

By Senator Rodriguez

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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; amending s.
12 257.36, F.S.; revising the duties and responsibilities
13 of the division in the administration of the records
14 and information management program; clarifying
15 provisions governing the storage of records
16 transferred to the division for storage; removing the
17 requirement that the division notify an agency by
18 certified mail of a record's eligibility for
19 destruction; deleting a provision that provides for
20 the title of a record to pass to the division under
21 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; providing an effective date.

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

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

35 257.22 Division of Library and Information Services;
36 allocation of funds.—Any moneys that may be appropriated for use
37 by a county, a municipality, a special district, or a special
38 tax district for the maintenance of a library or library service
39 shall be administered and allocated by the division ~~of Library~~
40 ~~and Information Services~~ in the manner prescribed by law. ~~On or~~
41 ~~before December 1 of each year,~~ The division shall annually
42 certify to the Chief Financial Officer the amount to be paid to
43 each county, municipality, special district, or special tax
44 district.

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 Section 257.34, Florida Statutes, is repealed.

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

48 257.35 Florida State Archives.—

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

58 (h) ~~Encourage and initiate efforts to preserve, collect,~~

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59 ~~process, transcribe, index, and research the oral history of~~
60 ~~Florida government.~~

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

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

66 257.36 Records and information management.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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117 it as having historical or other value warranting continued
118 preservation shall be transferred to the Florida State Archives.

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

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

143 (3) The division may charge fees for supplies and services,
144 including, but not limited to, shipping containers, pickup,
145 delivery, reference, and storage. Fees shall be based upon the

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146 actual cost of the supplies and services and shall be deposited
147 in the Records Management Trust Fund.

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

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

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

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

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

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

167 (5) (6) A public record may be destroyed or otherwise
168 disposed of only in accordance with retention schedules
169 established by the division. The division shall adopt reasonable
170 rules not inconsistent with this chapter which shall be binding
171 on all agencies relating to the destruction and disposition of
172 records. Such rules must ~~shall~~ provide, but are not ~~be~~ limited
173 to:

174 (a) Procedures for complying and submitting to the division

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175 records-retention schedules.

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

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

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

182 257.42 Library cooperative grants.—The administrative unit
183 of a library cooperative is eligible to receive an annual grant
184 from the state ~~of not more than \$400,000~~ for the purpose of
185 sharing library resources based upon an annual plan of service
186 and expenditure and an annually updated 5-year, long-range plan
187 of cooperative library resource sharing. Those plans, which must
188 include a component describing how the cooperative will share
189 technology and the use of technology, must be submitted to the
190 ~~division of Library and Information Services of the Department~~
191 ~~of State~~ for evaluation and possible recommendation for funding
192 in the division's legislative budget request. Grant funds may
193 not be used to supplant local funds or other funds. A library
194 cooperative must provide from local sources matching cash funds
195 equal to 10 percent of the grant award.

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

198 120.54 Rulemaking.—

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

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

203 (b) Any statement of estimated regulatory costs for the

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204 rule.

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

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

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

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

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

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

215

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

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