

**ORDINANCE #2008 – 10**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DORAL, FLORIDA, ADOPTING THE CITY OF DORAL RECORDS MANAGEMENT PLAN; DESIGNATING THE CITY CLERK AS THE OFFICIAL RECORDS KEEPER FOR THE CITY OF DORAL; DIRECTING THE POLICE DEPARTMENT TO DESIGNATE A RECORDS KEEPER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the records scheduling and dispositioning process contained in Chapter IB-24 of the Florida Administrative Code establishes standards and procedures for scheduling and disposing of public records and establishes definitions related to records management activities; and

WHEREAS, each department, through its designated records coordinator(s), under the direct supervision of the City Clerk, must ensure that retention requirements have been satisfied prior to records disposition; and

WHEREAS, in preparation for the annual compliance reporting of December 31st of each calendar year, the City Clerk shall certify on a form prepared by the City Clerk that the City is in compliance with records disposition laws, rules and procedures of the State; and

WHEREAS, the City Council finds that it is in the best interests of the City to adopt the City of Doral Records Management Plan (Exhibit "A"), designate the City Clerk as the official records keeper for the City, and direct the Police Department to designate its own records keeper.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The City of Doral Records Management Plan, attached hereto and incorporated herein as Exhibit "A," is hereby adopted.

Section 2. The City Clerk is hereby designated as the official records keeper for the City of Doral.

Section 3. The Chief of Police, or his designee, is hereby directed to designate a records keeper for the Police Department and the City Clerk shall provide input and supervision to the Police Department's designee concerning the Doral Records Management Plan.

Section 4. Repeal of Conflicting Provisions. To the extent any provisions of the Code, as made applicable to the City through Section 8.03 of the City Charter conflict with this Chapter, those provisions are repealed in its entirety.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED AND APPROVED on FIRST READING this 11<sup>th</sup> day of June, 2008.

PASSED AND ADOPTED on SECOND READING this 6<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Juan Carlos Bermudez, Mayor

ATTEST:

  
\_\_\_\_\_  
Barbara Herrera, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
John J. Hearn, City Attorney

# EXHIBIT "A"

# City of Doral

**FLORIDA**

March 2008

## **Records Management Plan**



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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, Ms. Barbara Herrera, City Clerk, City of Doral (Agency) requested assistance from Steve M. Lewis, Records Management Consultant (Consultant). This request triggered Consultant's proposal dated August 8, 2007 and an agreement to write a Comprehensive Records Management Plan through the Institute of Government, Florida Atlantic University. Onsite data collection began February 4, 2008, although some preliminary effort preceded this date and then continued through writing.

Data collection methodology included standard techniques: staff interviews, hands on examination of record collections including a tour of the Iron Mountain facility, 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. The following Plan is legally compliant and represents or exceeds the standard of care in the industry.

The Agency made Consultant aware of their desire to model the City of Coral Gables. This has proved beneficial in that the City of Coral Gables is also a long term, and satisfied, client of Consultant. Tab 47 of this Plan includes Ordinances adopted by the City of Coral Gables which the Consultant endorses as relevant models. Where practical, Consultant has mirrored recommendations now working in Coral Gables.

Consultant notes the City Charter, unlike many others throughout Florida, does not name the City Clerk as Custodian of the City's Records. However, this does not reduce the City Clerk's obligation. Section 119.011(5), F.S. provides the "*Custodian of public records*" means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee. Clearly, the City of Doral has multiple such officers; the City Clerk being one. Yet, the City Clerk has also been designated in writing to the Secretary of State of Florida as the City's *Records Management Liaison Officer* (RMLO) as provided by section 257.36(4)(a), F.S.

Consultant thanks the Agency for the splendid cooperation he received from all staff at every level throughout the City. Consultant remains available to discuss the Plan, and to return to the Agency and deliver a formal presentation to Management, scheduled for April 7 at 2:00PM followed by a workshop with Council at 6:30PM the same day. A training module for staff is incorporated and available.

## PUBLIC RECORDS

Florida Public Records Law, as codified in **Chapter 119, Florida Statutes** (F.S.), provides in part a clear mandate for public agencies to manage public records in a professional manner. Together with the Florida Department of State, Division of Library and Information Services enabling legislation, **Chapter 257, F.S., and the Florida Administrative Code (F.A.C.) Chapters 1B-24 and 1B-26** promulgated pursuant to Statute, a significant body of standards and requirements govern the "life cycle" of Florida's public records. 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 *record*.

"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.

Additionally, 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.

**Chapter 257, F.S.** 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 and **is not a Public Record**, according to the Florida Department of State. For example, an inventory of promotional information is not a Public Record for scheduling and dispositioning purposes and is actually a Public Document - property - but not a Public Record. However, the camera-ready copy, and the working papers used to create the promotional material are Public Records. 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; again according to the Florida Department of State.

## Drafts vs. Support Documents and Working Papers

Further, the concept of a *precursor* to the Public Record is a practical solution to the creation of final intended records. Precursors to the Public Record may be thought of as *drafts*. **Precursors are not Public Records** yet 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 *precede* the final intended record product. In the absence of a final intended record product, **drafts are Public Records** (no unfinished business exception). Drafts cease to be Public Records only after the final intended record has been produced.

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.

