



PUBLIC RECORDS MANAGEMENT: FROM COMPLIANCE TO CONFIDENCE

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Topics

- Municipal Clerk Role in Managing Public Records
- Compliance - Public Records Laws & Regulations
- What is a Public Record?
- Required Records Management Program
 - Access – Public Records Request
 - Retention, Disposal, & Preservation
- Technology & Electronic Recordkeeping
- Questions for Confidence

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The Clerk's Records Management Role

Records Manager per Tradition, Charter, and State Designation

- Records Management Liaison Officer (RMLO)

Section 257.36, F.S. – *“Establish and maintain an active and continuing program for the economical and efficient management of records.”*

- Annual Records Management Compliance Statement

Custodian of Records

Oversight of Records Management Program

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**What is your
Experience Level
with Records
Management?**



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Records Management = Life-Cycle Control

Systematic Control of Agency Records from Creation to Disposition

- Life Cycle Management
- Format is Irrelevant (Paper and Digital)

Why Invest In Records Management?

- Records/Data are Your Commodity!
- Legal Requirement!



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The Legal Framework for Records Management

Chapter 119, F.S. – Public Records Law
 Article I, Section 24, Florida Constitution
 Chapter 257, F.S. – State Library & Archives
 Rule 1B-24, Florida Administrative Code,
 Rule 1B-26, Florida Administrative Code,
 Other Statutes, Case Law, Legal Opinions



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Turn Legal Requirements Into Practice

Translate Legal Standards Into:

1. **Policies & Procedures** – Effective, Written, Agency Wide
2. **Processes** - Understandable & Actionable
3. **Projects** - Agency-Wide & Departmental



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Public Records Definition

"Public Records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

Section 119.011(12), F.S.

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Public Records

1. Format Irrelevant
2. Location Irrelevant
 - a. Personal Devices
3. Technology Irrelevant
 - Paper Records
 - Network Files
 - Software/Applications
 - Electronic Communications
 - Email
 - Text Messages
 - Social Media
 - AI

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What is a Public Records Request?

A request submitted by an individual or organization to access records and/or data held by a government agency.

In Writing: Email, Texts, Mail, PRR Software

- Through Any Communications Portal

Verbally: In-Person or Telephone



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"Every person has the right to inspect or copy any public record made or received in connection with the official business..."

Article I, Section 24, Constitution of the State of Florida

"Every person who has custody of a public record shall permit the record to be inspected and copied by **any person** desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records."

Section 119.07(1)(a), Florida Statutes

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Public Record Requests

Agency must permit **"inspection and copying"** of public records at any **"reasonable time and under reasonable conditions."**

Section 119.07(1)(a), F.S

- "Acknowledge promptly" and "Respond to in good faith."
- Processed in a timely manner.
- No unreasonable conditions to prevent reasonable access.

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Public Record Requests

What is a Reasonable Delay?

Time it takes to:

- Retrieve
- Review and Redact Confidential/Exempt Information
- Provide Copies or Facilitate Inspection
- Dependent on the Scope of the Request.



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Public Record Requests

What are Reasonable Conditions?

Charge Fees

- Copy Charges, Extensive Fees, & Deposits

Review & Redact Exempt Information

- Established by general law.
- Throughout State Statutes.



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The **home addresses, telephone numbers, dates of birth, and photographs** of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency...; the **names, home addresses, telephone numbers, photographs, dates of birth, and places of employment** of the spouses and children of such law enforcement personnel; and the **names and locations of schools and day care facilities** attended by the children of such law enforcement personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 119.071(4)(d)2.a., F.S.

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Exempt/Confidential Information

SS#

Medical Info

Bank/Credit Card

Agency Building Plans

Select Active Bid Records

Cybersecurity

Drug Test Results

Active Criminal Investigation

Security Plans

Crime Victim Information

Rec. Program Participants

Fire Safety Plans

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Public Record Requests

When Redacting, Agencies Shall:

- State the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.
- If requested, state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

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GOVERNMENT-IN- THE-SUNSHINE MANUAL



2025 Edition

*A Reference For Compliance
with Florida's Public Records
and Open Meetings Laws*



Florida Office of the Attorney General

Volume 47

Government-in- the-Sunshine Manual

- Available on AG website or in print
- Great resource for all PR questions
- List of Exemptions

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Public Record Requests

What are Unreasonable Conditions?

- Requiring Requests in Writing
- Requiring Identification
 - Anonymous Requests are Allowed
- Requiring a Reason, Need, or Justification
- Denying Voluminous Requests



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Public Records Access Questions?



