

The City of Hallandale Beach

FLORIDA

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Records Management Plan



the John Scott Dailey
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INSTITUTE OF
GOVERNMENT
at Florida Atlantic University

and



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INTRODUCTION

Recognizing the need for a Comprehensive Records Management Plan, and desiring an independent review of existing procedures together with recommendations; the City of Hallandale Beach (City), requested assistance from Steve M. Lewis, President, SML, Inc. (Consultant). This request triggered a proposal and statement of qualifications addressed to Ms. Nydia M. Rafols Sallaberry, Deputy City Manager dated January 24, 2011 from the John Scott Dailey Institute of Government at Florida Atlantic University resulting in an agreement to write a Comprehensive Records Management Plan for the City. Onsite data collection began October 24, 2011 and continued through the writing of the Plan.

Data collection methodology included standard techniques: staff interviews, hands on examination of selected record collections and a review of related procedures and documentation. Areas of review were coordinated by the Consultant with Agency staff. The substance of these interviews, data collection and initial recommendations are incorporated into this Plan.

SML, Inc will to return to the City to provide Management with a detailed presentation of the completed Plan. This will be an opportunity for Management to present questions and suggestions for modification of Consultant recommendations based on City specific issues, staffing standards and resources. Further, a one-day, six hour staff training is available as detailed and recommended within the body of this Plan at a space provided by the City and at a mutually agreeable time.

Consultant offers to be available to provide answers relative to the recommendations contained within this Plan to the City for the life of the Plan, expected to be approximately two to three years. Consultant recommends updating the Plan every two to three years to remain legally compliant and current with technology and City business process changes. These updates will be billed at 25% of the initial Plan fee.

Draft policies and procedures included with this Plan are separated into three primary sets:

Records Management Policy and Procedure,

Policy on Ethics, and

Guidelines for Information Technology Infrastructure.

These policies and procedures are located at **Tab 16** of this Plan document. Consultant envisions the City will make modifications to these recommendations and then cut and paste approved language into existing City Policy matrices.

Specifications for services the City may wish to prepare as RFP's are included at **Tab 17**. Consultant is also able to recommend existing competitively bid service contracts which have proved to be economical, efficient and producing exemplary results. Consultant stipulates he has no financial relationship, ownership or vested interest in any such recommended service providers.

The following Plan is legally compliant and meets or exceeds the standard of care in the industry, however Consultant recommends the City Attorney review the Plan with a view towards other Legal Issues. A significant volume of reference material is included and linked to a Tab when, in the opinion of the Consultant, it is necessary to support a recommendation and/or to demonstrate due diligence in the presence of hostile scrutiny.

Consultant thanks the City for the splendid cooperation received from all staff at every level throughout the Agency. Consultant especially thanks Mr. Jim Buschman, Risk Manager and at the time, Interim City Clerk for his assistance with preparation, input and logistics; and Mr. Ted LaMott, Director of Information Technology, also for his assistance and input.

PUBLIC RECORDS

Florida Public Records Law, as codified in **Chapter 119, Florida Statutes** (F.S.), provides a clear mandate for public agencies to manage public records in a professional manner. In addition to Chapter 119, F.S., a significant body of standards and requirements govern the "life cycle" of Florida's public records, including the Florida Department of State, Division of Library and Information Services' enabling legislation, **Chapter 257, F.S. {Tab 22}, and Chapters 1B-24 [Tab 24] and 1B-26 [Tabs 27 & 28] of the Florida Administrative Code** (F.A.C). To address the complexities associated with Public Records management in the State of Florida, a comprehensive records and information management program is an essential component of any business entity, public or private. It is, therefore, critical to define the scope of the program; and especially to define the term "record."

As defined by s. 119.011(12), F.S., "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." It is critical to understand that format, media type or duplication does not affect the public record status of information created or received by a public agency. The recommendations contained within this Plan apply to hardcopy as well as digital records, unless otherwise noted. Generally, the Agency should select media types for retention based on economy and efficiency, with lengthy retention implications in mind, as shall be discussed.

Drafts vs. Support Documents and Working Papers

In *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, **379 So. 2d 633 (Fla. 1980)**, [Tab 41] the Florida Supreme Court contrasted the definition of "public records" with the concept of *Precursor* records. **Precursors are not Public Records** and can be thought of as *Drafts* or notes which precede the creation of a final intended record product and are not "intended as final evidence of the knowledge to be recorded." Machine-readable *Intermediate Files* are the digital equivalent to the concept of Precursor as described above. Since media is not a criterion for Public Record status, the concept of a draft allows for editorializing at the word processor during the formulation of a final intended record product. The resulting machine-readable drafts are considered intermediate files "which are precursors of governmental records and not intended as final evidence of the knowledge to be recorded but are utilized by data processing computer equipment to prepare further records." Intermediate Files **are not public records.**" See AGO 85-87 [Tab 30]. See also *handwritten notes as record*, informal Attorney General Opinions [Tab 35].

Further, there is no *unfinished business* exception. If the purpose of the record is to perpetuate, communicate or formalize knowledge, then it is a Public Record regardless of whether or not it is in final form. In the absence of a final intended product, precursor or intermediate files (drafts) may constitute the final evidence of knowledge. Drafts cease to be Public Records only after the final intended record has been produced.

Drafts must not be confused with *Support Documents*. **Support Documents or working papers are Public Records.** Working papers *support* the final intended record product, whereas drafts merely precede the creation of a final intended product. Support Documents are Public Records from point of creation to destruction regardless of the final intended record produced. For example, a handwritten note created during the normal course of business is a Public Record. However, if that handwritten note is formalized by word processing (for example) into a final intended record, the handwritten note ceases to be a Public Record and may be destroyed as non-record material since the information contained within the handwritten note has been transferred to the final intended record. Yet, to continue the example, a collection of handwritten notes from which information is extracted as a conclusion and represented in some other record is a Support Document. The extracted data does not reflect the entire informational content of the collection of handwritten notes, but merely supports a conclusion represented by another Public Record.

Understanding the distinction between drafts and working papers is essential to allow for the orderly formulation of final intended records without formal disposition, while protecting informational content used to support other final intended records.

Public Documents, Blank (Unused) Forms, and Printed Material

Chapter 257.05, F.S. [Tab 21] defines information that has been funded in whole or in part by the Legislature and printed to distribute information to the public as a *Public Document*. A Public Document, as defined by Chapter 257.05, F.S., **is not a Public Record**, according to the Florida Department of State (DOS). For example, an inventory of promotional information is not a Public Record for scheduling and disposition purposes and is actually a Public Document (i.e. property); however, the camera-ready copy used to create the promotional material is a Public Record. In this way, the Public Record is created and managed per Chapter 119, F. S., yet the printed inventory is not. Blank, unused forms are another example of a non-record. Using this same logic, similar printed material *received* by the Agency may also be exempted from the Public Records Program including magazines, books and other published works, newsletters, advertising (junk mail and even *personalized* junk mail), and catalogues.

Nine Step Test (Totality of Factors)

Section 119.011(2), F.S., defines “agency” for purposes of the Public Records Law to include a “private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.” This inclusion of private entities within the definition may extend the agency’s Public Records responsibilities to include records maintained by private entities performing functions or tasks on behalf of the agency. This has led to questions on determining whether a “private agency, person, partnership, corporation, or business entity” is subject to Chapter 119, F.S. The following is the driving Court Opinion on this subject.

In *News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc*, 596 So. 2d 1029 (Fla. 1992), the Florida Supreme Court established a nine step test, referred to as the "totality of factors," to identify private entities subject to Chapter 119, F.S. This "totality of factors" approach includes the following factors to be considered:

- 1. the level of public funding;**
- 2. commingling of funds;**
- 3. whether the activity was conducted on publicly owned property;**
- 4. whether services contracted for are an integral part of the public agency's chosen decision-making process;**
- 5. whether the private entity is performing a governmental function or a function which the public agency otherwise would perform;**
- 6. the extent of the public agency's involvement with, regulation of, or control over the private entity;**
- 7. whether the private entity was created by the public agency;**
- 8. whether the public agency has a substantial financial interest in the private entity;**
- 9. for whose benefit the private entity is functioning.**

The City should consult with the Agency Attorney in determining public agency designation as described above.

Life Cycle

The concept of a life cycle for records and information implies management from creation to final disposition, or permanent preservation. Successful management of records and information must include each aspect of the life cycle. These include:

1. format and media selection,
2. storage,
3. access and use,
4. retention, and
5. final disposition or preservation.

Utilizing a life cycle approach to records management will assist in the economical, efficient and integrated management of the public record. The intended result is described as *intellectual and physical control* of data.

To ignore records management or to allow an undisciplined and unregulated system to function invites disaster. Poor records management decisions may cause the loss of rights, loss of time, and certainly represents a waste of precious funds. Such negligence may result in adverse inferences in litigation, criminal charges, civil charges, sanctions, and even charges of obstruction of justice and contempt of court.

CATEGORIES

A successful Records Program requires an understanding of categories - the basic components into which record collections may be parsed for disposition purposes. To be easily understood throughout the City by all staff, these categories should be limited to a very basic *record series title* level. This is also a requirement of the Florida Department of State as outlined in Chapter 1B-24, F.A.C. [Tab 24], for Scheduling and Disposition purposes. Basic information includes:

1. **Record Series Title.** A record series title is the name applied to a collection of information relating to the same subject or activity. The Record Series Title is determined by the Florida Department of State. For instance, Personnel File is the name of a collection of data about a specific employee. Personnel File is a convenient label for a nearly unlimited variety of information (the Personnel File must not contain medical information, see the Federal American's with Disability Act) and is an efficient way to identify that collection rather than attempting to list all documents actually contained within a Personnel File. Record retention schedules are approved by the Department of State per record series title, therefore every effort must be made to conform to existing Record Schedules. Copies of current General Records Schedules should be made available to appropriate personnel prior to any disposition effort. In some instances, a match to existing schedules will not be possible or desirable; or a collection of information will be identified that is unique, or specific to one organizational unit. In this instance, the City Records Management Liaison Officer (RMLO) should be contacted by staff for assistance.

2. **Inclusive dates.** The oldest date within the collection through to the most recent date eligible for disposition. Most record series titles will accumulate to the present.

3. **Volume** in cubic feet using the following conversions:

10"x12"x15" box	1.0
Letter-size drawer	1.5
Legal-size drawer	2.0
Letter-size 36" shelf	2.0
Legal-size 36" shelf	2.5

Records are then separated into four categories in accordance with Florida Department of State retention requirements:

1. Records within retention;

2. Records past retention, eligible for destruction;
3. Records with no approved retention; and
4. Records with sufficient retention or historical significance to justify conversion to microfilm.

Category One (Records within retention): Records may be further divided by active and inactive status. Active records should remain with the user until the termination of *administrative value*. Administrative value is the value a record series has for day-to-day function and operation. Inactive (or *less active*) records should be uniformly containerized and computer indexed for high density, low cost, secure storage until retention has been satisfied.

Category Two (Records past retention, eligible for destruction): Records should be destroyed without further delay, after inclusion on the City's Records Disposition List.

Category Three (Records with no approved retention): The City RMLO should submit to the Department of State a Form 105, Request for Records Retention Schedule to establish retention. The Form 105 is available for downloading as a Word Document or PDF File from the Department of State web site [<http://dhis.dos.state.fl.us/recordsmgmt/publications.cfm>]. Based upon the Department of State approved retention, Category Three records should be reclassified to Category One, Two or Four.

Category Four (Records with sufficient retention or historical significance to justify conversion to microfilm): Records should be scheduled for conversion to microfilm, Computer Output Microfilm (COM) or other storage device in priority order based upon media condition (worst case records stabilized first), series retention value (permanent records first), or administrative value (high reference records first).

A good way to start the categorization process, and also reduce volume, is to prepare a disposition list. Using all applicable General Schedules and any future Agency Specific Retention Schedules (Form 105s) prepare a Disposition List for every record series listed (except for records not eligible, such as "permanent"), **Agency wide**, using the oldest possible date for the City through the most recent date eligible for disposition. Send a copy of the list throughout the City to each Record Coordinator as a list of records eligible for destruction. Collect the records so identified; record the volume, including duplicate records; and destroy the records. In this way, volume is reduced immediately. Further, implementation of the File code system described later in this Plan will further enhance the categorization process.

Copy of Record vs. Duplicate Records

An immediate problem will be the identification of copy of record vs. duplicate records. **Copy of Record** or Record (Master) Copy means the public record specifically designated by the City as the official, retention copy. **Duplicate Record** means all reproductions of copy of record or record (master) copies, prepared simultaneously or separately, which are designated by the City as not being the copy of record. The City should adopt the policy that the office of origin for *internally* generated documents holds the copy of record while receiving offices have duplicates. For *externally* generated records received by the City, the office, which performs the last administrative act, should be recognized as holding the copy of record. This will prevent accidental destruction of records as misidentified duplicates since the copy of record is maintained per the appropriate schedule.

Email

Email often engenders considerable confusion relative to Public Records Law. Email questions have triggered interesting Attorney General Opinions addressing core issues related to email. Retentions are not written for media types. Email is a media type and has no specific retention. The retention for email is content driven. Retentions are written for informational content by record series title. Some Email is *interoffice memoranda* and *correspondence*. Some Email (or more often attachments to email) may include record series titles with even greater retention. Most often, Email is a *transitory message* with an OSA (Retain until Obsolete, Superseded or Administrative Value is Lost) retention. Some email is personal and private - see Florida Supreme Court Opinion, attached [Tab 34]. See **Tabs 29** for Email opinions from the Florida Attorney General and Florida Department of State.

The vast array of potential Record Series Titles reflected in the Agency's email database, each with a specific retention and further complicated by the designation of *copy of record* or *duplicate*, is an issue faced by every Florida Public Agency, and indeed; every entity across the United States.

The solution discussed is conditioned upon adherence to specific rules and the implementation of an email archiving application. Specifically, rules calculated to manage in a digital environment what for humans is an excessively temporal (therefore expensive) process replete with error potential. Provided all the conditions addressed below are adhered to, Consultant is comfortable defending this approach for email management as reaching and perhaps even exceeding the standard of care in the industry. Further, all applicable audits must be satisfied and a Disposition List prepared and approved in accordance with Chapter 1B-24, F.A.C. [Tab 24].

It is important to understand that an Agency's Records Management Program applies to all records, regardless of physical form, characteristics, or means of transmission, created or received by the Agency in connection with the transaction of official business. The Agency is charged with ensuring compliance with all relevant Florida Statutes and the Florida Administrative Code regarding access, the systematic retention, storage and disposition of all Agency records, including email.

Section 257.36(5), Florida Statutes (F.S.) [Tab 22] directs each agency to establish and maintain an active and continuing records management program to include inventorying, scheduling and disposition of records. Public Records Law, Chapter 119, F.S., provides, in part, Agency obligations for the access, control, storage, preservation and disposition of all Public Records. Section 119.011(12), F.S., defines **Public Records** as, "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, 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.”

The Florida Supreme Court of Florida in *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633 (Fla. 1980), [Tab 41] stated that a public record, for purposes of Chapter 119, “is any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.” The fact that information can be made or received electronically does not change the constitutional rule-mandated obligation of agencies and employees to direct and channel such official business information so that it can be properly recorded as a public record. Email records created or received in connection with the transaction of Agency business are public, and may be classified as follows:

Copy of Record or Record (Master) Copy means public records specifically designated as the official, retention copy. For email created *within* the Agency, the office of origin has the copy of record. For email *received* by the Agency from outside the Agency, the unit which performs the last administrative act has the copy of record.

Duplicate Record means all reproductions of copy of record or record (master) copies, prepared simultaneously or separately, which are designated as not being the copy of record, therefore, recipient emails from Agency generated account holders.

Record Series means 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.

Intermediate Files (processing files) are temporary records 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 records only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge. In the absence of a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files.

Precursors precede or come before the final intended public record and are not in themselves intended as final evidence of the knowledge to be recorded.

Administrative Support Records consists of records accumulated relative to internal administrative activities rather than the functions for which the office exists. Normally these records document day-to-day management. This series does not serve as the official documentation for audit purposes.

Administrator Records: Public Agency/Official consists of office files documenting the substantive actions of elected or appointed officials and constitute the official record of an agency's performance of its functions and formulation of policy and program initiative.

Correspondence and Memoranda: Administrative are routine documentation of a general nature but do not create policy or procedure or document the business of a particular program or act as a receipt. Correspondence and memoranda other than administrative are filed into the related case file or project file.

Correspondence and Memoranda: Program Policy Development consists of correspondence and memoranda documenting policy development, decision-making, or substantive programmatic issues, procedure, or activities.

Supporting Documents means public records assembled or created to be used in the preparation of other records which are needed to trace actions, steps, and discussions covered in the final or master record. Supporting Documents support conclusions in other records.

Drafts and Working Papers are preliminary or developmental before completion as a final product.

Transitory Messages consists of those records created primarily for the communication of information as opposed to communications designed for the perpetuation of knowledge. This data does not set policy, establish guidelines or procedures, certify a transaction or become a receipt. The informal tone of transitory messages might be compared to the communication that might take place during a telephone conversation or a conversation in an office hallway. These communications may include, but are not limited to emails, text messages, instant messages, voice mails, self-sticking note, telephone messages, routing slips, envelopes, duplicate circulars, etc.