The practicality of a distinction between drafts and working papers is essential to allow for the orderly formulation of final intended records without formal dispositioning, yet also protecting information content used to support other final intended records. 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 (machine-readable intermediate files which are mere 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 are not public records). Support for these ideas is contained within **Rule Chapter 1B-24 of the Florida Administrative Code, Attorney General Opinion 85-87, and a 1980 Opinion by the Florida Supreme Court, *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633 (Fla. 1980).**

## Nine Step Test

**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, of course has led to questions. The following is the driving Court Opinion on this subject.

The Florida Supreme Court listed a "totality of factors" test in *News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.*, *supra* at 1031. *Accord, New York Times Company v. PHH Mental Health Services, Inc.*, 616 So. 2d 27 (Fla. 1993) as follows:

- 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.**

Consult with the Agency Attorney. Future City contracts with such entities should specify, as well as any related RFP's, etc., this record obligation.

## **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 how, when, and by whom it was collected, created, accessed, modified and how it is formatted. 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. At least one court has ordered the production of electronic documents with metadata intact, *Texlon Corp.*, 596 F.2d (C.A.N.Y. 1979). In that case, missing metadata was inferred to mean that the defendant was withholding or had improperly destroyed discoverable information. Rule 26(a)(1)(B) of the Federal

Rule of Civil Procedure provides in part discovery of “data compilations.” The Florida Supreme Court is presently considering the discoverability of metadata. The issue of metadata will continue to evolve, but points to the need for a comprehensive disposition effort as a regular component of the Agency’s record life cycle.

## **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.

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 references in litigation, criminal charges, civil charges, sanctions, and even charges of obstruction of justice and contempt of court.

## **Goals**

The Agency should adopt eight long-term records management goals:

1. retention and disposition of public records in accordance with all state and federal requirements (*especially, but not limited to Chapter 119 and 257, F.S. and Rule Chapters 1B-24 and 1B-26, Florida Administrative Code*);

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.

# 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 Agency 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 Rule Chapter 1B-24, F.A.C. for Scheduling and Dispositioning 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 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. Therefore, 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; there may also be confusion. In this instance the Agency Records Management Liaison Officer (RMLO) should be contacted by staff for assistance.

2. **Inclusive dates.** The oldest date within the collection through to the latest date. 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 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 functions. 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 should be destroyed without further delay, after inclusion on the Agency's Records Disposition List.

Records falling into **Category Three** should be submitted to the Department of State through the Agency RMLLO via form 105, Records Retention Schedule. The form 105 is available for downloading as a Word Document from the Department of State web site. Based upon the Department of State approved retention, Category Three records should be reclassified to One, Two or Four. Consultant has prepared these forms for the Agency. These should be signed and mailed to the Department of State. It is likely an Analyst from the Department will contact the Agency with questions prior to approval with retention, or disapproval of the forms.

**Category Four** records should be scheduled for conversion to 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).

An immediate problem will be the identification of copy of record vs. duplicate records. The Agency should adopt the policy that the office of origin for internally generated documents holds the copy of record while receiving offices have duplicates. Further, for *externally* generated records received by the Agency, 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. There needs to be a way for staff throughout the Agency to *know* which the copy of record is and which the duplicate is.

A good way to start the categorization process, and also reduce volume, is to prepare a disposition list. Using the General Schedules listed 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 Agency

through the latest date eligible for destruction. The list needs only one cubic foot figure *per list, not one per series*. Send a copy of the list throughout the Agency 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.

## **E-mail**

E-mail often engenders considerable confusion relative to Public Records Law. E-mail questions have triggered interesting Attorney General Opinions addressing core understandings related to e-mail. Retentions are not written for media types. E-mail is a media type and has no specific retention. Retentions are written for informational content by record series title. Some E-mail is *interoffice memoranda* and *correspondence*. Some E-mail (or more often attachments to e-mail) may include record series titles with even greater retention. Most often E-mail is a *transitory message* with an OSA (retain until **obsolete**, **superseded** or **administrative value** have been met) retention. Some e-mail is personal and private, see Florida Supreme Court Opinion, attached (**Tab 46**). See **Tab 34** for an E-mail opinion and a Policy Guideline from the Florida Department of State. Based on these collective opinions and retention requirements, E-mail should be deleted when retention value has expired. Retention must not be ignored. The retention for e-mail is content driven. Users should print hard copies, or copy data to computer directories/folders as copies of record with retentions greater than OSA for retention purposes. Section 668.6076, F.S. (**Tab 28**) contains language required for website and e-mail communications. Following is an E-mail Categories Policy calculated to aid staff in the identification of record series title/retention:

**CITY OF DORAL  
EMAIL CATEGORIES POLICY**

**I. EMAIL CATEGORIES POLICY**

**II. TABLE OF CONTENTS**

III. Scope.....TBD

IV. Purpose.....TBD

V. References.....TBD

VI. Definitions.....TBD

VII. Policy ..... TBD

**III. SCOPE**

The City of Doral 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 State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition of all City records.

**IV. PURPOSE**

Section 257.36(5), Florida Statutes (F.S.) directs each public agency to establish 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. This Policy is calculated to assist Staff in the correct identification of email categories to ensure lawful disposition.

**V. REFERENCES**

Florida Public Records Law. Chapter 119, F.S.  
Records and Information Management, section 257.36(5), F.S.  
Public Records Scheduling and Disposition, Rule Chapter IB-24, Florida  
Administrative Code (F.A.C.)

