A bill to be entitled
An act relating to the Division of Library and
Information Services; amending s. 257.22, F.S.;
removing the date by which the division must submit an
annual report regarding the allocation of library
funding to the Chief Financial Officer; repealing s.
257.34, F.S., relating to the Florida International
Archive and Repository; amending s. 257.35, F.S.;
revising the duties and responsibilities of the
division in the administration of the Florida State
Archives; conforming a cross-reference; amending s.
257.36, F.S.; revising the duties and responsibilities
of the division in the administration of the records
and information management program; clarifying
provisions governing the storage of records
transferred to the division for storage; removing the
requirement that the division notify an agency by
certified mail of a record’s eligibility for
destruction; deleting a provision that provides for
the title of a record to pass to the division under
specified circumstances; deleting a provision
specifying the effect of a preservation duplicate of a
record; specifying the role and duties of records
management liaison officers; amending s. 257.42, F.S.;
removing a limitation on the annual grant amount that
the administrative unit of a library cooperative may
receive from the state for purposes of sharing library
resources; amending s. 120.54, F.S.; conforming a
cross-reference; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

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

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 Section 257.34, Florida Statutes, is repealed.

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

257.35 Florida State Archives.—

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

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

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

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

257.36 Records and information management.—

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

(a) 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.

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

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

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

1. (d) Ensure the maintenance and security of stored records which are deemed appropriate for preservation.
2. (e) Establish safeguards against unauthorized or unlawful removal or loss of stored records.

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

(d)(e) Institute and maintain a training and information program in:

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

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

(e)(f) Make continuous surveys of recordkeeping operations.

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

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

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

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

(b) Title to any record stored in any records center operated by the division remains shall remain in the agency transferring such record to the division. When the Legislature transfers any duty or responsibility of an agency to another agency, the receiving agency shall be the custodian of public records with regard to the public records associated with that transferred duty or responsibility, and shall be responsible for the records storage service charges of the division. If an agency is dissolved and the legislation dissolving that agency does not assign an existing agency as the custodian of public records for the dissolved agency’s records, then the Cabinet is the custodian of public records for the dissolved agency, unless the Cabinet otherwise designates a custodian. The Cabinet or the agency designated by the Cabinet shall be responsible for the records storage service charges of the division.

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

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

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

(5) For the purposes of this section, the term “agency” means any state, county, district, or municipal officer, department, division, bureau, board, commission, or other separate unit of government created or established by law.

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

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

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

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

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

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

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

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

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

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

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

120.54 Rulemaking.—

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

(a) All notices given for the proposed rule.

(b) Any statement of estimated regulatory costs for the
(c) A written summary of hearings on the proposed rule.
(d) The written comments and responses to written comments as required by this section and s. 120.541.
(e) All notices and findings made under subsection (4).
(f) All materials filed by the agency with the committee under subsection (3).
(g) All materials filed with the Department of State under subsection (3).
(h) All written inquiries from standing committees of the Legislature concerning the rule.

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

Section 7. This act shall take effect July 1, 2021.