Personal and Private emails include transmissions that are clearly not official business and are, consequently, not required to be recorded as a public record. Although received by a government system, the law opposes a mere possession rule. Such transmissions are not made or received pursuant to law or ordinance or in connection with the transaction of official business and are not public records.

Non Records, in addition to the description of personal and private emails, intermediate records, and precursors, non records include unsolicited promotional items, spam, jokes, chain letters, advertisements and generally material classified as "junk mail" or Public Documents as defined by Chapter 257, F.S.

The Agency is obligated to ensure all records, including digital and electronic (email) communications are retained and disposed of in accordance with retention schedules as documented on the Agency's Disposition List. This List is prepared by the Agency RMLO and distributed to Agency Record Coordinators. Email retentions are content driven. There is no specific retention for Email, or any other digital data. The Agency is in a position to document on the Disposition List with particularity and specificity the disposition of emails to include beginning and ending dates as required by Chapter 1B-24, F.A.C. This includes the opportunity to mitigate disposition based on Agency requirements and still comply with Chapter 1B-24, F.A.C. The Florida Department of State, and the legal system, accepts this mitigation opportunity provided it is documented. This documented mitigation process is outlined by Donald S. Skupsky, JD, CRM, Legal Requirements for Business Records. Mr. Skupsky is a recognized authority in the information management industry. His discussion of the documented record retention mitigation process is contained in the Agency's Records Management Plan within the "Scheduling" Section, under "Mandatory Requirements."

Based on approved retention, the vast majority of all Agency emails are eligible for destruction after having been read by the recipient. Consider that by number, most emails are *received from within the Agency*. By virtue of receipt, the email is a duplicate record with OSA retention. OSA means destroy after *obsolete, superseded or administrative value is lost*. For most such emails, this is nearly immediately. This concept does not circumvent the law since the copy of record, held by the sender is maintained based on content. For example, all of the following email categories have OSA retention:

All duplicate records
Administrative Support Records
Transitory Messages

The following categories of emails have no retention, as non-records:

Intermediate files
Personal and Private emails
Jokes, spam, chain letters and advertisements
Junk mail of nearly any description
Public Documents

Therefore, based on the preceding discussion, the Agency may apply a few simple rules to email disposition. The driving retentions are 10 fiscal years, 5 fiscal years and OSA. All other email retentions are encompassed within these three driving retentions. This policy has been adopted by the City of Coral Gables and the City of Doral as Standard Operating Procedure. As long as these rules are adhered to, the following policy is a practical solution to an otherwise onerous obligation.

Of course, this solution requires the City maintain the email data base in house. "Cloud" solutions often negate this opportunity for a solution by allowing only one default retention. As envisioned by the Consultant, and recommended within Consultant Draft Records Management Policy and Procedure [Tab 16], this default would then be ten fiscal or anniversary years. Further, to then successfully manage all agency emails, members of elected or appointed governing bodies should be given a City email address and instructed to use such and then forward to this City account any City related emails otherwise received.

Agency Website Notice

Pursuant to Section 668.6076, F.S. [Tab 23], any public agency operating a website or utilizing email is required to post the following statutorily provided statement "in a conspicuous location on its website" therefore not necessarily on each email:

"Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

SCHEDULING

Florida's Records Management Program provides in part, a process whereby Public Agencies can receive minimum retention schedules for all agency-owned record series titles approved by the Department of State. These retention schedules address the **administrative, legal, fiscal and historical values** for public records and constitute a minimum retention period. Agencies may elect to retain records beyond the minimum retention period approved by the Department of State (*See Exemptions to State Retention Periods*). The procedures for scheduling public records are outlined in Chapter 1B-24, F.A.C. [Tab 24]. Two scheduling vehicles exist for the City:

1. General Records Schedules, and
2. City generated **Request for Record Retention Schedule Form 105**.

General Records Schedules (available on the Department of State's website, http://dhis.dos.state.fl.us/index_RecordsManagers.cfm) set retention requirements for administrative and program functions identified by the Department of State as common to several or all public agencies. General Records Schedules can cover up to 75-80 percent of an agency's record series. Currently, there are fourteen General Records Schedules covering a number of administrative and programmatic record series. Based on existing administrative and program functions, the City will utilize the following General Records Schedules in determining the retention of records:

- GS1-SL** State and Local Government Agencies,
- GS2** Law Enforcement, Correctional Facilities, and District Medical Examiners,
- GS3** Election Records,
- GS8** Fire Departments,
- GS14** Public Utilities, and
- GS15** Public Libraries.

For records identified that are not contained within appropriate General Schedules and for which no approved retention exists, Form 105 must be utilized. Information is merely transferred via Form 105 to the Department of State. Recent changes to Chapter 1B-24, F.A.C. [Tab 24] now require the DOS to assign a schedule number and not the agency. **The DOS will prepare page 2 as a response and return to the City.**

Retention periods are very fluid. Audit status; pending litigation; Attorney General and Auditor General destruction freezes; and changing legislation can affect retention requirements. The Department of State regularly revises General Record Schedules. Therefore, ongoing maintenance of the retention database will be required.

DOS revisions to GS1-SL were effective August 1, 2010 for the current fiscal year. Consultant has prepared Disposition List Number 2012-1 to reflect these revisions effective August 1, 2010 for fiscal year **2011/2012**.

Mandatory Requirements

Scheduling is the heart of the Records Program, and in order for the Records Program to be legally sufficient, **the scheduling process must be carefully documented and approved**. The **program must be systematic and comprehensive**. It is for this reason, in part, that the Public Record must be so carefully defined and categorized. The Records Program must address all records, regardless of media type or physical characteristics. To selectively apply the program is to invite adverse inference in litigation. The **program must also be developed during the normal course of business** - again, not developed for specific records for specific reasons. **The working papers used to develop the Program, and especially those used to develop the retention schedules must be maintained permanently**. Each retention schedule and disposition document must be **approved and signed** through a regular process. The City must follow the requirements of Chapter 1B-24, F. A. C. [Tab 24], as outlined in this Plan.

As retention periods are met, the **records must be destroyed**. Again, the program must include all records and intent must be followed. Records may be maintained longer than approved retention schedules, however, for each such instance documentation should exist to justify not destroying records per existing retention schedules. In other words, those individuals or Departments that wish to maintain records beyond the Department of State's approved Retention Schedules should provide written justification for the destruction delay. This justification must be reviewed by the City RMLO for approval or disapproval. If approved, the written justification should be attached to the appropriate Disposition List.

The City must maintain the program and continue to designate a Records Management Liaison Officer (RMLO). **There must be ongoing program control. There must be a way to terminate all records destruction**; hence the RMLO and a process. The destruction process is described under "Disposition."

DISPOSITION

Disposition is the application of approved retention schedules to record series titles. By far, the most economical solution to public records management is to destroy based on Department of State approved retention schedules. Records should be destroyed as soon as legally possible.

Destruction

The procedures for destroying public records are outlined in Chapter 1B-24, Florida Administrative Code [Tab 24]. The City continues to be responsible for all records created since the start date of the City until the record has been obliterated pursuant to DOS approved retentions, including any relevant records created by private entities acting on behalf of the City. Therefore, records that are "missing" remain the legal responsibility of the City. Further, records offered for recycling when disposition warrants continue as Public Records until obliterated. Therefore, great care should be exercised in the selection of a recycling provider. Consultant recommends the use of a bonded service if recycling is selected.

By written policy, the Department of State has approved the use of landfills for the destruction of records that have met retention, provided the data set does not contain any exempt data elements. The City may also sell record media (not the informational content) for paper recycling. Recycling is a good way to destroy records and render the records unreadable, especially where security is an issue. Public Records may not be sold or given away. The City must maintain Public Records through to destruction. Although copies may be sold pursuant to Access provisions in Chapter 119, F.S., once sold, the copies are no longer Public Record unless sold to other Florida Public Agencies.

Chapter 1B-24, F.A.C., provides for the loaning of City records to "another governmental jurisdiction or to a non-government historical records repository or historical society," **however, this practice is not recommended.** The City will remain the legal custodian throughout the loan period. For records in the hands of Private Entities acting on behalf of the City, all RFP's and contracts should stipulate Public Records obligations prior to any service agreement.

Spoilation/Spoilation

Spoilation and Spoilation are used interchangeably (probably the result of a typo, spoilation is the correct spelling) in Florida case law to describe the intentional destruction, or significant alteration of evidence. When spoilation is established, an inference may be drawn that the evidence destroyed was

unfavorable to the party responsible for its destruction - the spoliator. This obviously includes "records."

Generally, in order to be "evidence," the party responsible for the destruction must know, or should have known, that the items were relevant to pending or imminent litigation. If the items are not, then they are not evidence and their destruction is not spoliation.

Spoliation can constitute obstruction of justice. Spoliation can result in sanctions in court beyond the inference referred to above. If it rises to the level of attempting to perpetrate a fraud on the court, it may result in the dismissal of an action or other summary judgment. Careful adherence to approved retention schedules, and correct application of the City's Disposition List will virtually eliminate the potential for spoliation.

The disposition form is maintained within the City and is a permanent record according to General Records Retention Schedule GS1-SL, Item number 45. Lists need also to be maintained in a similar fashion for other disposition options to include conversion to microfilm or digital images.

Each Disposition List should be sequentially numbered. Further, each Disposition List must include only one intent and all data elements required per Chapter 1B-24, F.A.C. Draft List Number 2012-1, prepared by Consultant for the current fiscal year 11/12, meets or exceeds these requirements [**Tab 42**].

Disposition List

The Disposition List must represent *actual* destruction, hence the need to destroy all present accumulations eligible. This includes all media. If paper records are destroyed, yet digital records of the same information and record series title are maintained, the Disposition List is incorrect. Ending dates must be amended to accurately depict accumulations not destroyed. As new Schedules are approved for the City, add these titles and appropriate dates to the List. If source documents relative to destruction are produced (certificates of destruction from recyclers, land fill tickets, etc.) attach these and reference in **box 6., column f. and box 7.**

Each year, the Florida Department of State will send the City RMLO a **Records Management Compliance Statement** to complete and return. This will include reporting the volume of records destroyed for the previous fiscal year, including duplicate records. October 2012, the City RMLO should prepare another list for fiscal year 12/13; again as a draft scheduled for completion October 2013. The List should not be generated by any Department other than the RMLO. The RMLO should take a proactive role and identify records eligible for destruction and notify the Coordinators accordingly. The disposition process should not be reactive based on individual accumulations. This process is repeated each fiscal year. The City RMLO should note some dates are missing and require Department Coordinators to complete. Be sure to read published retentions and note that in many instances, retention proceeds from some action, not merely creation date. Department Coordinators with an intimate knowledge of their records are required to complete the list based in part, on these events that begin retention. The list has been prepared for **Agency Wide** application by the Consultant [Tab 42]. Further, Consultant has attempted to create a Disposition List for all records and accumulations from the start of the Agency. Ensure a correct start date is documented for each Record Series Title to the best of the Agency's ability.

Critical to the success of a Disposition program is the ability of Record Coordinators to identify when retention is complete. For most City records, this occurs at some retention specific date based on *creation* of the record. Some records retention is tied to an *event*, for example, *five years after final disposition*. Most often Record Coordinators are in a position to determine these events, and therefore, calculate retention.

Duplicates should only be created for administrative or convenience purposes and then discarded when that purpose is terminated, or maintained for preservation of Vital Records as described in the "Vital Records Protection Section." Every effort should be exercised to create only those records required by statute, administrative code or as mandated by the courts. This issue is most often driven by business process.

Further, Consultant recommends so-called *duplicate personnel files* not be maintained throughout City Departments. Often these so-called duplicate files are not actually personnel files, as identified in DOS General Records Schedules. Instead, name these collections based on function, and then follow appropriate retention. For example, most of these duplicate personnel files are in fact data sets used by supervisors to complete employee evaluations. Naming them as such eliminates confusion during legitimate record requests and allows for orderly Disposition when the evaluation copy of record is complete.

Exemptions to State Retention Schedules

State retention schedules address the **administrative, legal, fiscal and historical values** for public records and constitute a minimum retention period. Agencies may elect to retain records beyond the minimum retention period approved by the Department of State. The following exemptions shall apply to City of Hallandale Beach Records:

- Pursuant to City Commission Directive on September 5, 2012. All Video/Audio Recordings of City Commission and Planning and Zoning Board Meetings shall be retained in perpetuity; and shall not be destroyed.
- City Administration has established that all Project Files (CAD, BP, CMD, AR, CR, CC) maintained by the City Manager's Office shall be retained for a period of five (5) Fiscal Years from the date the project file is closed. Note: These are duplicate records and retention periods are deemed OSA according to the General Records Schedule.

Off-site Storage

Next to destruction, the most economical disposition is usually off-site storage. Off-site storage provides for secure retention and therefore, disaster recovery protection, as well as eliminating records from valuable office floor space. Records should be boxed and removed to off-site storage when administrative value is terminated. Hard copy records, magnetic media and security microfilm should all be considered for off-site storage and protection.

Storage within the City should not be seen as a safe or appropriate location for hardcopy, security microfilm or magnetic storage environment as recommended by the Department of State or as described by **Chapter 1B-26, F.A.C. [Tabs 27 and 28]**.

Records stored off-site must be monitored for destruction date. The best way to address this problem is with a computer-generated index including anticipated destruction date to generate a destruction report. Three different environments are required, one each for hardcopy records, security microfilm and magnetic tape.

The use of a high density, low cost storage facility for boxed records is a vital component of any effort to remove and destroy records eligible for destruction. Together with specifications for such a facility and related services **[Tab 17]** the following is offered as a guide to make the most of this facility.

1. Only records with remaining retention, yet virtually no administrative value should be considered for off-site storage.
2. Records should be packed into uniform, **one cubic foot boxes** (10x12x15 inches) with a removable or hinged lid, although removal is preferred.
3. Every record within each box must have the same destruction date.
4. Records should be indexed. Only a box number should appear on the box as a *label*.
5. Records Coordinators [see Maintenance, **Tab 15**] are responsible for selecting, boxing and transmitting records to on-site or off-site storage location as authorized by the RMLO.
6. As records are eligible for destruction, they should be destroyed. Existing boxed records need to be reviewed by staff for destruction eligibility.

Off-site storage facilities for vital records should be located away from traditional hurricane paths and above flood zones.

Source Document Microfilm

Microfilm continues to be the best long-term (Ten years or more) preservation device, however, resources must be very carefully allocated to the *correct* record to convert to microfilm. Far too many records are converted to microfilm when simple destruction is the correct, legally available solution. Following is a list of record series held by the City that should be considered for conversion to microfilm:

Agreements: Railroad
Annexation Records
Annual Reports: Governing Body
Architectural/Building Plans: Commercial
Arson Investigations: Capital/Life Felony
Bond Administration Records
Bond Resolutions/Ordinances
Budget Records: Approved Annual
Cemetery Records
Certificate of Occupancy: Commercial
Charters/Amendments/Bylaws/Constitutions
Comprehensive Master Plans: Adopted
Confiscated Intoxicating Beverage Reports: Illicit Liquor
Connection Records: Initial Water/Wastewater
Criminal Investigative Records: Capital/Life Felony
Criminal Investigative Records: Missing Persons/Runaway Cases
Donation Records
Endowments/Bequests/Trust Fund Records
Engineering Records: Infrastructure
Expenditure Plans: Capital Improvement
Final Orders Records
Financial History Summary Records (*commonly known as General Ledgers*)
Land Development and Planning Project Files
Land Development and Planning Studies and Reports
Maps: Originals (*now includes supporting documents*)
Meter Exchange Records
Micrographics Quality Control Records
Minutes: Official Meetings
Monitor Well Reports
Opinions: Legal (Agency Attorney)
Ordinances
Permit Record: Water Use
Permits: Right-of-Way
Permit Records: Environmental (Construction)
Property Records: Condemned

Records Management Plans
Records Disposition Documentation
Records Retention Schedules: Agency Specific
Resolutions
Storage Tank Records
Subdivision Plans
Surveys: Aerial
Water Plant Operator Manuals
Well Contamination Records
Zoning Variance Records

The File code implementation may identify other record series that deserve conversion to microfilm as well. The only hope for permanent retention is through microfilm. The microfilm must meet strict standards as provided by Rule 1B-26.0021, F.A.C., [Tab 28].

Source document microforms should be roll film with sequential numbers and blips, with computer assisted retrieval (CAR) indexing for rapid retrieval. Depending upon retrieval frequency, various reader/printer options are available. For example, reader/printers are available with blip counters greatly increasing retrieval speed. 16mm film should be used for all documents up to 11" x17".

Computer Output Microfilm

Computer Output Microfilm (COM) is a process whereby digitized information is printed directly to microfilm in human readable form. COM may be used in conjunction with or without a corresponding duplicate paper printout; however greatest savings are achieved when duplicate paper printouts are eliminated entirely.

COM generated and stored to Chapter 1B-26, F.A.C., [Tab 28] standards has a life expectancy of over 100 years, and pursuant to **Section 92.29, F.S.**, "shall in all cases and in all courts and places be admitted and received as evidence," (as for all microfilm). Further, Attorney General Opinion (**AGO**) **85-87**, Records - Data Processing - Computers - applicability of public records law to machine-readable intermediate files generated during computer data processing [Tab 30].