Electronic Recordkeeping, Rule Chapter IB-26.003, F.A.C.  
General Records Schedule GS1-SL for State & Local Government Agencies  
and other appropriate General Records Schedules  
Supreme Court of Florida Opinion Nos. SC02-1694 and SC02-1753  
Florida Attorney General Opinion (AGO) 85-87  
AGO 2001-20  
Agency Records Management Plan

## VI. **DEFINITIONS**

Section 119.011(1), 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.”

Florida Supreme Court of Florida in *Shevin v. Byron, Harless, Shaffer, Reid and Associates, Inc.*, stated that the above definition encompasses all materials made or received by an agency in connection with official business that are used to perpetuate, communicate, or formalize knowledge. This clearly includes email. 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.

**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.

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

**Intermediate Records** (processing files) are temporary records used to create, correct, reorganize, update, or derive output from master data files. Intermediate records 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 official 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.

**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. These data do 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 include, but are not limited to e-mails, 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, common sense 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, include unsolicited promotional items, spam, jokes, chain letters, advertisements and generally material classified as “junk mail” otherwise.

**Attachments to emails** are generally more substantive than the email itself. In these instances, the email is merely an envelope for delivery, or a self-sticking note for circulation. Provided the email includes no data that rises beyond the threshold of a transitory message, it is of only administrative, or temporary value. The attachment on the other hand, must be categorized into the appropriate record series and maintained per the Agency’s Disposition List.

## **VII. POLICY**

It is the policy of the Agency that all records, including digital and electronic (email) communications be 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 all Record Coordinators. Email retentions are content driven. There is no media specific retention for Email, or any other digital data or media type.

Based on approved retention, approximately 95-98% of all City e-mails are eligible for destruction after having been read by the recipient. Consider that by number, most e-mails are *received from within the City*. By virtue of this receipt, the e-mail is a duplicate record with OSA retention. OSA means destroy after obsolete, superseded or administrative value is met. For most such e-mails, this is nearly immediately. This concept does not circumvent the law since the copy of record, held by the sender *within the City* is maintained based on content. For example, all the following e-mail categories have OSA retention:

**All duplicate records  
Administrative support records  
Transitory messages.**

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

**Intermediate files  
Personal and Private e-mails  
Jokes, spam, chain letters and advertisements  
Junk mail of nearly any description.**

All other e-mails, and/or attachments have retentions based on content. These content driven records are listed on the City’s Disposition List by

## 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. The procedures for scheduling public records are outlined in Rule Chapter 1B-24 of the Florida Administrative Code. Two scheduling vehicles exist for the Agency:

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

Retention periods are very fluid. Audit status, pending litigation, Attorney General and Auditor General destruction freezes and changing legislation affect retention requirements. Therefore, ongoing maintenance of the retention database will be required.

For records identified that are not contained within appropriate General Schedules and for which no approved retention exists, form 105 must be utilized. Information collected during the inventory is merely transferred via form 105 to the Department of State.

### **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 reference in litigation, for example. **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. Follow the requirements of Rule Chapter 1B-24, F. A. C. 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 Agency RMLO for approval or disapproval. If approved, the written justification should be attached to the appropriate Disposition List.

The Agency 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 "Dispositioning."



## **DISPOSITIONING**

Dispositioning 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 Rule Chapter 1B-24, Florida Administrative Code (**Tab 29**). The Agency continues to be responsible for all records created since the start date of the agency until the record has been obliterated, including any relevant records created by private entities acting of behalf of the Agency. Therefore records that are "missing" remain the legal responsibility of the Agency. Further, records offered for recycling when disposition warrants same 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. The Agency may also sell record media (not the informational content) for paper recycling. Public Records may not be sold or given away. The Agency must maintain Public Records through to destruction. Although copies may be sold, copies are not Public Records unless they are sold to other Florida Public Agencies. The Agency may loan records, however, this practice is not recommended. Recycling is a good way to destroy records and render the records unreadable, especially where security is an issue.

### **Spoilation/Spoilation**

Spoilation and Spoilation are used interchangeably (probably the result of a typo, spoliation is the correct term) in Florida Case Law to describe the intentional destruction, or significant alteration of evidence. When spoliation is established, the fact-finder may draw an inference 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 Agency's Disposition List will virtually eliminate the potential for spoliation.

## **Statutory and Rule Changes**

Effective January 1, 2001 and February 20, 2001, significant changes occurred relative to Public Records Dispositioning. Agencies are no longer required to submit a request for records destruction to the Department of State. Instead, each agency shall prepare a list of records destroyed based on approved Department of State retention schedules. The list is similar to the now obsolete forms 107 and 108 in that appropriate retention schedule and item numbers are listed for each record series title destroyed together with inclusive dates, volume in cubic feet for each list and a date and method of destruction. A suggested form is available from the Department of State. The form is maintained within the Agency and is a permanent record. Notify the Department of State Archives of the destruction intent to determine Historical interest. 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 Rule Chapter 1B-24. The List prepared by Consultant meets or exceeds these requirements.

## **Disposition List**

Included with this Plan is a MS Word Document and Print of Disposition List number 2 prepared per the requirements described above. List number 2 should be viewed as a *Draft*, due for completion October 2008. The 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 Agency, 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 **boxes 6., column f. and box 7.**

There need be only one cubic foot volume figure per list, not per series, **column e**. Each year, the Florida Department of State will send the Agency RMLO a compliance form to complete and return, including the cubic foot volume of records destroyed for the previous fiscal year. Consultant recommends this figure includes duplicate records. October 2008, the Agency RMLO should prepare another list for fiscal year 08/09; again as a draft scheduled for completion October 2009. 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 to the Coordinators. The disposition process should not be reactive based on individual accumulations. This process is repeated each fiscal year. 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.

