administrative, and historical requirements and values. In the absence of such requirements, many organizations either destroy records that should be retained or retain everything, thereby taking a legal risk or assuming unnecessary operating costs.

***Protection of vital records.*** Records management's involvement in identifying vital records and in preparing a carefully designed disaster recovery plan can help an organization reduce its vulnerability. The destruction of important records can cost an organization millions of dollars and threaten the organization's ability to function, thus jeopardizing its existence.

***Control over creation of new records.*** A significant percentage of the cost of information is in records creation. Records management, forms management, and reports management can help reduce the proliferation of unnecessary reports, documents, and copies, and at the same time improve the effectiveness of those reports and documents that do need to be created.

*Identification of historical records.* Records managers play a vital role in the identification and protection of historical records. Often they are responsible for preserving and making available records having archival value. Records management programs should include procedures for identifying and ensuring the care of Florida's documentary heritage.

## II. RECORDS MANAGEMENT IN FLORIDA

### A. FLORIDA'S RECORDS MANAGEMENT PROGRAM

<http://dlis.dos.state.fl.us/RecordsManagers>

Florida's Records Management Program is part of the Division of Library and Information Services of the Department of State. The Secretary of State is the official holder of the Great Seal of the State of Florida and official recordkeeper of the state. The Program's role in this organizational hierarchy is to establish guidelines and provide assistance in managing official government records.

The primary purpose of the Records Management Program is to provide guidance and assistance to local and state government agencies in establishing records and information management programs and in managing the public records and information they create and use daily. To that end, the Program offers a variety of services related to records and information management:

- Establishes standards for controlling, retaining, and destroying or preserving public records.
- Provides consulting services and training in the following areas:
  - Compliance with state laws, regulations, and policies
  - Records inventory and appraisal, including archival appraisal
  - Records retention and disposition
  - Records storage
  - Records preservation principles
  - Records system design, including creation and maintenance
  - Records filing, indexing, and retrieval equipment
  - Micrographic cameras, storage, indexing, and retrieval equipment
  - Electronic recordkeeping requirements and guidelines
  - Vital records protection planning and disaster planning and recovery

- Provides source document microfilming and computer output microfilm (COM) production services to local and state government records management programs. State and local government agencies can control paper, printing, storage, and distribution costs by using high-capacity, low-cost media alternatives like microfilm and microfiche.
- Provides off-site records storage at the Edward N. Johnson Records and Information Center (“State Records Center”). Tallahassee-area state and local government agencies may store non-current or inactive records at the State Records Center. This state-of-the-art facility is equipped to store paper records, microfilm, and electronic records. Microfilm and electronic media are stored in secure temperature- and humidity-controlled vaults.

These services are directed toward the ultimate goal of achieving effective and efficient handling of government records and information.

## **B. REGULATORY MANDATE FOR RECORDS MANAGEMENT**

### **(1) Chapter 257, Florida Statutes**

Florida’s Records Management Program is a cooperative effort between the Division of Library and Information Services and state and local government agencies throughout Florida. The Program provides assistance to these state and local government agencies in promoting the efficient management of public records.

Chapter 257, Florida Statutes, vests in the Division of Library and Information Services the authority to oversee the records management functions of state and local government agencies. Specifically, Section 257.36(1)(a), F.S., mandates that the Division of Library and Information Services will:

*Establish and administer a records management program directed to the application of efficient and economical management methods relating to the creation, utilization, maintenance, retention, preservation, and disposal of records.*

Section 257.36(5), F.S., also specifies the responsibilities of state and local government agencies:

*It is the duty of each agency to:*

- Cooperate with the division in complying with the provisions of this chapter and designate a records management liaison officer.*
- Establish and maintain an active and continuing program for the economical and efficient management of records.*

The designation of a Records Management Liaison Officer (RMLO) is accomplished by a letter from the agency to the Division of Library and Information Services. Please refer to [Part III, Starting Your Records Management Program](#), for information regarding the appointment of the RMLO and the duties expected of that position. See [Appendix C](#) for an RMLO designation form.

## (2) Chapter 119, Florida Statutes

In order to understand the vital role of records management in the state of Florida, one must have a basic understanding of Florida's Public Records Law. Florida has a long tradition of open government and access to public records. The state has had a public records law in some form in effect since 1909, and Florida is recognized nationally as a leader in the area of public records policy. Chapter 119, the current version of the Public Records Law, has specific provisions covering important issues such as the definition of public record, access, and exemptions.

### (a) *What is a Public Record?*

The definition of a public record in Section 119.011(12), F.S., is broad and all-inclusive. The statute reads 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.*

The Florida Supreme Court further defined public records in a seminal 1980 legal decision. In *Shevin v. Byron, Harless, Schaffer, Reid, and Associates* (379 So. 2d 633, Fla. 1980), the Court ruled that 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.*

Therefore, any document meeting the above criteria set forth by the Court is a public record regardless of whether it is in final form or is designated by the agency as a “draft,” “working copy,” or “preliminary version.” If an agency has circulated a “draft” for review, comment, or informational purposes, that draft is a public record.

To clarify this definition, the Court further ruled:

*To be contrasted with “public records” are materials prepared as drafts or notes, which constitute mere precursors of governmental “records” and are not, in themselves, intended as final evidence of the knowledge to be recorded. Matters which obviously would not be public records are rough drafts, notes to be used in preparing some other documentary material, and tapes or notes taken by a secretary as dictation. Inter-office memoranda and intra-office memoranda communicating information from one public employee to another or merely prepared for filing, even though not a part of an agency’s later, formal public product, would nonetheless constitute public records inasmuch as they supply the final evidence of knowledge obtained in connection with the transaction of official business.*



***(b) Inspection and Examination of Public Records***

Florida's Public Records Law provides for unparalleled access to the records of government. Section 119.07(1)(a), F.S., states that:

*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.*

Every agency's records management policies and procedures should clearly define what constitutes reasonable times and conditions and proper supervision. Many factors will determine the "reasonable" period of time in which the information can be provided by any particular agency: the nature of the request, the time involved in collecting and generating the information requested, the scope and volume of material involved, the general accessibility of the records, the personnel that will be required, and finally the information resources necessary to gather or generate the information. All these issues must be taken into consideration when the agency develops its public records accessibility policies and procedures.

When requested to copy public records, agencies have the right to charge for those copies under the fee provisions of Section 119.07(4), F.S. These charges apply unless otherwise authorized by statute. In addition, the Public Records Law also allows for an agency to charge a requester if the request for information will result in the extensive use of information technology resources or extensive clerical or supervisory assistance. Again, what constitutes extensive use of either clerical staff or information technology resources should be addressed in each agency's records management policies and procedures.

***(c) Exemptions from Disclosure Requirements of Florida's Public Records Law***

Not every record generated by local and state government is open for inspection. Some public records are provided by law to be confidential or exempt from the public disclosure requirements of Section 119.07(1), F.S., and Section 24(a), Article I of the State Constitution.

Section 119.071, F.S., lists certain records that are exempt from public disclosure, usually for reasons of public safety, public health, law enforcement, and/or personal privacy, and additional exemptions are specified elsewhere throughout the Florida Statutes. However, it is important to remember two key points. First, Florida's Public Records Law emphasizes a "general state policy on public records" that "...all state, county, and municipal records are open for personal inspection by any person" (Section 119.01(1), F.S.). In other words, government records are open to public inspection unless specifically exempted by law. Second, "exempt" records are exempt from the public disclosure requirements of Section 119.01, F.S. and Section 24(a), Article I of the State Constitution, but they are *not* exempt from other legal records management requirements such as those concerning records retention scheduling and disposition.

See [Appendix E](#) for sources of additional information on public records access and exemption issues.

### (3) Florida Administrative Code

Florida's Administrative Code includes the following rules, which have been promulgated to aid agencies in establishing and maintaining a records management program:

*(a) Rule 1B-24, Public Records Scheduling and Disposition:* This rule establishes standards and procedures for the scheduling and disposition of public records to promote economical and efficient management of records and to ensure that records of archival value are so designated and ultimately transferred to the State Archives of Florida (for state agency records) or to a formally established local government historical records repository (for local government records).

*(b) Rule 1B-26.0021, Records Management - Standards and Requirements - Microfilm Standards:* This rule provides standards for microfilming of public records to ensure that the film, photographing methods, processing, handling, and storage are in accordance with methods, procedures, and specifications designed to protect and preserve such records on microfilm.

*(c) Rule 1B-26.003, Records Management - Standards and Requirements - Electronic Recordkeeping:* This rule provides standards for public records created and/or maintained on electronic media.

*(d) Rule 1B-31, Real Property Electronic Recording:* This rule provides standards for electronic recording of real property documents in those Florida counties in which the county recorder elects to accept electronic real property documents for recordation.

For single copies of the statutes and rules governing the management of Florida's public records and the operation of the Department of State's Records Management Program, call the Program at 850.245.6750, visit <http://dlis.dos.state.fl.us/RecordsManagers>, or complete the order form in [Appendix A](#) and mail or fax it to the Records Management Program.

### III. STARTING YOUR RECORDS MANAGEMENT PROGRAM

Establishing the procedures required to operate an agency records management program might at first appear daunting. The startup will indeed require a concerted effort, patience, cooperation from colleagues, and time. All of this presupposes support from management. Without initial support from management to allocate resources to the project and continuing managerial commitment to the program, implementation of an effective records management program will be extremely difficult.

