



CHAMBER ACTION

The Committee on State Administration recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to governmental reorganization; creating s. 20.101, F.S.; creating the Department of State and Community Affairs; providing the mission of the department; providing that the department shall be headed by a secretary appointed by and serving at the pleasure of the Governor; establishing divisions within the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; requiring appointment of division directors; providing for the appointment of deputy and assistant secretaries; providing for the establishment of bureaus, sections, and subsections deemed necessary by the secretary for certain purposes, under certain conditions; providing for the appointment of directors or executive directors of any commission or council; providing for the appointment by the Governor of the director of the Division of Emergency Management; repealing s. 20.10, F.S., relating to the



HB 1687

2003  
CS

29 Department of State; repealing s. 20.18, F.S., relating to  
30 the Department of Community Affairs; providing for the  
31 transfer of programs, functions, activities, powers,  
32 duties, rules, records, personnel, property, and  
33 unexpended balances among certain state agencies;  
34 providing that the Secretary of State shall continue in  
35 office as the secretary of the Department of State and  
36 Community Affairs without further appointment or  
37 confirmation; providing transitional provisions; amending  
38 ss. 11.011, 11.021, 11.03, 11.07, 15.01, 15.02, 15.03,  
39 15.07, and 15.155, F.S., to conform; amending s. 257.36,  
40 F.S.; deleting responsibilities regarding the records and  
41 information management program; creating s. 257.361, F.S.;  
42 providing responsibilities for records storage to the  
43 Department of Management Services; directing the Division  
44 of Statutory Revision to prepare a reviser's bill for the  
45 2004 Regular Session of the Legislature; providing an  
46 effective date.

47

48 Be It Enacted by the Legislature of the State of Florida:

49

50 Section 1. Section 20.101, Florida Statutes, is created to  
51 read:

52 20.101 Department of State and Community Affairs.--There  
53 is created a Department of State and Community Affairs.

54 (1) The mission of the Department of State and Community  
55 Affairs is to work in partnership with federal, state, and local  
56 governmental agencies, communities, public and private entities,



HB 1687

2003  
CS

57 and individuals in protecting and promoting the state's rich and  
58 diverse heritage, in protecting and promoting the state's  
59 natural resources, in protecting and promoting the rights of  
60 citizens, communities, and businesses, and in encouraging  
61 economic diversity and opportunities for sound growth. To  
62 accomplish this multifaceted mission, the department shall, at a  
63 minimum, do the following:

64 (a) Improve the quality of life in the state and its  
65 communities through supporting and promoting programs with  
66 historic, cultural, or artistic significance.

67 (b) Encourage identification, evaluation, protection,  
68 preservation, collection, conservation, and interpretation of  
69 and public access to information about Florida's historic sites,  
70 properties, and objects related to Florida history and to  
71 archaeological and folk cultural heritage.

72 (c) Assist in developing library services in local  
73 communities statewide, stimulate statewide cooperation among  
74 libraries of all types, and ensure access to materials and  
75 information of past, present, and future value to enable state  
76 government, local libraries, and agencies to provide effective  
77 information services for the benefit of the people of Florida.

78 (d) Promote the economical and efficient management of  
79 public records.

80 (e) Assist local communities to provide fair, credible,  
81 and accessible elections.

82 (f) Promote a positive business climate in Florida by  
83 maintaining an efficient and effective business registration



HB 1687

2003  
CS

84 activity, including the filing of business entities, trade and  
85 service marks, judgment liens, and fictitious names.

86 (g) Protect residents, visitors, and property by planning  
87 for and mitigating against hazards, and by maintaining effective  
88 and rapid response and recovery capabilities at the state and  
89 local levels.

90 (h) Provide assistance and grant funding to local  
91 governments in identifying programs and services available to  
92 residents and local governments for individual and neighborhood  
93 improvements.

94 (i) Promote economic development through providing  
95 assistance to communities to achieve a consistent, effective  
96 management of growth to protect their natural resources and to  
97 improve their quality of life.

98 (j) Provide consistent direction and support regarding  
99 local and state roles in protecting critical state resources and  
100 addressing significant state issues.

101 (k) Accomplish effective comprehensive planning and growth  
102 management to protect significant state assets including  
103 environmental resources and open space and promote diverse land  
104 uses that ensure efficient utilization of public and private  
105 investments in infrastructure and long term livability of  
106 communities through regulation, oversight, and targeted  
107 technical assistance.