Critical to the success of a Dispositioning program is the ability of record Coordinators to identify when retention is complete. For most Agency 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. The future Police Department Coordinator should ensure the Disposition List conforms to Accreditation requirements, if and when applicable.

Disposition Lists must also be prepared for records replaced with imaging, either digital or microfilm. Once legally acceptable images have been produced, the original paper should be destroyed.

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." Following is a draft Disposition Procedure:

# CITY OF DORAL RECORDS DESTRUCTION PROCEDURE

## I. DESTRUCTION PROCEDURE

II.	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
III.	Scope	TBD
IV.	Purpose	TBD
V.	References	TBD
VI.	Definitions	TBD
VII.	Procedure	TBD

## III. SCOPE

The City of Doral Records Management Program applies to all records, regardless of physical form, that are created or received by and for the City of Doral in the normal course of day-to-day business activities throughout the jurisdiction.

The City of Doral is charged with ensuring compliance with all Federal Laws and State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition of all City of Doral records.

## IV. PURPOSE

Section 257.36 of the Florida Statutes directs each public agency to establish 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. Rule Chapter 1B-24 of the Florida Administrative Code, amended on February 20, 2001, eliminates 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.

## V. REFERENCES

Public Records Law. Chapter 119, Florida Statutes  
Public Libraries and State Archives, Chapter 257, Florida Statutes  
Public Records Scheduling and Disposition, Rule Chapter IB-24, Florida  
Administrative Code  
City of Doral Records Management Plan

## VI. DEFINITIONS

Section 119.011, 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.”

Florida Supreme Court further defines public records as “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”

**Copy of Record.** The retention copy is the Official Record, and does not preclude the existence of other copies of the same record.

**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 of Doral. 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.

**Non-Records.** Data received by the City of Doral that are not business-related are non-records, and are not subject to Public Records Law. Examples of non-records include junk mail and other printed documents received (or created) by the City of Doral intended for distribution to the public; and personal or private e-mails that are not connected with the transaction of official City of

Doral business. Non-records should be destroyed or deleted, and should not be retained or stored together with Public Records.

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

**Custodian.** The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records or his or her Coordinator.

**Record Coordinator.** Employees of the City of Doral responsible for the coordination of Public Records activities for their respective Department.

**Record Storage Facility.** Any high-density facility, Agency 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 Agency 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 of Doral.

**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.

## VII. **PROCEDURE**

<b><u>Performed By:</u></b>	<b><u>Step/Action/Responsibility:</u></b>
Agency RMLO:	1. Prepare Disposition List in accordance with Rule Chapter 1B-24, Florida Administrative Code each October.
Record Coordinator:	2. Review unit assigned records to identify records eligible for destruction in accordance with Agency generated Disposition List, verifying inclusive dates and record series titles. Submit revised List to Agency RMLO for review.

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

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

<b><u>Record Unit</u></b>	<b><u>Cubic Foot Volume</u></b>
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.

## 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 Agency 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 **Rule Chapter 1B-26, F.A.C.** (See **Tab 23 and 24**).

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 Agency is presently continuing a major effort to remove and destroy records eligible for destruction. The use of a high density, low cost storage facility for boxed records is a vital component of this effort. The City presently uses Iron Mountain, Inc. for these purposes and wishes to continue that relationship. Together with specifications for such a facility and related services if and when it may be required (attached, **Tab 18**) 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 except for over-sized formats for which vendor supplied or recommended containers should be used..
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*. See MS Access Box Application, included.
5. Records Coordinator (see Maintenance, **Tab 16**) 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.

7. All service requests with commercial storage vendor shall be coordinated through the City RMLO's Office.

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

Following is a suggested procedure for high-density storage of records that have met administrative value:

**CITY OF DORAL  
HIGH-DENSITY RECORDS STORAGE PROCEDURE**

**I. HIGH-DENSITY STORAGE PROCEDURES**

<b>II. <u>TABLE OF CONTENTS</u></b>	<b><u>PAGE</u></b>
III. Scope	TBD
IV. Purpose	TBD
V. References	TBD
VI. Definitions	TBD
VII. Procedure	TBD

**III. SCOPE**

The City of Doral Records Management Program applies to all records, regardless of physical form or means of transmission that are created or received by and for the City of Doral in the normal course of day-to-day business activities throughout the jurisdiction.

The City of Doral is charged with ensuring compliance with all Federal Laws, State Statutes and Florida Administrative Codes regarding access, the systematic retention, storage and disposition of all City of Doral records.

**IV. PURPOSE**

Section 257.36 of the Florida Statutes directs each public agency to establish 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. Fundamental to this effort is a comprehensive, systematic program for the off-site storage of inactive Agency records. This procedure is promulgated to ensure an economical, efficient and disciplined approach for high-density storage of Agency records.

## V. REFERENCES

Public Records Law. Chapter 119, Florida Statutes  
Public Libraries and State Archives, Chapter 257, Florida Statutes  
Public Records Scheduling and Disposition, Rule Chapter 1B-24, Florida  
Administrative Code  
Records Management - Standards and Requirements, Rule Chapter  
1B-26, Florida Administrative Code  
Public Records Storage Guidelines, Florida Department of State  
City of Doral Records Management Plan.