Florida's Records Management Program is charged with the responsibility of providing guidance and assistance to help Florida government agencies initiate and sustain records management programs. We will be available to assist you upon request in whatever way we can.

One of the first responsibilities in initiating a records management program is the appointment of a Records Management Liaison Officer (RMLO). Every agency is required to designate an RMLO to serve as the primary point of contact between the agency and the Division's Records Management Program (Section 257.36(5)(a), F.S.). To appoint an RMLO, an agency needs to submit to the Division an RMLO designation form (see [Appendix C](#)) under signature of the records custodian or other authorizing official indicating who the agency's RMLO will be. Because the RMLO is in close contact with the Division, he or she will be an important source of information within your agency about Division policies and procedures.

The RMLO might perform a variety of records management functions as assigned by the agency, including:

- inventorying agency records
- working with the Division to establish new records retention schedules and to ensure the appropriate disposition of records eligible for destruction
- training and advising agency staff in records management practices
- participating in agency decision-making for issues such as microfilming, digital imaging, storage, and disposal
- working with agency information technology staff to provide input on records management requirements when the agency is designing or enhancing automated systems that will contain public records
- responding to public questions regarding agency records and records management practices

- reporting annually to the Division regarding the agency's compliance with records management statutes and rules

## A. INVENTORY PROCEDURES: IDENTIFYING RECORDS

An effective records management program requires an inventory of records maintained by an agency and the identification of existing retention schedules or the establishment of new retention schedules that can be applied to those records. Retention schedules identify agency records and establish minimum periods of time for which the records must be retained based on the records' administrative, fiscal, legal, and historical values. Once the minimum retention has been met, disposition of the records is recommended. Disposition may be by physical destruction, transfer to another agency, or in the case of electronic records, erasure. State agency records appraised by Division staff as having long-term historical value can be transferred to the State Archives.

An inventory might take many forms and can be as detailed as the agency requires, but at minimum should identify and describe each *record series* created and maintained by the agency. A record series, as defined in Rule 1B-24, *Florida Administrative Code*, is:

*...a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use.*

Examples of series might be Personnel Files, Client Case Files, Project Research Files, Equipment Maintenance and Repair Records, or Procurement Files. Each record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency. The following information should be compiled for each record series:

**Record Series Title.** A brief phrase summarizing the form, function, and/or subject of the records without using agency jargon or abbreviations is recommended. For instance, Communications Services Use Tax Returns is a more meaningful record series title than Form DR-700019; Highway Planning Maps would be a more meaningful record series title than Road Files; and Executive Director's Correspondence and Administrative Files is a more meaningful record series title than Bob Smith's Files.

**Description.** The description of the record series identifies the purpose and function of the record series with regard to the agency's operation. The description indicates how the record series is used, why it was created, and the type(s) of information or subject matter the records contain. Additional information in the description might include the medium on which the record series is recorded, the office or position holding the record (master) copy, the routing path of duplicate copies (if any), statutory requirements for creating the records, and any other information that would enable someone not familiar with the record series to identify it and understand its contents.

***Inclusive Dates.*** It is important to determine the date range covered by each record series in order to determine when they are eligible for disposition under the appropriate retention schedule. Some series might be ongoing and will therefore be disposed of in increments.

***Volume.*** The quantity of records in each record series is usually expressed in terms of cubic feet. A cubic foot is one standard records storage carton or its equivalent (see [Part III-C, Final Disposition of Public Records](#), for a conversion chart to cubic foot measurements). Ongoing record series will increase in quantity over time. Because records storage space requirements can be considerable, an agency can realize significant savings by identifying and destroying records that have met their retention requirements. Space-savings often is the first benefit realized through the operation of an effective records management program.

***Retention.*** If a retention schedule is already approved, the retention requirement(s) should be noted on the inventory form. If no retention schedule exists for the record series, note the time period that the record series is administratively active and start the process of establishing a retention schedule for the records (see [Part III-B, Retention of Public Records: Retention Schedules](#)).

***Vital Records.*** The inventory should indicate whether each record series is considered a vital record in your agency. Vital records are those that are essential to the continuation of operations in an agency in the event of a disaster or emergency.

Once this information has been compiled for each record series, the basic information of the inventory has been completed. The next two sections of the handbook will illustrate how this data can be used.

## **B. RETENTION OF PUBLIC RECORDS: RETENTION SCHEDULES**

A **records retention schedule** describes a record series and sets a **MINIMUM** period of time for which the records must be retained before final disposition of the records can be made. Every record series must have an approved retention schedule in place before records from that series can be destroyed or otherwise disposed of. Retention and disposition requirements stated in records retention schedules are based upon the administrative, legal, fiscal, and historical values of each record series.

There are two types of retention schedules: General Records Schedules and Individual Records Schedules. General Records Schedules establish retention requirements for records common to several or all government agencies, while Individual Records Schedules establish retention requirements for records that are unique to particular agencies.

All of these retention schedules establish the **MINIMUM** length of time a record series must be maintained. Retention schedules do not tell you when you must dispose of records; they tell you how long you must retain records before you can dispose of them. Agencies have the discretion to retain records beyond the minimum retention requirements if needed for administrative, legal, or other purposes. We highly recommend that agencies dispose of records that have met their retention requirements and are no longer needed, and

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that agencies specify in their records management policies if, as a matter of practice, the agency will retain certain records for a period of time beyond the minimum. Adhering to formalized, consistent records management practices will benefit your agency in the event of litigation.

We also recommend that different record series not be interfiled or boxed together. However, if two or more record series listed in the retention schedules are filed together in your agency, the combined file must be retained through the longest established retention period of those record series.

**(1) General Records Schedules** establish retention requirements for records documenting administrative and program functions common to several or all government agencies, such as personnel, accounting, purchasing, and general administration. General records schedules can cover up to 75-80 percent of an agency's record series.

The *General Records Schedule GS1-SL for State and Local Government Agencies* can be used by all Florida state and local agencies in determining their records retention requirements.

Certain agencies can use other general records schedules in conjunction with the GS1-SL. General records schedules have been established for groups of agencies conducting equivalent functions. For example, *General Records Schedule GS5 for Universities and Community Colleges* establishes retention requirements for program records unique to the functions and activities of those types of institutions; *General Records Schedule GS9 for State Attorneys* establishes retention requirements for program records unique to state attorneys' offices; and *General Records Schedule GS12 for Property Appraisers* establishes retention requirements for program records unique to property appraisers' offices. Please contact the Records Management Program to verify which General Records Schedules are appropriate for use by your agency.

If a similar record series is listed in two general records schedules, the retention requirements contained in the program schedule will usually take precedence. For instance, if a record series is listed in both the GS1-SL and the GS2, law enforcement agencies would usually abide by the retention requirements cited in the GS2. There are exceptions, so please contact the Records Management Program to ensure that you are using the correct schedule in the event of a conflict.

The following general records schedules are currently in effect for Florida government agencies:

<b>GS1-SL</b>	<b>State and Local Government Agencies</b>
<b>GS2</b>	<b>Law Enforcement, Correctional Facilities, and District Medical Examiners</b>
<b>GS3</b>	<b>Election Records</b>
<b>GS4</b>	<b>Public Hospitals, Health Care Facilities and Medical Providers</b>
<b>GS5</b>	<b>Universities and Community Colleges</b>
<b>GS7</b>	<b>Public Schools Pre-K-12, Adult and Vocational/Technical</b>
<b>GS8</b>	<b>Fire Departments</b>
<b>GS9</b>	<b>State Attorneys</b>
<b>GS10</b>	<b>Public Defenders</b>

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<b>GS11</b>	<b>Clerks of Court</b>
<b>GS12</b>	<b>Property Appraisers</b>
<b>GS13</b>	<b>Tax Collectors</b>
<b>GS14</b>	<b>Public Utilities</b>
<b>GS15</b>	<b>Public Libraries</b>

**(2) Individual Records Schedules** establish retention requirements for records that are unique to particular agencies. These schedules are used for the 20-25 percent of an agency's record series that are not covered by a general schedule.

To establish an Individual Records Schedule, an agency must submit a *Request for Records Retention Schedule* (Form LS5E-105REff.2-09), to the Records Management Program for review and approval. This "105" form is available on the Records Management Web site at <http://dhis.dos.state.fl.us/recordsmgmt/publications.cfm> and can also be obtained by completing the order form in [Appendix A](#) and mailing or faxing it to the Records Management Program.

Each *Request for Records Retention Schedule* form should be used to schedule **one** record series. The accurate completion of the form requires that agency personnel responsible for creating and maintaining that record series analyze and evaluate the content, purpose, and use of the records. Based upon this analysis, agency records management personnel develop a record series description and an initial recommendation of the **MINIMUM** time period that the record series must be kept before disposition can be authorized. Once the agency submits the proposed retention schedule to the Records Management Program, records analysts and archivists in the Program review and analyze the proposed schedule and conduct research in the Florida Statutes, administrative rules, operating procedures, applicable federal regulations, and other such sources to make a final determination of retention requirements for each record series.

Once a retention schedule has been established for a record series, the records are eligible for disposal action when they have met their retention requirements. The schedule remains effective until there is a change in series content or other factors are introduced that would affect the retention period, at which time a new individual records schedule should be submitted for approval. If a new general records schedule is later established that requires an equal or longer retention period for the same records, that general records schedule supersedes the individual records retention schedule.