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Public Records Violations Have Consequences

Violate Chapter 119:

- Commits a Noncriminal Infraction
- Punishable by fine not exceeding \$500

KNOWING/WILLFUL Violation of Chapter 119:

- First-Degree Misdemeanor
- Suspension, Removal, or Impeachment
- One Year in Prison, a \$1,000 fine, or both



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Records Management is Fundamental

- **Poor Management = Reduced Access**
- **Poor Management = Wasted Resources**
- **Poor Management = Inefficiencies**
- **Poor Management = Legal Noncompliance**



Records Management is Required by Law!

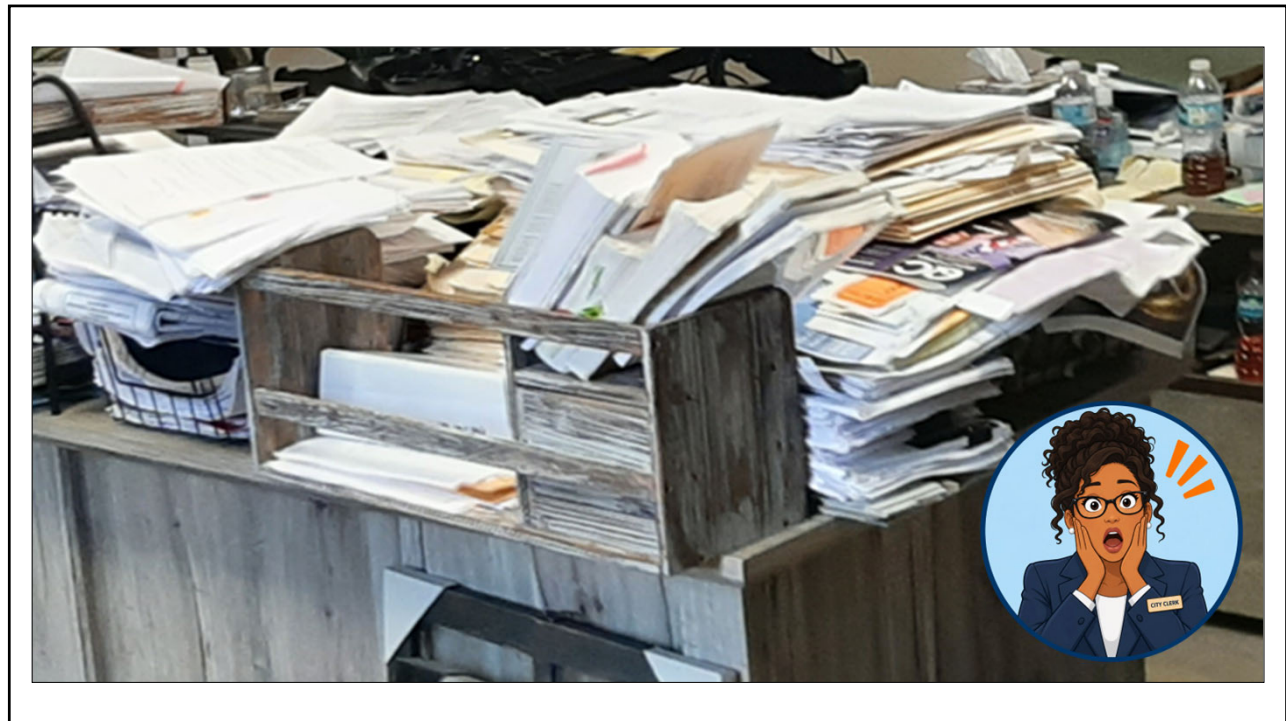
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Retention Scheduling

- Minimum Time Records Must be Maintained
- Set by the Florida Department of State
Rule 1B-24, Florida Administrative Code
- Agencies must apply applicable retention schedules and comply with required disposition processes.

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GENERAL RECORDS SCHEDULES

- GS1-SL State and Local Government Agencies
- GS2 Law Enforcement
- GS3 Election Records
- GS4 Public Health Care Facilities and Providers
- GS5 Public Universities and Colleges
- GS7 Public Schools
- GS8 Fire Department Records
- GS11 Clerks of Court Records
- GS12 Property Appraisers
- GS13 Tax Collectors
- GS14 Public Utilities
- GS15 Public Libraries

State of Florida

GENERAL RECORDS SCHEDULE GS1-SL FOR STATE AND LOCAL GOVERNMENT AGENCIES



EFFECTIVE: June 2023
Rule 1B-24.003(1)(a), Florida Administrative Code

Florida Department of State
Division of Library and Information Services
Tallahassee, Florida

850.245.6750

recmat@dos.myflorida.com
info.florida.gov/records-management

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Retention Scheduling

Record Series

A group of related documents arranged under a single filing arrangement or kept together as a unit because they relate to the same subject, form or activity.