## VI. DEFINITIONS

Section 119.011, 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.”

Florida Supreme Court further defines public records as “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”

Records created or received in connection with the transaction of City of Doral business are public, and may be classified as follows:

**Copy of Record.** The retention copy is the Official Record, and does not preclude the existence of other copies of the same record.

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

**Precursor or Intermediate Files.** 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.

**Non-Records.** Data received by the City of Doral that are not business-related are non-records, and are not subject to Public Records Law. Examples of non-records include junk mail and other printed documents received (or created) by the City of Doral intended for distribution to the public; and personal or private e-mails that are not connected with the transaction of official City of Doral business. Non-records should be destroyed or deleted, and should not be retained or stored together with Public Records.

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

**Custodian.** The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her Coordinator.

**Record Coordinator.** Employees of the City of Doral responsible for the coordination of Public Records activities for their respective Department.

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

**Retention Schedule.** A listing of all records created or received by the Agency 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 of Doral.

**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.

## **VII. PROCEDURE**

### **Performed By:**

### **Step/Action/Responsibility:**

Agency RMLO:

1. Prepare Disposition List in accordance with Rule Chapter 1B-24, Florida Administrative Code and Agency Procedure.

Record Coordinator:

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 Agency's Disposition list must be destroyed, or written notification must be provided to the Agency RMLO sufficient to justify retention beyond retention.

Agency RMLO

7. Review and approve or disapprove Record Coordinator requests to delay eligible records destruction (see 6. above).
8. Destroy records retained in storage beyond retention for which no justification has been approved.
9. All commercial storage vendor services must be coordinated through the City RMLO's Office to include retrieval of accessions.

## **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 was the correct, legally available solution. Following is a list of record series held by the Agency that should be considered for conversion to microfilm:

**Annexation Records**  
**Annual Reports: Governing Body**  
**Architectural/Building Plans: Commercial**  
**Budget Records: Approved Annual**  
**Certificate of Occupancy: Commercial**  
**Charters/Amendments/Bylaws/Constitutions**  
**Comprehensive Master Plans: Adopted**  
**Engineering Records: Infrastructure**  
**Expenditure Plans: Capital Improvement**  
**Final Orders Records**  
**Financial History Summary Records (*commonly known as General Ledgers*)**  
**Legal Opinions (Agency Attorney)**  
**Final Orders Records**  
**Land Development and Planning Project Files**  
**Land Development and Planning Studies and Reports**  
**Maps: Originals (*now includes supporting documents*)**  
**Records Management Plans**  
**Records Disposition Documentation**  
**Minutes: Official Meetings**  
**Ordinances**  
**Records Retention Schedules: Agency Specific**  
**Resolutions**  
**Subdivision Plans**  
**Surveys: Aerial**  
**Zoning Variance Records**  
**Permit Records: Environmental (Construction)**  
**Permits: Right-of-Way**

The addition of City Police Department Functions, more eligible records will be created. 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 Chapter 1B-26, F.A.C.

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 Rule Chapter 1B-26, F.A.C. standards has a life expectancy of over 100 years, and "shall in all cases and in all courts and places be admitted and received as evidence," (as for all microfilm), **Section 92.29, F.S.** 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 (see **Tab 36**).

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 retention of permanent, **General Ledgers** is an appropriate COM application. *Every Agency* 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 retrievability (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 (and is required by Rule Chapter 1B-26, F.A.C.) prior to digital imaging.

Reference activity is an excellent variable for determining the appropriate use of digital imaging. For example, Consultant recommends the use of OCR together with imaging for those records with sufficient retrieval activity. These include:

**Official Minutes  
Contracts  
Policies and Procedures  
Ordinances  
Resolutions**

Consultant recommends the City discontinue the digital imaging of Code Enforcement/Code Compliance Records and Case Files. The retrieval frequency and retention do not justify this effort.

For normal office documents a scanning density of 300 dots per inch is sufficient. 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 **Rule Chapter 1B-26, F.A.C.**

### **Media Options**

Records that are photographic reproductions or reproductions through electronic record keeping systems made by any federal, state, Agency, 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 record keeping system, which is, or may be required or authorized to be made, filed or recorded with that board, department or agency, **section 92.29, F.S.** applies. 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.

### **Electronic Signature**

Current law allows the Agency full access to electronic signatures. Section 668.50(17) F.S., which 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)(a) and (b), 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(18)(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.

An AGO on this subject dated June 1, 2005, answers essentially this question in part and includes extensive legal reference. Attached is a copy of **AGO 2005-34** for review (**Tab 41**).

### **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 by no means 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 offsite, are examples of natural dispersal. Therefore, the need for rigorous off-site storage facility specifications is apparent.

Planned dispersal then fills the gap, and providing the identification process has been complete, The Agency's vital records are protected.

Take a very simple approach to Vital Records Protection:

**Identify**

**Duplicate**

**Disperse.**

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

### **Digital Back Up**

Consultant met with the City IT Director 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

below as a Policy. Individual users should take the steps necessary to move information that has not met retention to an appropriate folder as a document, or print to paper for retention. **Backups serve to restore data, and should not be seen as a preservation effort.**

# CITY OF DORAL DIGITAL BACKUP POLICY

## I. POLICY INTENT

The Records Management Program applies to all records, regardless of physical form, that are created or received by and for the Agency in the normal course of day-to-day business activities throughout the Agency.

