



463870

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Appropriations (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 257.22, Florida Statutes, is amended to
read:

257.22 Division of Library and Information Services;
allocation of funds.—Any moneys that may be appropriated for use
by a county, a municipality, a special district, or a special
tax district for the maintenance of a library or library service



463870

11 shall be administered and allocated by the division ~~of Library~~
12 ~~and Information Services~~ in the manner prescribed by law. ~~On or~~
13 ~~before December 1 of each year,~~ The division shall annually
14 certify to the Chief Financial Officer the amount to be paid to
15 each county, municipality, special district, or special tax
16 district.

17 Section 2. Section 257.34, Florida Statutes, is repealed.

18 Section 3. Paragraphs (h) and (i) of subsection (1) of
19 section 257.35, Florida Statutes, are amended to read:

20 257.35 Florida State Archives.—

21 (1) There is created within the Division of Library and
22 Information Services of the Department of State the Florida
23 State Archives for the preservation of those public records, as
24 defined in s. 119.011(12), manuscripts, and other archival
25 material that have been determined by the division to have
26 sufficient historical or other value to warrant their continued
27 preservation and have been accepted by the division for deposit
28 in its custody. It is the duty and responsibility of the
29 division to:

30 (h) ~~Encourage and initiate efforts to preserve, collect,~~
31 ~~process, transcribe, index, and research the oral history of~~
32 ~~Florida government.~~

33 ~~(i)~~ Assist and cooperate with the records and information
34 management program in the training and information program
35 described in s. 257.36(1)(d) ~~s. 257.36(1)(g)~~.

36 Section 4. Section 257.36, Florida Statutes, is amended to
37 read:

38 257.36 Records and information management.—

39 (1) There is created within the Division of Library and



463870

40 Information Services of the Department of State a records and
41 information management program. It is the duty and
42 responsibility of the division to:

43 (a) Establish and administer a records management program
44 directed to the application of efficient and economical
45 management methods relating to the creation, utilization,
46 maintenance, retention, preservation, and disposal of records.

47 (b) Analyze, develop, establish, and coordinate standards,
48 procedures, and techniques of recordmaking and recordkeeping,
49 including, but not limited to, standards and guidelines for
50 retention, storage, security, and disposal of records.

51 (c) Establish and operate a records center or centers
52 primarily for the storage, processing, servicing, and security
53 of public records that must be retained for varying periods of
54 time but need not be retained in an agency's office equipment or
55 space. To this end, the records center shall:

56 ~~(c) Analyze, develop, establish, and coordinate standards,~~
57 ~~procedures, and techniques of recordmaking and recordkeeping.~~

58 1. ~~(d)~~ Ensure the maintenance and security of stored records
59 ~~which are deemed appropriate for preservation.~~

60 2. ~~(e)~~ Establish safeguards against unauthorized or unlawful
61 removal or loss of stored records.

62 3. ~~(f)~~ Initiate appropriate action to recover stored records
63 removed unlawfully or without authorization.

64 (d) ~~(g)~~ Institute and maintain a training and information
65 program in:

66 1. All phases of records and information management to
67 bring approved and current practices, methods, procedures, and
68 devices for the efficient and economical management of records



463870

69 to the attention of all agencies.

70 2. The requirements relating to access to public records
71 under chapter 119.

72 (e)~~(h)~~ Make continuous surveys of recordkeeping operations.

73 (f)~~(i)~~ Recommend improvements in current records management
74 practices, including the use of space, equipment, supplies, and
75 personnel in creating, maintaining, and servicing records.

76 (g)~~(j)~~ Establish and maintain a program in cooperation with
77 each agency for the selection and preservation of records
78 considered essential to the operation of government and to the
79 protection of the rights and privileges of citizens.