At a reduction ratio of 42x, 208 pages may be printed to each COM fiche. Readers are generally less than \$200.00 per unit. Significant savings in printing costs, together with less paper volume to manage, increased data security and improved retrieval capability make a COM a very desirable product. Record series regularly printed should be reviewed to identify potential COM applications. For example, with a retention of permanent, data commonly known

as **General Ledgers** (defined by the City as the year ***end trial balance***) is an appropriate COM application. *Every* City machine-generated report should be considered. COM is also an excellent preservation device for digital images, utilizing both the retrieval ability of digital imaging and the preservation qualities of microfilm.

Digital Imaging

Digital imaging is a process whereby human readable or analog data is digitized using laser light. Images are created that produce electronic duplicates of text and graphics. A file so created can be indexed in the traditional way using programs and keystrokes, or by using OCR (Optical Character Recognition) to facilitate word searches. This technology is extremely useful for reducing volume, providing short-term security and irretrievability (especially for multiple users). However, **this technology should not be viewed as a long-term preservation device**. Lengthy retention requirements will exceed the life of the technology. Digital imaging products are best reserved for large collections, with active retrieval requirements by multiple users, with short retentions. For those collections that meet these requirements, yet have long retentions, optical scanning may be used in conjunction with microfilm, or hardcopy, for preservation purposes. A cost and retrieval analysis should be conducted prior to digital imaging.

Reference activity is an excellent variable for determining the appropriate use of digital imaging. Short term storage and destruction when eligible is the most economical solution. For records which are appropriate for imaging, high contrast (white paper, black ink) is preferred.

For normal office documents a scanning density of 300 dots per inch is required. Documents with background detail like engineering drawings and maps should also be scanned to a minimum density of 300 dots per inch (perhaps greater, based on specific tests). These and a few additional requirements are found in **Chapter 1B-26, F.A.C., [Tab 27]**.

Appropriate Digital Imaging applications include:

**Official Minutes
General Ledger
Policy and Procedures
Contracts, Leases and Agreements**

If imaging solutions are required for data where microfilm remains the best preservation solution, image first and then copy to a CD as a PDF File and forward to a vendor who may then record to COM to the standards of Rule 1B-26, F.A.C.

Media Options

Records that are “photographic reproductions or reproductions through electronic recordkeeping systems made by any federal, state, county, or municipal governmental board, department or agency, in the regular course of

business, of any original record, document, paper or instrument in writing or in an electronic recordkeeping system, which is, or may be required or authorized to be made, filed or recorded with that board, department or agency,” are applicable to **section 92.29, F.S.** In other words, if the subject is required or authorized by law, in the regular course of business on one of the enumerated public entities, to create and file a reproduction of a record or document with that entity, that reproduction is admissible in any court or proceeding, whether the original still exists or not. Of course, the duplicate would still need to be authenticated as a condition precedent to admission, just as any document must be prior to being received into evidence.

The primary source for determining what is and is not admissible into evidence in trial in Florida is the Florida Evidence Code, found in **Chapter 90, F.S.** There are some other statutory provisions that can apply as well, particularly with regard to "electronic records." The Federal Rule of Evidence is similar.

Administrative hearings pursuant to **Chapter 120, F.S.**, must also be considered. The rules of evidence are generally much broader in those proceedings, the requisite foundation for admission being relevance.

The problem is as discussed: there are too many possible exceptions that can swallow the rules depending upon the innumerable, particularized circumstances that may be attendant to a specific episode. However, the bottom line is, the law has done a good job of recognizing and keeping up with the fast pace of change technology has wrought with regard to the creation, duplication and storage of documents, records and writings. The statutes and rules are very technology friendly. There are probably few instances in which a reliable document, electronic or otherwise, is going to be excluded from the record because of some arcane requirement of an "original" piece of paper. Authenticity is the real issue now, and so long as there is some evidence, testimonial or otherwise, that the document is what it is purported to be, in most instances, it will be admitted into evidence.

Metadata

Metadata is receiving particular attention and perhaps points to the greatest vulnerability during discovery. Metadata is data about data - information about a particular data set which describes various attributes such as authorship, creation, modification, and/or format. Federal Rules provide, in part for the discoverability of Metadata. Rule 34 of the Federal Rules of Civil Procedure applies to electronic data compilations from which information can be obtained only with the use of detective devices. Further, Rule 26(a)(1)(B) of the Federal Rule of Civil Procedure provides in part discovery of “data compilations.”

In Florida, the Supreme Court continues to consider the discoverability of metadata. On June 23, 2011, following six years of subcommittee study, debate and drafting, the full Civil Rules committee finally approved the draft E-discovery rules for submission off-cycle to the Supreme Court of Florida.

The changes are reflected in the most recent iteration of the rules package fresh from the drafting subcommittee which now specifically include Electronically Stored Information or "ESI" and propose to revise Florida Rules of Civil Procedure: RULE 1.200. PRETRIAL PROCEDURE, RULE 1.201. COMPLEX LITIGATION, RULE 1.280. GENERAL PROVISIONS GOVERNING DISCOVERY, RULE 1.340. INTERROGATORIES TO PARTIES, RULE 1.350. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES, RULE 1.380. FAILURE TO MAKE DISCOVERY; SANCTIONS, and RULE 1.410. SUBPOENA.

Detailed draft rule language with strike-through portions visible is available in the June 2011 Annual Convention Meeting Agenda found at:

<http://www.floridabar.org/cmdocs/cm210.nsf/WDOCS/28100E0461926D96852578A8006605AB>

This issue will continue to evolve but points to the need for a comprehensive disposition effort as a regular component of the City's record life cycle.

Social Networking

Social networking sites, such as Facebook, MySpace, and Twitter, are increasingly used by Florida Public Agencies as a mechanism for communication with the public. As the use of this technology increases, questions on the public record status of information contained on these sites have followed. Section 119.011, F.S. defines Public Records as, information, "regardless of the physical form, 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." The Florida Supreme Court further defined public records as "any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type." With this understanding of a public record, most, if not all, information posted to an agency's social networking site can be determined public. The City should ensure any agency use of these sites to include the proper management of information pursuant to Florida's Public Records laws [see Tab 47].

Electronic Signature

Current law allows the City full access to electronic signatures. Section 668.50(18)(a), F.S., provides in part, "Except as otherwise provided in paragraph (12)(f), each governmental agency shall determine whether, and the extent to which, such agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures." Further, section 668.50(7), F.S., provides in summary that a record or contract or signature "may not be denied legal effect or enforceability solely because the record or signature is in electronic form." Section 668.50(2)(h), F.S. provides that "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. For additional information, see AGO 2005-34 [Tab 32].

In addition to the legislation already referenced, Chapter 1B-26, F.A.C., also addresses digital signatures. This chapter references Digital Signature Standards (DDS) to include Secure Hash Standards incorporating Secure Hash Algorithms. These extremely complicated algorithms are not required for applications found within the City having been designed for the most sensitive of applications, as might be expected of the U. S. Department of Defense. City IT staff is fully aware of web based certification solutions at minimal cost that are more than adequate for any application found within the City.

Vital Records Protection

Vital records are those records critical to the delivery of services on a day-to-day basis. Vital records are necessary to continue operations. Vital records do not necessarily have a long retention, as is the common misconception; nor are vital records necessarily confined to any one unit - all units likely maintain some vital record.

The first step in establishing a vital records program is to identify the agency's vital records. Vital records must be identified and protected *before* a disaster. Records to consider include: current contracts; leases and agreements; accounts payable (including payroll) and accounts receivable; current operating budgets; purchase orders; lists of former key personnel (to act as temporary replacements for current employees out of commission as a result of a disaster); current operating procedures; and applications and operating systems. This is unlikely a complete list; inventory and File code implementation data must be used to complete the identification process. The identification process must be ongoing to detect new vital records, or other changes as requirements are adjusted.

After identification, the next step is duplication. The most effective way to safeguard information is by duplication. There is no substitute.

Duplication is followed by dispersal. Dispersal takes two forms: natural and planned. Natural dispersal already occurs. Information is routinely sent to other agencies in Tallahassee, or other state or county agencies, etc. Additionally, a microfilm operation that produces security film stored off-site and magnetic tapes rotated off-site, are examples of natural dispersal. Therefore, the need for rigorous off-site storage facility specifications is apparent.

Planned dispersal then fills the gap allowing the protection of the agency's vital records, provided the identification process has been complete. It is important to adopt a simple approach to Vital Records Protection utilizing the following steps:

- 1. Identify**
- 2. Duplicate**
- 3. Disperse**

Off-site storage facilities should be located away from traditional hurricane paths and above flood zones, therefore, away from the coast.

Many City Vital Records are available on-line, and are therefore, part of the agency's digital backup process. This backup process should be audited from time to time to ensure compliance. Consultant recommends an audit by the RMLO through Record Coordinators to generate a list of Vital Records within the City. Vital Records that are part of an ongoing duplication/dispersal effort (microfilm, digital backup, copies to other agencies, etc.,) are *not* listed if the process is complete. The identification effort should be an ongoing process.

Digital Backup

Consultant met with the CIO relative to Digital Backup and other issues as practiced by the agency. Every record, even digital equivalents, must be destroyed if represented as such on the agency's Disposition List. Recommendations, including transportation and storage environment, are offered as a Policy. Individual users should only write to the network and discontinue the use of unit hard drives for data storage. **Backups serve to restore data, and should not be seen as a preservation effort.**

Data Processing Recovery

A data processing recovery plan is fundamental given the City's dependence on data processing to provide vital services; its geographic location and local weather influences; and the continued potential for terrorism, vandalism and accident. Disasters are often geographic in nature. It is possible staff may not be able to access any existing facility. Traditional DPR is remote. Provided digital backups are intact, data processing recovery is possible.

Critical applications must be duplicated and dispersed as described above. In the event of a data processing emergency, the plan may then be implemented.

Investigate the use of a *Hot Site*, a *Cold Site* and a *combination* of the two. Ensure the selected vendor is not overwhelmed with users from a single geographic location. A Cold Site is located in Winter Haven, Florida. Consultant, with no financial relationship with this vendor, is available to make contact on behalf of the City. Interlocal agreements for mutual aid are not recommended. Rarely, if ever, is such an arrangement viable since few, if any government facilities are able to run more than their own obligation. If the City is convinced that such an agreement is viable, Consultant recommends a full blown, unscheduled test as might occur in a real emergency. Any on-site generator should have fuel capacity for at least five days, and Consultant recommends a ten day operation.

Personnel Files

Personnel Files may be the most sensitive record government creates, due in main part to the *personal* nature of the data. As defined by Florida Law, however, Personnel Files are clearly Public Records open to inspection by any person. Yet, Personnel Files often contain information that is specifically exempt from inspection (See **Chapter 119, F.S.**, for general access requirements and some specific exemptions). Although section 119.071, F.S., provides some specific exemptions to Public Records Access, most Florida statutory access exemptions are spread throughout the body of Florida law. The Government-in-the-Sunshine Manual, published by the First Amendment Foundation, and referenced as a source used during the compilation of this report, provides the best current list of exemptions in statutory order; second only to the statutes themselves. In addition, some Federal requirements must be considered in addition to Florida law, as a basis for determining access relative to Personnel Files. Following is a general discussion of these access requirements.

Generally, medical information about a specific employee is exempt from general inspection. Although it is perfectly legal to collect such information, it is generally protected. Statistical information about medical or health information is

generally open to inspection provided personal identifiable information is withheld. See **section 119.071(4), F.S.**, for a body of information exempt from general inspection for a *specific* group of potential City employees.

Title I of the Americans with Disabilities Act precludes filing *disabilities* information (read *medical*) within the Personnel File. However, the Department of State retention schedule requires that these Medical Records, although maintained separately, be maintained according to the same retention requirements as the employee personnel file. Further, **Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Civil Rights Act of 1991** seems to preclude filing information about race, sex, age and national origin in a Personnel File. *Information about race, sex, age and national origin* can obviously include a nearly limitless number of specific records and can create a great deal of doubt as to whether or not a specific piece of information should be placed in the Personnel File, and then whether or not it is open to inspection. The problem with many Personnel Files is that they are used as a catch all for information that relates to a specific employee - a case file of sorts. Although this practice is convenient, it usually creates the potential for information that is not open to inspection being seen by unauthorized parties during routine and otherwise legal record reviews.

The best practice is to create only those records about an individual that are directly related to and necessary for work performance. The Florida Department of State's Retention Schedule GS1-SL indicates a rather extensive collection for retention. Every other record commonly found within a Personnel File and identified as another Record Series Title with a far shorter retention should not be commingled with the Personnel File. To file documents with Record Series Title and Retention in mind will greatly mitigate exposure to violations of employee privacy issues by allowing Agencies to legally destroy information within relatively short periods of time as a series other than Personnel File; and by eliminating accidental review since the offending information is not in the Personnel File in the first place.

Consultant recommends only one Personnel File per employee be maintained by the City with the copy of record housed in the Human Resources (HR) Department. It is dangerous to maintain other *copy of record* Personnel Files, or even *duplicate* Personnel Files in units other than HR. For access security, there should be only one location for each Personnel File. Access issues for Personnel Files are complicated and should be handled by trained staff. Personnel staff in a position to grant access to Personnel Files should be thoroughly educated in State and Federal Requirements relative to all aspects of employee data. The "List of Published Sources," [Tab 18] is an excellent source of information with which to begin. In the experience of the Consultant, so called *duplicate* Personnel Files *never* are; they invariable contain unique information. Supervisors may create files on staff for the purpose of

performing Employee Appraisals or Evaluations. These specific files should be named as such and never referred to as *Personnel Files*.

The disposition of Personnel Files should be based on retention schedules approved by the Florida Department of State as documented on Disposition List Number 2012-1. Data should be containerized based on retention. Every container should include data with the same destruction date. Personnel staff should very carefully study the Disposition List, compare personnel related record series titles to the descriptions in the General Schedule and containerize based on destruction date. The imaging of data, as previously discussed should be based on activity. Hardcopy storage is usually far more economical.

Form I9, Employment Eligibility Verification

The retention and maintenance of **Form I9, Employment Eligibility Verification**, is rather awkward. Consultant recommends I9's be filed separate from the Personnel File until 3 years after termination and then transferred to the Personnel File for remaining retention. Further, the Handbook for Employers: Instructions for Completing Form I-9 published by U.S. Citizenship and Immigration Services states: "You may choose to copy or scan documents presented by an employee, which you must retain with his or her Form I-9. Even if you retain copies of documentation, you are still required to fully complete Section 2 of Form I-9. If you chose to retain copies of employee documentation, you must do so for all employees, regardless of national origin or citizenship status, or you may be in violation of anti-discrimination laws."

Indexing Structure, Personnel Records

The following file tree for Personnel related records is offered. It is driven by several goals: efficient access to data, the parsing of data based on retention, and the security of data not ordinarily open for inspection to the general public. This strategy is typical of that required for data sets throughout the City. This is not intended to be a comprehensive list of City personnel file content.

I. Personnel: Non-FRS – 50 years after separation or termination

A. Active / Inactive

1. Employee Name / Date of Separation

Application

- Application
- Interview Questions and Rating Sheets
- Job Description
- I-9
- Conditional Offer of Employment

- References
- Drivers Record Clearance Letter
- Criminal Background Check
- Pre-Employment Drug Test Results

Employee History

- Military Service
- Polygraph

Signed Policies

- Policies and Procedures
- Certification of IT Usage
- Loyalty Oath
- Notice of Emergency Duty Responsibilities
- Drug Testing Consent Agreement and Acknowledgement Form
- Equal Employment Opportunity
- Overtime for Non-Exempt Employees
- Dress Code
- Other

Certified Trainings or Seminars

- Training certificates

Evaluations

- Evaluations
- Recognition and Commendations

Discipline Final Action

- Disciplinary Final Action Summary

FDLE forms

- FDLE - CJSTC 58 - Background Investigation Waiver
- FDLE - CJSTC 60 - Affidavit of Compliance
- FDLE - CJSTC 62 - Fingerprint Notification
- FDLE - CJSTC 63 - Salary Incentive Report
- FDLE - CJSTC 68 - Affidavit of Applicant
- FDLE - CJSTC 77 - Employment Background Investigative Report

Background

- Hiring Exams

Personnel - Retirement

- 401A and/or 457 Applications & Confirmations
- FRS Applications & Confirmations

II. Personnel: Part Time – 3 years after separation or termination

A. Active / Inactive

1. Employee Name / Date of Separation

Application

- Application
- Interview Questions and Rating Sheets
- Job Description
- I-9
- Conditional Offer of Employment
- References
- Drivers Record Clearance Letter
- Criminal Background Check
- Pre-Employment Drug Test Results

Employee History

- Military Service
- Polygraph

Signed Policies

- Policies and Procedures
- Certification of IT Usage
- Loyalty Oath
- Notice of Emergency Duty Responsibilities
- Drug Testing Consent Agreement and Acknowledgement Form
- Equal Employment Opportunity
- Overtime for Non-Exempt Employees
- Dress Code
- Other

Certified Trainings or Seminars

- Training Certificates

Evaluations

- Evaluations
- Recognition and Commendations

Discipline Final Action

- Disciplinary Final Action Summary

Background

- Hiring Exams

III. Medical – Exempt

A. Non-FRS – 50 years after separation or termination

1. Active – Inactive
 - a. Employee Name / Date of Separation
 - Dental Insurance
 - Vision Insurance
 - Life Insurance
 - Other Insurance
 - Short and Long Term Disability Forms
 - Physical
 - Psychological

B. Part Time – 3 years after separation or termination

1. Active – Inactive
 - a. Employee Name / Date of Separation
 - Other Insurance
 - Psychological

Other Employee Records

The following consists of Employee related records series identified by the Department of State and listed in the GS1-SL General Records Schedule for State and Local Agencies. These items should be filed separately from the Employee Personnel File.