The Agency is charged with ensuring compliance with all Federal Laws, State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition, and as applicable, the preservation of all Public Records.

The Records Management Program encompasses the Agency digital backups, as regular Public Records. The primary purpose of digital backups is restoration, not preservation. Record Retention Schedules as approved by the Florida Department of State establish retention of data for Record Series Titles. Based on these retentions, the Agency creates a Disposition List to document record destruction.

## II. REFERENCES

Records Management Plan  
Record Retention Schedules as approved by the Florida Department of State  
Disposition List prepared as provided by Rule Chapter 1B-24, Florida Administrative Code  
Rule Chapter 1B-26, Florida Administrative Code

## III. DEFINITIONS

Section 119.011, 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.”

Florida Supreme Court further defines public records as “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”

Records created or received in connection with the transaction of City of Doral business are public, and may be classified as follows:

**Copy of Record.** The retention copy is the Official Record, and does not preclude the existence of other copies of the same record.

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

**Precursor or Intermediate Files.** 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.

**Non-Records.** Data received by the City of Doral that are not business-related are non-records, and are not subject to Public Records Law. Examples of non-records include junk mail and other printed documents received (or created) by the City of Doral intended for distribution to the public; and personal or private e-mails that are not connected with the transaction of official City of Doral business. Non-records should be destroyed or deleted, and should not be retained or stored together with Public Records.

#### **IV. POLICY**

Information Technology will conduct backups of critical data on a Monthly, Weekly and Daily basis. Each month, a full backup will be removed from the Agency and stored offsite 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 Rule Chapter 1B-26, F.A.C. Operating Systems and applications will be copied and retained offsite at the same facility storing the monthly and weekly backup for the period of time provided by the Agency’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, **IV. POLICY**. Full backup media together with data will be destroyed or over written 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 offsite 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.

## Data Processing Recovery

Given the Agency's dependence on data processing to provide vital services, her geographic location and weather influences, the potential for terrorism, vandalism and accident; a data processing recovery plan should be considered. Provided digital back ups are intact, data processing recovery is possible. Critical applications such include:

**payroll, and  
other accounts payable  
accounts receivable  
current operating budgets and  
accounting/financial data, and  
related software and operating systems.**

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 Agency. 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 Agency 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 a five day, 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 database. As defined by Florida Law, however, Personnel Files are clearly Public Records open to inspection by any person. Yet, Personnel Files usually also contain information that is specifically exempt from inspection (see **section 119.07, F.S.** for general access requirements and some specific exemptions). Although section 119.07, F.S. provides some specific exemptions to Public Records Access, most Florida statutory access exemptions are spread throughout nearly the entire body of Florida Legislation. 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 also 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 which is exempt from general inspection for a *specific* group of potential Agency employees.

**Title I of the Americans with Disabilities Act** precludes filing *disabilities* information (read *medical*) within the 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. Since November 1, 2006, the Department of State's Retention Schedule GS1-SL requires 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 HR. 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 schooled in State and Federal Requirements relative to all aspects of employee data. The "List of Published



Sources," is an excellent source of information to begin this schooling. In the experience of the Consultant, so called *duplicate* Personnel Files *never* are; they invariably 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*.

## **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 #280 within that document 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. This is especially onerous for GIS. Consultant has argued this point with Staff of the Department of State, Division of Library and Information Services to no avail. DOS Staff has allowed that in future amendments to the GS1-SL, GIS may receive mitigating attention. In the meantime, DOS staff suggests submission of a Form 105 as an immediate potential remedy. Consultant has prepared this Form for the City's consideration and submission to the DOS.

## **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 "(8) Survey". Chapter 61G17 governs Surveyors and Mappers:

- (a) As-Built Survey: a survey performed to obtain horizontal 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 a **Rule, 61G15-30.009 Retention of Engineering Documents** effective May 9, 2004 and provides 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**

During the on-site visit, Consultant was asked for an “Archives Policy.” This function could easily be incorporated into the City Clerk’s Central Files room. The following is offered as a guide for this purpose:

**CITY OF DORAL  
ARCHIVES COLLECTION DEVELOPMENT PROCEDURE**

**I. ARCHIVES COLLECTION DEVELOPMENT**

<b>II. <u>TABLE OF CONTENTS</u></b>	<b><u>PAGE</u></b>
III. Scope	TBD
IV. Purpose	TBD
V. References	TBD
VI. Definitions	TBD
VII. Procedure	TBD

**III. SCOPE**

The City of Doral Archives and Records Management Program applies to all records, regardless of physical form, that are created or received by and for the City of Doral in the normal course of day-to-day business activities throughout the jurisdiction of the City of Doral.

The City of Doral is charged with ensuring compliance with all Federal Laws, State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition, and as applicable, the preservation of all City of Doral records.

The City of Doral 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 of Doral in its custody.

**IV. PURPOSE**

Section 257.36 of the Florida Statutes directs each public agency to establish an active and continuing records management program to include inventorying, 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.

The City of Doral Archives shall accept, arrange and preserve records and manuscripts transferred to its custody. Records and Manuscripts in the custody of the City of Doral Archives shall be made available as provided

by Florida Public Records Law for examination and study to promote and encourage research in City of Doral History.