108 (l) Maintain and uphold citizen participation in all  
109 programs of the Department of State and Community Affairs.

110 (2) The head of the Department of State and Community  
111 Affairs is the Secretary of State. The secretary shall be



HB 1687

2003  
CS

112 appointed by the Governor subject to confirmation by the Senate.

113 The secretary shall serve at the pleasure of the Governor.

114 (3) The following divisions of the Department of State and  
115 Community Affairs are established:

116 (a) Division of Community Assistance.

117 (b) Division of Community Planning and Growth Management.

118 (c) Division of Corporations.

119 (d) Division of Elections.

120 (e) Division of Historical and Cultural Resources.

121 (f) Division of Library and Information Services.

122 (4) The Florida Housing Finance Corporation and the

123 Division of Emergency Management shall be housed in the

124 Department of State and Community Affairs for administrative  
125 purposes.

126 (5) The secretary shall appoint a director for each  
127 division established within this section. Each division director  
128 shall directly administer the division and shall be responsible  
129 to the secretary. The secretary may appoint deputy and assistant  
130 secretaries as necessary to aid the secretary in fulfilling the  
131 secretary's statutory obligations.

132 (6) Bureaus, sections, and subsections of the department  
133 may be established within the Divisions of Community Assistance  
134 and Historical and Cultural Resources as deemed necessary by the  
135 secretary to promote efficient and effective operation of the  
136 department, pursuant to s. 20.04, and necessary to carry out the  
137 requirements of state and federal law. Notwithstanding s. 20.04,  
138 until July 1, 2004, the secretary may not change the structure  
139 of bureaus, sections, and subsections within the other divisions



140 of the department from that existing prior to the formation of  
 141 the Department of State and Community Affairs. However, this  
 142 section shall not affect the secretary's authority as provided  
 143 in section 5 of this act.

144 (7) Unless otherwise provided by law, the Secretary of  
 145 State shall appoint the directors or executive directors of any  
 146 commission or council assigned to the department, who shall  
 147 serve at his or her pleasure as provided for division directors  
 148 in s. 110.205. The appointments or terminations by the secretary  
 149 shall be done with the advice and consent of the commission or  
 150 council. Each director or executive director may employ, subject  
 151 to departmental rules and procedures, such personnel as may be  
 152 authorized and necessary.

153 (8) The director of Emergency Management shall be  
 154 appointed by, and serve at the pleasure of the Governor.

155 Section 2. Sections 20.10 and 20.18, Florida Statutes, are  
 156 repealed.

157 Section 3. Transfers.--

158 (1) All powers, duties, functions, rules, records,  
 159 personnel, property, and unexpended balances of appropriations,  
 160 allocations, and other funds of the Department of Community  
 161 Affairs are transferred intact by a type two transfer, as  
 162 defined in s. 20.06(2), Florida Statutes, from the Department of  
 163 Community Affairs to the Department of State and Community  
 164 Affairs, except as otherwise provided in this section.

165 (2) All powers, duties, functions, rules, records,  
 166 personnel, property, and unexpended balances of appropriations,  
 167 allocations, and other funds of the Department of State are



HB 1687

2003  
CS

168 transferred intact by a type two transfer, as defined in s.  
169 20.06(2), Florida Statutes, from the Department of State to the  
170 Department of State and Community Affairs, except as otherwise  
171 provided in this section.

172 (3) The following programs, functions, and activities,  
173 including all statutory powers, duties, functions, rules,  
174 records, personnel, property, and unexpended balances of  
175 appropriations, allocations, and other funds associated with the  
176 identified program, function, or activity are hereby transferred  
177 intact by a type two transfer, as defined in s. 20.06(2),  
178 Florida Statutes:

179 (a) From the Department of Community Affairs to the  
180 Department of Environmental Protection, the state energy program  
181 as authorized and governed by ss. 377.701 and 377.703, Florida  
182 Statutes.

183 (b) From the Department of State to the Executive Office  
184 of the Governor:

185 1. The advocating international business partnerships  
186 service as authorized in ss. 288.809 and 288.816, Florida  
187 Statutes.

188 2. Issuance of apostilles as authorized by s. 15.16(8),  
189 Florida Statutes.

190 3. The notaries functions as authorized in chapters 117  
191 and 118, Florida Statutes.

