

1 A bill to be entitled
 2 An act relating to the Division of Library and
 3 Information Services; amending s. 257.22, F.S.;
 4 removing the deadline for certain information to be
 5 certified to the Chief Financial Officer; amending s.
 6 257.35, F.S.; removing duties of the division related
 7 to the oral history of Florida government; amending s.
 8 257.36, F.S.; revising duties and responsibilities of
 9 the division related to records and information
 10 management; providing that certain activities of the
 11 division only apply to stored records; revising
 12 certain requirements for records eligible for
 13 destruction; deleting provisions relating to
 14 preservation duplicates of records; providing
 15 responsibilities for a records management liaison
 16 officer; amending s. 257.42, F.S.; deleting a
 17 limitation on the amount of a certain annual grant;
 18 amending ss. 120.54 and 257.34, F.S.; conforming
 19 cross-references; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 257.22, Florida Statutes, is amended to
 24 read:
 25 257.22 Division of Library and Information Services;

26 allocation of funds.—Any moneys that may be appropriated for use
 27 by a county, a municipality, a special district, or a special
 28 tax district for the maintenance of a library or library service
 29 shall be administered and allocated by the Division of Library
 30 and Information Services in the manner prescribed by law. ~~On or~~
 31 ~~before December 1 of~~ Each year, the division shall certify to
 32 the Chief Financial Officer the amount to be paid to each
 33 county, municipality, special district, or special tax district.

34 Section 2. Paragraphs (h) and (i) of subsection (1) of
 35 section 257.35, Florida Statutes, are amended to read:

36 257.35 Florida State Archives.—

37 (1) There is created within the Division of Library and
 38 Information Services of the Department of State the Florida
 39 State Archives for the preservation of those public records, as
 40 defined in s. 119.011(12), manuscripts, and other archival
 41 material that have been determined by the division to have
 42 sufficient historical or other value to warrant their continued
 43 preservation and have been accepted by the division for deposit
 44 in its custody. It is the duty and responsibility of the
 45 division to:

46 ~~(h) Encourage and initiate efforts to preserve, collect,~~
 47 ~~process, transcribe, index, and research the oral history of~~
 48 ~~Florida government.~~

49 (h) ~~(i)~~ Assist and cooperate with the records and
 50 information management program in the training and information

51 program described in s. 257.36(1)(d) ~~257.36(1)(g)~~.

52 Section 3. Section 257.36, Florida Statutes, is amended to
53 read:

54 257.36 Records and information management.—

55 (1) There is created within the Division of Library and
56 Information Services of the Department of State a records and
57 information management program. It is the duty and
58 responsibility of the division to:

59 (a) Establish and administer a records management program
60 directed to the application of efficient and economical
61 management methods relating to the creation, utilization,
62 maintenance, retention, preservation, and disposal of records.

63 (b) Establish and operate a records center or centers
64 primarily for the storage, processing, servicing, and security
65 of public records that must be retained for varying periods of
66 time but need not be retained in an agency's office equipment or
67 space. The division must:

68 1. Ensure the maintenance and security of stored records.

69 2. Establish safeguards against unauthorized or unlawful
70 access, removal, or loss of stored records.

71 3. Initiate appropriate action to recover stored records
72 removed unlawfully or without authorization.

73 (c) Analyze, develop, establish, and coordinate standards,
74 procedures, and techniques of recordmaking and recordkeeping,
75 including, but not limited to, standards and guidelines for the

76 retention, storage, security, and disposal of records.

77 ~~(d) Ensure the maintenance and security of records which~~
78 ~~are deemed appropriate for preservation.~~

79 ~~(e) Establish safeguards against unauthorized or unlawful~~
80 ~~removal or loss of records.~~

81 ~~(f) Initiate appropriate action to recover records removed~~
82 ~~unlawfully or without authorization.~~

83 (d)(g) Institute and maintain a training and information
84 program in:

85 1. All phases of records and information management to
86 bring approved and current practices, methods, procedures, and
87 devices for the efficient and economical management of records
88 to the attention of all agencies.

89 2. The requirements relating to access to public records
90 under chapter 119.

91 (e)(h) Make continuous surveys of recordkeeping
92 operations.

93 (f)(i) Recommend improvements in current records
94 management practices, including the use of space, equipment,
95 supplies, and personnel in creating, maintaining, and servicing
96 records.

97 (g)(j) Establish and maintain a program in cooperation
98 with each agency for the selection and preservation of records
99 considered essential to the operation of government and to the
100 protection of the rights and privileges of citizens.

101 ~~(k) Make, or have made, preservation duplicates, or~~
102 ~~designate existing copies as preservation duplicates, to be~~
103 ~~preserved in the place and manner of safekeeping as prescribed~~
104 ~~by the division.~~

105 (2) (a) All records transferred to the division for storage
106 may be held by it in a records center or centers, to be
107 designated by it, for such time as in its judgment retention
108 therein is deemed necessary. At such time as it is established
109 by the division, such records as are determined by it as having
110 historical or other value warranting continued preservation
111 shall be transferred to the Florida State Archives.