Access Control Records

- Identification Badge records
- Parking Assignment records
- Network Account and Permission Records

Attendance and Leave Records

Complaints: Citizens/Consumers/Employees

Disciplinary Case Files: Employees

Drug Test Case Files

- Drug Test Chain of Custody Forms
- Post Accident Drug/Alcohol Testing Records
- CDL Drug / Alcohol Testing Records

Employee Conduct Counseling Records

Exposure Records

Federal Income/Employment Tax Forms/Reports

- W4s

Grievance Files

Health Records: Blood Borne Pathogen/Asbestos/Exposure

Injury Records

Medical Records (not required for insurance or employment)

Payroll Records: Court-Ordered Garnishment

Payroll Records: Deduction Authorizations

Payroll Records: Not Posted

Payroll Records: Posted

Payroll Records: Supporting Documents

Personnel Records: Supplemental Documentation

- Training Records/Certificates (not necessary for hiring or continued employment)

Vehicle Accident Records

Workers' Compensation Records

Maps and Supporting Documentation

Changes to GS1-SL, effective November 1, 2006, have greatly increased the burden to Florida Public Agencies for map supporting documentation. The definition for **Maps: Originals**, item number 280 includes *supporting documentation used to create those maps* with a Permanent retention. Maps that are required by statute or ordinance to be filed with the Clerk of the Court under ss. 177.111, 177.131, 177.132 or 337.2735, F.S., or with the State Land Office under s. 253.031, F.S. are not included in this Permanent retention requirement. Although the City does not now utilize GIS, know also this does not include GIS maps which are now covered by new record series added to the General Records Schedule GS1-SL, effective April 1, 2010. The adoption of these amendments has greatly streamlined the Disposition of GIS data should the City ever utilize GIS.

Record Drawings

A significant data component of the City is documents used to obtain construction permits and certificates of occupancy, often referred to as *As-Built Drawings*. These records are included in the GS1-SL as *Architectural/Building Plans* of various types. It is especially important for the City to define these data. There appears to be no industry standard or legal definition of As-Built Drawings. Consultant's Legal Counsel found no reported Florida cases wherein "As-Built Drawings," is defined. His conversations with another attorney who works on construction issues and litigates construction cases disclose the phrase is taken to mean in court what it is understood to describe in the industry - drawings which depict the actual on-the-job construction which may deviate from the original plans. However, as researched by Consultant's Civil Engineer Consultant, several sources refer to Record Documents, Record Drawings, As-Built Drawings, Record Survey, and As-Built Survey, as discussed below.

In Construction Contracting, Record Drawings are described as follows:

a. RECORD DRAWINGS

A common general contract requirement is that the contractor must maintain and prepare one set of full-size contract drawings marked to show various kinds of “as-built” information. These drawings show the actual manner, location, and dimensions of all work as actually performed. This involves marking a set of drawings to show details of work items that were not performed exactly as they were originally shown, such as changed work, changed site conditions, and variations in alignment or location. In addition, details and exact dimensions are given for those work items that were not precisely located on the original contract drawings. Depths, locations, and routings of electrical service and underground piping and utilities are examples of this point. The set of record drawings is prepared by the contractor as the work progresses and is turned over to the architect-engineer or owner at the end of the project.

In Project Management for Engineering and Construction, Record and As Built Drawings are described as follows:

RECORD AND AS BUILT DRAWINGS

Revisions and changes to the original drawings are almost certain for any project. At least one set of the original contract documents that were issued for bidding purposes must be kept in a reproducible form. This is necessary for the resolution of claims and disputes, because inevitably the question will arise: “What did the contractor bid on?” In addition, there must be a thorough documentation of all change orders during construction.

A common contract requirement is that the contractor must keep one as-built copy of all specifications, drawings, addenda, change orders, and shop drawings at the work site. The drawings are marked to show dimensions and details of work that was not performed exactly as it was originally shown. Examples are changes in the location of doors, the routing of electrical wires or air conditioning ducts, or the location of underground piping, utilities, and other hidden work. These documents are marked-up in red pencil

to show all the changes to the original contract bid documents and are provided to the owner upon completion of the project.

In “Standard General Conditions of the Construction Contract,”
Record Documents are described as follows:

a. Record Documents

A. CONTRACTOR shall maintain in a safe place at the Site one record copy of all Drawings, Specifications, Addenda, Written Amendments, Change Orders, Work Change Directives, Field Orders, and written interpretations and clarifications in good order and annotated to show changes made during construction. These record documents together with all approved Samples and a counterpart of all approved Shop Drawings will be available to ENGINEER for reference. Upon completion of the Work, these record documents, Samples, and Shop Drawings will be delivered to ENGINEER for OWNER.

Please note these “Standard General Conditions of the Construction Contract” were prepared by the Engineers Joint Documents Committee and issued and published jointly by the National Society of Professional Engineers, the American Consulting Engineers Council, and the American Society of Civil Engineers. Also, please note that this document has been approved and endorsed by the Associated General Contractors of America and the Construction Specifications Institute. These documents, or some variant, are frequently included in Contract Documents issued by local governments for construction projects.

It is interesting to note that nowhere is the phrase “As-Built Drawing” defined or mentioned in this document. I believe this is because of the increased liability associated with using this phrase. The term “As-Built” implies that there are no inaccuracies in the drawings, when in fact the “As-Built Drawings” could indeed be inaccurate in some respects. Hence the better, more accurate phrase, “Record Drawing.”

This document also defines “Drawings” as:

17. **Drawings** – That part of the Contract Documents prepared or approved by ENGINEER that graphically shows the scope, extent, and character of the Work to be

performed by CONTRACTOR. Shop Drawings and other CONTRACTOR submittals are not Drawings as so defined.

The Florida Administrative Code, Rule Chapter 61G17-6.002 (Definitions) includes the following definitions under “(10) Survey”. Chapter 61G17 governs Surveyors and Mappers:

- (a) As-Built Survey: a survey performed to obtain horizontal and/or vertical dimension data so that constructed improvements may be located and delineated; also known as a Record Survey.
- (i) Record Survey: a survey performed to obtain horizontal or vertical dimension data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

In *Garden v. Frier*, 602 So. 2d 1273 (Fla. 1992), the Florida Supreme Court reversed a 5th DCA holding and found that a Surveyor is not a professional for the purposes of section 95.11(4). Therefore, the limitation to initiate an action for malpractice is four years. . Irrespective of the 4 year limitations, given the context within which the City employs surveyors, the better practice would be to retain their work product for the period of repose set forth in F.S. 95.11(3)(c).

Further searches did not disclose a definition for “Record Drawings” in other selected parts of the Florida Administrative Code. A search of the Florida Statutes, Title XXXII, Chapters 471 (Engineers), 481 (Architects), and 489 (Contractors), did not disclose a reference to “As-Built Drawings.”

Based on a review of the documents listed in Items A through D above, and conversations with other registered professional engineers, the following can generally be said of “As-Built Drawings”:

1. Because of liability concerns, As-Built Drawings are increasingly referred to as Record Drawings.
2. Record Drawings show the physical conditions, dimensions, locations, configurations, alignments, and changes, revisions, corrections, or deviations which vary from the details shown on the original Contract Drawings, including hidden, buried, or concealed features, facilities, and utilities which are revealed during construction. Record Drawings confirm the Contract Drawings to the project as finally constructed.
3. Record Drawings usually include a required Record Survey signed and sealed by a professional land surveyor registered in the State of Florida.

4. Record Drawings are typically maintained by the Contractor and provided to the Engineer, Architect, or Owner at the conclusion of the project. A typical contract requires the Contractor to update the Record Drawings monthly as part of the application for payment process. Typically, completed Record Drawings are required before the final payment to the Contractor.
5. The changes, revisions, and deviations from the Contract Drawings are typically shown in red pencil, highlighted with a “cloud,” delineated with a revision triangle, or otherwise noted on the Record Drawings. Details not shown on the original Contract Drawings are also typically shown.

The following may be considered a component of “**Record Documents:**”

1. **Drawings**
2. **Specifications**
3. **Addenda**
4. **Written Amendments**
5. **Change Orders**
6. **Work Change Directives**
7. **Field Orders**
8. **Written Interpretations and Clarifications**
9. **Surveys**
10. **Approved Shop Drawings**
11. **Approved Product Data**
12. **Approved Samples**
13. **Field Test Records**
14. **Regulatory Agency Permits**
15. **Warranties**
16. **Construction Photographs**
17. **Minutes of Meetings**
18. **Inspection Certificates**
19. **Manufacturer’s Certificates**

Further, The Florida Board of Professional Engineers has adopted **Rule, 5J-17.050, Retention of Engineering Documents**, effective November 13, 2008 providing in part, "At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed."

Archives

City requested inclusion of a Collection Development Policy. The purpose for such a Policy is to provide a vehicle for maintaining certain selected records beyond retention as approved by the Florida Department of State and to appropriately manage data with a permanent retention.

FILING SYSTEMS

Filing systems must address storage and retrieval. Commonly, agencies emphasize storage devices and not retrieval. The most common arrangement is most often alphabetical subject while the most common equipment is vertical file cabinets followed by lateral file cabinets, both utilizing a drawer. Common to the lateral file cabinets are hanging folders, together with manila folders.

City Wide Filing

Arrangement, equipment and supplies should be standardized. A Modified Alpha-Numeric Mnemonic System (*Mnemonic*, which means helping, or meant to help, the memory) is ideal. The key to the system is the coding. The file codes consist of a combination of letters and numbers representing a particular function. Resist the temptation to assign primary codes based on organization. Information is the same regardless of organizational location or creation. There is no reason to code the record differently from one *location* to another. The subjects are assigned file codes to facilitate classifying, sorting and filing. The coding system consists of a three-letter symbol (short title mnemonic symbol) for each major category. The codes also cross year lines. Use the same codes year after year. Use date labels to identify years.

The coding scheme allows for maximum flexibility and permits the addition of new symbols without changing symbols assigned to other subjects and without breaking the continuity of the pattern. Inventory data must be used to identify and therefore, code all record series titles. Codes must be maintained on PC to facilitate the inclusion of new codes and the printing of manuals. The system creates a cross index by subject and provides a measure of security. No index, no access. The system is driven by an application written using Microsoft Access.

Each primary code allows for 999 secondary codes. If volume requires later for an existing three letter primary code, the primary code may be shortened to two letters as an *associated* primary code. This will allow an additional 9,000 secondary codes. It is also possible to reverse the arrangement to double capacity. For example, if category ACC 000, accounting records is used 999 times, and additional secondary categories are required; create 000 ACC as an *additional* accounting category.

For each primary code, enter a secondary code of "000" which is also not used as a file label. This serves as a known address for primary code names. For example, BUD-000 is the primary category for Budget Records. Users may enter BUD-000 in the search function to learn that BUD-123 is a budget category. Avoid the use of *General* and *Miscellaneous* as categories.

Dovetail existing, logical arrangements into the system. For example, if purchase orders are coded as PUR-123, arrange purchase orders in numeric order following PUR-123. There is no reason to code *each* purchase order with a unique secondary code. The existing purchase order number is sufficient. The advantage, however, is that users know where purchase orders are located within the system.

Responsibility for writing codes *must* rest with only one person at a time to ensure consistency. This person should be the City's RMLO. Users must have a *read only* version available on the network.

Codes (primary and secondary) may then be linked to record series titles. This will eliminate confusion regarding retention. Use a separate, updateable database for this purpose, also available as read only on the network. Record Coordinators should be employed to suggest the code/series title link.

The City should adopt a policy of imposing annual cut-offs to facilitate disposition standards together with color coded dates or date labels. Do not commingle records with different destruction dates within the same file unless the City is prepared to keep all the records for the longest retention. It would be better in most instances to physically separate records with different retentions for destruction purposes. Destruction, when approved by the Department of State, is the most cost effective records management solution the City may employ short of not creating the records in the first place. Do not incorporate duplicate or convenience copies into the filing system. Do not convert existing collections except for active files.

Open shelf lateral filing equipment, as is usually seen in Doctor's Offices, is far superior in every way to standard vertical file cabinets as a means of providing access to hard copy files. A fewer number of open shelf units, on less floor space, for less initial equipment cost per cubic foot stored, will provide nearly twice the density of storage per square foot of floor space as compared to standard file cabinets. Further, end tab filing will allow for enhanced systems designed to reduce misfiles, and speed retrieval and refile activities.

Open shelf units come in a variety of sizes, an option between single and double entry, and choice between cantilever and four post configurations. All the choices, including floor plan design, can be quite confusing. The City's central files area uses this type of equipment in a mobile format and in the view of the Consultant is excellent. Units throughout the City might consider migrating to a similar, yet free standing format to facilitate inclusion into the City's central file. Unit and file folder specifications are included with this report to assist the City in the selection of specific equipment and supplies; see State Purchasing Contract. Through the State Contract, a vendor will be available to design a floor plan and provide equipment as discussed to produce a high-density system [Tab 17].

Adhere labels following scores or imprints on the folder to ensure labels line up and create a consistent color bar arrangement. Use labels from one vendor to ensure consistent colors. **Do not overload floor capacity**, especially upper floors. Ground floor, monolithic slabs are not an issue. Consider that the average cubic foot of records weighs approximately 35 pounds.

ACCESS

Whereas scheduling is the heart of a Records Management Program, access is the heart of Florida's Public Records Law. Florida has the most rigorous Public Records Law in the World, bar none! We have been described as having the most *open* government in the World. Government in the Sunshine is not a hollow phrase. In Florida, all Public Records are open to inspection during reasonable times and under reasonable conditions, to any person for whatever reason; unless specifically exempted by law. Access to Public Records in Florida is the most complicated and challenging aspect of managing information in a Public Agency (for staff *and* for the public). During the 1970's most court cases relative to Florida's Public Record Laws were triggered by the question of whether a particular piece of information *was* a Public Record. Following the 1980 Florida Supreme Court Case, *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633 (Fla. 1980) [Tab 41] and through to the present, most Public Record cases concern access.

One of the very best sources of information relative to Florida Public Records access is the **Government-in-The-Sunshine Manual** published by the **First Amendment Foundation (FAF)**. The current volume is #33, 2011. A new volume is usually available every January, however ordering, delivery and printing delays often reach into February. The telephone number to secure a copy is (850) 224-4555. A copy may also be ordered via the FAF website [www.floridafaf.org]. An abridged online version of the Manual is available on the Florida Attorney General's website [<http://www.myflsunshine.com>].

The City must be concerned with internal administrative access also, hence the need for intelligent filing systems, technology, scheduling and destruction. If in-house administrative access is insufficient, then public access obviously suffers, also.

Fees

Access not only means a visual inspection, yet also requires that duplicates be provided if requested and are not limited by statute. Section 119.07, F.S., provides, in part, that "the custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law", or, if a fee is not prescribed by law; for duplicated copies of not more than 14 inches by 8.5 inches, upon payment of not more than 15 cents per one-sided copy, and for all other copies, upon payment of the actual cost of duplication of the record. An agency may charge not more than an additional 5 cents for each two-sided duplicated copy of not more than 14 inches by 8.5 inches. Actual cost of duplication means the cost of the material and supplies used to duplicate the record, but does not include the cost of labor or overhead costs associated with

such duplication. An agency may charge up to \$1.00 per copy for a certified copy of a public record. **See AGO 2005-28 [Tab 31].**

However, when the nature or volume of public records requested to be inspected, examined, or copied is such as to require *extensive* use of information technology resources or *extensive* clerical or supervisory assistance by personnel of the City involved, or both, the City may charge, in addition to the actual cost of duplication, a special service charge, which shall be *reasonable* and shall be based on the cost incurred for such extensive effort. Consultant recommends advice from Counsel relative to the application of AGO 97-84 [**Tab 36 and 39**].

Consultant recommends the City adopt a policy of providing copies of Public Records fee simple up to \$10.00. Begin to collect fees at \$10.00. Anything less than \$10.00 is not cost effective when compared to the cost of collection, documentation and the deposit process.

HIPAA

The Health Insurance Portability and Accountability Act was signed into law in 1996 with a deadline for compliance of April 14, 2003. This federal legislation includes standards for protecting the privacy of medical and health information and requires covered entities to limit the use and disclosure of Protected Health Information (PHI). There are civil and criminal penalties. Consultant recommends a review of City records for compliance, especially those held by HR.

Relevant Access Limitation Sections, F.S.

The following is offered as a guide, and is not meant to be all-inclusive. Further, the entire section must be read by related record holders. The following is paraphrased for quick reference:

Section 17.076(5)

Direct deposit records made prior to October 1, 1986 are exempt. Same records made on or after October 1, 1986, names of financial institution, and account numbers of beneficiaries are exempt.

Section 17.325(3)

A call on the governmental efficiency hotline established by the Comptroller may be anonymous; name is confidential.

Section 44.102(3)

Except as otherwise provided in this section, communications in a court-ordered mediation proceeding are exempt from Chapter 119.

Section 73.0155

Business records provided by a business owner to a condemning authority are exempt.

Section 110.1091(2)

Employee assistance program (EAP) records are exempt from inspection.

Section 110.1127(3)(d) and (e)

Makes it a crime to misuse criminal records obtained for security background checks, and to misuse juvenile records.

Section 110.123(5)(a)

Physician's fee schedule used in health and accident plan exempt, except to persons involved in administration of state group insurance program.