192  
193 However, these transfers shall not include any transfer of the  
194 statutory roles and responsibilities of the Secretary of State  
195 as Florida's Chief Cultural Officer.



196           (c) From the Department of Environmental Protection to the  
 197 Department of State and Community Affairs:

198           1. The Florida Recreation Development Assistance Program  
 199 (FRDAP) as authorized by s. 375.075, Florida Statutes, and  
 200 associated revenues described in s. 259.105(3)(d), Florida  
 201 Statutes.

202           2. The federal recreational trails program.

203           (d) From the Department of Community Affairs to the  
 204 Florida Housing Finance Corporation:

205           1. The Affordable Housing Catalyst Program as authorized  
 206 and governed by s. 420.606, Florida Statutes.

207           2. The Affordable Housing Study Commission as authorized  
 208 and governed by s. 420.609, Florida Statutes.

209           (e) From the Executive Office of the Governor to the  
 210 Department of State and Community Affairs:

211           1. The Regional Rural Development Grants Program as  
 212 authorized and governed by ss. 14.2015(2)(f) and 288.018,  
 213 Florida Statutes.

214           2. The Rural Community Development Revolving Loan Fund  
 215 Program as authorized and governed by ss. 14.2015(2)(f) and  
 216 288.065, Florida Statutes.

217           3. The Office of Urban Opportunity as authorized and  
 218 governed by s. 14.2015(9), Florida Statutes.

219           (f) From the Department of Community Affairs to the  
 220 Department of Legal Affairs, the civil legal assistance program  
 221 as authorized and governed by ss. 68.094-68.105, Florida  
 222 Statutes.





223 (g) From the Department of State to the Department of  
 224 Management Services:

225 1. The records storage program as authorized and governed  
 226 by s. 257.362, Florida Statutes.

227 2. The management of copyrights, patents, and trademarks  
 228 held in the name of or on behalf of the State of Florida as  
 229 authorized and governed by ss. 286.021 and 286.031, Florida  
 230 Statutes.

231 Section 4. The Secretary of State shall continue in office  
 232 as the secretary of the Department of State and Community  
 233 Affairs without further appointment by the Governor or  
 234 reconfirmation by the Senate and shall be known as the Secretary  
 235 of State.

236 Section 5. Transitional provision.--For the 2003-2004  
 237 fiscal year, for positions and moneys appropriated for the  
 238 respective Offices of the Secretary for the Department of  
 239 Community Affairs and the Department of State in the General  
 240 Appropriations Act, the Secretary of State has the authority to  
 241 implement any reductions or changes in staffing or funding  
 242 necessary for the optimum structure to achieve the greatest  
 243 possible coordination and to facilitate the efficient operation  
 244 of the department.

245 Section 6. Report.--The Department of State and Community  
 246 Affairs, the Department of Environmental Protection, the  
 247 Executive Office of the Governor, the Department of Legal  
 248 Affairs, and the Department of Management Services shall  
 249 evaluate the programs, functions, and activities transferred to  
 250 their respective agencies by this act. The agencies shall



HB 1687

2003  
CS

251 | provide a joint report to the Governor, the Speaker of the House  
252 | of Representatives, and the President of the Senate by October  
253 | 15, 2003, containing an organizational overview of the  
254 | Department of State and Community Affairs and recommending  
255 | statutory changes to best effectuate and incorporate the  
256 | programs, functions, and activities within each agency,  
257 | including recommendations for achieving efficiencies in  
258 | management and operation, improving service delivery to the  
259 | public, and ensuring compliance with federal and state laws. The  
260 | Department of State and Community Affairs shall hold meetings  
261 | with and otherwise gather input from constituent groups,  
262 | including, but not limited to, arts, historic, cultural,  
263 | libraries, cities, counties, growth management, economic  
264 | development, and environmental interest groups. Any input  
265 | received shall be considered by the agencies and made a part of  
266 | the final report.

267 |       Section 7. Given the importance of the mission of the  
268 | Department of State and Community Affairs, it is the intent of  
269 | the Legislature that departmental programs, functions, and  
270 | activities continue without change during the department's  
271 | transitional period. It is also the intent of the Legislature  
272 | that proposed changes to programs, functions, and activities be  
273 | reviewed and approved by the Legislature. To this end, no  
274 | changes in Department of State and Community Affairs programs  
275 | shall be made prior to July 1, 2004. All department programs  
276 | shall be implemented in accord with current law, and no  
277 | substantive changes in department rules shall be made except as  
278 | is required for compliance with new federal or state laws.