- Retention is Assigned to the Record Series
- Format is Irrelevant

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PERSONNEL RECORDS: NON-STATE-ADMINISTERED RETIREMENT SYSTEM (LOCAL GOVERNMENT) Item #162

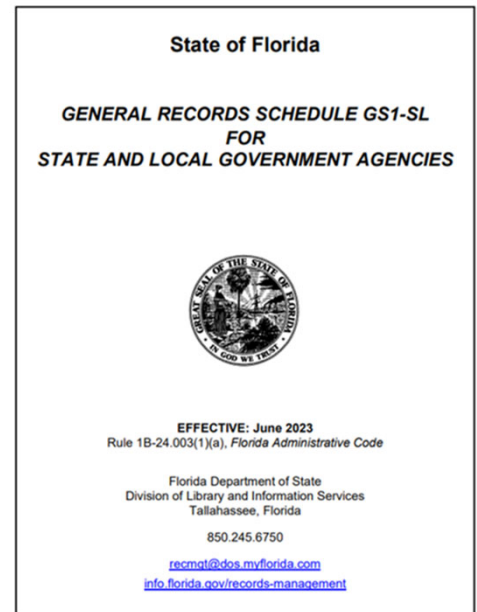
This record series consists of all personnel information relating to each employee not participating in a state-administered retirement system, including all “permanent” employees (with or without benefits). The series may include, but is not limited to, employment applications, résumés, personnel action reports, correspondence, oaths of loyalty, fingerprints, job-related medical examination reports, performance evaluation reports, workers’ compensation reports, copies of I-9 forms (Department of Homeland Security, U.S. Citizenship and Immigration Services, Employment Eligibility Verification form), benefits records, work schedules/assignments, training records, emergency contact information, copies of licensure/professional credentials, and other related materials. Agencies should ensure that any records needed beyond the stated retention to calculate post-employment benefits are retained. See also “DRUG TEST CASE FILES,” “EMPLOYMENT APPLICATION AND SELECTION RECORDS,” “EMPLOYMENT ELIGIBILITY VERIFICATION FORMS,” “STAFF ADMINISTRATION RECORDS,” and other “PERSONNEL RECORDS” items.

RETENTION: 50 fiscal years after any manner of separation or termination of employment.

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Calculating Retention Periods

- **Fiscal Year** - October 1 through September 30.
- **Calendar Year** - January 1 through December 31.
- **Anniversary Year** - 12-month period from a particular date.
- **Months or Days**
- **Triggering Events** - Retention is based on a predefined event
- **OSA** - Retain Until Obsolete, Superseded, or Administrative Value is Lost



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Retention Scheduling

Record (Master) Copy or Duplicates

“Record (Master) Copy” means public records specifically designated by the custodian as the official record.

“Duplicate Record” means all reproductions of copy of record or record (master) copies, prepared simultaneously or separately, which are designated by the Agency as not being the copy of record.

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How Do You Tackle This Room?



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How Do You Tackle This Room?

3 Records Management Actions

- 1.Reduce (Disposal)
- 2.Preserve (Conversion)
- 3.Organize & Maintain



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Disposal Is Part of Records Management

Disposal

*“Each public official **shall systematically dispose** of records no longer needed, subject to the consent of the records and information management program of the division in accordance with s. 257.36.”*

Section 119.021(2)(c), F.S.



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Records Disposition

3 Required Actions

1. Determine Retention
(Record Series Category)
2. Document per Rule 1B-24,
F.A.C.



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Disposal List

Required Information:

- Retention schedule number
- Item number
- Record series title
- Inclusive dates
- Volume (Cubic Feet or Digital Volume)
- Disposition action and date

See Rule 1B-24, F.A.C.