80 ~~(k) Make, or have made, preservation duplicates, or~~
81 ~~designate existing copies as preservation duplicates, to be~~
82 ~~preserved in the place and manner of safekeeping as prescribed~~
83 ~~by the division.~~

84 (2) (a) All records transferred to the division for storage
85 may be held ~~by it~~ in its a records center or centers, to be
86 designated by the division ~~it~~, for such time as in its judgment
87 retention therein is deemed necessary. At such time as it is
88 established by the division, such records as are determined by
89 it as having historical or other value warranting continued
90 preservation shall be transferred to the Florida State Archives.

91 (b) Title to any record stored ~~detained~~ in any records
92 center operated by the division remains ~~shall remain~~ in the
93 agency transferring such record to the division. When the
94 Legislature transfers any duty or responsibility of an agency to
95 another agency, the receiving agency shall be the custodian of
96 public records with regard to the public records associated with
97 that transferred duty or responsibility, and shall be



463870

98 responsible for the records storage service charges of the
99 division. If an agency is dissolved and the legislation
100 dissolving that agency does not assign an existing agency as the
101 custodian of public records for the dissolved agency's records,
102 then the Cabinet is the custodian of public records for the
103 dissolved agency, unless the Cabinet otherwise designates a
104 custodian. The Cabinet or the agency designated by the Cabinet
105 shall be responsible for the records storage service charges of
106 the division.

107 (c) When a record held in a records center is eligible for
108 destruction, the division shall notify, in writing, ~~by certified~~
109 ~~mail,~~ the agency that ~~which~~ transferred the record. The agency
110 shall ~~have 90 days from receipt of that notice to respond by~~
111 either requesting continued retention of the record or
112 authorizing destruction or disposal of the record. ~~If the agency~~
113 ~~does not respond within that time, title to the record shall~~
114 ~~pass to the division.~~

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

120 (4) (a) ~~Any preservation duplicate of any record made~~
121 ~~pursuant to this chapter shall have the same force and effect~~
122 ~~for all purposes as the original record. A transcript,~~
123 ~~exemplification, or certified copy of such preservation~~
124 ~~duplicate shall be deemed, for all purposes, to be a transcript,~~
125 ~~exemplification, or certified copy of the original record.~~

126 ~~(5)~~ For the purposes of this section, the term "agency"



463870

127 means ~~shall mean~~ any state, county, district, or municipal
128 officer, department, division, bureau, board, commission, or
129 other separate unit of government created or established by law.

130 (b) It is the duty of each agency to:

131 1. ~~(a)~~ Cooperate with the division in complying with ~~the~~
132 ~~provisions of this chapter.~~

133 2. ~~and~~ Designate a records management liaison officer to
134 serve as the primary point of contact between the agency and the
135 division for records management purposes and to conduct any
136 records management functions assigned by the agency.

137 3. ~~(b)~~ Establish and maintain an active and continuing
138 program for the economical and efficient management of records.

139 (5) ~~(6)~~ A public record may be destroyed or otherwise
140 disposed of only in accordance with retention schedules
141 established by the division. The division shall adopt reasonable
142 rules not inconsistent with this chapter which shall be binding
143 on all agencies relating to the destruction and disposition of
144 records. Such rules must ~~shall~~ provide, but are not ~~be~~ limited
145 to:

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

148 (b) Procedures for the physical destruction or other
149 disposal of records.

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

152 Section 5. Section 257.42, Florida Statutes, is amended to
153 read:

154 257.42 Library cooperative grants.—The administrative unit
155 of a library cooperative is eligible to receive an annual grant



463870

156 from the state ~~of not more than \$400,000~~ for the purpose of
157 sharing library resources based upon an annual plan of service
158 and expenditure and an annually updated 5-year, long-range plan
159 of cooperative library resource sharing. Those plans, which must
160 include a component describing how the cooperative will share
161 technology and the use of technology, must be submitted to the
162 division ~~of Library and Information Services of the Department~~
163 ~~of State~~ for evaluation and possible recommendation for funding
164 in the division's legislative budget request. Grant funds may
165 not be used to supplant local funds or other funds. A library
166 cooperative must provide from local sources matching cash funds
167 equal to 10 percent of the grant award.