Section 112.08(7)

Medical records and medical claims records exempt.

Section 112.21(1)

Records identifying government employees participating in any contract or account relating to tax-sheltered annuities or custodial accounts and the account activity is exempt from inspection.

Section 112.215(7)

Records identifying individual participants in any deferred compensation plan are exempt from inspection.

Section 112.3188(1)

Protects information relating to the violation by public officials or independent contractors of certain crimes.

Section 112.324(2)(a)

Protects information relating to investigation of a sworn complaint of a violation of this section.

Section 112.533(2)(a)

Complaints and information obtained pursuant to investigation of complaints against law enforcement officer exempt from inspection.

Section 119.071(1)(a)

Examination questions and answer sheets for the purpose of licensure, certification, or employment are exempt.

Section 119.071(1)(b)1a

Sealed bids or proposals received by the agency are exempt until such time as the agency provides notice of a decision or intended decision or within 10 days after bid or proposal opening, whichever is earlier.

Section 119.071(1)(c)

Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt.

Section 119.071(1)(d)1

A public record prepared by an agency attorney is exempt (see section).

Section 119.071(2)(c)1

Active criminal intelligence information and active criminal investigative information are exempt.

Section 119.071(2)(c)2a

A request made by a law enforcement agency to inspect or copy a public record and the custodian's response and any information identifying whether a law enforcement agency has requested or received that public record are exempt during the period in which the information constitutes active criminal intelligence information or active criminal investigative information.

Section 119.071(2)(d)

Surveillance techniques or procedures or personnel is exempt (see section).

Section 119.071(2)(g)1a

All complaints and other records in the custody of any agency which relate to a complaint of discrimination are exempt (see section).

Section 119.071(2)(j)1

The identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime is exempt.

Section 119.071(2)(j)1

The home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt upon written request by the victim. Information shall cease to be exempt 5 years after the receipt of the written request (see section).

Section 119.071(2)(j)2a

Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct (see section).

Section 119.071(3)(a)1

Security System Plan held by an agency is exempt (see section).

Section 119.071(3)(b)1

Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt.

Section 119.071(3)(c)1

Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development, which documents are held by an agency are exempt.

Section 119.071(4)(a)

Social Security Numbers of all current and former agency employees are confidential and exempt.

Section 119.071(4)(b)1

Medical information pertaining to prospective, current or former officers or employees is exempt (see section).

Section 119.071(4)(b)2a

Personal identifying information of a dependent child of a current or former officer or employee of an agency, which dependent child is insured by an agency group insurance plan, is exempt.

Section 119.071(4)(d)1a

The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel; correctional and correctional probation officers; personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect; and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement are exempt. The home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and

children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt.

Section 119.071(4)(d)1b

The home addresses, telephone numbers, and photographs of Certified Firefighters are exempt. The home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt.

Section 119.071(4)(d)1f

The home addresses, telephone numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties are exempt. The names, home addresses, telephone numbers, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt.

Section 119.071(4)(d)1g

The home addresses, telephone numbers, and photographs of current or former code enforcement officers are exempt. The names, home addresses, telephone numbers, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt.

Section 119.071(5)(a)(5)

Social Security Numbers held by an agency are confidential and exempt.

Section 119.071(5)(b)

Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt.

Section 119.071(5)(c)2

Information that would identify or locate a child who participates in government-sponsored recreation program is exempt.

Section 119.071(5)(c)3

Information that would identify or locate a parent or guardian of a child who participates in a government-sponsored recreation program is exempt.

Section 119.071(5)(d)

All records supplied by a telecommunications company which contain the name, address, and telephone number of subscribers are confidential and exempt (see section).

Section 119.071(5)(e)

Any information provided to an agency for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing is exempt.

Section 119.071(5)(f)

Medical history records and information related to health or property insurance provided to a municipality by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt.

Section 119.071(5)(g)1

Biometric identification information held by an agency is exempt.

Section 119.105

A person who comes into possession of exempt or confidential information contained in a police report may not use that information for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents and may not knowingly disclose such information to any third party for such purposes as long as that information is exempt. Violation of this section is a **third degree felony**.

Section 121.031(5)

Retirees' names and addresses are exempt from inspection as authorized by this subsection.

Section 121.4501(19)

Personal identifying information regarding a participant in Optional Retirement Program in FRS is exempt.

Section 163.01(15)(m)

Information received by a public agency in connection Florida Interlocal Cooperation Act that is proprietary is confidential.

Section 163.64

Participation in the creation or administration of a collaborative client information system may share information as long as restrictions are observed relative to confidential information.

Section 166.0444(2)

Municipal employee's personal identifying information relating to EAP is exempt.

Section 166.045(1)

Appraisals, etc., relating to a municipality's purchase of real property exempt.

Section 192.0105(4)

Taxpayers have right to have info kept confidential, including records.

Section 192.105

Federal tax information obtained pursuant to 26 U.S.C. s. 6103 is confidential.

Section 213.015(9)

Taxpayers have right to have taxpayer information kept confidential.

Section 252.88(2) and (3)

Specific hazardous chemicals location withheld.

Section 259.041(8)(c)

Offers and counteroffers for land acquisition are exempt, until . . .

Section 281.301

Information regarding security systems for any property owned by or leased to government agencies.

Section 282.318(2)(a)

Protects from inspection information relating to risk-analysis, results of internal audits and evaluations relating to data security and information technology and related internal policies and procedures (see section).

Section 316.066(5)(a)

Specific data contained in Motor Vehicle crash reports exempt.

Section 320.025(3)

Law enforcement agency registration application records exempt.

Section 322.126(3)

Disability reports exempt and used only to determine qualification to operate motor vehicle.

Section 322.142(4)

Restricts reproduction of driver's license photographs and signatures.

Section 381.004(3),(4),(5),(6)

HIV test results and the identity of the person tested are exempt from inspection except as other provided.

Section 382.013(4) and (5)

Birth certificate information exempt from inspection.

Section 382.025(1)

Except for those over 100 years old and not under court ordered seal, all birth records of this state are exempt from inspection, except as provided.

Section 384.287(6)

Information relating to HIV infection shall remain confidential as provided by law.

Section 395.1025

Notification to EMT of patient infectious disease done in a manner to protect confidentiality and not include patient's name.

Section 401.30(4)

Emergency call records with patient exam or treatment information exempt.

Section 440.102(8)

Drug testing records exempt.

Section 443.1715(3)(b)

Unless otherwise authorized by law, information received by an employer through a drug-testing program or by a public employee under this chapter is exempt from inspection.

Section 447.307(2)

Petitions and dated statements signed by employees regarding whether employees desire to be represented in a proposed bargaining unit are exempt from inspection except to verify and challenge signatures as provided by the subsection.

Section 624.311(2)

Records of insurance claim negotiations are exempt from inspection until termination of litigation and settlement of all claims.

Section 744.708(2)

Personal or medical records of a ward of a public guardian are limited access.

Section 760.40(2)(a)

DNA analysis results held by a public entity are exempt from inspection except as provided in the subsection.

Section 760.50(5)

Information relating to employee medical conditions covered by health or life insurance provided or administered by the employer are exempt from inspection.

Section 768.28(16)(b)

Claim files maintained by risk management programs are exempt from inspection except as provided by this subsection, until final determination (see section).

Section 768.28(16)(d)

Minutes of certain meetings and proceedings (see section) of a risk management program are exempt from inspection until termination of all litigation.

Section 794.024

Photograph, name or address of a person alleged to be a victim of an offense described in this chapter (sexual battery), chapter 800 (lewdness, indecent exposure), s. 827.03 (aggravated child abuse), s. 827.04 (child abuse), or s. 827.071 (sexual performance by a child).

Section 794.03

Unlawful to publish or broadcast information identifying sexual offense victim.

Section 815.04(3)(a)

Data, programs or supporting information, which is a trade secret as, defined in s. 812.081, which is part of a computer system held by an agency as defined in Chapter 119, is exempt from inspection.

Section 914.27

Confidentiality of victim and witness information.

Section 934.33(7)

Specified identifying information regarding the installation and use of a pen register or trace device.

Section 937.028(1)

Fingerprints; missing children.

Section 943.046(1)

Notification of criminal offender information.

See also:

Drivers Privacy Protection Act, 18 U.S.C. § 2721 et. seq., (Public Law 103-322), **Prohibition on release and use of certain personal information from State motor vehicle records.** In summary:

In General any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained in connection with a motor vehicle record including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions. "Motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor

vehicle registration, or identification card issued by a department of motor vehicles. "Person" means an individual, organization or entity, but does not include a State or agency thereof; and "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.

IMPLEMENTATION

Implementation Steps

Managing Public Records efficiently and economically requires implementation of very specific products and activities - steps. These steps must then be implemented in stages and monitored continually. Some steps are comprised of a multitude of increments, spread across months. The speed and thoroughness of implementation is therefore, driven by the motivation of management, together with staffing standards and resources. The following is offered as a guide to implementing a records management program, or improving one, in terms of these steps:

1. Prepare City wide Disposition List. This document should list all scheduled records since the start date of the City through the most recent date eligible for disposition. This request is for destruction only. Such a request accounts for records that may already have been destroyed before the present administration. *Complete* destruction should follow. Each year a new accumulation should result in the creation of a new, sequentially numbered list.

Draft List Number 2012-1 drafted and in process.

2. Designate a Records Management Liaison Officer (RMLO) in writing to the Florida Department of State, Division of Library and Information Services, Bureau of Archives and Records Management. This designation should be updated as necessary.

Complete.

3. Select Records Coordinators for each unit throughout the City. These Coordinators then work with the RMLO to help ensure a comprehensive, systematic program.

In Process.

4. Conduct Training. The disposition list described above should already be approved and in hand together with copies of relevant Schedules. The training should educate Coordinators in the proper use of the disposition list and educate them in the proper use of record series titles. Training needs to be ongoing, especially as Coordinators, procedures and requirements change. See recommended training agenda attached [Tab 43] and training manual [Tab 44].

In Process.

5. Destroy all eligible, approved records regardless of media type.

In Process.

Category One (Records within retention): Records may be further divided by active and inactive status. Active records should remain with the user until the termination of *administrative value*. Administrative value is the value a record series has for day-to-day function and operation. Inactive (or *less active*) records should be uniformly containerized and computer indexed for high density, low cost, secure storage until retention has been satisfied.

Category Two (Records past retention, eligible for destruction): Records should be destroyed without further delay, after inclusion on the City's Records Disposition List.

Category Three (Records with no approved retention): The City RMLO should submit to the Department of State a Form 105, Request for Records Retention Schedule to establish retention. The Form 105 is available for downloading as a Word or PDF Form from the Department of State web site [<http://dliis.dos.state.fl.us/recordsmgmt/publications.cfm>]. Based upon the Department of State approved retention, Category Three records should be reclassified to Category One, Two or Four.

Category Four (Records with sufficient retention or historical significance to justify conversion to microfilm): Records should be scheduled for conversion to microfilm, Computer Output Microfilm (COM) or other storage device in priority order based upon media condition (worst case records stabilized first), series retention value (permanent records first), or administrative value (high reference records first).

6. Schedule records series titles not already scheduled as described in the "Scheduling" Section.

7. Prepare another Disposition List for newly scheduled records for destruction, as necessary.

8. Destroy all eligible, approved records.

9. Prepare Request for Proposals as required, or use existing contracts, see "Specifications."

10. Select records for conversion to source document film and Computer Output Microfilm (COM):

Agreements: Railroad
 Annexation Records
 Annual Reports: Governing Body
 Architectural/Building Plans: Commercial
 Arson Investigations: Capital/Life Felony
 Bond Administration Records
 Bond Resolutions/Ordinances
 Budget Records: Approved Annual
 Cemetery Records
 Certificate of Occupancy: Commercial
 Charters/Amendments/Bylaws/Constitutions
 Comprehensive Master Plans: Adopted
 Confiscated Intoxicating Beverage Reports: Illicit Liquor
 Connection Records: Initial Water/Wastewater
 Criminal Investigative Records: Capital/Life Felony
 Criminal Investigative Records: Missing Persons/Runaway Cases
 Donation Records
 Endowments/Bequests/Trust Fund Records
 Engineering Records: Infrastructure
 Expenditure Plans: Capital Improvement
 Final Orders Records
 Financial History Summary Records (*commonly known as General Ledgers*)
 Land Development and Planning Project Files
 Land Development and Planning Studies and Reports
 Maps: Originals (*now includes supporting documents*)
 Meter Exchange Records
 Micrographics Quality Control Records
 Minutes: Official Meetings
 Monitor Well Reports
 Opinions: Legal (Agency Attorney)
 Ordinances
 Permit Record: Water Use
 Permits: Right-of-Way
 Permit Records: Environmental (Construction)
 Property Records: Condemned
 Records Management Plans
 Records Disposition Documentation
 Records Retention Schedules: Agency Specific
 Resolutions
 Storage Tank Records
 Subdivision Plans
 Surveys: Aerial
 Water Plant Operator Manuals
 Well Contamination Records
 Zoning Variance Records

11. Prepare Disposition List to convert records to source document film and destroy (not required for COM).

12. Select records for conversion to electronic images.

13. Prepare Disposition List to convert hardcopy records to electronic images.

14. Transfer inactive hardcopy records to Off-Site Storage Facility.

1. Only records with remaining retention, yet virtually no administrative value should be considered for off-site storage.

2. Records should be packed into uniform, one cubic foot boxes (10x12x15 inches) with a removable or hinged lid, although removal is preferred.

3. Every record within each box must have the same destruction date.

4. Records should be indexed. Only a box number should appear on the box as a *label*.

5. Records Coordinators (see Maintenance, **Tab 15**) are responsible for selecting, boxing and transmitting records to off-site storage location as authorized by the RMLO.

6. As records are eligible for destruction, they should be destroyed. Existing boxed records need to be reviewed by staff for destruction eligibility.

15. Transfer security microfilm and magnetic media to Off-site Storage Facility.

16. Implement File Code System (MS Access, File Code) as described in the "Filing System" Section.

MAINTENANCE

The entire records management plan outlined above requires constant monitoring to ensure continuing legal compliance, economy and efficiency. **Florida Law (Chapter 257, F.S.) requires each public agency designate a Records Management Liaison Officer (RMLO) in writing** to ensure that the records management program remains viable.

Training options are limited. There is only one course in records management certified by the Florida Institute of Government. The course is usually offered at colleges and universities throughout Florida. The course may also be conducted on-site to allow more employees to attend and reduce travel expenses. The Department of State also provides training. Additionally, five professional associations offer training, publications, technical standards and/or assistance in the area of information management and archives. The RMLO should investigate each:

ARMA

Association of Records Managers and Administrators
11880 College Blvd., Suite 450
Overland Park, KS 66210
(913) 341-3742
<http://www.arma.org/index.cfm>
Journal: *Information Management*

AIIM

Association for Information and Image Management
1100 Wayne Avenue, Suite 1100
Silver Spring, MD 20910
(301) 587-8202
(800) 477-2446
Fax: (301) 587-2711
<http://www.aiim.org/>
Journal: *Infonomics*

Society of Florida Archivists

P.O. Box 2746
Lakeland, FL 33806-2746
<http://www.florida-archivists.org/index.htm>
Journal: *The Florida Archivist*

Florida Records Management Association
PO Box 568542
Orlando, Florida 32856-8542
www.frma.org

Florida First Amendment Foundation
336 East College Avenue, Suite 101
Tallahassee, Florida 32301
850-222-3518
<http://www.floridafaf.org/>

See also:

SML, Inc.
www.smlinfo.net

Florida Department of State
http://dlis.dos.state.fl.us/index_RecordsManagers.cfm

Florida Attorney General
<http://www.myflsunshine.com/>

Florida Office of Open Government
http://www.flgov.com/og_home

Brechner Center for Freedom and Information
<http://brechner.org/default.asp>

Law.Com
www.law.com

Florida Statutes
www.leg.state.fl.us/statutes

Florida Commission on Ethics
www.ethics.state.fl.us

Florida Government
www.myflorida.com

Federal Supreme Court
www.supremecourtus.gov

Further, training for the RMLO alone is not enough. The RMLO cannot perform all activities described within this report alone. Beginning with the inventory, staff at all levels must provide input, assistance and cooperation. Therefore, Management support for the RMLO and the Records Management Program is mandatory.

Section 257.36(5), F.S., [Tab 22] requires in part, that the RMLO cooperate with the Department of State and act as liaison for all City records functions. Duties include, but are not limited to: an analysis of inventory data; generation of disposition forms; establishing service priorities; coordinating equipment selection and procurement; coordinating systems implementation throughout the City to include files; coordinating off-site storage selection and activities; coordinating microfilm conversion and vendor selection; vital records protection; training unit contacts; keeping abreast of current technologies, techniques and legal requirements.

Additionally, the RMLO should be involved in the procurement of all information technologies, equipment and systems for the City. The purpose being to ensure that such technologies, equipment and systems merge properly with the City Records Management Plan and with all appropriate Federal, State and Local legal requirements. Therefore, no such procurement should proceed without approval of the RMLO.

CITY OF HALLANDALE BEACH POLICY AND PROCEDURE

SUBJECT: Records Management

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I. STATEMENT OF POLICY

The City of Hallandale Beach (City) assures compliance with all State, Federal and Local requirements for the management of Florida Public Records Law, which provide a clear mandate for public agencies to manage public records in a professional manner. To address the complexities associated with Public Records management in the State of Florida, a comprehensive records and information management program is an essential component of any business entity, public or private. It is, therefore, critical to define the scope of the program; and especially to define the term “record.”