STATE OF FLORIDA City Of Gulf Breeze		RECORDS DISPOSITION LIST FY 2023-2024 Draft		NO. 2024	
1. AGENCY CITY OF GULF BREEZE		CITY WIDE			
2. ADDRESS 1070 Shoreline Drive Gulf Breeze, Florida 32561		3. CONTACT (Name & Telephone Number) Matt Daugherty, SML, Inc. 813.528.2705			
Comprehensive Annual Financial Report maintained Permanently as Financial History Summary GSI-SL #547.		4. SUBMITTED BY: I hereby certify that the records to be disposed of are correctly represented below, that any audit requirements for the records have been fully justified, and that further retention is not required for any litigation pending or imminent. Signature _____ Date _____ Lentle A. Guyer, City Clerk Name and Title			
5. NOTICE OF INTENTION The scheduled records listed in item 6 are to be disposed of in the manner checked below. (Specify only one) ☒ a. Destruction ☐ b. Microfilming & destruction ☒ c. Scanning & Destruction					
6. LIST OF RECORD SERIES					
a. Schedule No.	b. Item No.	c. Title	d. Inclusive Dates	e. Volume Cubic Feet or File Size	f. Disposition Action and Date Completed after Authorization
Total Disposition			8/10/1981-9/30/2024		Shredded throughout year
		Duplicate Records with OSA Retention	8/10/1981-9/30/2024		
GSI-SL	189	Access Control Records	8/10/1981-9/30/2022		
GSI-SL	415	Address Request Records	8/10/1981-9/30/2019		
GSI-SL	2	Administrative Convenience Records	8/10/1981-9/30/2024		
7. DISPOSAL CERTIFICATE: The above listed records have been disposed of in the manner and on the date shown in column f or were missing prior to the present administration. Signature _____ Date _____ Name and Title _____ Witness _____					

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Records Disposition

3 Required Actions

1. Determine Retention (Record Series Category)
2. Document per Rule 1B-24, F.A.C.
3. Dispose (Shred/Delete)

Required Approach for All Records Collections!



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Records Cleanup – Scanning Projects

Important Questions:

- What to Scan—and What Not to Scan?**
- Who Scans (In-House Staff vs Vendor)?**
- Where to Store and How To Organize?**
- Dispose of Paper?**



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Records Cleanup – Preservation Goals

- Protection of all records from physical calamity and decay.
- Storage of all records under secure conditions, preventing unauthorized access by both employees and third parties.
- Conversion/Duplication of Records with Long-Term Retention Requirements for Appropriate Preservation.

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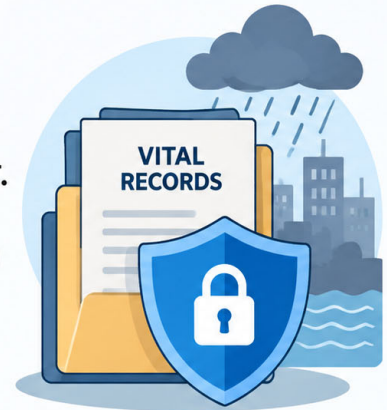
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Disaster Preparedness

Vital Records

Data essential to the continued operation of an agency during or immediately following a disaster.

- I. Identification (e.g. Emergency Operations Plans)
- II. Duplication for Access
- III. Management for Access



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Records Cleanup - Organization

The systematic arrangement of records so they can be identified, located, accessed, managed, and retained efficiently.

- Avoiding Issues - Do the Work on the Front End!
- Agency Access—Not Just Your Access
- DOS Records Series Categories
 - Consider Records Life Cycle



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How Do You Avoid This?



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How Do You Avoid This?

Restrict Access
 Storage Standards
 Policies/Procedures
 Staff Training
 Standard CF Boxes
 Box Labels
 Proper Shelving

Periodic Inspection of Space
 Box Inventories
 Retention Categorization
 Regular Disposal
 Strategic Scanning
 Keep Out Non-Records
 Climate Controls

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Locations of Records

- Offices
- Storage Rooms
- Off-Site Storage
- Networks
- Software
- ECM (e.g. Laserfiche)
- Other

Your Records Program must address all of these areas!



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The Storage Room Has Gone Digital
The same records-management principles apply!

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Rule 1B-26.003, F.A.C. Electronic Recordkeeping Rule

What it is

- Florida Department of State
- Standards for electronic recordkeeping systems

What it means

- Applies to record (master) copies of public records
- Incorporate into new systems
- Incorporate into system enhancements





Build recordkeeping requirements into the system from the start.

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Electronic Communications

- Email, Texts, Teams, Messaging Apps
- Public Record Status is Based on Content
- Must be Managed as Part of the RM Program
- Personal Devices/Accounts Do Not Eliminate Public Records Obligations
- Requires a Strategy for Capture, Retention & Disposition
- Major Challenge for Agencies - Legal & Operational Risk

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Technology Changes. Responsibilities Don't.

New technology does not change the fundamental records management responsibilities.



- Clerks Cannot Ignore Digital Public Records Management.
- Records Program Must Address.
- Attend Session 2 for More!

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From Compliance to Confidence

Confidence means knowing how to:

- **Identify** a public record
- **Locate & Access** records when needed
- **Apply Retention** requirements correctly
- **Dispose** of records systematically and lawfully
- **Protect & Preserve** records that must remain
- **Manage Records Everywhere** — paper, digital, email, texts & emerging technologies



A successful records program makes these responsibilities routine — not reactive.

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Questions?

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Break Time

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