279 Section 8. Section 11.011, Florida Statutes, is amended to  
280 read:

281 11.011 Special session; convened by Legislature.--

282 (1) The President of the Senate and the Speaker of the  
283 House of Representatives, by joint proclamation duly filed with  
284 the Department of State and Community Affairs, may convene the  
285 Legislature in special session pursuant to the authority of s.  
286 3, Art. III of the State Constitution.

287 (2) The Legislature may also be convened in special  
288 session in the following manner: When 20 percent of the members  
289 of the Legislature shall execute in writing and file with the  
290 Department of State and Community Affairs their certificates  
291 that conditions warrant the convening of the Legislature into  
292 special session, the Department of State and Community Affairs  
293 shall, within 7 days after receiving the requisite number of  
294 such certificates, poll the members of the Legislature, and upon  
295 the affirmative vote of three-fifths of the members of both  
296 houses, shall forthwith fix the day and hour for the convening  
297 of such special session. Notice thereof shall be given each  
298 member by registered mail within 7 days after receiving the  
299 requisite number of said certificates. The time for convening of  
300 said session shall not be less than 14 days nor more than 21  
301 days from the date of mailing said notices. In pursuance of said  
302 certificates, affirmative vote of the membership, and notice,  
303 the Legislature shall convene in special session. Should the  
304 Department of State and Community Affairs fail to receive the  
305 requisite number of said certificates requesting the convening  
306 of a special session of the Legislature within a period of 60



HB 1687

2003  
CS

307 days after receipt of the first of said certificates, all  
308 certificates previously filed shall be rendered null and void  
309 and no special session shall be called, and said certificates  
310 shall not be used at any future time for the convening of the  
311 Legislature.

312 (3) During any special session convened pursuant to this  
313 section, only such legislative business may be transacted as is  
314 within the purview of the purpose or purposes stated in the  
315 proclamation, the certificates filed with the Secretary of  
316 State, or in a communication from the Governor or as is  
317 introduced by consent of two-thirds of the membership of each  
318 house.

319 Section 9. Section 11.021, Florida Statutes, is amended to  
320 read:

321 11.021 Evidence of publication of notice.--The evidence  
322 that such notice has been published shall be established in the  
323 Legislature before such bill shall be passed, and such evidence  
324 shall be filed or preserved with the bill in the Department of  
325 State and Community Affairs in such manner as the Legislature  
326 shall provide.

327 Section 10. Subsection (2) of section 11.03, Florida  
328 Statutes, is amended to read:

329 11.03 Proof of publication of notice.--

330 (2) Such affidavit of proof of publication shall be  
331 attached to the contemplated law when it is introduced into the  
332 Legislature. A true copy of the notice published or posted shall  
333 also be attached to the bill when introduced, but it shall not  
334 be necessary to enter said published or posted notice, or proof



HB 1687

2003  
CS

335 | thereof, in the journals. The fact that such notice was  
336 | established in the Legislature shall in every case be recited  
337 | upon the journals of the Senate and of the House of  
338 | Representatives, and the notice published and affidavit of  
339 | publication thereof shall accompany the bill throughout the  
340 | Legislature and be preserved as a part thereof in the Department  
341 | of State and Community Affairs.

342 |       Section 11. Subsections (1) and (3) of section 11.07,  
343 | Florida Statutes, are amended to read:

344 |       11.07 Method of enrolling bills, etc.--

345 |       (1) All bills and joint resolutions passed by the Senate  
346 | and House of Representatives shall be duly enrolled, on paper,  
347 | by the Secretary of the Senate or the Clerk of the House of  
348 | Representatives, accordingly as the bills or joint resolutions  
349 | may have originated in the Senate or House of Representatives,  
350 | before they shall be presented to the Governor or filed in the  
351 | Department of State and Community Affairs.

352 |       (3) The size, style and quality of the paper to be used  
353 | shall be prescribed by the Department of State and Community  
354 | Affairs and furnished by it, in sufficient quantities, to the  
355 | Secretary of the Senate and the Clerk of the House of  
356 | Representatives. The cost of said enrolling paper shall be paid  
357 | for by the Legislature from the appropriation for legislative  
358 | expense.

