

By Senator Perry

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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 date by which the division must submit an  
5       annual report regarding the allocation of library  
6       funding to the Chief Financial Officer; repealing s.  
7       257.34, F.S., relating to the Florida International  
8       Archive and Repository; amending s. 257.35, F.S.;  
9       revising the duties and responsibilities of the  
10      division in the administration of the Florida State  
11      Archives; conforming a cross-reference to changes made  
12      by the act; amending s. 257.36, F.S.; revising the  
13      duties and responsibilities of the division in the  
14      administration of the records and information  
15      management program; clarifying provisions governing  
16      the storage of records transferred to the division for  
17      storage; removing the requirement that the division  
18      notify an agency by certified mail of a record's  
19      eligibility for destruction; deleting a provision that  
20      provides for title of a record to pass to the division  
21      under specified circumstances; deleting a provision  
22      specifying the effect of a preservation duplicate of a  
23      record; specifying the role and duties of records  
24      management liaison officers; amending s. 257.42, F.S.;  
25      removing a limitation on the annual grant amount that  
26      the administrative unit of a library cooperative may  
27      receive from the state for purposes of sharing library  
28      resources; amending s. 120.54, F.S.; conforming a  
29      cross-reference to changes made by the act; providing

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30 an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Section 257.22, Florida Statutes, is amended to  
35 read:

36 257.22 Division of Library and Information Services;  
37 allocation of funds.—Any moneys that may be appropriated for use  
38 by a county, a municipality, a special district, or a special  
39 tax district for the maintenance of a library or library service  
40 shall be administered and allocated by the division ~~of Library~~  
41 ~~and Information Services~~ in the manner prescribed by law. ~~On or~~  
42 ~~before December 1 of each year,~~ The division shall annually  
43 certify to the Chief Financial Officer the amount to be paid to  
44 each county, municipality, special district, or special tax  
45 district.

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

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

49 257.35 Florida State Archives.—

50 (1) There is created within the Division of Library and  
51 Information Services of the Department of State the Florida  
52 State Archives for the preservation of those public records, as  
53 defined in s. 119.011(12), manuscripts, and other archival  
54 material that have been determined by the division to have  
55 sufficient historical or other value to warrant their continued  
56 preservation and have been accepted by the division for deposit  
57 in its custody. It is the duty and responsibility of the  
58 division to:

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59           ~~(h) Encourage and initiate efforts to preserve, collect,~~  
60 ~~process, transcribe, index, and research the oral history of~~  
61 ~~Florida government.~~

62           ~~(i)~~ Assist and cooperate with the records and information  
63 management program in the training and information program  
64 described in s. 257.36(1)(d) ~~s. 257.36(1)(g)~~.

65           Section 4. Section 257.36, Florida Statutes, is amended to  
66 read:

67           257.36 Records and information management.—

68           (1) There is created within the Division of Library and  
69 Information Services of the Department of State a records and  
70 information management program. It is the duty and  
71 responsibility of the division to:

72           (a) Establish and administer a records management program  
73 directed to the application of efficient and economical  
74 management methods relating to the creation, utilization,  
75 maintenance, retention, preservation, and disposal of records.

76           (b) Analyze, develop, establish, and coordinate standards,  
77 procedures, and techniques of recordmaking and recordkeeping,  
78 including, but not limited to, standards and guidelines for  
79 retention, storage, security, and disposal of records.

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

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

87           1. ~~(d)~~ Ensure the maintenance and security of stored records

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88 ~~which are deemed appropriate for preservation.~~

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

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

93 (d)~~(g)~~ Institute and maintain a training and information  
94 program in:

95 1. All phases of records and information management to  
96 bring approved and current practices, methods, procedures, and  
97 devices for the efficient and economical management of records  
98 to the attention of all agencies.

99 2. The requirements relating to access to public records  
100 under chapter 119.

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

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

105 (g)~~(j)~~ Establish and maintain a program in cooperation with  
106 each agency for the selection and preservation of records  
107 considered essential to the operation of government and to the  
108 protection of the rights and privileges of citizens.

109 ~~(k) Make, or have made, preservation duplicates, or  
110 designate existing copies as preservation duplicates, to be  
111 preserved in the place and manner of safekeeping as prescribed  
112 by the division.~~

113 (2) (a) All records transferred to the division for storage  
114 may be held ~~by it~~ in its a records center or centers, to be  
115 designated by the division ~~it~~, for such time as in its judgment  
116 retention therein is deemed necessary. At such time as it is

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117 established by the division, such records as are determined by  
118 it as having historical or other value warranting continued  
119 preservation shall be transferred to the Florida State Archives.