112 (b) Title to any record stored ~~detained~~ in any records
113 center operated by the division shall remain in the agency
114 transferring such record to the division. When the Legislature
115 transfers any duty or responsibility of an agency to another
116 agency, the receiving agency shall be the custodian of public
117 records with regard to the public records associated with that
118 transferred duty or responsibility, and shall be responsible for
119 the records storage service charges of the division. If an
120 agency is dissolved and the legislation dissolving that agency
121 does not assign an existing agency as the custodian of public
122 records for the dissolved agency's records, then the Cabinet is
123 the custodian of public records for the dissolved agency, unless
124 the Cabinet otherwise designates a custodian. The Cabinet or the
125 agency designated by the Cabinet shall be responsible for the

126 records storage service charges of the division.

127 (c) When a record held in a records center is eligible for
128 destruction, the division shall notify, in writing, ~~by certified~~
129 ~~mail,~~ the agency that ~~which~~ transferred the record. The agency
130 must ~~shall have 90 days from receipt of that notice to respond~~
131 requesting continued retention or authorizing destruction or
132 disposal of the record. ~~If the agency does not respond within~~
133 ~~that time, title to the record shall pass to the division.~~

134 (3) The division may charge fees for supplies and
135 services, including, but not limited to, shipping containers,
136 pickup, delivery, reference, and storage. Fees shall be based
137 upon the actual cost of the supplies and services and shall be
138 deposited in the Records Management Trust Fund.

139 ~~(4) Any preservation duplicate of any record made pursuant~~
140 ~~to this chapter shall have the same force and effect for all~~
141 ~~purposes as the original record. A transcript, exemplification,~~
142 ~~or certified copy of such preservation duplicate shall be~~
143 ~~deemed, for all purposes, to be a transcript, exemplification,~~
144 ~~or certified copy of the original record.~~

145 (4)~~(5)~~ For the purposes of this section, the term "agency"
146 shall mean any state, county, district, or municipal officer,
147 department, division, bureau, board, commission, or other
148 separate unit of government created or established by law. It is
149 the duty of each agency to:

150 (a) Cooperate with the division in complying with the

151 provisions of this chapter ~~and designate a records management~~
 152 ~~liaison officer.~~

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

155 (c) Designate a records management liaison officer to
 156 serve as the primary point of contact between the agency and the
 157 division for records management purposes and to conduct any
 158 records management functions the agency assigns.

159 (5)~~(6)~~ A public record may be destroyed or otherwise
 160 disposed of only in accordance with retention schedules
 161 established by the division. The division shall adopt reasonable
 162 rules not inconsistent with this chapter which shall be binding
 163 on all agencies relating to the destruction and disposition of
 164 records. Such rules shall provide, but not be limited to:

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

167 (b) Procedures for the physical destruction or other
 168 disposal of records.

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

171 Section 4. Section 257.42, Florida Statutes, is amended to
 172 read:

173 257.42 Library cooperative grants.—The administrative unit
 174 of a library cooperative is eligible to receive an annual grant
 175 from the state ~~of not more than \$400,000~~ for the purpose of

176 sharing library resources based upon an annual plan of service
 177 and expenditure and an annually updated 5-year, long-range plan
 178 of cooperative library resource sharing. Those plans, which must
 179 include a component describing how the cooperative will share
 180 technology and the use of technology, must be submitted to the
 181 Division of Library and Information Services of the Department
 182 of State for evaluation and possible recommendation for funding
 183 in the division's legislative budget request. Grant funds may
 184 not be used to supplant local funds or other funds. A library
 185 cooperative must provide from local sources matching cash funds
 186 equal to 10 percent of the grant award.

187 Section 5. Subsection (8) of section 120.54, Florida
 188 Statutes, is amended to read:

189 120.54 Rulemaking.—

190 (8) RULEMAKING RECORD.—In all rulemaking proceedings the
 191 agency shall compile a rulemaking record. The record shall
 192 include, if applicable, copies of:

193 (a) All notices given for the proposed rule.

194 (b) Any statement of estimated regulatory costs for the
 195 rule.

196 (c) A written summary of hearings on the proposed rule.

197 (d) The written comments and responses to written comments
 198 as required by this section and s. 120.541.

199 (e) All notices and findings made under subsection (4).

200 (f) All materials filed by the agency with the committee

201 | under subsection (3).

202 | (g) All materials filed with the Department of State under
203 | subsection (3).

204 | (h) All written inquiries from standing committees of the
205 | Legislature concerning the rule.

206 |
207 | Each state agency shall retain the record of rulemaking as long
208 | as the rule is in effect. When a rule is no longer in effect,
209 | the record may be destroyed pursuant to the records-retention
210 | schedule developed under s. 257.36(5) ~~s. 257.36(6)~~.

211 | Section 6. Paragraph (h) of subsection (1) of section
212 | 257.34, Florida Statutes, is amended to read:

213 | 257.34 Florida International Archive and Repository.—

214 | (1) There is created within the Division of Library and
215 | Information Services of the Department of State the Florida
216 | International Archive and Repository for the preservation of
217 | those public records, as defined in s. 119.011, manuscripts,
218 | international judgments involving disputes between domestic and
219 | foreign businesses, and all other public matters that the
220 | department or the Florida Council of International Development
221 | deems relevant to international issues. It is the duty and
222 | responsibility of the division to:

223 | (h) Assist and cooperate with the records and information
224 | management program in the training and information program
225 | described in s. 257.36(1)(d) ~~s. 257.36(1)(g)~~.

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226 | Section 7. This act shall take effect July 1, 2020. |