In addition to establishing reasonable and appropriate minimum retention requirements for each record series, the scheduling process, involving both agency personnel and analysts and archivists in the Records Management Program, serves the following objectives:

- To describe the use and function of the records series;
- To summarize important characteristics of the records series;
- To identify records of permanent/archival value;
- To assist in identifying vital records;
- To identify preservation issues;
- To identify regulatory or statutory retention requirements; and
- To assist in identifying reformatting needs.

## **Completing the *Request for Records Retention Schedule Form LS5E-105REff.2-09***

### ***STEP 1. NEW OR EXISTING SCHEDULE***

In the upper right corner of the page, indicate if the proposed schedule is a new schedule or a revision to an existing schedule. If a revision to an existing schedule, indicate the existing schedule number.

### ***STEP 2. AGENCY INFORMATION***

In the numbered spaces 1-3, identify the agency, the custodian of the record series (name and telephone number), and the contact person or RMLO (name, telephone number, e-mail, and mailing address). The contact person should be the individual most familiar with the record series being scheduled and is often the person completing the form.

### ***STEP 3. RECORD SERIES INFORMATION***

In Space 4, enter the title of the record series. The title should be a brief phrase summarizing the form, function, and/or subject of the records without using agency jargon or abbreviations (see above under [Inventory Procedures](#)).

In Space 5, enter a description of the record series indicating the purpose and use of the records, the type(s) of information or subject matter the records contain, if the record series is considered a vital record in your agency (vital records are those that are essential to the continuation of operations in an agency in the event of a disaster or emergency), and any other information that would enable someone not familiar with the record series to identify it and understand its contents and use.

In Space 6, indicate the primary purpose of the record series:

- **Administrative value** reflects use for general office operations and activities.
- **Legal value** means that the records may be used in or are often subject to litigation; or a specific state or federal law (such as statute of limitations) regulates the length of retention; or the records are significant documentation of the legal rights or responsibilities of government or citizens.
- **Fiscal value** indicates that the records are needed for financial audit and/or to document financial transactions of the agency such as budgets, payrolls, procurements, or payments.

Also in Space 6, indicate if the record series is subject to audit in your agency. Agencies need to be aware of any audit requirements relating to such records. Audits are the means by which independent parties examine and render opinions on financial reporting, control adequacy, or compliance with imposed requirements. **Financial audits** examine the financial records and statements of an agency or program to determine if those records are accurate and complete. **Performance audits** examine the economy and efficiency and/or effectiveness of applicable programs, activities, or functions. **Operational audits** evaluate management's performance in administering assigned responsibilities in accordance with applicable laws, administrative rules, and other guidelines to ensure compliance, economic



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and efficient operations, reliability of financial records and reports, and safeguarding of assets.

The Records Management Program does not track or maintain information on which audits apply to which records in which agencies. Different agencies are subject to different types of audits at different times, and each agency is responsible for knowing what audits might be conducted and retaining needed records for that purpose. For instance, some agencies might be subject to the Federal Single Audit, while others are not. In general, any records relating to finances or financial transactions might be subject to audit.

Audits may be conducted by the Florida Auditor General, independent public accountants, or other state or federal auditors, as well as grant funding agencies and national or statewide professional accreditation or certification groups. Your finance office, your legal office, and the Auditor General's Office are good sources of information as to which specific records of your department should be retained for audit purposes.

Finally in Space 6, list and/or attach copies of any applicable local, state, or federal statutes, rules, regulations, ordinances, policies, etc., relating to creation or retention of the records. Reference to specific sections of statutes or rules will expedite the Records Management Program's review and approval of your retention schedule and will serve as supporting documentation should your agency's authority to dispose of the records ever be questioned.

***STEP 4. RECOMMENDED RETENTION PERIOD***

In Space 7, indicate your agency's recommended retention for both the record (master) copy and for duplicates, based on your familiarity with the record series and its function in your office. This should be the MINIMUM length of time the record series must be retained to meet all administrative, legal, and fiscal requirements (as discussed above) before it is eligible for disposition. A fourth value, historical/archival value, will be reviewed and evaluated by the State Archives staff in consultation with your agency. The recommended retention is for the information contained in the records, regardless of whether the records are kept in paper, electronic, microfilm, or some other format. Retention is based on the nature, content, and purpose of the records and not their physical format.

***STEP 5. AUTHORIZATION***

Space 8 is for the signature of the records custodian or their designee. This person might be the RMLO or some other person with authority to approve disposition of the agency's records. The form will not be processed without this signed authorization.

***STEP 6. OFFICIAL RECORDS RETENTION SCHEDULE***

When you submit your *Request for Records Retention Schedule* (Form LS5E-105REff.2-09) to the Records Management Program, a records analyst will review the submitted information and the recommended retention schedule for compliance with legal requirements and/or any administrative or fiscal value the records might have. The analyst will also review established retention schedules for similar records from other agencies for consistency with existing retention practices. In many cases, the analyst will contact the agency for additional information or clarification.

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An archivist from the State Archives will then review the schedule to determine if the records might have **long-term historical or archival value**. This helps to ensure the preservation of significant and unique records documenting the operation of government and the history of Florida and Floridians and thereby to protect the rights and interests of the citizens of the state. If the records are determined to be archival or potentially archival, the descriptive language will indicate this in the final, approved retention schedule. In the event that state government records are of archival value, the records should be transferred to the State Archives of Florida once all retention requirements have been met. Local government records having archival value may be transferred to local government historical records repositories or loaned to other local historical records repositories for preservation, provided they are maintained under the public records access provisions of Chapter 119, F.S. Only about three percent or less of an agency's records are generally targeted for transfer to an archives.

Finally, the analyst will complete the official retention schedule, including the final record series title, description, and retention requirements, and authorized staff and managers will sign the schedule. The Records Management Program will retain the original schedule and will return a copy to the originating agency.

Should the analyst determine that the records covered by the requested schedule are already covered under an existing retention schedule, or should the analyst be unable to get sufficient explanatory information or justification for the schedule from the originating agency, the analyst will disapprove the request and will return a copy of the disapproved request to the agency.

Questions regarding the completion of the *Request for Records Retention Schedule* (Form LS5E-105REff.2.09) should be addressed to the Records Management Program at 850.245.6750 or [recmgt@dos.state.fl.us](mailto:recmgt@dos.state.fl.us).

## C. FINAL DISPOSITION OF PUBLIC RECORDS

Section 257.36(6), F.S. states that “[a] public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division.” This means that all records, regardless of access provisions (see Section 119.07, F.S.), must be covered by a retention schedule before disposition can occur. Agencies must first identify an appropriate current records retention schedule (either a general schedule or an individual schedule) or create and receive approval for a new records retention schedule before disposing of any record series.

***NOTE: Internal agency documentation required for records dispositions is discussed below. The past requirement to request Division approval for each disposition of records was discontinued as of February 20, 2001.***

## (1) Records Disposition Documentation

There are two general requirements for disposing of public records: 1) You must ensure that the records have met all retention requirements; knowledge of disposal eligibility is the responsibility of the agency; and 2) you must document internally the disposition of any public records in your custody, per Rule 1B-24.003(9)(d), *Florida Administrative Code*, which requires that:

*Prior to records disposition, agencies must ensure that all retention requirements have been satisfied. For each record series being disposed of, agencies shall identify and document the following:*

1. *Records retention schedule number;*
2. *Item number;*
3. *Record series title;*
4. *Inclusive dates of the records;*
5. *Volume in cubic feet for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form; and*
6. *Disposition action (manner of disposition) and date.*

*Agencies are not required to document the disposition of records with a retention of “Retain until obsolete, superseded or administrative value is lost” (OSA) except for records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with Rules 1B-26.0021 or 1B-26.003, F.A.C., where the microfilm or electronic version will serve as the record (master) copy.*

Your agency’s internal documentation of the disposition of public records can be done using the Records Disposition Document available on the Records Management Program Web site at <http://dhis.dos.state.fl.us/recordsmgmt/publications.cfm> or by using any form of documentation that is convenient for you and that ensures that you maintain the required information.

### ***a) Distinguishing between the different types of retention period requirements***

When trying to determine when records are eligible for disposition, you need to be aware of the different types of retention requirements. For instance, records with a retention of “3 anniversary years” will have a different eligibility date from records with a retention of “3 fiscal years” or “3 calendar years.”

- **Anniversary year** – from a specific date  
Example: 3 anniversary years

If a record has a “3 anniversary years” retention, the eligibility date would be 3 years after the ending date of the record series.

- **Calendar year** – January 1<sup>st</sup> through December 31<sup>st</sup>  
Example: 3 calendar years

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If a record has a “3 calendar years” retention, the eligibility date would be 3 years after the end of the calendar year of the last record in the series.

- **Fiscal year**

Example: 3 fiscal years

- state government agencies, school districts – July 1<sup>st</sup> through June 30<sup>th</sup>
- local government agencies – October 1<sup>st</sup> through September 30<sup>th</sup>

If a record has a “3 fiscal years” retention, the eligibility date would be 3 years after the end of the fiscal year of the last record in the series.

- **Months or days**

Examples: 3 months; 90 days

- **OSA** – Retain until obsolete, superseded, or administrative value is lost.

With this retention, a record is eligible for disposition whenever it is no longer of any use or value to the agency. The retention could vary from less than one day to any length of time thereafter.