II. DISSEMINATION OF POLICY

The City recognizes that knowledge and understanding of the Public Records Management Policy is crucial to its effective implementation. Therefore, the Board will take steps to disseminate to the work force and the community, its policy to include annual training of City staff through the Record Coordinator network.

A. INTERNAL DISSEMINATION OF THE CITY’S RECORDS MANAGEMENT POLICY

A copy of this Policy will be made available to all employees.

B. EXTERNAL DISSEMINATION OF THE BOARD’S RECORDS MANAGEMENT POLICY

This Policy is available to any person as governed by the Florida Public Records Law, Chapter 119, F.S.

III RESPONSIBILITY FOR IMPLEMENTATION OF THE PROGRAM

The Agency is obligated to ensure all records, including digital and electronic (email) communications are retained and disposed of in accordance with retention schedules as documented on the Agency’s Disposition List. This List is prepared by the Agency RMLO and distributed to Agency Record Coordinators. The Agency is in a position to document on the Disposition List with particularity and specificity the disposition of Public Records to include beginning and ending dates as required by Chapter 1B-24, F.A.C. This includes the opportunity to mitigate disposition based on Agency requirements and still comply with Chapter 1B-24, F.A.C. All elected and appointed officials, the RMLO and Record Coordinators are responsible for the implementation of the Records

Program. All employees are required to comply. Section 257.36(5), Florida Statutes directs each agency to establish and maintain an active and continuing records management program to include scheduling and disposition of records. Public Records Law, Chapter 119, Florida Statutes, provides in part for access, control, storage, preservation and disposition of all records of a Public Agency. Chapter 1B-24 of the Florida Administrative Code, as amended on February 20, 2001, eliminated prior approval of the Bureau of Archives and Records Management for destruction of public records and requires agencies to certify to the Bureau compliance with retention requirements.

IV DEFINITIONS

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.” It is critical to understand that format, media type or duplication does not affect the public record status of information created or received by a public agency. The requirements of this Plan apply to hardcopy as well as digital records.

Copy of Record or Record (Master) Copy means public records specifically designated as the official, retention copy. For email created *within* the Agency, the office of origin has the copy of record. For email *received* by the Agency from outside the Agency, the unit which performs the last administrative act has the copy of record.

Duplicate Record means all reproductions of copy of record or record (master) copies, prepared simultaneously or separately, which are designated as not being the copy of record, therefore, recipient emails from Agency generated account holders.

Record Series means 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.

Administrative Support Records consists of records accumulated relative to internal administrative activities rather than the functions for which the office exists. Normally these records document day-to-day management. This series does not serve as the official documentation for audit purposes.

Administrator Records: Public Agency/Official consists of office files documenting the substantive actions of elected or appointed officials and

constitute the official record of an agency's performance of its functions and formulation of policy and program initiative.

Correspondence and Memoranda: Administrative are routine documentation of a general nature but do not create policy or procedure or document the business of a particular program or act as a receipt. Correspondence and memoranda other than administrative are filed into the related case file or project file.

Correspondence and Memoranda: Program Policy Development consists of correspondence and memoranda documenting policy development, decision-making, or substantive programmatic issues, procedure, or activities.

Supporting Documents means public records assembled or created to be used in the preparation of other records which are needed to trace actions, steps, and discussions covered in the final or master record. Supporting Documents support conclusions in other records.

Drafts and Working Papers are preliminary or developmental before completion as a final product.

Transitory Messages consists of those records created primarily for the communication of information as opposed to communications designed for the perpetuation of knowledge. This data does not set policy, establish guidelines or procedures, certify a transaction or become a receipt. The informal tone of transitory messages might be compared to the communication that might take place during a telephone conversation or a conversation in an office hallway. These communications may include, but are not limited to emails, text messages, instant messages, voice mails, self-sticking note, telephone messages, routing slips, envelopes, duplicate circulars, etc.

Personal and Private emails include transmissions that are clearly not official business and are, consequently, not required to be recorded as a public record. Although received by a government system, the law opposes a mere possession rule. Such transmissions are not made or received pursuant to law or ordinance or in connection with the transaction of official business and are not public records.

Duplicate or Convenience. Duplicate copies of Official Records are Public Records that are transitory in nature, generally with short-term administrative value to the City. Preservation duplicates may be created or designated from existing copies for safekeeping of the Public Record.

Precursor/Intermediate. Intermediate files and data, such as transitory/temporary notes used to assist in the formalization of data, are precursors of records ("preliminary copies") not in themselves intended as final

evidence of the knowledge to be formalized or perpetuated. In the absence of a final or completed version, the most recent intermediate file or copy of the data shall constitute the Official Record. Intermediate files are the digital equivalent of Precursors.

RMLO. City Records Management Liaison Officer designated in writing to the Florida Department of State. The RMLO coordinates the City's Records Program.

Custodian. The elected or appointed state, Agency, or municipal officer charged with the responsibility of maintaining the office having public records.

Record Coordinators. Employees of the City responsible for the coordination of Public Records activities.

Record Storage Facility. Any high-density facility, City owned or commercial for the storage of records with remaining retention yet little or no administrative value.

Retention Schedule. A listing of all records created or received by the City and retained based on legal, administrative, fiscal and/or historic value as specified by Florida Department of State General Schedules, or as approved by the Department of State for unique records held by the City.

Disposition List. A list of records eligible for destruction based on approved Retention Schedules, including Schedule and Item Number, Record Series Title and eligible inclusive dates.

Actual cost of duplication means the cost of the material and supplies used to duplicate the record, but do not include the cost of labor or overhead costs associated with such duplication

Extensive shall mean fifteen minutes or more.

Archival Records is information of such Historic value to the City as to demand permanent retention and preservation. Archival Records are limited to analog formats, not requiring technology for conversion to a human readable format. Archival Records may not necessarily originate as a Public Records, however become such upon receipt by the City as provided by Chapter 119, F.S. Archival formats include paper, photographs, films, Mylar or other stable media upon which analog data has been encoded - either published or unpublished. Archival Records have value based on informational content, and as artifacts and exhibits. The City Archives is the central repository for the Archival Records, and shall preserve and make available to the public the permanent historic public and private records of the City in its custody.

Non Records, in addition to the description of personal and private emails, intermediate records, precursors, non records include unsolicited promotional items, spam, jokes, chain letters, advertisements and generally material classified as “junk mail” or Public Documents as defined by Chapter 257, F.S.

V. EMAIL CATEGORIES/DISPOSITION

1. Administrator email records will be archived ten fiscal years. [Slightly longer than the required Department of State Retention for this Series of ten anniversary years. The Agency Attorney must determine the universe of “Administrator.”]
2. Internally generated recipient emails (duplicates) will be archived one fiscal year. [These are considered *duplicate* emails with retention of OSA.]
3. All other emails will be archived for five fiscal years. [This is the longest inclusive retention for *correspondence and memoranda*.]
4. Emails related to issues for which there is imminent or pending litigation or criminal prosecution are captured by the Agency Attorney or Agency Attorney staff. [A statement providing that records for which there is imminent or pending litigation are not included already exists on the Agency’s Disposition List. These emails become part of the *litigation case file*.]
5. Rules two and three will appear on page one of the Agency’s Disposition List.
6. A ten (10) day delay will be observed prior to archiving to allow account holders the opportunity to delete personal and private email and to delete email that has met retention as documented on the City’s approved Disposition List.

VI. RECORDS DESTRUCTION

PROCEDURE

Performed By:

Step/Action/Responsibility:

City RMLO:

1. Prepare Disposition List in accordance with Chapter 1B-24, Florida Administrative Code each October.

Record Coordinators:

2. Review unit assigned records to identify records eligible for destruction in accordance with City

generated Disposition List, verifying inclusive dates and record series titles. Submit revised List to City RMLO for review.

City RMLO: 3. Revise Disposition List based on Coordinators review, as appropriate and return List to Coordinators.

Record Coordinators: 4. Initiate disposal of Public Records documenting cubic foot volume destroyed using the following conversion chart, and forward List to City RMLO when complete, no later than September 30.

<u>Record Unit</u>	<u>Cubic Foot Volume</u>
10"x12"x15" box	1.0
Letter size drawer	1.5
Legal size drawer	2.0
Letter size 36" shelf	2.0
Legal size 36" shelf	2.5.

VII. OFF-SITE RECORDS STORAGE

PROCEDURE

Performed By:

Step/Action/Responsibility:

City RMLO: 1. Prepare Disposition List in accordance with Chapter 1B-24, Florida Administrative Code and City Procedure.

Record Coordinators: 2. Only records with remaining retention, yet virtually no administrative value should be considered for off-site or high density storage.

3. Records should be packed into uniform, one cubic foot boxes (10x12x15 inches) with a removable or hinged lid.

4. Every record within each box must have the same destruction date.

5. Records should be computer indexed. Data elements include: Record title(s), inclusive dates and Department name.

6. Records eligible for destruction as provided by the City's Disposition list must be destroyed, or written notification must be provided to the City RMLO sufficient to justify retention beyond retention.

City RMLO

7. Review and approve or disapprove Record Coordinators requests to delay eligible records destruction (see 6. above).

8. Destroy records retained in storage beyond retention for which no justification has been approved.

VIII. DIGITAL BACKUP

IT will conduct backups of critical data on a Monthly, Weekly and Daily basis. Each month, a full backup will be removed from the City and stored off-site for restoration in the event of a disaster. Transfer of the monthly and weekly backup will be through an independent, bonded commercial courier using a locked storage container designed for magnetic media transfer for storage in an environment that meets or exceeds the requirements of Chapter 1B-26, F.A.C. Operating Systems and applications will be copied and retained off-site at the same facility storing the monthly and weekly backup for the period of time provided by the City's Retention Schedule. The backup types and frequency are as follows:

Full Backup

One full backup set per month will be run. This set will be removed from the building as described above. Full backup media together with data will be destroyed or overwritten after 90 days.

Weekly Backup

A full data backup will be run every Friday with four rotation sets in the full backup rotation. Each week the oldest backup set will be over written. This backup rotation will allow for the restoration of any data up to five weeks old with the addition of the off-site backup set. The weekly backup media will be replaced with new media as required.

Nightly Backup

An incremental backup will be run nightly, Monday through Thursday. This backup records any data that has changed on the server since the last full backup, which occurs during the weekend. Incremental backups provide the ability to restore data from the previous day that has changed since the weekend allowing for the restoration of the most recent version of a given file.

Backup drives will be cleaned on a weekly basis, or as recommended by manufacturer using special tape drive head cleaning tapes. Cleaning frequency shall be amended based on demand as determined by the IT Director.

IX. ARCHIVES COLLECTION DEVELOPMENT

The City Archives shall accept, arrange and preserve records and manuscripts transferred to its custody. Records and Manuscripts in the custody of the City Archives shall be made available as provided by Florida Public Records Law for examination and study to promote and encourage research in the City's History. Examples of Public Records identified as Archival include:

**Agreements: Railroad
Annexation Records
Annual Reports: Governing Body
Architectural/Building Plans: Commercial
Arson Investigations: Capital/Life Felony
Bond Administration Records
Bond Resolutions/Ordinances
Budget Records: Approved Annual
Cemetery Records
Certificate of Occupancy: Commercial
Charters/Amendments/Bylaws/Constitutions
Comprehensive Master Plans: Adopted
Confiscated Intoxicating Beverage Reports: Illicit Liquor
Connection Records: Initial Water/Wastewater
Criminal Investigative Records: Capital/Life Felony
Criminal Investigative Records: Missing Persons/Runaway Cases
Donation Records
Endowments/Bequests/Trust Fund Records
Engineering Records: Infrastructure
Expenditure Plans: Capital Improvement
Final Orders Records
Financial History Summary Records (*commonly known as General
Ledgers*)**

Land Development and Planning Project Files
Land Development and Planning Studies and Reports
Maps: Originals (*now includes supporting documents*)
Meter Exchange Records
Micrographics Quality Control Records
Minutes: Official Meetings
Monitor Well Reports
Opinions: Legal (Agency Attorney)
Ordinances
Permit Record: Water Use
Permits: Right-of-Way
Permit Records: Environmental (Construction)
Property Records: Condemned
Records Management Plans
Records Disposition Documentation
Records Retention Schedules: Agency Specific
Resolutions
Storage Tank Records
Subdivision Plans
Surveys: Aerial
Water Plant Operator Manuals
Well Contamination Records
Zoning Variance Records

The Archives may also collect City Public Records as follows:

Records that are in immediate danger of being lost or destroyed.

Records that have intrinsic value based upon the physical form of the record, its uniqueness or other factors arising out of its creation or use.

Records that document the formation of policy, development of programs and administration of the City.

Records with extended and unbroken time series offering uniform and comparable information on the operations and programs of the City.

Records that document the historical development of the City, of the community and of its people.

Records that provide the most accurate, understandable and accessible source of information to researchers.

Examples of Non Public Records relating to the History of the City that may have Archival value include:

**Personal/Private Letters
Personal/Private Manuscripts
Personal/Private Photographs
Personal/Private Films and slides
Drawings, postal cards and portraits
Business Records
Newspapers, Journals, Magazines, Books, Newsletters
Personal/Private Calendars and/or Diaries**

The Archives may also collect Non-Public Records as follows:

Private papers of public officials who's Public Records are in the Archives.

Significant collections of private papers of individuals or of families that reflect the social, economic, military, religious or political history of the City.

Records of organizations, institutions and businesses in Hallandale Beach that reflect religious, social, civic, educational or economic development.

Private papers that document the exploration, settlement or development of the City.

Private papers and records that complement existing private records or Public Records in the Archives, or those private papers which fill in gaps in under-documented collections areas.

Records that have intrinsic value based upon the physical form of the records, its uniqueness or other factors arising out of its creation or use.

Records that provide the most accurate, understandable and accessible source of information to researchers.

Records that represent unique industries, labor organizations and special interest groups including the wide variety of cultural influences the Agency represents.

Significant collections of images of Agency photographers or photographers whose primary subject is the City.

Images of Hallandale Beach. such as industry and business, political events, home life, agriculture and land use, social events, architecture, transportation and tourism.

Images that compliment and support existing Manuscript and Public Records collections in the Archives.

Examples of early photographic imagery including daguerreotypes, ambrotypes and tintypes that document Agency history.

PROCEDURE

Collection Management. all materials acquired and accessioned into the City Archives are arranged and described according to established professional standards. Every reasonable effort must be made to protect all accessions from physical calamity and decay - both in terms of environment and use.

a. Patrons will not be allowed free and unsupervised access to accessioned material. Archives staff will locate, retrieve and refile all requested materials.

b. Food and drink will not be allowed within the same room as accessioned material.

c. No accessioned material will be removed from the City Archives Facility without written permission of the Records Management Liaison Officer.

d. Although copies of accessioned materials are available for a fee as allowed by law, no accessioned material may be sold, given or distributed unless deaccessioned as described below.

Archival Appraisal: generally, great care must be exercised selecting records for accessioning. The City Archives, no matter how large, will always have limited, valuable space. Archival staff must use professional standards and criteria when anticipating the informational needs of researchers, historians and citizens and other users so as to reserve space for only the most valuable, comparatively, materials. For Public Records, retention of "Permanent" as documented by the Florida Department of State, Division of Library and Information Services, Bureau of Archives and Records Management is a clear determiner for inclusion into the City Archives,

Deaccessioning/Disposition: Materials held by the Archives, upon determination of the Records Management Liaison Officer, maybe

deaccessioned and destroyed through the regular City process for Public Records.

Tax Appraisals: the Archives cannot appraise donated materials to determine their fair market value. The Archives is considered an interested party in the transaction and does not meet the IRS definition of "qualified appraisal." Such appraisals must be performed by an objective, qualified appraiser, not connected with either the donor or the Archives and hired for that purpose by the donor.

Copyright: all materials accessioned into the Archives become the property of the City. All rights, title and interest in and to unpublished materials together with all literary property rights are transferred to the City. Researchers are liable for any copyright infringement relating to his/her use of the material.

X. PUBLIC RECORD REQUEST

It is the policy of the City to permit the Public 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 or record coordinator of the public records, absent an exemption to the contrary. *Any person* includes City employees and City Officials when the record request is clearly beyond the scope of the duties, responsibilities and official business of the requestor.

At all times, the custodian or record coordinator shall provide safeguards to protect the contents of Public Records from alteration and to prevent disclosure or modification of those portions of Public Records which are exempt or confidential from section 24, Article 1 of the State Constitution.

The custodian or record coordinator shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law, or, if a fee is not prescribed by law; for duplicated copies of not more than 14 inches by 8.5 inches, upon payment of not more than 15 cents per one-sided copy. For each two-sided duplicated copy of not more than 14 inches by 8.5 inches, upon payment of not more than 20 cents for each two-sided duplicated copy; and for all other copies, upon payment of the actual cost of duplication of the record. The custodian or record coordinator may charge up to \$1.00 per copy for a certified copy of a public record.