168 Section 6. Subsection (8) of section 120.54, Florida
169 Statutes, is amended to read:

170 120.54 Rulemaking.—

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

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

175 (b) Any statement of estimated regulatory costs for the
176 rule.

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

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

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

181 (f) All materials filed by the agency with the committee
182 under subsection (3).

183 (g) All materials filed with the Department of State under
184 subsection (3).



463870

185 (h) All written inquiries from standing committees of the
186 Legislature concerning the rule.

187
188 Each state agency shall retain the record of rulemaking as long
189 as the rule is in effect. When a rule is no longer in effect,
190 the record may be destroyed pursuant to the records-retention
191 schedule developed under s. 257.36(5) ~~s. 257.36(6)~~.

192 Section 7. Subsection (1) of section 20.201, Florida
193 Statutes, is amended to read:

194 20.201 Department of Law Enforcement.—

195 (1) There is created a Department of Law Enforcement. The
196 head of the department is the Governor and Cabinet. The
197 executive director of the department shall be appointed by the
198 Governor subject to the majority vote of the Governor and
199 Cabinet consisting of at least 3 affirmative votes, with the
200 Governor and the Attorney General on the prevailing side. The
201 appointment is also ~~with the approval of three members of the~~
202 ~~Cabinet and~~ subject to confirmation by the Senate. The executive
203 director shall serve at the pleasure of the Governor and
204 Cabinet. The executive director may establish a command,
205 operational, and administrative services structure to assist,
206 manage, and support the department in operating programs and
207 delivering services.

208 Section 8. Subsection (1) of section 20.37, Florida
209 Statutes, is amended to read:

210 20.37 Department of Veterans' Affairs.—There is created a
211 Department of Veterans' Affairs.

212 (1) The head of the department is the Governor and Cabinet.
213 The executive director of the department shall be appointed by



463870

214 the Governor subject to the majority vote of the Governor and
215 Cabinet consisting of at least 3 affirmative votes, with the
216 Governor on the prevailing side. The appointment is also with
217 ~~the approval of three members of the Cabinet and~~ subject to
218 confirmation by the Senate. The executive director shall serve
219 at the pleasure of the Governor and Cabinet.

220 Section 9. This act shall take effect July 1, 2020.

221
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete everything before the enacting clause
225 and insert:

226 A bill to be entitled

227 An act relating to governmental organization; amending
228 s. 257.22, F.S.; removing the date by which the
229 division must submit an annual report regarding the
230 allocation of library funding to the Chief Financial
231 Officer; repealing s. 257.34, F.S., relating to the
232 Florida International Archive and Repository; amending
233 s. 257.35, F.S.; revising the duties and
234 responsibilities of the division in the administration
235 of the Florida State Archives; conforming a cross-
236 reference to changes made by the act; amending s.
237 257.36, F.S.; revising the duties and responsibilities
238 of the division in the administration of the records
239 and information management program; clarifying
240 provisions governing the storage of records
241 transferred to the division for storage; removing the
242 requirement that the division notify an agency by



463870

243 certified mail of a record's eligibility for
244 destruction; deleting a provision that provides for
245 title of a record to pass to the division under
246 specified circumstances; deleting a provision
247 specifying the effect of a preservation duplicate of a
248 record; specifying the role and duties of records
249 management liaison officers; amending s. 257.42, F.S.;
250 removing a limitation on the annual grant amount that
251 the administrative unit of a library cooperative may
252 receive from the state for purposes of sharing library
253 resources; amending s. 120.54, F.S.; conforming a
254 cross-reference to changes made by the act; amending
255 ss. 20.201 and 20.37, F.S.; modifying the manner of
256 appointment for the executive directors of the
257 Department of Law Enforcement and the Department of
258 Veterans' Affairs, respectively; providing an
259 effective date.