- **Triggering event** – Records become eligible for disposition upon or after a specific triggering event. Examples:

Retain until youth turns age 25.

Retain for life of the structure.

3 anniversary years after final action.

**Calculating Eligibility Dates**

Example: Let’s say that the **ending date** for a specific record series is **7/31/2007**. When are these records eligible for disposition under different retention period types?

Retention Period	Date to start counting	Add # of years	Date eligible for disposition
3 anniversary years	7/31/2007	+3	= 7/31/2010
3 fiscal years (local govt.)	10/1/2007	+3	= 10/1/2010
3 fiscal years (school district)	7/1/2008	+3	= 7/1/2011
3 calendar years	1/1/2008	+3	= 1/1/2011

***b) Records Volume Conversion to Cubic Foot Measurements***

Cassette Tapes (200)	1.0 cu. ft.
Letter-size, drawer or box	1.5 cu. ft.
Legal-size, drawer or box	2.0 cu. ft.

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Letter-size, 36" shelf	2.0 cu. ft.
Legal-size, 36" shelf	2.5 cu. ft.
Magnetic Tapes (12)	1.0 cu. ft.
3 x 5 card, ten 12" rows	1.0 cu. ft.
3 x 5 card, five 25" rows	1.0 cu. ft.
4 x 6 card, six 12" rows	1.0 cu. ft.
5 x 8 card, four 12" rows	1.0 cu. ft.
16mm microfilm, 100 rolls	1.0 cu. ft.
35mm microfilm, 50 rolls	1.0 cu. ft.
(1 roll of microfilm contains approximately 1.0 cu. ft. of records)	

To calculate the cubic foot volume of a container, use the following formula:

$\frac{\text{Length} \times \text{Width} \times \text{Height (in inches)}}{1,728} = \text{c.f.}$
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**(2) Factors That Might Influence the Disposition of Records**

- a) **Litigation** – When a public agency has been given notice that a potential cause of action is pending or underway, or when an agency can reasonably anticipate that litigation might occur, records related to that cause should **NOT** be disposed of in any manner. Your agency’s legal counsel should inform the RMLO and/or records custodian(s) when the records become eligible for disposition.
  
- b) **Public Records Requests** – According to Section 119.07(1)(h), F.S., the custodian of a public record may not dispose of a record for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian shall not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.
  
- c) **Accreditation Standards** – Some public agencies receive national or statewide accreditation or certification by professional societies, organizations, and associations. Examples may include the Joint Commission on the Accreditation of Health Care Facilities, the American Hospital Association, and the Commission on Office Laboratory Accreditation. In an effort to enhance the professionalism of their members, these groups may place more stringent recordkeeping requirements on public agencies than those mandated under state or federal law. Agencies may therefore choose to maintain their records for a longer period of time than required by records retention schedules in order to meet recordkeeping requirements for accreditation. However, if a professional society requires a shorter retention period than that required in an approved retention schedule, the retention period in the approved retention schedule prevails.

- d) **Records in Support of Financial or Performance Audits** – These records should be retained in accordance with the following guidelines provided by the Florida Office of the Auditor General:

Records must be retained for at least three fiscal years (most financial records must be retained for a minimum of five fiscal years in accordance with guidelines of the Department of Financial Services and the Office of the Auditor General). **If subject to the Federal Single Audit (pursuant to 31 USC, Section 7502, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, Subpart E) or other federal audit or reporting requirements, records must be maintained for the longer of the stated retention period or three years after the release date of the applicable Federal Single Audit or completion of other federal audit or reporting requirements.** Finally, if any other audit, litigation, claim, negotiation, or other action involving the records has been started before the expiration of the retention period and the disposition of the records, the records must be retained until completion of the action and resolution of all issues which arise from it. However, in no case can such records be disposed of before the three fiscal year minimum.

The Records Management Program does not track or maintain information on which audits apply to which records in which agencies. Different agencies are subject to different types of audits at different times, and each agency is responsible for knowing what audits might be conducted and retaining needed records for that purpose. For instance, some agencies might be subject to the Federal Single Audit, while others are not. In general, any records relating to finances or financial transactions might be subject to audit.

Audits may be conducted by the Florida Auditor General, independent public accountants, or other state or federal auditors, as well as grant funding agencies and national or statewide professional accreditation or certification groups. Your finance office, your legal office, and the Auditor General's Office are good sources of information as to which specific records of your department should be retained for audit purposes.

- e) **Federal, state, or local laws and regulations** regarding recordkeeping and records retention for specific agencies or specific types of records might require a longer retention than indicated in general records schedules. Agencies should be aware of all laws and regulations relating to their records and recordkeeping requirements and should submit a *Request for Records Retention Schedule* (Form LS5E-105REff.2-09) when such requirements are not already reflected in existing retention schedules.

### (3) Final Disposition of Records

While the most common method of disposing of records is actual destruction, disposition may also mean the transfer of records to another agency. For example, if a public agency

transfers records to a public historical records repository, then the custody of those records becomes the responsibility of the agency to which the records are transferred. However, if a private historical society requests a loan of certain records, the agency may loan the records but is still the legally responsible custodian of those public records and is therefore not transferring, or disposing of, the records.

Physical destruction of public records should be in accordance with the guidelines set forth in Rule 1B-24.003(10), *Florida Administrative Code*, which reads as follows:

*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. In destroying records containing information that is confidential or exempt from disclosure, agencies shall employ destruction methods that prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered. The agency shall specify the manner of destruction of such records when documenting disposition. Where possible, recycling following destruction is encouraged.*

*(a) For paper records containing information that is confidential or exempt from disclosure, appropriate destruction methods include burning in an industrial incineration facility, pulping, pulverizing, shredding, or macerating. High wet strength paper, paper mylar, durable-medium paper substitute, or similar water repellent papers are not sufficiently destroyed by pulping and require other methods such as shredding or burning.*

*(b) For electronic records containing information that is confidential or exempt from disclosure, appropriate destruction methods include physical destruction of storage media such as by shredding, crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.*

*(c) For other non-paper media containing information that is confidential or exempt from disclosure, such as audio tape, video tape, microforms, photographic films, etc., appropriate destruction methods include pulverizing, shredding, and chemical decomposition/recycling.*

*(d) Agencies shall not bury confidential or exempt records since burying does not ensure complete destruction or unauthorized access.*

#### **(4) Records Disposition Compliance Statement and RMLD Designation**

Once a year, each agency should receive from the Records Management Program a Records Management Compliance Statement form on which the agency must indicate its compliance with records management laws and rules and provide updated agency and RMLD information. Your agency should complete and return the form promptly, as compliance data from all agencies is compiled and submitted annually in a report to the Governor and Legislature.

Compliance reporting is in accordance with Rule 1B-24.003(11) and (12), *Florida Administrative Code*, which requires that “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... The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature regarding statewide records management practices and program compliance.”

If your agency does not receive a Records Management Compliance Statement by the end of November each year and a parent agency is not reporting for you (for instance, a city police department being reported by the city), please contact the Records Management Program.

## D. DEVELOPING A RECORDS MANAGEMENT POLICY

Developing and adhering to a formal, written records management policy is the best way to ensure that records management requirements are met in a consistent, effective, and efficient manner. A formal records management policy will help to minimize your agency’s vulnerability to potential public records litigation and is also a useful tool in training new employees. Agencies should therefore work closely with their legal office in developing their records management policies.

The following are some common components of a records management policy. The Department of State’s internal records management policy is provided in Appendix D as an example. The specific components or information included in any agency’s policy will depend on the needs and circumstances of that particular agency.

***Introductory matter.*** Indicate the overall state, county, and/or municipal policy objectives that the records management policy is intended to achieve and the legal authority (statutes, administrative rules, county or municipal ordinances, etc.) that drives those policies. Indicate how the agency’s internal administrative policies support those state, county, and/or municipal policies. Note the specific purpose for implementing the policy and its scope of coverage, including to whom the policy does or does not apply.

***Definitions.*** Define key terms to ensure that all employees and others who read and use the policy have the same understanding of the terminology used in the policy.

***Agency authority and responsibility.*** Indicate where in the agency’s organizational structure the records management program and the designated RMLO are located. As a best practice and to increase the chances for success, the records management responsibility should be placed at a senior level or report to a senior manager. Note which office or position is designated as the legal custodian of public records for specific program areas or for the agency as a whole.

***Inventory procedures.*** Outline procedures for developing or maintaining an inventory or equivalent method of maintaining current information on the agency’s public records, including those designated as vital records.



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***Filing and storage.*** Indicate how the agency organizes and files records for efficient retrieval, including protection of and access to vital records.

***Record copy designation.*** Indicate which office or position maintains the record copy of specified records when copies are distributed to other offices.

***Retention.*** Note which retention schedules apply to the agency's records (general schedules and/or individual agency retention schedules) and where staff can consult those retention schedules to ensure that records are retained for the required period of time. Also note if it is the agency's policy to retain certain records for a period beyond the minimum retention period and the justification for doing so.

***Disposition.*** Indicate who is responsible for conducting disposition of public records, including methods of physical destruction of records that have satisfied all retention requirements and are no longer needed as well as transfer of records having archival value (see [Part V, Archives and Archival Records](#)) to an appropriate public historical records repository or otherwise ensuring the preservation of archival records. Specify the agency's disposition documentation procedures.