120 (b) Title to any record stored ~~detained~~ in any records  
121 center operated by the division remains ~~shall remain~~ in the  
122 agency transferring such record to the division. When the  
123 Legislature transfers any duty or responsibility of an agency to  
124 another agency, the receiving agency shall be the custodian of  
125 public records with regard to the public records associated with  
126 that transferred duty or responsibility, and shall be  
127 responsible for the records storage service charges of the  
128 division. If an agency is dissolved and the legislation  
129 dissolving that agency does not assign an existing agency as the  
130 custodian of public records for the dissolved agency's records,  
131 then the Cabinet is the custodian of public records for the  
132 dissolved agency, unless the Cabinet otherwise designates a  
133 custodian. The Cabinet or the agency designated by the Cabinet  
134 shall be responsible for the records storage service charges of  
135 the division.

136 (c) When a record held in a records center is eligible for  
137 destruction, the division shall notify, in writing, ~~by certified~~  
138 ~~mail,~~ the agency that ~~which~~ transferred the record. The agency  
139 shall ~~have 90 days from receipt of that notice to respond by~~  
140 either requesting continued retention of the record or  
141 authorizing destruction or disposal of the record. ~~If the agency~~  
142 ~~does not respond within that time, title to the record shall~~  
143 ~~pass to the division.~~

144 (3) The division may charge fees for supplies and services,  
145 including, but not limited to, shipping containers, pickup,

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146 delivery, reference, and storage. Fees shall be based upon the  
147 actual cost of the supplies and services and shall be deposited  
148 in the Records Management Trust Fund.

149 ~~(4) (a) Any preservation duplicate of any record made~~  
150 ~~pursuant to this chapter shall have the same force and effect~~  
151 ~~for all purposes as the original record. A transcript,~~  
152 ~~exemplification, or certified copy of such preservation~~  
153 ~~duplicate shall be deemed, for all purposes, to be a transcript,~~  
154 ~~exemplification, or certified copy of the original record.~~

155 ~~(5)~~ For the purposes of this section, the term "agency"  
156 means ~~shall mean~~ any state, county, district, or municipal  
157 officer, department, division, bureau, board, commission, or  
158 other separate unit of government created or established by law.

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

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

162 2. and Designate a records management liaison officer to  
163 serve as the primary point of contact between the agency and the  
164 division for records management purposes and to conduct any  
165 records management functions assigned by the agency.

166 3. (b) Establish and maintain an active and continuing  
167 program for the economical and efficient management of records.

168 (5) (6) A public record may be destroyed or otherwise  
169 disposed of only in accordance with retention schedules  
170 established by the division. The division shall adopt reasonable  
171 rules not inconsistent with this chapter which shall be binding  
172 on all agencies relating to the destruction and disposition of  
173 records. Such rules must ~~shall~~ provide, but are not ~~be~~ limited  
174 to:

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

177 (b) Procedures for the physical destruction or other  
178 disposal of records.

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

181 Section 5. Section 257.42, Florida Statutes, is amended to  
182 read:

183 257.42 Library cooperative grants.—The administrative unit  
184 of a library cooperative is eligible to receive an annual grant  
185 from the state ~~of not more than \$400,000~~ for the purpose of  
186 sharing library resources based upon an annual plan of service  
187 and expenditure and an annually updated 5-year, long-range plan  
188 of cooperative library resource sharing. Those plans, which must  
189 include a component describing how the cooperative will share  
190 technology and the use of technology, must be submitted to the  
191 division ~~of Library and Information Services of the Department~~  
192 ~~of State~~ for evaluation and possible recommendation for funding  
193 in the division's legislative budget request. Grant funds may  
194 not be used to supplant local funds or other funds. A library  
195 cooperative must provide from local sources matching cash funds  
196 equal to 10 percent of the grant award.

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

199 120.54 Rulemaking.—

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

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

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204 (b) Any statement of estimated regulatory costs for the  
205 rule.

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

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

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

210 (f) All materials filed by the agency with the committee  
211 under subsection (3).

212 (g) All materials filed with the Department of State under  
213 subsection (3).

214 (h) All written inquiries from standing committees of the  
215 Legislature concerning the rule.

216

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

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