## V. **REFERENCES**

Public Records Law. Chapter 119, Florida Statutes  
Public Libraries and State Archives, Chapter 257, Florida Statutes  
Public Records Scheduling and Disposition, Rule Chapter IB-24, Florida  
Administrative Code

Florida State Archives Collection Development Policy  
Public Records Storage Guidelines, Florida Department of State  
City of Doral Records Management Plan

## VI. **DEFINITIONS**

Section 119.011, 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 further defines public records as “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”

**Archival Records** are defined as information of such Historic value to the City of Doral 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 have originated as Public Records, however become such upon receipt by the City of Doral 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.

Examples of Public Records identified as Archival include:

**Annexation Records**  
**Annual Reports: Governing Body**  
**Architectural/Building Plans: Commercial**  
**Bond Administration Records**  
**Bond Resolutions/Ordinances**  
**Budget Records: Approved Annual**  
**Certificate of Occupancy: Commercial**  
**Charters/Amendments/Bylaws/Constitutions**



**Comprehensive Master Plans: Adopted**  
**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*)**  
**Legal Opinions (Agency Attorney)**  
**Final Orders Records**  
**Inspection/Maintenance Records: Bridge**  
**Land Development and Planning Project Files**  
**Land Development and Planning Studies and Reports**  
**Maps: Originals (*now includes supporting documents*)**  
**Records Management Plans**  
**Records Disposition Documentation**  
**Micrographics Quality Control Records**  
**Minutes: Official Meetings**  
**Ordinances**  
**Records Retention Schedules: Agency Specific**  
**Resolutions**  
**Subdivision Plans**  
**Surveys: Aerial**  
**Zoning Variance Records**  
**Confiscated Intoxicating Beverage Records**  
**Criminal Investigative Records: Capital/Life Felony**  
**Criminal Investigative Records: Missing Persons Cases**  
**Arson Investigations: Capital/Life Felony**  
**Hazardous Waste Records: Storage Operations**  
**Permit Records: Environmental (Construction)**

The Archives may also collect City of Doral 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 of Doral.**

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

**Records that document the historical development of the City of Doral, 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 of Doral 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 City of Doral.**

**Records of organizations, institutions and business in City of Doral that reflect religious, social, civic, educational or economic development.**

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

**Private papers and records that compliment 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 City of Doral industries, labor organizations and special interest groups including the wide variety of cultural influences City of Doral represents.**

**Significant collections of images of City of Doral photographers or photographers whose primary subject is City of Doral.**

**Images of Doral 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 City of Doral history.**

## **VII. PROCEDURE**

***Collection Management:*** all materials acquired and accessioned into the City of Doral 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 of Doral 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 of Doral 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 of Doral Archives,

***Deaccessioning/Disposition:*** Materials held by the Archives, upon determination of the Historical Resources Director, maybe deaccessioned and destroyed through the regular City of Doral 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 of Doral. All rights, title and interest in and to unpublished materials together with all literary property rights are transferred to the City of Doral. Researchers are liable for any copyright infringement relating to his/her use of the material.

# 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.

## Agency 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, included. See sample matrix, **Tab 25**.

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, the RMLO at a time to ensure consistency. 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 Agency should adopt a policy of imposing annual cut offs to facilitate dispositioning standards together with color coded dates or date labels. Do not commingle records with different destruction dates within the same file unless the Agency 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 Agency 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 for instance in Doctor's 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. Unit and file folder specifications are included with this report to assist the Agency 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, see **Tabs 15 and 16**.

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, also to ensure consistent colors. **Do not overload floor capacity,** especially upper floors. **Confirm with the City Engineer floor load capacity in any upper floor locations.** Ground floor, monolithic slabs are not an issue. The average cubic foot of records weighs approximately 35 pounds.

The City is in the planning stages for a new City Hall. This facility should include a central files area for the City Clerk on the ground floor. The room should be interior, with no exterior windows. Consultant estimates the City will require paper storage space for at least 4,000 filing inches. See Tab 22 for a sample floor plan using mobile shelving with a room size of approximately 150 square feet. A room of twice this size would be ideal. Consultant is available to further refine this sample floor plan as design specifications for the City Hall are available. Access to this room should be limited to City Clerk staff and should remain locked when not occupied.

## 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, also. Government in the Sunshine is not a hollow phrase. In Florida, all Public Records are open to inspection during reasonable times and 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 at all. Following the 1980 Florida Supreme Court Case, *Shevin v. Byron, Harless, Schaffer, Reid and Associates*, (see PUBLIC RECORDS) 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 available today is the **Government-in-The-Sunshine Manual** published by the **First Amendment Foundation**. The current volume is #30, 2008. A new volume is usually available every January, however ordering, delivery and printing delays often reach into February. The telephone number in Tallahassee to secure a copy is **1-850-224-4555**; Web: [www.floridafaf.org](http://www.floridafaf.org).

The Agency 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.

Access not only means a visual inspection, yet also requires that duplicates must 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 that 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 40.**

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 agency involved, or both, the agency 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 *extensive* begins after twenty minutes. Consultant recommends the Building Official seek advice from Counsel relative to the application of AGO 97-84, **Tab 38**.

## **HIPAA**

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

# 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 agency wide Disposition List.** This document should list all scheduled records since the start date of the Agency through the latest date eligible for destruction. 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 2 compiled by Consultant, attached.*

**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 Coordinator for each unit throughout the Agency.** These Coordinators then work with the RMLO and help ensure a comprehensive, systematic program.

**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 outline attached (**Tab 48**) and training manual (**Tab 49**).

**5. Destroy all eligible, approved records.**

**Category One** 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 functions. 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 should be destroyed without further delay, after inclusion on the Agency's Records Disposition List.