359 |       Section 12. Section 15.01, Florida Statutes, is amended to  
360 | read:

361 |       15.01 Duties.--The Department of State and Community  
362 | Affairs shall have the custody of the constitution and Great



HB 1687

2003  
CS

363 Seal of this state, and of the original statutes thereof, and of  
 364 the resolutions of the Legislature, and of all the official  
 365 correspondence of the Governor. The department shall keep in its  
 366 office a register and an index of all official letters, orders,  
 367 communications, messages, documents, and other official acts  
 368 issued or received by the Governor or the Secretary of State,  
 369 and record these in a book numbered in chronological order. The  
 370 Governor, before issuing any order or transmission of any  
 371 official letter, communication, or document from the executive  
 372 office or promulgation of any official act or proceeding, except  
 373 military orders, shall deliver the same or a copy thereof to the  
 374 Department of State and Community Affairs to be recorded.

375 Section 13. Section 15.02, Florida Statutes, is amended to  
 376 read:

377 15.02 Custodian of state flag; state papers; state laws  
 378 and legislative documents.--The Department of State and  
 379 Community Affairs shall have custody of the state flag; of all  
 380 books, papers, files, and documents belonging to the office of  
 381 Secretary of State; and of the laws of the state and books,  
 382 papers, journals, and documents of the Legislature.

383 Section 14. Subsections (2) and (3) of section 15.03,  
 384 Florida Statutes, are amended to read:

385 15.03 State seal.--

386 (2)(a) The Department of State and Community Affairs shall  
 387 be the custodian of the great seal of the state.

388 (b) The great seal of this state shall also be the seal of  
 389 the Department of State and Community Affairs, and the  
 390 department may certify under said seal, copies of any statute,



HB 1687

2003  
CS

391 law, resolution, record, paper, letter or document, by law  
392 placed in its custody, keeping and care, and such certified copy  
393 shall have the same force and effect in evidence, as the  
394 original would have.

395 (3) Only the Department of State and Community Affairs  
396 shall be authorized to affix the seal to any document for the  
397 purpose of attesting, certifying, or otherwise formalizing such  
398 document. Any facsimile or reproduction of the great seal shall  
399 be manufactured, used, displayed, or otherwise employed by  
400 anyone only upon the approval of the Department of State and  
401 Community Affairs. The Department of State and Community Affairs  
402 may grant a certificate of approval upon application to it by  
403 any person showing good cause for the use of the seal for a  
404 proper purpose. The Department of State and Community Affairs  
405 may adopt reasonable rules for the manufacture or use of the  
406 great seal or any facsimile or reproduction thereof. Any person  
407 violating the provisions of this subsection is guilty of a  
408 misdemeanor of the second degree, punishable as provided in s.  
409 775.082 or s. 775.083.

410 Section 15. Section 15.07, Florida Statutes, is amended to  
411 read:

412 15.07 Acts and papers of the Legislature to be deposited  
413 with the Department of State and Community Affairs.--All  
414 original acts and resolutions passed by the Legislature, and all  
415 other original papers acted upon thereby, together with the  
416 Journal of the Senate, and the Journal of the House of  
417 Representatives, shall, immediately upon the adjournment  
418 thereof, be deposited with, and preserved in, the Department of



HB 1687

2003  
CS

419 | State and Community Affairs, by which they shall be properly  
420 | arranged, classified, and filed, provided that the journal of  
421 | the executive session of the Senate shall be kept free from  
422 | inspection or disclosure except upon the order of the Senate  
423 | itself or some court of competent jurisdiction.

424 |       Section 16. Section 15.155, Florida Statutes, is amended  
425 | to read:

426 |       15.155 Legislative documents; Department of State and  
427 | Community Affairs to classify, number, and furnish copies of  
428 | general laws, special acts, resolutions, and memorials.--

429 |       (1) Immediately after any act of the Legislature or any  
430 | resolution or memorial is filed in the office of the Department  
431 | of State and Community Affairs, the department shall:

432 |       (a) Select, segregate, and classify all acts of the  
433 | Legislature, including memorials and resolutions, by dividing  
434 | them into the following two classifications: Volume I, General  
435 | Acts, and Volume II, Special Acts;

436 |       (b) Include in such General Acts all acts passed as  
437 | general laws and all memorials and resolutions, including  
438 | proposed constitutional amendments, and include in such Special  
439 | Acts only those acts passed as special laws and becoming law as  
440 | such;

441 |       (c) Assign a chapter number to each such act; and

442 |       (d) Furnish true and accurate copies of such laws,  
443 | resolutions, and memorials passed by the Legislature to the  
444 | Office of Legislative Services for publication.