When the nature or volume of public records requested to be inspected, examined, or copied is such as to require *extensive* use of information technology resources or *extensive* clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to

the cost of duplication, a special service charge, which shall be based on the cost incurred for such extensive effort. To comply with this provision, the custodian or record coordinator shall collect the estimated service charge in advance in addition to the fee for duplication. The service charge shall be calculated using the hourly wage of the employee performing the service. If the estimated fee for duplication and service charge represent an overpayment upon completion of the effort, a refund shall be made to the requestor. If the estimated fee for duplication and service charge represent an underpayment upon completion of the effort, the custodian or record coordinator shall collect the remaining balance due prior to delivery of the Public Record.

When the custodian or record coordinator and the requestor fail to agree as to the appropriate charge, the charge shall be determined by the custodian of the Public Record. When the custodian or record coordinator and the requestor fail to agree as to the personal and private or non-record status of what appears to be a Public Record, the status shall be determined by the custodian of the Public Record. When the custodian or record coordinator and the requestor fail to agree as to the personal or official business status of a request, the status shall be determined by the custodian of the Public Record in consultation with the City Manager. If the requestor in this instance is the City Manager, then the status of the request shall be determined by consultation with the Agency Attorney. When the custodian or record coordinator and the requestor fail to agree as to the exemption to access for a Public Record, the exemption status shall be determined by the City Manager.

XI. GOALS

1. retention and disposition of public records in accordance with all state and federal requirements (*including, but not limited to, Chapter 119 and 257, F.S. and Chapter 1B-24, F.A.C., and Chapter 1B-26, F.A.C.*).
2. management access to both active and inactive records in an accurate and timely fashion (to include a filing system and consideration of imaging potential);
3. retention of all records under secure conditions, preventing unauthorized access by both employees and third parties;
4. protection of all records from physical calamity and decay;
5. provision for the timely destruction of records at the end of their retention period in a secure manner;
6. conversion of long retention records to microfilm;

7. provision for disaster recovery; and
8. achievement of these goals in the most cost-efficient manner available.

CITY OF HALLANDALE BEACH

POLICY ON ETHICS

A. Organizational Vision

"The City will be a value and service driven organization. The City will be known locally, regionally, statewide and nationally as an innovative and progressive leader providing cost effective Agency services. Others will benchmark against The City service functions as an example of the best in local government. The Citizens will be proud of the staff and have a firm belief in the reliability, truth and strength of the organization."

B. Organizational Mission

1. In order for the City to achieve this vision it is essential our employees recognize the mission of the organization is to be "cooperative, efficient and service oriented" when dealing with citizens. Our citizens are our customers. Similarly, internal service departments should recognize that line departments are their customers. The provision of quality service is each employee's principal objective.

2. To meet this mission, employees should recognize the fundamental standards that guide their conduct as City employees. Organizational culture is a system of shared beliefs, attitudes, values and norms that determine our behavior in relation to customers, service, and other people within the organization. The City's organizational culture is expressed in our Vision, Values and Standards of Conduct.

STANDARDS OF CONDUCT

1. Democratic Citizenship

- We believe in and foster the principles of our democracy.
- We uphold the intrinsic tenets and values of our democracy.
- We offer our commitment, creativity, imagination, and time to make our community a better place for all our citizens to live, work, and play.

2. Diversity

- We value and respect differences in people and perspectives.
- We build relationships based on honesty and trust.
- We value the contribution of all individuals.

3. Integrity

- We value integrity in all of our actions.
- We conduct business with honesty, courtesy, and respect.
- We are fair, compassionate, and ethical in our treatment of others.

4. Professionalism

- We conduct the City's business with professionalism.
- We maintain high standards of competence through continuous learning.
- We keep abreast of the latest in technological developments and other areas of expertise to improve our skills, abilities and contributions.

5. Responsibility

- We accept responsibility and accountability for our actions.
- We demonstrate Agency values in all aspects of our jobs.

6. Teamwork

- We value the knowledge, skills and contributions of all team members.
- We cooperate in sharing ideas and talents to achieve the City's goals.
- We strive to maintain open lines of communication with everyone to achieve positive results. The articulation of these values is important as they should serve as a guide to employee conduct and actions where policies and procedures are silent or in apparent conflict.

Employee Empowerment Five Step Guide

1. The City employees are empowered by management to take actions necessary to be a customer orientated service provider based upon the City Five Step Empowerment Guide.

2. When faced with a decision each employee should determine the answers to the following questions:

- a) Is the action I am considering legal?
- b) Is the action I am considering being done in accordance with Agency or Departmental policy?
- c) Is the action I am considering ethical and in the best interest of the citizens of the Agency?
- d) Is the action I am considering based upon the values of our organization?
- e) Am I personally willing to be held accountable for this action by my supervisor?

3. If the answer is "yes" to all five of these questions, then employees are encouraged to take the appropriate action. If one or more is unknown or "no", check with your supervisor prior to acting independently.

VALUES

A. The values of any organization are reflected in the quality of the decisions made by the officers and employees.

B. The ethical obligations of public service employees go beyond mere legal obligations and demand from each employee a greater sensitivity to the potential ramifications of his/her conduct, as well as to the public's perception of such conduct. These Standards of Conduct are intended to provide direction to employees as they undertake public service.

C. Article II, Section 8 of the Florida Constitution states, "a public office (or position) is a public trust." As stewards of the public trust, all Agency employees must use the powers and resources of the Agency entrusted to them by the public to further the public interest and not for any personal gain or benefit. In addition to adhering to the highest ethical standards, all employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.

D. Employees shall have the right to form, join and participate in, or to refrain from forming, joining or participating in any employee organization of their own choosing in accordance with State law.

CONFLICT OF INTEREST

A. Employees who may be in a position to influence actions and decisions of the Agency shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services.

B. An outside personal economic relationship, such as those described below, which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties may be considered a conflict of interest requiring evaluation by the City Manager.

(1) The employee is engaged in a private business or financial relationship which may secure advantage of goods, services or influence due to the position of the employee with the Agency.

(2) The employee designates sources for procurement or procures parts, materials, services, supplies and facilities by purchase or lease, or sells or leases to the Agency in his/her own name or the name of others.

(3) The employee acts as director, officer, agent, sole proprietor, partner, stockholder (if owning in excess of ten percent (10%) of securities outstanding), employee, paid consultant or advisor to a supplier.

C. If the employee is in doubt as to whether a conflict of interest or ethical question exists, it is that employee's responsibility to seek clarification. The City Manager shall determine whether a relationship could cause a potential conflict of interest or an ethical issue.

D. Employee acceptance of loans or advances from a supplier, bidder or other party doing business with the City is improper and may violate state law. Such actions shall not be condoned.

E. It is improper for any employee to use his/her position with the Agency to obtain or attempt to obtain any special preferences, privileges or exemptions for him/her or for others.

F. No employee shall disclose confidential information gained by reason of his/her official position, nor shall the employee use such information for personal gain or benefit. Employees shall not discuss matters in litigation without prior notice to and approval by the City Manager.

POLITICAL ACTIVITY

A. Employees may engage in the following political activities without fear of retribution, however none of these activities are to be accomplished while an employee is on duty. Violation shall be grounds for disciplinary action.

(1) Register and vote as they choose.

(2) Assist in voter registration drives.

(3) Contribute money to a political organization or attend political fund-raising functions.

(4) Attend political rallies and meetings.

(5) Join a political club or party.

(6) Sign nominating petitions.

(7) Campaign for or against referendum questions, constitutional amendments, etc. If an employee becomes a candidate for an elective public office, he/she must comply with the provisions of Florida Statutes regarding the necessity to resign or take a leave of absence without pay.

B. Employees may not:

(1) Use official authority or influence for the purpose of interfering with an election or nomination for office, coercing or influencing another person's vote, or affecting the result thereof.

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend or contribute anything of value to a party or candidate.

(3) Interfere in any other way with the personal right of any officer or employee.

EMPLOYMENT OF FAMILY MEMBERS

Family members of a City employee may not **regularly** work in a position where in a direct or indirect reporting relationship, which could cause a conflict of interest, exists or may develop.

OUTSIDE EMPLOYMENT

A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, Agency employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the Agency; or without prior approval from the City Manager.

B. Outside employment may not be approved unless the following criteria are met:

(1) Such employment shall not interfere with the efficient performance of the employee's duties.

(2) Such employment shall not involve a conflict of interest or conflict with the employee's duties.

(3) Such employment shall not involve the performance of duties which the employee should perform as part of his or her employment with the City.

(4) Such employment shall not occur during the employee's regular or assigned working hours.

(5) Any employee accepting outside employment under the terms of this rule shall make arrangement with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the City.

C. The Agency retains the right to revoke its permission to engage in outside employment whenever an employee ceases to perform his/her duties in a manner which meets the standards of the position.

RELEASE OF INFORMATION

A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.

B. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstandings and confusion resulting in waste of time and money. This is not intended to discourage or delay release of information when requested pursuant to the Public Records Law unless specifically exempted from inspection by Statute..

C. Unless release of information is a normal part of their duties, employees should promptly direct inquiries for information to the City RMLO or his/her designee. It is not the intent of the Agency to be secretive or to withhold valid information, but to assure that all information released is complete and not otherwise exempt from inspection.

D. From time to time any employee, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding Agency business. Should an employee receive either a request or a subpoena, the matter shall be discussed immediately with the City RMLO.

E. These provisions shall not be interpreted in any manner that would conflict with Florida's Public Records Law or Government in the Sunshine Laws.

SOLICITATION AND DISTRIBUTION

A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

B. Employees of the Agency are prohibited from conducting or promoting private business for gain during duty hours or within any Agency building.

C. Employees are prohibited from soliciting any other Agency employee on behalf of any labor union, labor organization or employee organization, during their duty hours or the duty hours of the employee to be solicited on Agency property or in areas where actual work of the Agency is being performed.

D. Employees are prohibited from distributing literature which tends to promote any labor union, labor organization or employee organization during duty hours in any area where Agency work is performed.

E. Distribution of literature for Agency-sanctioned programs such as recreational activities is not restricted by this rule.

F. All solicitors and tradespersons, including Agency staff assuming an entrepreneurial role, are prohibited from entering the City property for the purpose of transacting business with employees of the City or any other person on Agency property. This policy prohibits:

- 1) The posting of advertisements on physical facilities,
- 2) The placement of advertisements upon cars parked in any Agency parking lot.
- 3) The placement of advertisements within employee mailboxes or any other display upon Agency property. Exceptions to this policy include:
 1. Providers of business-related materials or supplies who have received written approval to solicit Agency employees from the City Manager;
 2. Representatives of business and industry who have been invited or approved by the City Manager for the purpose of demonstrating a product or service;
 3. Public appeals for charitable or other programs normally sustained by the Agency, such as the U.S. Savings Bond program or The United Way Campaign.

USE OF AGENCY PROPERTY

A. Employees shall not use Agency property, equipment or vehicles except in the performance of official duty, nor shall they permit its use by an unauthorized person, either on or off duty.

B. Personal use of Agency vehicles is expressly prohibited.

C. All Agency data processing and communications systems, including the Email system, and materials created, received or transmitted within the system are Agency property and are intended for Agency business use. It is understood employees are not in control of incoming material. This requirement is not intended to prohibit normal communication between employees and immediate family.

DRESS AND APPEARANCE

A. Agency employees are expected to maintain high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance.

B. No attempt is made to set specific standards. The important factor is the overall impression created. What is appropriate for employees in one department may not be appropriate for another or depending on duty assignment.

C. Determination of an employee's specific dress and appearance is a supervisory responsibility and shall be treated as such. Personal appearance standards may be established by the City Manager.

GENERAL PROHIBITIONS

A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which shall in no way discredit the Agency, fellow employees or themselves.

B. Employees shall avoid conduct or speech that is contrary to good order and discipline. They shall treat each other with courtesy and respect, and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts to establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about the greatest harmony among the various units in the Agency.

C. No employee shall make any false statement, certificate, mark, rating or report concerning any test, certification or appointment made under the provisions of these Rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these Rules.

D. No employee shall, directly or indirectly, give, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment promotion or proposed promotion to, or any advantage in, a position in the Agency.

E. No employee shall deceive or obstruct any person in their right to examination, eligibility, certification or appointment under these Rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the Agency.

F. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or

wear them, nor permit them to be out of his/her possession without good cause, or approval of the City Manager. Such badges, cards and insignia shall be used only in the performance of the official duties of the positions to which they are related.

CIVILITY IN THE WORKPLACE

A major goal of these policies is to encourage a workplace environment that respects the dignity of all employees. For this reason all employees should maintain a high degree of civility and respect with co-workers, subordinates and superiors. Verbal, psychological or physically abusive behavior or harassment is counterproductive to the desire for teamwork among all employees, levels of management, and in relationships with elected officials and the public. Use of abusive language and behavior is disruptive to these goals and will be subject to disciplinary action and will not be tolerated.

HARASSMENT IN EMPLOYMENT

It is the policy of the City to prohibit sexual and other harassment in the workplace. All employees of the Agency are expected to avoid any behavior or conduct toward any other employee that could constitute harassment. Harassment, in general, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability. Same sex harassment will also not be tolerated by the Agency. Harassing conduct includes, but is not limited to, the following:

(a) Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age or disability.

(b) Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace. Harassment, in general, not only violates the City policy, but is unlawful behavior if conduct:

(a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;

(b) has the purpose or effect of unreasonably interfering with an individual's work performance; or

(c) otherwise adversely affects an individual's employment opportunities.

Sexual Harassment, in particular, is defined as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual

nature". Thus, no employee should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical or be led to believe that an employment opportunity or benefit will in any way depend upon "cooperation" of a sexual nature. Sexual harassment may include such action as sex-oriented verbal "kidding", "teasing", or jokes; repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading comments about an individual or his or her appearance; the display of sexually suggestive objects or pictures; subtle pressure for sexual activity; physical contact such as patting, pinching, or brushing against another's body; or demands for sexual favors. Conduct of this type not only violates the City policy but is unlawful behavior if :

- (a) submission to the conduct is either an explicit or implicit term or condition of employment; or
- (b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or
- (c) the conduct has the purpose or effect of interfering with an individual's work performance or environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally intimidating, hostile, or offensive, which debilitates morale, and therefore interferes with our work effectiveness. Appropriate management and supervisory personnel shall promptly investigate all complaints of harassment, including interviewing the complainant and the person(s) alleged to have engaged in the harassment. If, as a result of the investigation, it is found that the complaint has merit, the appropriate management and supervisory personnel shall take prompt corrective action. Such action may include discipline up to and including termination of the offending employee or employees. If the complaint is found to be of insufficient merit, all involved parties will be so notified.

DRUG-FREE WORKPLACE

It is the policy of the City to prohibit the illegal use, sale, or possession of narcotics, drugs or controlled substances while on Agency time, on Agency property, or using Agency equipment. Such prohibition extends to off-the-job illegal drug activity which adversely affects an employee's job performance; jeopardizes the safety of the employee, other employees, the public, or Agency equipment; or undermines government or public confidence in the Agency. Consistent with this policy's intent;

1. The sale, use, acceptance, possession of, or being under the influence of alcoholic beverages, illegal drugs, or illegal substances on Agency time, Agency property, or in any Agency building, facility, or equipment is prohibited and

considered a dischargeable offense. Any illegal substances obtained will be turned over to the appropriate law enforcement agency.

2. Off-the-job involvement with illegal drugs or controlled substances, which adversely affects an employee's job performance, jeopardizes the safety of the employee, other employees, the public or Agency equipment or undermines government or public confidence in the Agency will result in disciplinary action up to and including discharge.

3. Employees are required by the Anti-Drug Abuse Act of 1988 to abide by the Agency's drug-free workplace policy or face the appropriate disciplinary action. Any employee convicted of a workplace drug crime is required by Federal law to notify their employer of the conviction. Employees convicted of such a crime are subject to disciplinary action up to and including discharge or mandatory participation in a drug rehabilitation or treatment program.

4. Employees undergoing prescribed medical treatment with a legal drug or controlled substance that might impair behavior or work performance must report this fact to their supervisor. It may be necessary to restrict the employee's work activity while undergoing treatment to ensure a safe work environment.

LIFE-THREATENING DISEASES AND DISABILITIES

The City recognizes employees with life-threatening illnesses including, but not limited to cancer, heart disease, AIDS, and other disabilities may desire to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to perform essential job functions, with or without reasonable accommodations, and medical evidence indicates that their conditions are not a direct threat to themselves or others, they will be encouraged to continue to work.

CITY OF HALLANDALE BEACH GUIDELINES FOR INFORMATION TECHNOLOGY INFRASTRUCTURE

Introduction

This document provides City employees that access the City's information technology infrastructure, guidelines in the usage of such. All City employees shall adhere to these guidelines. Failure to follow these guidelines may be grounds for disciplinary action up to and including termination, and may result in civil or criminal penalties. If you have any questions on this document or if you are not sure how to do something described in this document please call the IT Department.

1. Acceptance of Jurisdiction

The City maintains jurisdiction of all its information technology systems and makes them available to staff to help them in their day to day work, with the understanding that usage of such systems or of the City's technological infrastructure implies acknowledgement and abidance of these guidelines.

2. Hardware, Software and Data Infrastructure Property

The technological infrastructure within the City's jurisdiction includes but is not limited to the following:

- Hardware: portable computers, magnetic, optical, and other storage media.
- Software: databases mail, and other systems.
- Data: Network drives, data, files, folders, databases,
- Metadata: domain information, IP addresses, web addresses, mail domains, email accounts.