***Legal holds.*** Indicate the agency's procedures for placing and lifting legal holds on records relating to current or potential litigation to ensure that such records are not disposed of until any such litigation or threat of litigation is resolved.

***Electronic records.*** Note how the agency integrates management of electronic records, including e-mail and other "born digital" records, into its overall records management program and procedures.

***Public records requests.*** Indicate the agency's overall policy and specific procedures for responding to requests for public records. Note timeframes for responding to requests; methods of accepting payment for copies; formulas for calculating any extensive use fees as authorized by Section 119.07(4)(d), F.S.; procedures for ensuring the protection of information that is statutorily confidential and/or exempt from public disclosure, including redaction procedures; times and conditions for inspection of records; and any other related procedures.

## **IV. ADDITIONAL RECORDS MANAGEMENT INFORMATION**

The Division of Library and Information Services has a Records Management Web site at <http://dlis.dos.state.fl.us/RecordsManagers> providing general information, guidance, and resources regarding Florida public records. The Web site includes complete general records schedules as well as information about retention scheduling and disposition, RMLOs, applicable statutes and rules, disaster recovery, and training opportunities.

The Division also produces handbooks providing additional information on records management topics. These handbooks and other publications and forms are available on the Records Management Web site. For those lacking Internet access, an order form is included in Appendix A. Available handbooks include:

**The Basics of Records Management**

**Records Management Self-Evaluation Guide**

**Electronic Records and Records Management Practices**

**Files Management Handbook**

**Micrographics Handbook**

**Public Records Storage Guidelines for Records Centers and Archives**

## V. ARCHIVES AND ARCHIVAL RECORDS

Archival records are records selected for permanent preservation because they have been determined to have permanent or enduring value. Archival records are often referred to as historical records, but their value can be historical, administrative, legal, or financial. An archives is the agency responsible for collecting, preserving, and making available records determined to have archival value. “Archives” also refers to the building in which an archival institution is housed.

Archival records are an invaluable source of information on the history and development of the state, its government, and the lives of its citizens. Archival records document our personal lives, our businesses and professions, our government, our environment, and our society and culture. Historical records need to be preserved because our government is obligated to maintain them and because they tell us where we have been, offer insights into where we are now, and provide vision for our future. Historical records are used to provide information on the programs and functions of government, to prove ownership of property, and to document family history. Archival records document and therefore protect our rights and privileges as citizens and the responsibilities, duties, and limitations of our government.

Archivists and records managers work together to identify, select, and preserve historical records. Records managers, through the application of standard records management practices, ensure that records and information are properly identified and managed in the office and that, through the scheduling and disposition process, archival records are preserved. Archivists in the Division of Library and Information Services review retention schedules and State Records Center disposition notices for records of archival value. Agencies are notified if records stored in the State Records Center are determined to have archival value.

When archivists appraise records to determine archival value, they consider a number of factors in addition to age and format. Records and information being created today can have archival value equal to that of records created over 100 years ago. Information maintained electronically can have archival value equal to that of records on paper or bound in a volume. The characteristics of records that justify their continued retention as archives include such values as:

- Evidential value – the value of the evidence records provide of the origins, structure, functions, and operations of the agency that created them
- Informational value – the research or reference value of the information contained in the records
- Financial, legal, and administrative value – the value of the records for the conduct of current and future agency business

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- Intrinsic value – value of records deriving from their association with a historical event or person or their unique physical format

The State Archives of Florida, a program of the Division of Library and Information Services, serves as the central repository for the archives of state government. In the broadest sense, the purpose of the State Archives of Florida is to preserve and make available the permanent public and private records in its custody. The Archives' specific mandate in Section 257.35, F.S., authorizes the State Archives of Florida, Division of Library and Information Services, to collect, preserve, and make available for research the historically significant public records of the state, as well as private manuscripts, local government records, photographs, and other materials that complement the official state records. The Division is also empowered to direct and effect the transfer to the Archives of any records determined by the Division to have historical value such as to warrant their continued preservation or protection, unless the head of the agency that has custody of the records certifies that the records shall be retained in the agency's custody for use in the conduct of the regular current business of the agency.

Title to any records transferred to the State Archives of Florida is vested in the Division. Public records in the State Archives are available to the public and the creating agency in accordance with Florida Statutes.

All public records transferred to the State Archives of Florida must be properly scheduled through the Records Management Program as described above. Once the scheduling process is complete, state agencies should contact the State Archives staff (850.245.6750) for instructions and assistance in completing a transfer, including types of storage boxes to use, packing and labeling the boxes, and documenting the records transfer.

Some local government agencies and jurisdictions also have formal archives programs. Local government archival records reflect and touch the lives of most citizens. Such records may document property ownership, birth, death, marriage, school attendance, work, and many other aspects of our lives. The valuable information they contain must be not only preserved but made available for people to use. There are many avenues a local government can take to preserve and make available its archival records; not all need to establish a formal archival program as found at the state and national level.

The first step local governments should take to formally begin the process is to pass an ordinance or resolution officially authorizing the operation of a records management and archives program. This demonstrates the local government's commitment to preserving its historical records and emphasizes the importance of this activity to managers, employees, and the public. There are several options a local government might consider when planning to care for its archival records. Governments can:

- Include the identification, preservation, and availability of archival records as a part of the government's overall recordkeeping process. This option requires the records custodian(s) to care for the records from creation to disposal or permanent retention. Office records are identified, scheduled, and maintained in the creating office, and inventories are created to assist researchers in using the records. Office staff assist researchers using the records. This option is useful for governments

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with few archival records, such as school boards, and is economical in that office staff and facilities are used to maintain the records.

- Incorporate an archives program into a comprehensive records management program. Records centers can be adapted to store archival records and staff can receive basic archival and preservation training to handle the archival records. The RMLO or another individual can be given the archives responsibility and can serve as the point of contact for researchers using the records. This option should include provisions for a proper storage environment for the archival records.
- Establish an independent archives program, including an archives building and a staff of professional archivists, with a dedicated source of funding. This option requires the largest amount of resources and commitment.
- Create a multi-government archival program where several local agencies or jurisdictions pool their resources to preserve and make available local historical records. For example, the county Clerk of Court, Board of County Commissioners, and School Board could work together to form one archival program documenting the county's history, or a city and county could form a cooperative archives program.

Local governments interested in establishing an archives program are encouraged to contact the Division of Library and Information Services for assistance. The Division can provide technical assistance and training in all areas of archives management including program establishment, records identification and selection, access and public programs, general preservation principles, and program assessment.

## VI. GLOSSARY

**Active Records:** Records that still have sufficient administrative, fiscal, legal, or historical value to warrant their continued storage in an easily accessible area (e.g., office area).

**Agency:** “[A]ny state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.” (Rule 1B-24.001(3)(a), *F.A.C.*)

**Appraisal:** The process of determining the value and thus the disposition of records based upon their current administrative, legal, and fiscal use; their long-term evidential and informational or research value; their arrangement; and their relationship to other records.

**Archives:** An organization dedicated to the preservation of records deemed to have enduring historical significance. Usually an archives will accept, arrange, and preserve such records according to approved archival practices. *See also* [State Archives of Florida](#).

**Custodian:** “[T]he elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.” (Rule 1B-24.001(3)(b), *F.A.C.*)

**Disaster Preparedness:** Policies and procedures for preventing, responding to, and assessing and recovering from the damage resulting from a natural or man-made disaster or emergency situation, including the systematic identification of those records that are vital to an agency’s purpose and operations and a plan to protect such records. *See also* [Vital Records](#).

**Disposition:** “[F]inal actions taken with regard to public records that have met all retention requirements and are no longer needed for current government business as indicated in General Records Schedules or Records Retention Schedules. Disposition may include either destruction of public records or transfer of public records to the custody of another public agency such as the Florida State Archives or a local government archives or records repository.” (Rule 1B-24.001(3)(c), *F.A.C.*)

**Division:** “[T]he Division of Library and Information Services of the Department of State.” (Rule 1B-24.001(3)(d), *F.A.C.*)

**Drafts:** Materials that constitute precursors of public records, have not been communicated or circulated for review or comment, and are not in themselves intended as final evidence of the knowledge to be recorded. Information in a preliminary form that is not intended to perpetuate, communicate, or formalize knowledge of some type and that is fully represented in the final product is a “draft” and not a “public record.”

**Duplicate (or Convenience) Records:** Reproductions of record (master) copies, prepared simultaneously or separately, which are designated as not being the official copy.

**Electronic Records:** “[A]ny information that is recorded in machine readable form.” (Rule 1B-24.001(3)(e), *F.A.C.*; Rule 1B-26.003(5)(e), *F.A.C.*)

**Files Management:** Applying records management principles and techniques to filing practices in order to organize and maintain records properly, retrieve them rapidly, ensure their completeness, and facilitate appropriate disposition.

**Florida State Archives:** See [State Archives of Florida](#).

**General Records Schedules:** “[R]etention requirements established by the Division for public records common to all agencies or specified types of agencies within the State of Florida indicating the minimum time such records must be kept.” (Rule 1B-24.001(3)(g), *F.A.C.*) See [Appendix A](#) for a complete list of Florida’s general records schedules and information on obtaining them.

**Inactive Records:** Records that have lost some of their value or have been superseded by new records but have not yet met all of their retention requirements. These records can be stored off-site until final disposition. Sometimes referred to as “semi-active records.”