Records falling into **Category Three** should be submitted to the Department of State through the Agency RMLO via form 105, Records Retention Schedule. The form 105 is available for downloading as a Word Document from the Department of State web site. Based upon the Department of State approved retention, Category Three records should be reclassified to One, Two or Four.

**Category Four** records should be scheduled for conversion to 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.

*Prepared by Consultant, attached.*

**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).**

Annexation Records  
Annual Reports: Governing Body  
Architectural/Building Plans: Commercial  
Budget Records: Approved Annual  
Certificate of Occupancy: Commercial

Charters/Amendments/Bylaws/Constitutions  
 Comprehensive Master Plans: Adopted  
 Engineering Records: Infrastructure  
 Expenditure Plans: Capital Improvement  
 Final Orders Records  
 Financial History Summary Records (*commonly known as General Ledgers*)  
 Legal Opinions (Agency Attorney)  
 Final Orders Records  
 Land Development and Planning Project Files  
 Land Development and Planning Studies and Reports  
 Maps: Originals (*now includes supporting documents*)  
 Records Management Plans  
 Records Disposition Documentation  
 Minutes: Official Meetings  
 Ordinances  
 Records Retention Schedules: Agency Specific  
 Resolutions  
 Subdivision Plans  
 Surveys: Aerial  
 Zoning Variance Records  
 Hazardous Waste Records: Storage Operations  
 Permit Records: Environmental (Construction)

**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.**

*List number 1 prepared by Consultant, attached.*

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

*In process.*

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 16**) 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.

7. All service requests with commercial storage vendor shall be coordinated through the City RMLO's Office.

**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.

**17. Design and Implement Data Processing Disaster Recovery Plan.**

## 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 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. However, 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  
4200 Somerset Drive  
Suite 215  
Prairie Village, KS 66208  
**(913) 341-3808**  
Journal: *Records Management Quarterly*

### **AIIM**

Association for Information and Image Management  
1100 Wayne Avenue, Suite 11000  
Silver Spring, MD 20910-5699  
(301) 587-8202  
**(800) 477-2446**  
Fax: (301) 587-2711  
Journal: *Inform*

### **Society of Florida Archivists**

R. A. Gray Building  
500 South Bronough  
Tallahassee, FL 32399  
**(850) 487-2073**  
Journal: *The American Archivist*

**Florida Records Management Association**

P. O. Box 938844  
Margate, FL 33093-8844  
[www.frma.org](http://www.frma.org)

**Brechner Center for Freedom and Information**

3208 Weimer Hall  
College of Journalism and Communications  
University of Florida  
Gainesville, FL 32611  
**(904) 393-2273**

See also:

**Address**

**What's there**

[http://dlis.dos.state.fl.us/records\\_managers](http://dlis.dos.state.fl.us/records_managers)

Public Record Information goldmine. See other related links

[www.law.com](http://www.law.com)

Legal articles, often about records

[www.leg.state.fl.us/statutes](http://www.leg.state.fl.us/statutes)

Florida Statutes

<http://myfloridalegal.com/opinions>

Attorney General Opinions

[www.ethics.state.fl.us](http://www.ethics.state.fl.us)

Florida Commission on Ethics

[www.myflorida.com](http://www.myflorida.com)

Florida Government, including purchasing contracts and SNAPS

[www.supremecourtus.gov](http://www.supremecourtus.gov)

Federal Supreme Court, including opinions

[www.edocmagazine.com](http://www.edocmagazine.com)

AIIM

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, F.S., (**Tab 27**) requires in part the RMLO to cooperate with the Department of State and act as liaison for all Agency 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 agency 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 and equipment, and systems for the Agency. The purpose being to ensure that such technologies, equipment and systems merge properly with the Agency Records Management Plan and with all appropriate Federal, State and Local legal requirements. Therefore, no such procurement should proceed without approval of the RMLO.

See sample ordinances from the City of Coral Gables, **Tab 47**. The City of Coral Gables has an especially effective records management program. These sample ordinances address compliance and a records management program funding source. Consultant concurs with these initiatives and recommends the City consider similar legislation.



## **LIST OF PUBLISHED SOURCES USED DURING THE COMPILATION OF THIS REPORT**

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

Chapter 90, F.S.

Chapter 119, F.S., Public Records

Chapter 120, F.S.

Section 257.36, F.S., Public Libraries

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

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

Legal Requirements for Business Records,

Donald S. Skupsky, JD, CRM

General Records Schedules

Florida Department of State

Public Records Storage Guidelines, Florida Department of State

Electronic Records and Records Management Practices,

Florida Department of State

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

MS23-1991

Government-in-the-Sunshine Manual, First Amendment Foundation,

Volume 30, 2008 Edition

“Job Discrimination Handbook,” Bureau of Business Practice,

“Laws Enforced by the U.S. Equal Employment Opportunity Commission,”  
EEOC

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

Richard H. Clough, Construction Contracting (New York: John Wiley & Sons, Inc. 1986), p. 315.

Garold D. Oberlender, Project Management For Engineering And Construction (New York: McGraw-Hill, Inc. 1993), pp. 170-171.

Engineers Joint Contract Documents Committee, Standard General Conditions of the Construction Contract (Alexandria, Virginia: National Society of Professional Engineers et al, 1996), pp. 00700-22.

Engineers Joint Contract Documents Committee, pp. 00700-7.

Florida Bar Journal, