

1B-24.001 General.

(1) This chapter establishes standards and procedures for the scheduling and disposition of public records to promote economical and efficient management of records and to ensure that records of archival value under an agency's control are so designated and ultimately transferred to the Florida State Archives or to a local records office, archives, or historical records repository.

(2) Each agency in the State of Florida is responsible for complying with the provisions of this chapter.

(3) For the purpose of this chapter:

(a) "Agency" means any state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.

(b) "Custodian" means the elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(c) "Disposition" means final actions taken with regard to public records that have met all retention requirements and are no longer needed for current government business as indicated in General Records Schedules or Records Retention Schedules. Disposition may include either destruction of public records or transfer of public records to the custody of another public agency such as the Florida State Archives or a local government archives or records repository.

(d) "Division" means the Division of Library and Information Services of the Department of State.

(e) "Electronic records" means any information that is recorded in machine readable form.

(f) "Florida State Archives" means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the state and which have been accepted by the Division for transfer to its custody.

(g) "General Records Schedules" means retention requirements established by the Division for public records common to all agencies or specified types of agencies within the State of Florida indicating the minimum time such records must be kept.

(h) "Intermediate files" (processing files) are temporary electronic files used to create, correct, reorganize, update, or derive output from master data files. Intermediate files are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate files only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter.

(i) "Public records" are those as defined in Section 119.011, F.S., and include records that are designated by statute as confidential or exempt from public disclosure.

(j) "Record (master) copy" means public records specifically designated by the custodian as the official record.

(k) "Record series" means a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.

(l) "Records Retention Schedule" means retention requirements established by the Division for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept.

(m) "Retrospective conversion project" means the bulk microfilming or digital reformatting of existing backfiles; it does not refer to day-to-day scanning of current items conducted as part of daily workflow.

Specific Authority 257.14, 257.35(7), 257.36(6) FS. Law Implemented 257.35, 257.36 FS. History—New 1-8-80, Formerly 1A-24.01, 1A-24.001, Repromulgated 3-23-93, Amended 2-20-01, 1-18-09.

1B-24.003 Records Retention Scheduling and Disposition.

(1) The Division issues General Records Schedules which establish minimum retention requirements for record series common to all agencies or specified types of agencies based on the legal, fiscal, administrative, and historical value of those record series to the agencies and to the State of Florida.

(2) For each record series not covered by General Records Schedules established by the Division, each agency shall submit to the Division a request for a records retention schedule on Department of State Form LS5E-105REff.2-09, "Request for Records

Retention Schedule” which is hereby incorporated by reference and made part of this rule. A copy of Form LS5E-105REff.2-09, effective February 2009, may be obtained from the Division of Library and Information Services, Department of State, Mail Station 9A, Tallahassee, Florida 32399-0250, or from the Division’s Records Management Web site at <http://dlis.dos.state.fl.us/RecordsManagers>.

(3) In completing Form LS5E-105REff.2-09, “Request for Records Retention Schedule,” the agency shall consider the legal, fiscal, administrative, and historical value of each record series to the agency and to the State of Florida. The custodian of the records or his or her designee shall sign the Form LS5E-105REff.2-09 and submit it to the Division for determination of official retention requirements.

(4) Retention and scheduling of intermediate files are not feasible due to their transitory nature; therefore, submission of Form LS5E-105REff.2-09, “Request for Records Retention Schedule” is not required for intermediate files.

(5) Each Request for Records Retention Schedule shall be analyzed by the Division in the context of the submitting agency’s statutory functions and authorities. Florida Statutes, administrative rules, operating procedures, applicable federal regulations and other such sources shall be researched to assist in the Division’s determination of the value and retention requirements of each record series.

(6) The Division shall review Request for Records Retention Schedule forms to determine whether the records may merit transfer to the Florida State Archives or to a local records office, archives, or historical records repository, based upon the records’ enduring legal, fiscal, administrative, and historical values (archival value). If the Division determines that the records may have archival value, an indication of such potential archival value shall be made on the Request for Records Retention Schedule form. The main objectives of this determination are to identify and ensure the preservation of records of archival value pertaining to the operation of government and to protect the rights and interests of the citizens of the state.

(7) The Division, with information submitted on Form LS5E-105REff.2-09, “Request for Records Retention Schedule” and its own research into the legal, fiscal, administrative, and historical value of the record series, shall create an official “Records Retention Schedule.” Once the Division has approved an official Records Retention Schedule, the submitting agency shall adhere to the terms of that schedule for the record series described therein.

(8) An approved Records Retention Schedule may later need to be revised based on new statutory, regulatory, or other requirements or agency needs. When changes are necessary, the agency shall submit a new Form LS5E-105REff.2-09, “Request for Records Retention Schedule” for the record series indicating the nature of the changes and the reason they are necessary. Revised Records Retention Schedules shall be processed in the manner specified in subsections 1B-24.003(2)-(8), F.A.C., above.

(9)(a) Public records may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division. Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per Section 92.29, F.S., Photographic or electronic copies. Minimum standards for image reproduction shall be in accordance with Rules 1B-26.0021 and 1B-26.003, F.A.C. An electronic or microfilmed copy serving as the record (master) copy must be retained for the length indicated for the record (master) copy in the applicable retention schedule. An agency that designates an electronic or microfilmed copy as the record (master) copy may then designate the paper original as a duplicate and dispose of it in accordance with the retention requirement for duplicates in the applicable retention schedule unless another law, rule, or ordinance specifically requires its retention.

(b) Any state agency record series identified by either a General Records Schedule or approved Records Retention Schedule as having possible archival value shall not be destroyed without the approval of the Florida State Archives.

(c) Where a local government has formally established a records office, archives, or historical records repository, local government agencies within that jurisdiction may transfer records of archival value to that repository. An agency may also loan records to another governmental jurisdiction or to a non-government historical records repository or historical society provided an agreement is signed by both parties specifying the required conditions of the loan, including the responsibilities of both parties for the management of public records in accordance with Chapter 119, F.S. The loaning agency shall remain the legal custodian and retain ultimate responsibility for the maintenance and preservation of the records, including ensuring accessibility to the records and non-disclosure of statutorily exempt or confidential information.

(d) Prior to records disposition, agencies must ensure that all retention requirements have been satisfied. For each record series being disposed of, agencies shall identify and document the following:

1. Records retention schedule number;
2. Item number;

3. Record series title;
4. Inclusive dates of the records;
5. Volume in cubic feet for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form; and
6. Disposition action (manner of disposition) and date.

Agencies are not required to document the disposition of records with a retention of "Retain until obsolete, superseded or administrative value is lost" (OSA) except for records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with Rules 1B-26.0021 or 1B-26.003, F.A.C., where the microfilm or electronic version will serve as the record (master) copy.

(10) Agencies shall ensure that all destruction of records is conducted in a manner that safeguards the interests of the state and the safety, security, and privacy of individuals. In destroying records containing information that is confidential or exempt from disclosure, agencies shall employ destruction methods that prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered. The agency shall specify the manner of destruction of such records when documenting disposition. Where possible, recycling following destruction is encouraged.

(a) For paper records containing information that is confidential or exempt from disclosure, appropriate destruction methods include burning in an industrial incineration facility, pulping, pulverizing, shredding, or macerating. High wet strength paper, paper mylar, durable-medium paper substitute, or similar water repellent papers are not sufficiently destroyed by pulping and require other methods such as shredding or burning.

(b) For electronic records containing information that is confidential or exempt from disclosure, appropriate destruction methods include physical destruction of storage media such as by shredding, crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.

(c) For other non-paper media containing information that is confidential or exempt from disclosure, such as audio tape, video tape, microforms, photographic films, etc., appropriate destruction methods include pulverizing, shredding, and chemical decomposition/recycling.

(d) Agencies shall not bury confidential or exempt records since burying does not ensure complete destruction or unauthorized access.

(11) Each agency shall submit to the Division, once a year, a signed statement attesting to the agency's compliance with records management laws, rules, and procedures.

(12) The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature regarding statewide records management practices and program compliance.

Specific Authority 119.021(2)(a), 257.35(7), 257.36 FS. Law Implemented 119.021(2)(b)-(d), 257.35, 257.36 FS. History—New 2-20-01, Amended 1-18-09.