**Intermediate Files/Processing Files:** “[T]emporary electronic files used to create, correct, reorganize, update, or derive output from master data files. Intermediate files are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate files only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files . . .” (Rule 1B-24.001(3)(h), *F.A.C.*)

**Public Records:** “[A]ll 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.” (Section 119.011(12), *F.S.*)

**Record (Master) Copy:** “[P]ublic records specifically designated by the custodian as the official record.” (Rule 1B-24.001(3)(j), *F.A.C.*)

**Record Series:** “[A] group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.” (Rule 1B-24.001(3)(k), *F.A.C.*)

**Records Center:** A facility especially designed and constructed for the low-cost and efficient storage and furnishing of reference service on inactive records pending their final disposition.

**Records Inventory:** The systematic categorization of records in an agency conducted to develop or identify appropriate retention schedules for the agency's records.

**Records Management:** The application of systematic and scientific controls to recorded information required in the operation of an agency's business. Records management seeks to manage and control records throughout their life cycle, from their creation, distribution, filing, and use through their final disposition, whether by destruction or permanent retention.

**Records Management Liaison Officer (RMLO):** The individual designated by the agency who serves as a contact person to the Division and is assigned records management responsibilities by the Custodian.

**Records Retention Schedule:** “[R]etention requirements established by the Division for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept.” (Rule 1B-24.001(3)(1), *F.A.C.*) Agencies can initiate the process by submitting to the Division a *Request for Records Retention Schedule*, Form LS5E-105REff.2-09.

**Retention Period:** The minimum period of time for which a record series must be retained before final disposition, based upon the administrative, legal, fiscal, and historical values of the record series. Retention values are determined by the nature, content, and purpose of the record series and not by the physical format (paper, electronic, microfilm) in which the series resides.

**Semi-Active Records:** See [Inactive Records](#).

**State Archives of Florida:** “[T]he program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the state and which have been accepted by the Division for transfer to its custody.” (Rule 1B-24.001(3)(f), *F.A.C.*) See also [Archives](#).

**Supporting Documents:** Public records assembled or created to be used in the preparation of other records that are needed to trace or explain actions, steps, and decisions covered in the final or record (master) copy.

**Vital Records:** Records that are essential to the operations of an agency and/or to protecting the rights of individuals and that are needed in order to resume the critical business of the agency after a disaster or emergency. Vital records should be identified as part of a disaster preparedness program. See also [Disaster Preparedness](#).



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**APPENDIX A**  
**Obtaining Schedules, Handbooks, and Other Resources**

The publications and resources of Florida's Records Management Program are available on the records management Web site at <http://dliis.dos.state.fl.us/RecordsManagers>. We recommend that you consult these publications on the Web to ensure that you are working with the most current information. The Program does not print or stock quantities of these resources to hold down expenses. However, if you are unable to access these materials on the Web, we can provide you with individual copies. Please complete and mail or fax this form to:

**State Library and Archives of Florida**  
**Records Management Program**  
**Mail Station 9A**  
**Tallahassee, Florida 32399-0250**  
**FAX: 850.245.6795**

**PLEASE CHECK THE ITEMS DESIRED**

- GS1-SL, State and Local Government Agencies
- GS2, Law Enforcement, Correctional Facilities, and District Medical Examiners
- GS3, Election Records
- GS4, Public Hospitals, Health Care Facilities and Medical Providers
- GS5, Universities and Community Colleges
- GS7, Public Schools Pre-K-12, Adult and Vocational/Technical
- GS8, Fire Departments
- GS9, State Attorneys
- GS10, Public Defenders
- GS11, Clerks of Court
- GS12, Property Appraisers
- GS13, Tax Collectors
- GS14, Public Utilities
- GS15, Public Libraries
- Request for Records Retention Schedule (Form LS5E-105REff.2-09)
- The Basics of Records Management
- Records Management Self-Evaluation Guide
- Electronic Records and Records Management Practices
- Files Management Handbook
- Micrographics Handbook
- Public Records Storage Guidelines for Records Centers and Archives
- Chapter 119, F.S.- Public Records
- Chapter 257, F.S.- Public Libraries and State Archives
- Rule 1B-24, F.A.C.- Public Records Scheduling and Disposition
- Rule 1B-26.0021, F.A.C.- Microfilm Standards
- Rule 1B-26.003, F.A.C.- Electronic Recordkeeping

Name/Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

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**APPENDIX B**  
**Records Inventory Worksheet**

Fillable Worksheet form in Word format available at  
<http://dlis.dos.state.fl.us/recordsmgmt/publications.cfm>

<b>RECORDS INVENTORY WORKSHEET</b>				
Department/ Section _____	Contact _____	Phone No. _____		
Location of Records Room _____ File _____	Schedule No. _____	Item No. _____		
Records Series Title _____				
Record/File Title _____				
Description (Contents, Purpose, and Use: Include form title and numbers, if any) _____ _____ _____				
<input type="checkbox"/> Record Copy <input type="checkbox"/> Duplicate Copy				
<b>File Type</b> <input type="checkbox"/> Subject <input type="checkbox"/> Case/Business Activity <input type="checkbox"/> Working Papers <input type="checkbox"/> Reference <input type="checkbox"/> Index	<b>Cut-Off Date</b> <input type="checkbox"/> Calendar Year <input type="checkbox"/> Fiscal Year <input type="checkbox"/> Anniversary <input type="checkbox"/> Continuous <input type="checkbox"/> Other _____	<b>Arrangement</b> <input type="checkbox"/> Alphabetic by _____ <input type="checkbox"/> Alphanumeric by _____ <input type="checkbox"/> Numeric by _____ <input type="checkbox"/> Chronological by _____ <input type="checkbox"/> Other _____	<b>Authorization for Series</b> <input type="checkbox"/> a. Statute <input type="checkbox"/> b. Regulations <input type="checkbox"/> c. Administrative _____ (Citation)	
<b>Record Form</b> <input type="checkbox"/> 8-1/2" x 11" paper (letter size) <input type="checkbox"/> 11" x 15" computer printouts <input type="checkbox"/> Computer disks <input type="checkbox"/> 8-1/2" x 14" paper (legal size) <input type="checkbox"/> 11" x 8-1/2" computer printouts <input type="checkbox"/> Compact discs <input type="checkbox"/> Bound books, catalogs <input type="checkbox"/> Roll microfilm <input type="checkbox"/> Computer tapes/cartridges <input type="checkbox"/> 3" x 5" Cards <input type="checkbox"/> Microfiche <input type="checkbox"/> Video tapes <input type="checkbox"/> 4" x 6" Cards <input type="checkbox"/> Other _____ <input type="checkbox"/> Optical discs				
<b>Electronic Records Filing</b> a. What is the name of the system? _____ b. Who owns the system? _____ c. What operating system is needed to retrieve and view files? _____ d. What application software is needed to retrieve and view files? _____ e. What is the file format? (.doc, .xls, .tif, .rtf, etc.) _____ f. What is current age of media on which records are stored? (1 year, 5 years, etc.) _____ g. How quickly is this information usually needed? (within minutes, days, weeks, etc.) _____ h. How often is this information accessed? (daily, weekly, monthly, etc.) _____ i. What business activity do these records support? _____ j. Are there any records related to these records? _____ k. Do you need more assistance with assessing these records? _____				
Current Holdings				
Year (Inclusive Dates)	Paper Cubic Feet	Electronic Bytes/Item Count	Type Filing Equipment Used	Quantity
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



**APPENDIX C**  
**Records Management Liaison Officer (RMLO) Designation Form**

Please provide current information about your agency RMLO in the spaces below.

Agency Name: \_\_\_\_\_

RMLO Name: \_\_\_\_\_

RMLO E-mail Address: \_\_\_\_\_

RMLO Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Authorizing Official Name: \_\_\_\_\_

Authorizing Official Title: \_\_\_\_\_

Authorizing Official Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PLEASE RETURN TO:**

State Library and Archives of Florida  
Records Management Program  
Mail Station 9A  
Tallahassee, FL 32399-0250  
Fax: 850.245.6795  
E-mail: [recmgt@dos.state.fl.us](mailto:recmgt@dos.state.fl.us)

## APPENDIX D

### Department of State Records Management and Public Records Request Policy

#### 1. Introduction

The records that Florida's state and local government agencies keep in the course of carrying out their duties and responsibilities are public records. Public records are different from records of businesses and private organizations because Florida law requires public records to be readily accessible and available to the public upon request. All employees must ensure that public records in their custody are maintained and accessible as required by Florida law. Employees and agencies do not have the authority to withhold records deemed "sensitive." The only records that can be withheld from public disclosure are those specifically designated by the Florida Statutes as confidential or exempt. This policy will provide employees with the information necessary to understand and carry out their public records responsibilities.

#### 2. Purpose

The purpose of this policy is to provide Department of State employees with the information and procedures necessary to understand and carry out their responsibilities under the Florida Public Records Law, including:

- a. The requirements for managing Department of State public records, and
- b. The manner in which public records requests are to be processed to ensure that responses to the requests are organized, inclusive, and in compliance with applicable statutes and rules.

#### 3. Scope

This policy applies to all Department of State employees, as well as publicly created advisory boards and private organizations (such as Citizen Support Organizations), that have been delegated the authority to perform some governmental function. This policy applies to all public records of the Department of State, regardless of the medium in which they exist (i.e., paper, electronic, or other).