445 |       (2) The Department of State and Community Affairs shall  
446 | distribute pamphlet copies of the general laws upon requisition





HB 1687

2003  
CS

447 to any official of the legislative, judicial, or executive  
448 branches of state or county government in this state. Surplus  
449 copies may be distributed to practicing attorneys in the state  
450 upon their written request and payment of a nominal fee  
451 sufficient to pay for mailing.

452 Section 17. Section 257.36, Florida Statutes, is amended  
453 to read:

454 257.36 Records and information management.--

455 (1) There is created within the Division of Library and  
456 Information Services of the Department of State and Community  
457 Affairs a records and information management program. It is the  
458 duty and responsibility of the division to:

459 (a) Establish and administer a records management program  
460 directed to the application of efficient and economical  
461 management methods relating to the creation, utilization,  
462 maintenance, retention, preservation, and disposal of records.

463 ~~(b) Establish and operate a records center or centers~~  
464 ~~primarily for the storage, processing, servicing, and security~~  
465 ~~of public records that must be retained for varying periods of~~  
466 ~~time but need not be retained in an agency's office equipment or~~  
467 ~~space.~~

468 (b)(e) Analyze, develop, establish, and coordinate  
469 standards, procedures, and techniques of recordmaking and  
470 recordkeeping.

471 (c)(d) Ensure the maintenance and security of records  
472 which are deemed appropriate for preservation.

473 (d)(e) Establish safeguards against unauthorized or  
474 unlawful removal or loss of records.



HB 1687

2003  
CS

475        (e)~~(f)~~ Initiate appropriate action to recover records  
476 removed unlawfully or without authorization.

477        (f)~~(g)~~ Institute and maintain a training and information  
478 program in:

479            1. All phases of records and information management to  
480 bring approved and current practices, methods, procedures, and  
481 devices for the efficient and economical management of records  
482 to the attention of all agencies.

483            2. The requirements relating to access to public records  
484 under chapter 119.

485        ~~(h) Provide a centralized program of microfilming for the  
486 benefit of all agencies.~~

487        (g)~~(i)~~ Make continuous surveys of recordkeeping  
488 operations.

489        (h)~~(j)~~ Recommend improvements in current records  
490 management practices, including the use of space, equipment,  
491 supplies, and personnel in creating, maintaining, and servicing  
492 records.

493        (i)~~(k)~~ Establish and maintain a program in cooperation  
494 with each agency for the selection and preservation of records  
495 considered essential to the operation of government and to the  
496 protection of the rights and privileges of citizens.

497        (j)~~(l)~~ Make, or have made, preservation duplicates, or  
498 designate existing copies as preservation duplicates, to be  
499 preserved in the place and manner of safekeeping as prescribed  
500 by the division.

501        ~~(2)(a) All records transferred to the division may be held  
502 by it in a records center or centers, to be designated by it,~~



HB 1687

2003  
CS

503 ~~for such time as in its judgment retention therein is deemed~~  
504 ~~necessary.~~ At such time as it is established by the division,  
505 such records stored in a records center or centers established  
506 pursuant to s. 257.362 as are determined by it as having  
507 historical or other value warranting continued preservation  
508 shall be transferred to the Florida State Archives.

509 ~~(b) Title to any record detained in any records center~~  
510 ~~shall remain in the agency transferring such record to the~~  
511 ~~division.~~

512 ~~(c) When a record held in a records center is eligible for~~  
513 ~~destruction, the division shall notify, in writing, by certified~~  
514 ~~mail, the agency which transferred the record. The agency shall~~  
515 ~~have 90 days from receipt of that notice to respond requesting~~  
516 ~~continued retention or authorizing destruction or disposal of~~  
517 ~~the record. If the agency does not respond within that time,~~  
518 ~~title to the record shall pass to the division.~~

519 (3) The division may charge fees for records management  
520 services, including, but not limited to, technical assistance  
521 and training supplies and services, including, but not limited  
522 to, shipping containers, pickup, delivery, reference, and  
523 storage. Fees shall be based upon the actual cost of the  
524 supplies and services and shall be deposited in the Records  
525 Management Trust Fund.