All software and data within the City's premises are within the jurisdiction of the City. The City reserves the right to monitor any data, in any computer, at any time within its jurisdiction and without prior notice to ensure that the system is being used appropriately and in compliance with City policies and directives. The City may also monitor all communications such as email and voice mail at any time. Neither employees nor any other external entities have any personal privacy or proprietary rights in any matter created, received or sent from any

system or media within the City's jurisdiction. Each account in the City's system requires a password to prevent unauthorized access to the City's data and is not to be construed to imply any privacy rights to the owner of the account.

3. Password Security

Each user in City systems has an account name and a password. Users will not divulge their password to anyone. Password security ensures that events in the system are traced to the correct user. Users will be held responsible for their accounts. Users will change their password on their first login and whenever they feel that it might have been compromised. Users must change their passwords whenever they suspect someone has seen them type it, and will alert IT if any changes to their profiles have occurred without their knowledge. Users will not disclose their password to anyone.

Passwords must be seven or more characters, It should include characters like (!@#\$%^&City()), numbers, and upper and lower case letters, and must never be an English or Spanish word.

4. Electronic/Internet Mail (email)

Electronic mail (email) will be used as an informative method of communication. Email is intended to increase the efficiency of communications between staff and departments and the free flow of information within and out of the City. As such email is not intended to be a searchable repository of records and using it in this manner is discouraged.

The City recognizes its duty to retain information and make it available to the public, however the City finds that keeping every piece of data created without organization and regardless of content, is counterproductive to this duty since large and disorganized data repositories are difficult to search. Searching such data repositories can be as difficult as having no data at all.

Although the email system is intended for casual communication, its data will be preserved for a period of time and will be made available to the public upon request. Permanent deletion of any datum outside of the City's disposal process is prohibited. Nevertheless, staff is responsible to ensure that all public records (i.e. records intended to "formalize or perpetuate knowledge") are saved in our record management system under the appropriate category.

In general, discussion of personnel actions or other privileged information in electronic messages is prohibited, and all users will ensure that all communications are free from sexual harassment and other illegal or inappropriate content.

Inappropriate use of email using City equipment or within the City's infrastructure is prohibited. This includes impersonation of City mail addresses, placing, causing to be placed or authorizing placement of any illegal or inappropriate material in the City's mail system. Users are responsible for monitoring their accounts (whether personal when accessed from City premises or City owned) for illegal or inappropriate content and will notify their supervisor immediately if such material is found. Upon such a notification, the notified will immediately call the IT Office. The City reserves the right to monitor the mail system including mailboxes at any time, without prior notice to ensure that the system is being used appropriately and in compliance with City policies and directives.

Employees are allowed to send/receive personal mail as long as it follows the requirements of the previous section and also the following:

- Personal mail with attachments that did not originate with the sender must not be forwarded to any other employee. Employees will take great care that their personal mail is appropriate, free from sexual harassment and does not contain hostile agents that may jeopardize the City's data or infrastructure.

5. Personal Software and data

Personal software will not be permitted on City owned equipment unless all of the following requirements are met:

- The user has a legal license and he/she is willing to donate it to the City. All software installed in City computers shall become property of the City.
- The purpose of the software is to aid the user in City business.
- IT staff has verified that the software cannot damage the system and is compatible with the City standards.

Only authorized personnel may install software in the City's computers. Installation of any software in City equipment must be approved by the IT Director. Personal storage media may not be used in the City's computers without IT verification and approval of the media.

6. Internet Access

This section deals with user access to the Internet. Internet access has become an integral part of daily work. The City provides employees with access to the Internet to ease daily work and not for personal recreation. However, moderate use of the Internet for recreational purposes is allowed during employee lunch breaks.

6.1. Internet Browsing

While browsing the Internet, Employees will only visit sites related to their work duties, no business outside of City business will be conducted while using City equipment or during City time. Employees will not visit any illegal, pornographic or inappropriate sites. If an employee visits an inappropriate site by mistake, he/she will notify IT so they can in turn notify/modify Internet filter.

6.2. Internet Radio/TV

These services can be very useful for information on current events however they consume a relatively large amount of bandwidth and therefore should only be use as a last resort and when the information needed is critical. Listening to music or recreational use of radio or TV is not allowed.

6.3. Downloading files from the Internet

No downloading of executable files (programs) from the Internet will be allowed unless the employee first gets approval from his department head and from the IT Director. Employees who violate this rule may be disciplined up to and including dismissal and in addition are liable to damage that they may cause to City's data, due to the download or to the import of viruses. Staff may obtain written exemption from this rule from the IT Director if they routinely require this tool as part of job performance and is trained to do it properly. Other City staff in need of an executable file may request it from an authorized employee.

7. Recreational Use of City resources

City computers may come installed with some recreational programs designed to help new users get acquainted with the system and improve hand to eye coordination. Employees can run these programs in their lunch hour and breaks but not during normal working hours. Supervisors are responsible for monitoring employee's usage of recreational programs. Use of recreational resources during working hours can cause the revocation of privileges for the user. IT staff will remove all recreational programs from any computer upon request from the City Manager or a department head.

8. Network Drives

Every department/division will have one or more shared drives where all significant data and files will be stored. These will be the only data files backed up. Staff will refrain from storing significant data elsewhere. Staff will not store files in their desktops or personal directories as these files will not be backed up.

SPECIFICATIONS FOR HARD COPY RECORDS STORAGE FACILITY

Hard copy records shall be stored in a freestanding, concrete or masonry structure of Type 4 protected non-combustionable heavy resistant construction as specified by the Southern Building Code. It shall meet or exceed the recommendations of the Florida Department of State found in Public Records Storage Guidelines; and shall be equipped with intrusion and fire alarms and a water sprinkler fire suppression system, monitored 24 hours by UL approved agencies. Documentation to verify present monitoring agreements must be attached to the bid response.

HARD COPY RECORDS STORAGE SERVICES:

Vendor shall provide:

1. Records storage containers;
2. Pick-up and delivery via a bonded courier;
3. Computer indexing to include destruction dates,
4. Access to records 24 hours a day, seven days a week;
5. A quarterly index of record holdings in MS Word or MS Excel or suitable printable, digital format document;
6. Destruction services in accordance with Chapter 1B-24, Florida Administrative Code.
7. A written statement of confidentiality from each applicable employee.

Retrieval/Refile:

Regular Business Hours _____ per box

Emergency/After Business Hours _____ per box

Regular Business Hours _____ per file

Emergency/After Business Hours _____ per file

Delivery/Pick-up:

Regular Business Hours _____ per trip

Rush within 3 hours	_____	per trip
Emergency/After Business Hours	_____	per item
Courier Handling	_____	per cubic foot
Storage Boxes (outside volume, used to calculate billing, shown):		
Letter/Legal 1.2 cubic foot box	_____	each
Letter Transfile 2.4 cubic foot box	_____	each
Legal Transfile 3.0 cubic foot box	_____	each
Monthly Storage	_____	per cubic foot
Facsimile Transmission	_____	per page
Labor or Research Charge	_____	per hour
Destruction Date Change	_____	each
Permanent Deletion	_____	each
Repackaging Damaged Containers	_____	per item
Data Entry	_____	per line
Customer Delivery/Pick-up	_____	per transaction
Photocopies	_____	per page
Accession Fee	_____	per cubic foot
Computer Indexing	_____	per line
Fumigation	_____	per cubic foot
Destruction	_____	per cubic foot

**SPECIFICATIONS FOR VAULT STORAGE FACILITIES FOR SECURITY
MICROFILM AND MAGNETIC MEDIA**

Security microfilm and magnetic media shall be stored in a free standing, concrete or masonry structure of Type 4 protected non-combustionable heavy resistant construction as specified by the Southern Building Code. It shall meet or exceed the recommendations of the Florida Department of State found in Public Records Storage Guidelines and shall be equipped with intrusion and fire alarms, monitored 24 hours by UL approved agencies. Documentation to verify present monitoring agreements must be attached to the bid response.

SECURITY MICROFILM AND MAGNETIC MEDIA SERVICES

Vendor shall provide:

1. Media storage containers;
2. Pick-up and delivery via a bonded courier;
3. Computer indexing;
4. Access to records 24 hours a day, seven days a week;
5. A written, quarterly index of record holdings;
6. Destruction services in accordance with Chapter 1B-24, Florida Administrative Code;
7. Inert gas fire suppression equipment;
8. Storage to meet or exceed requirements of Chapter 1B-26, Florida Administrative Code;
9. Magnetic media transport containers shall be used for all pick-up and deliveries of magnetic media.
10. A written statement of confidentiality from each applicable employee.

Retrieval/Refile:

Regular Business Hours _____ per item

Emergency/After Business Hours _____ per item

Delivery/Pick-up:

Regular Business Hours	_____	per trip
Rush within 3 hours	_____	per trip
Courier Handling	_____	per cubic foot
Emergency/After Business Hours	_____	per item

Monthly Storage:

Media Case Storage	_____	per cubic foot
Slotted Tape Storage	_____	per item
Microfilm Storage	_____	per roll
Destruction Date Change	_____	each
Permanent Deletion	_____	each
Data Entry	_____	per line
Customer Delivery/Pick-up	_____	per transaction
Accession Fee	_____	per cubic foot
Computer Indexing	_____	per line
Destruction	_____	per cubic foot or per item

**SPECIFICATIONS FOR COMPUTER OUTPUT MICROFILM (COM)
and
SOURCE DOCUMENT MICROFILM SERVICES**

Vendor shall provide:

1. 16mm source document, roll services w/blip and sequential document numbers;
2. 35mm source document, roll services with sequential document numbers;
3. Hard copy pick-up and preparation services;
4. 16mm COM recording;
5. Processing for all microforms;
6. Duplication services for all microforms;
7. Computer indexing for all microforms;
8. All microforms shall meet or exceed the requirements of Chapter 1B-26, Florida Administrative Code;
9. Hard copy destruction services in accordance with Chapter 1B-24, Florida Administrative Code,
10. Vendor will conduct and document appropriate resolution, density and Methelyne Blue tests at intervals sufficient to ensure microfilm products meet or exceed the requirements of Chapter 1B-26, Florida Administrative Code.
11. A written statement of confidentiality from each applicable employee.

All microfilm prices shall be for a finished product, to include processing.

16mm Planetary Filming	_____	per image
16mm Continuous Feed Filming	_____	per image
35mm Planetary Filming	_____	per image
Computer Output Microfilm	_____	per image
Single Level Blip	_____	each

Sequential Number	_____	each
Computer Programming	_____	per hour
Computer Indexing	_____	per entry per field
Document Preparation	_____	per hour
16mm Diazo Duplication	_____	per 100 ft roll
35mm Diazo Duplication	_____	per 100 ft roll
Silver Duplication	_____	per 100 ft roll
COM form slides	_____	each

SPECIFICATIONS FOR ELECTRONIC IMAGING

Vendor shall provide document electronic imaging services in accordance with Chapter 1B-26 of the Florida Administrative Code.

Paper based documents:

Scan Black and White up to legal size (11x14)	_____ per page
Scan Black and White ledger size (11x17)	_____ per page
Scan Black and White D and E size drawings	_____ per sheet
Scan Black and White over E size	_____ per sheet
Scan Color up to Legal size (11x14)	_____ per page
Scan Color Ledger size (11x17)	_____ per page
Scan gray-scale D and E size drawings	_____ per sheet
Scan gray-scale over E size	_____ per sheet
Scan Color D and E size drawings	_____ per sheet
Scan Color over E size	_____ per sheet
Document preparation	_____ per hour
Bates numbering (sequential numbering)	_____ per page

Special rush requests:

Scan Black and White up to legal size (11x14)	_____ per page
Scan Black and White ledger size (11x17)	_____ per page
Scan Black and White D and E size drawings	_____ per sheet
Scan Black and White over E size	_____ per sheet
Scan Color up to Legal size (11x14)	_____ per page

Scan Color Ledger size (11x17)	_____ per page
Scan gray-scale D and E size drawings	_____ per sheet
Scan gray-scale over E size	_____ per sheet
Scan Color D and E size drawings	_____ per sheet
Scan Color over E size	_____ per sheet

Microforms scanning:

16mm microfilm scanning	_____ per image
35mm microfilm scanning	_____ per image
16mm jacketed microfiche scanning	_____ per image
35mm jacketed microfiche scanning	_____ per image
Aperture card scanning	_____ per card

Additional Services:

Indexing	_____ per field
Mastering original DVD/CD's	_____ per disc
Duplicate DVD/CD's	_____ per disc
Upload images to web	_____ per hour
Pick up of documents/microfilm	_____ per trip
Delivery of documents/microfilm/media	_____ per trip
OCR	_____ per image
Indexing images via document control number (bar code)	_____ /entry/field
Document Preparation	_____ per hour
Viewing Software	_____ per user

Database Table Search Software	_____	per user
OCR Search Software, Stand Alone	_____	per user
Network	_____	per _____ users
Software Installation	_____	each
Software Training	_____	each
Data Warehousing	_____	per gig

Printing Services:

Print Black and White up to legal size (11x14)	_____	per page
Print Black and White ledger size (11x17)	_____	per page
Print Black and White D and E size drawings	_____	per sheet
Print Color up to Legal size (11x14)	_____	per page
Print Color Ledger size (11x17)	_____	per page
Print grey-scale D and E size drawings	_____	per sheet
Print Color D and E size drawings	_____	per sheet

**SPECIFICATIONS FOR OPEN SHELF
LATERAL FILE UNITS**
(see State Contract)

- 1 Starter and add on units as required.
2. 22 gauge, single entry shelves.
3. 36" wide, 12" deep, and 76" high.
4. Baked enamel finish.
5. 2.0" base.
6. 8 shelves, 7 openings. Shelves placed 10.5" on center with 9.75" vertical filing spacer per opening.
7. 4 post, with adjustable shelves.
8. 4 adjustable dividers per opening.
9. Each shelf to include a slotted backstop.
10. Wall mounts or factory produced "clothes pins" for back-to-back placement to be installed to prevent tipping of units, if required.
11. Price to include delivery and installation.

Vendor will need to know:

- a. Is the file location above grade?
- b. Is there an elevator?
- c. Is there a loading dock?
- d. What is the floor load capacity?
- e. And are there multiple locations to set up?

SPECIFICATIONS FOR FILE FOLDERS AND LABELS

File Folders:

1. 11 point manila, with
2. full end, double tab,
3. letter size,
4. scored or imprinted for label application.

Labels:

1. .5 inch.
2. Wrap around (visible from both sides of end tab).
3. End tab.
4. Color coded.
5. Alpha and Numeric (each file folder coded with 3 letters and 3 numbers).
6. Year Labels.
7. Self adhesive.

LIST OF PUBLISHED SOURCES USED DURING THE COMPILATION OF THIS REPORT

Statutes and Rules

Chapter 1B-24, Florida Administrative Code (F.A.C.), Public Records
Scheduling and Disposition

Chapter 1B-26, F.A.C., Records Management - Standards and
Requirements

Chapter 90, F.S., Evidence Code

Chapter 119, F.S., Public Records

Chapter 120, F.S., Administrative Procedure Act

Section 92.29, Florida Statutes (F.S.), Photographic Copies as Evidence

Section 257.05, F.S., Public Documents

Section 257.36, F.S., Public Libraries

Publications

Bureau of Business Practice. Inc. *Job Discrimination Handbook*.

Bureau of Business Practice, Inc. *The Practical Guide to Employment
Law*.

Clough, Richard H. *Construction Contracting*. New York: John Wiley &
Sons, Inc. 1986.

Equal Employment Opportunity Commission. *Laws Enforced by the U.S.
Equal Employment Opportunity Commission*.

Engineers Joint Contract Documents Committee. *Standard General
Conditions of the Construction Contract*. Alexandria, Virginia:
National Society of Professional Engineers et al, 1996.

Florida Department of State, State Library and Archives of Florida.
Electronic Records and Records Management Practices,
Tallahassee: May 2008.

Florida Department of State, State Library and Archives of Florida.
General Records Schedules,
http://dlis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm.

Florida Department of State, State Library and Archives of Florida. *Public Records Storage Guidelines*, Tallahassee: January 1996.

Florida Office of Attorney General. *Government-in-the-Sunshine Manual*. Volume 33. Tallahassee: First Amendment Foundation, 2011 Edition.

Oberlender, Garold D. *Project Management For Engineering And Construction*. New York: McGraw-Hill, Inc. 1993.

O'Neal, Nicole. "Metadata: The Future Impact of Invisible Data on E-discovery in Florida." *Florida Bar Journal* 81, no. 11 (December, 2007): 20.

Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver Microfilm of Documents, ANSI/AIIM MS23-1991.

Secure Hash Standard, FIPSP 180-2 August 1, 2002.

Skupsky, Donald S. *Legal Requirements for Business Records*.

U.S. Citizenship and Immigration Services. *Handbook for Employers: Instructions for Completing Form I-9*

U. S. Department of Commerce/NIST. *Digital Signature Standard (DSS) FIPS PUB 186-2*.

Provided by the City:

Organization Charts

Information related to start date of City

Administrative Policy 2016.004/R6

Administrative Policy 2006.004/R2

City Fee Schedule, October 1, 2011, Ver. 1.1

Information Technology Procedures Manual, Revised: 10/24/2011

File List

Interview data from City staff together with on-site examination of record collections sufficient to analyze the City's current record status.

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AGO 2007-14: Public Records--emails and email addresses	
AGO INFORMAL, June 8, 2007, Public Records – emails	
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MS Word, Training Manual

Disposition List Number 2012-1

MS Access, File Code Application

Workshop Agenda

Remaining Attachments