#### 4. Policy

It is the Department of State's policy to ensure that public records in the Department's custody are maintained and managed as required by the Florida Public Records Law. This law provides that all materials made or received by Florida's state and local government agencies in connection with their official business are public records.

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It is also the policy of the Department of State to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, as required by the Florida Public Records Law. Requested public records may not be withheld for any reason, except if the record or a portion of the record is specifically designated under law as confidential or exempt from public disclosure.

The Department of State places a high priority on efficient, effective, and economical management of public records to ensure that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

5. Authority

- a. Sections 257.36(5)(b) and (6), 119.07, 119.011(11), and 119.021, *Florida Statutes*.
- b. Rules 1-2.0031, 1B-24, 1B-26.003, and 1B-26.0021, *Florida Administrative Code*.

6. Definitions

- a. “Confidential” means public records that have been identified in the *Florida Statutes* as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated in the statute.
- b. “Department of State Individual Records Schedules” means individual retention schedules for records that are unique to the Department of State. The Department of State individual records schedules are available on the Department’s Intranet at <http://dosintraweb/index.html>.
- c. “Exempt” means public records that have been identified in Chapter 119 or other applicable Florida Statutes as exempt from public disclosure.
- d. “GS1-SL” means the *General Records Schedule GS1-SL for State and Local Government Agencies*, which is available at [http://dlis.dos.state.fl.us/recordsmgmt/gen\\_records\\_schedules.cfm](http://dlis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm).
- e. “Inactive Records” means records which have lost some of their value or have been superseded by new records, but have not reached their specified retention. Records that are referenced less than once per month are usually considered inactive.
- f. “Public record” as defined by section 119.011(11), *Florida Statutes*, 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.”

- g. “Record (Master) Copy” as defined in Rule 1B-24.001(3)(i), *Florida Administrative Code*, means the public records specifically designated by the custodian as the official record.
- h. “Record Series” as defined in Rule 1B-24.001(3)(k), *Florida Administrative Code*, means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

## 7. Procedures

- a. Records Management: Records management entails retention, storage, disposition, and all other record-keeping requirements and practices that support Department programs, activities, operations, and accomplishments in order to best serve the public.
  - i. Organization and Maintenance:
    - 1. Public records shall be organized, arranged, and maintained using a filing or record-keeping system that:
      - is appropriate to the nature, purpose, and use of the records,
      - can be easily understood by all users, and
      - facilitates the location of and access to those records by all users, when and where it is needed.
    - 2. All records shall be stored on an appropriate media format to ensure their preservation for the entire length of their required retention.
    - 3. Inactive records can be boxed until the applicable retention period has been met. Records shall be boxed according to the applicable records series to facilitate disposal of the records in a timely manner.
  - ii. Inventory: Each division or office in the Department must maintain a current inventory of all record series in their custody or control. The inventory can be in any format at the discretion of each division

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or office, including, but not limited to, one of the following methods:

1. Document each record series the office maintains in a Microsoft Word document or Excel spreadsheet.
  2. Highlight each applicable records series in the GS1-SL and the individual records schedules.
- iii. Records Retention Schedules: All records created and maintained by the Department must have a records retention schedule approved by the State Library and Archives of Florida, Information Resources Management Section.

Many of the Department's public records are covered by the *General Records Schedule GS1-SL for State and Local Government Agencies*. The Division of Elections may also use the *General Records Schedule GS3 for Election Records*. The State Library of Florida may also use the *General Records Schedule GS15 for Public Libraries*.

Any records not covered by general records schedules must have an individual records retention schedule. To establish an individual records retention schedule, contact the department Records Management Liaison Officer or your division Records Coordinator (see Section 8) for assistance.

- iv. Disposition: Each division or office in the Department must systematically dispose of public records that have met their retention requirements and are no longer needed.
1. The record holder or custodian must properly document disposition of these records. A records disposition document form is available from the State Library and Archives of Florida's Web site at [http://dlis.dos.state.fl.us/index\\_RecordsManagers.cfm](http://dlis.dos.state.fl.us/index_RecordsManagers.cfm). The Records Management Liaison Officer or Records Coordinator must permanently retain the completed disposition forms.
  2. Records with retention of "retain until obsolete, superseded, or administrative value is lost" (OSA) do not have to be documented when disposed, except for records that have been microfilmed or scanned where the microfilm or electronic version will serve as the record copy.



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3. Records determined by the State Archives of Florida to have archival value shall be transferred to the Archives in accordance with Archives procedures.

b. Public Records Requests:

i. Request:

1. A public records request is a request to either inspect or copy, or both, public records pursuant to Chapter 119, *Florida Statutes*.
2. There is no requirement that the request be made in person or in writing, or be in any particular form.
3. The person making the request is not required to identify himself/herself, or to provide information about the reason for the request or how the records will be used.
4. The request must be clear enough to enable the agency to conduct a meaningful search. The agency may ask questions about the request in order to respond to the request fully and in a timely manner.
5. All requests should be directed to the appropriate division or office, with one exception. **Requests for Division of Elections records should be directed to the Public Information Office in the Office of the Secretary of State.**
6. Reference requests to the State Archives of Florida are not considered public records requests.

ii. Responding to the request:

1. Upon receipt of a request for public records by e-mail, the Department shall send an acknowledgment of receipt of the request to the requestor via e-mail within two business days. (See sample at Attachment A.) For requests received by any other means, an acknowledgment letter is necessary only if the request cannot be fulfilled within two days.
2. The Department shall respond to all public records requests in a reasonable time, taking into account the extent and nature of the request. Within five business days of receipt of the request, the Department must take one of the following actions:

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- send an invoice with a cover letter to the requestor outlining the fees as calculated by section 7.b.iii, “Fees,” and the total amount due. (See sample invoice and letter at Attachment B.)
  - notify the requestor of estimated costs and request payment in advance if the nature or volume of the requested records will require extensive use of information technology resources, extensive clerical or supervisory assistance, or both, in addition to the actual cost of duplication or production
  - inform the requestor that the Department is working on their request; give them an estimated time of completion and advise them about any specific circumstances affecting completion of the request
  - inform the requestor that the requested materials do not exist or are not in the custody of the Department
3. Upon receipt of payment, the Department shall provide the requested materials. If for any reason the materials cannot be provided within five business days, the Department shall contact the requestor with an estimated time of completion.
4. Certified Copies of Public Records:
- Certification Statement: When more than five pages of certified copies are requested, a certification statement may be used, instead of certifying each page. In this statement, which is a cover page for the group of documents, the custodian certifies that the copies provided are true and correct copies of the originals. (See sample certification at Attachment C.)
  - Page Certification: When each page of the record is requested to be certified, the following statement shall be typed on each page, either on the bottom or on the back of the page, depending on where space is available, and signed by the custodian of the records:  
  
I, (insert name, title, and section), Florida Department of State, hereby certify that this is a true and correct copy of the record of the Florida Department of State. Certified this (date) day of (month), (year).  
  
\_\_\_\_\_ Signature

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5. The Department may not delay production of records. Records must be produced within the time reasonably required to identify, collect, and copy them for the requesting party. The Department must make a good faith effort to satisfy the request promptly, consistent with available resources and other priorities.
6. The Public Records Law does not require the Department to generate or create records not already in the Department's custody in response to a public records request. Records that are responsive to the public records request that are available as of the date the request is fulfilled must be provided, even if such records did not exist as of the date the request was received.
7. Confidential or exempt records:
  - If the requested records are confidential or exempt from public disclosure by statute, the records may not be disclosed. The Department must inform the requestor that the records are exempt from disclosure and cite the applicable statute establishing the exemption. (See sample letter at Attachment D.)
  - If only part of the record is confidential or exempt, the Department must redact that information and provide the remaining record to the requestor. The most efficient method should be used to redact information. One method of redacting is to black out the exempt information on a copy of the original, photocopying the marked copy, and providing the final photocopy to the requestor. The marked copy may be destroyed. Other methods are acceptable and may be used as long as the confidential or exempt information is not released to the requestor.

For questions or guidance regarding records exempt from disclosure, contact the General Counsel's Office.