526 ~~(4) Any preservation duplicate of any record made pursuant~~  
527 ~~to this chapter shall have the same force and effect for all~~  
528 ~~purposes as the original record. A transcript, exemplification,~~  
529 ~~or certified copy of such preservation duplicate shall be~~



HB 1687

2003  
CS

530 ~~deemed, for all purposes, to be a transcript, exemplification,~~  
531 ~~or certified copy of the original record.~~

532 (4)~~(5)~~ For the purposes of this section, the term "agency"  
533 shall mean any state, county, district, or municipal officer,  
534 department, division, bureau, board, commission, or other  
535 separate unit of government created or established by law. It is  
536 the duty of each agency to:

537 (a) Cooperate with the division in complying with the  
538 provisions of this chapter and designate a records management  
539 liaison officer.

540 (b) Establish and maintain an active and continuing  
541 program for the economical and efficient management of records.

542 (5)~~(6)~~ A public record may be destroyed or otherwise  
543 disposed of only in accordance with retention schedules  
544 established by the division. The division shall adopt reasonable  
545 rules not inconsistent with this chapter which shall be binding  
546 on all agencies relating to the destruction and disposition of  
547 records. Such rules shall provide, but not be limited to:

548 (a) Procedures for complying and submitting to the  
549 division records-retention schedules.

550 (b) Procedures for the physical destruction or other  
551 disposal of records.

552 (c) Standards for the reproduction of records for security  
553 or with a view to the disposal of the original record.

554 Section 18. Section 257.362, Florida Statutes, is created  
555 to read:

556 257.362 Records storage.--

557 (1) As used in this section, the term:



HB 1687

2003  
CS

558        (a) "Agency" means any state, county, district, or  
559 municipal officer, department, division, bureau, board,  
560 commission, or other separate unit of government created or  
561 established by law.

562        (b) "Department" means the Department of Management  
563 Services.

564        (2) The Department of Management Services shall establish  
565 and operate a records center or centers primarily for the  
566 storage, processing, servicing, and security of public records  
567 that must be retained for varying periods of time but need not  
568 be retained in an agency's office equipment or space. It is the  
569 duty and responsibility of the department to:

570        (a) Ensure the maintenance and security of records stored  
571 at such record center or centers.

572        (b) Provide safeguards against unauthorized or unlawful  
573 removal or loss of records.

574        (c) Provide a centralized program of microfilming for the  
575 benefit of all agencies.

576        (2)(a) All records transferred to the department may be  
577 held by it in a records center or centers, to be designated by  
578 it, for such time according to records retention schedules  
579 established under s. 257.36. At such time as it is established  
580 by the Division of Library and Information Services of the  
581 Department of State and Community Affairs, such records as are  
582 determined by it as having historical or other value warranting  
583 continued preservation shall be transferred to the Florida State  
584 Archives.



HB 1687

2003  
CS

585        (b) Title to any record detained in any records center  
586 shall remain in the agency transferring such record to the  
587 department.

588        (c) When a record held in a records center is eligible for  
589 destruction, the department shall notify, in writing, by  
590 certified mail, the agency which transferred the record. The  
591 agency shall have 90 days from receipt of that notice to respond  
592 requesting continued retention or authorizing destruction or  
593 disposal of the record. If the agency does not respond within  
594 that time, title to the record shall pass to the department.

595        (d) It is the duty of each agency to cooperate with the  
596 department in complying with the provisions of this section. The  
597 records management liaison officer designated pursuant to s.  
598 257.36 shall also serve as the liaison officer for the  
599 department in its responsibilities under this section.

600        (3) The department may charge fees for supplies and  
601 services, including, but not limited to, shipping containers,  
602 pickup, delivery, reference, and storage. Fees shall be based  
603 upon the actual cost of the supplies and services and shall be  
604 deposited in the Records Management Trust Fund.

605        (4) Rules governing records maintenance, retention,  
606 preservation, and disposal established pursuant to s. 257.36  
607 shall govern this section.

608        Section 19. The Division of Statutory Revision is directed  
609 to prepare a reviser's bill for introduction at the 2004 Regular  
610 Session of the Legislature to conform the Florida Statutes to  
611 the organizational changes made by this act.

612        Section 20. This act shall take effect July 1, 2003.