8. The office responding to the request shall maintain the request, acknowledgment, response, invoice, materials produced, or a record of what was produced; any related correspondence; and receipt of payment.
9. The Department shall not dispose of requested records for a period of 30 days after the date on which a request for the records was made. This requirement is in addition to, and

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does not lessen, the obligation of the Department to retain records pursuant to the otherwise required records retention schedules.

iii. Fees

1. Fees may be paid by cash, check, or money order made payable to the Florida Department of State.
2. Copies or certified copies of records shall be furnished upon payment of the fee prescribed by Section 119.07(4), *Florida Statutes*:
  - Up to 15 cents may be charged per one-sided copy of not more than 14 inches by 8<sup>1</sup>/<sub>2</sub> inches.
  - No more than an additional five cents may be charged for each two-sided copy.
  - For all other copies, the actual cost of duplication may be charged.
3. Certified copies of public records shall be furnished upon payment of the fees listed below:
  - Per page certification. A charge of \$1 per page shall be assessed for each individually certified page. (Section 119.07(4), *Florida Statutes*)
  - Certification statement. Charge of \$5 for the certification statement plus any fees for copies calculated under section 2.
  - The Division of Corporations shall furnish certified copies in accordance with sections 608.452 and 620.1109, *Florida Statutes*.
4. The cost of mailing or shipping the requested material may also be added if the requestor asks that the material be delivered (instead of the requestor picking up the material in person).
5. If the nature or volume of the public records requested to be inspected or copied is such that it requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, in addition to the actual cost of duplication, a special service charge may

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be assessed. This charge shall be reasonable and shall be based on the actual cost incurred for information technology resources and/or the labor cost of the clerical and supervisory personnel providing the service. (Section 119.07(4)(d), *Florida Statutes*)

Rule 1-2.0031, *Florida Administrative Code, Public Records Requests: Special Service Charge*, provides:

*“(1) When a public records request is of the nature described in Section 119.07(4)(d), F.S., the following will apply:*

*(a) The term “extensive” means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (b) and (c) below.*

*(b) The term “clerical or supervisory assistance” includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.*

*(c) The term “use of information technology resources” includes the setup and implementation of information technology defined in Section 282.0041(10), F.S.*

*(2) (a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the cost of wages and benefits of the lowest paid personnel who, in the discretion of the Department, has the necessary skill and training to perform the request. The special service charge shall be in addition to the duplication charge as provided in Sections 119.07(4)(a) and (b), F.S., and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.*

*(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the*

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*Department in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requestor shall be required to remit additional monies to pay for any costs in excess of the deposit. In the event the requestor fails to remit additional monies to cover costs in excess of the monies deposited, the Department shall withhold releasing any public records identified pursuant to that request until those amounts are paid in full.”*

6. The wage expense portion of public records special service charges<sup>1</sup> shall be calculated based on the following formulas<sup>2</sup>:

Public Records Special Service Charge =  
(Hourly Base Rate of Pay + Hourly Value of Benefits) X Number  
of Hours Worked

Hourly Base Rate of Pay =  
[Annual Base Rate of Pay (or Monthly Base Rate x 12 or  
Biweekly Base Rate X 26)] /2080 Hours (# work hours per year)

Hourly Value of Benefits for Career Service and Select Exempt =  
Hourly Base Rate of Pay X Benefit Factor<sup>3</sup>

7. Upon receipt of payment, fees should be processed according to the revenue receipt procedures of the division or forwarded to the Support Services Administrator in the Office of Support Services.
8. Notwithstanding what is stated herein, no charges will be assessed against the requestor if the cost of production is less than \$5.00.

8. Records Management Liaison Officer and Records Coordinator

---

<sup>1</sup> This charge is authorized by Section 119.07(4)(d), *Florida Statutes*, and Department of State Rule 1-2.0031(2)(a), *Florida Administrative Code*, which is entitled "Public Records Requests: Special Service Charge."

<sup>2</sup> The first two formulas (for calculation of hourly rates of pay) are derived from DMS Rule 60L-32.002, *Florida Administrative Code*, which is entitled "Computation of Hourly Rate."

<sup>3</sup> The benefit factor (in the third formula) is based on expenditures in the Department's Salary and Benefits appropriation category, and is calculated by dividing the salary expenditures by the benefit expenditures. This factor may be obtained from the Department's Bureau of Planning, Budget and Financial Services.

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The Department's Records Management Liaison Officer (RMLO) is designated by the Secretary and serves as the department's contact for records management. In addition, each division shall appoint a Records Coordinator who will be the RMLO's records contact for that division. Address all questions, issues, or concerns relating to records in the Department to the RMLO or Records Coordinator. Contact the Secretary of State's Office or the applicable division director's office for current designations or appointments.

9. Violation

Violation of this policy may result in disciplinary action, up to and including termination of employment.

Approved by:

Secretary of State or Designee \_\_\_\_\_

Date \_\_\_\_\_

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Records Management and Public Records Request Policy  
Attachment A

*(Acknowledgement Letter – Use Agency Letterhead or send by e-mail)*

*(Date)*

*(Requestor's Name)*

*(Requestor's Address)*

RE: Acknowledgement of Public Records Request

Dear *(Insert name of requestor)*:

We have received your public records request. Your request will be processed in accordance with the Florida Public Records Law. You will be advised as soon as possible regarding estimated costs. Payment will be due in advance by cash, check, or money order made payable to the Florida Department of State.

If you have any questions, you may contact me at *(insert telephone number)* or by e-mail at *(insert e-mail address)*.

Sincerely,

*(Name)*

*(Title)*



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Records Management and Public Records Request Policy  
Attachment B

*(Invoice Cover Letter – Use Agency Letterhead)*

*(Date)*

*(Requestor's Name)*  
*(Requestor)*

RE: Public Records Request

Dear *(Insert name of requestor)*:

Please find enclosed an invoice for your public records request. Upon payment of the invoice amount, we will provide you with copies of the records. Please make your check or money order payable to the Florida Department of State and send it to

\_\_\_\_\_.

Please let me know if I may be of further assistance.

Sincerely,

*(Name)*  
*(Title)*

Enclosure

Records Management and Public Records Request Policy  
 Attachment B

*(Use Agency Letterhead)*

## INVOICE

**INVOICE NO:** *(Insert invoice number)*

**DATE:** *(Insert date)*

To: *(Requestor's Name)*  
*(Requestor's Address)*

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
		SUBTOTAL	
		SHIPPING & HANDLING	
		<b>TOTAL DUE</b>	

Make checks or money orders payable to: Florida Department of State

If you have any questions concerning this invoice, call: *(Insert name and phone number)*.

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Records Management and Public Records Request Policy  
Attachment C

*(Certification Statement – Use Agency Letterhead)*

*I, (insert name, title, and section), Florida Department of State, hereby certify that the attached are true and correct copies of (insert description of public records, including the number of pages), and that I am the official custodian of the records.*

***CERTIFIED*** *this (date) day of (month), (year).*

***BY:*** \_\_\_\_\_

*(Insert name)*

*(Insert title)*

*(Insert section/office and division)*

*Florida Department of State*

FLORIDA DEPARTMENT OF STATE  
BASICS OF RECORDS MANAGEMENT HANDBOOK  
APPENDIX D

Records Management and Public Records Request Policy  
Attachment D

*(Response Letter for Confidential/Exempt Records – Use Agency Letterhead)*

*(Date)*

*(Requestor's Name)*

*(Requestor's Address)*

RE: Public Records Request

Dear *(Insert name of requestor)*:

Please find enclosed the materials related to your request for public records.

Some of the material contains information that is confidential or exempt from public disclosure in accordance with Florida Statutes. *(Provide the reason and statutory authority for all redactions, e.g., all social security numbers have been redacted per Section 119.071(5)(a)3, Florida Statutes.)*

If you have any questions, you may contact me at *(insert phone number)* or by e-mail at *(insert e-mail address)*.

Sincerely,

*(Name)*

*(Title)*

## APPENDIX E

### Public Records and Freedom of Information Policy Sources

The *Government-in-the-Sunshine Manual*, compiled annually by the Office of the Attorney General, is a comprehensive guide to Florida's open government requirements and responsibilities, including open meetings and public records. The *Manual* provides answers to many of your questions regarding access to public records, including an extensive list of exemptions from disclosure. To order a copy, contact the publisher at:

**First Amendment Foundation**

336 East College Avenue, Suite 101

Tallahassee, Florida 32301

Phone: 800.337.3518 (in Tallahassee: 850.222.3518)

Fax: 850.224.0435

<http://www.floridafaf.org/>

The “**Brechner Report**” is a monthly newsletter providing news and information regarding public records, access, and freedom of information issues. For more information, contact the publisher at:

**Brechner Center for Freedom of Information**

Post Office Box 118400

3208 Weimer Hall

University of Florida

Gainesville, Florida 32611-8400

Phone: 352.392.2273

Fax: 352.392.9173

<http://brechner.org/report.asp>

The **Office of Open Government** provides advice regarding public records access issues to assure full and expeditious compliance with Florida's open government and public records laws. For more information, contact the Office of Open Government at:

**Office of Open Government**

The Executive Office of the Governor

PL04 The Capitol

Tallahassee, Florida 32399

Phone 850.921.6099

[http://www.flgov.com/og\\_home](http://www.flgov.com/og_home)

**APPENDIX F**  
**Professional Organizations**

**ARMA International**  
**(formerly the Association of Records Managers and Administrators, Inc.)**

13725 West 109<sup>th</sup> Street, Suite 101  
Lenexa, Kansas 66215  
Telephone: 913.341.3808 / Toll free 800.422.2762  
Fax: 913.341.3742  
<http://www.arma.org/>

**National Association of Government Archives and Records Administrators (NAGARA)**

90 State Street, Suite 1009  
Albany, New York 12207  
Telephone: 518.463.8644  
Fax: 518.463.8656  
<http://www.nagara.org/>

**Association for Information and Image Management (AIIM)**

1100 Wayne Avenue, Suite 1100  
Silver Spring, Maryland 20910  
Telephone: 301.587.8202  
Fax: 301.587.2711  
<http://www.aiim.org/>

**Society of American Archivists (SAA)**

17 North State Street, Suite 1425  
Chicago, Illinois 60602-3315  
Telephone: 312.606.0722 / Toll free 866.722.7858  
Fax: 312.606.0728  
<http://www.archivists.org/>

**Society of Florida Archivists (SFA)**

Post Office Box 2746  
Lakeland, Florida 33806-2746  
<http://www.florida-archivists.org/>

**Florida Records Management Association (FRMA)**

Post Office Box 568542  
Orlando, Florida 32856-8542  
<http://www.frma.org/>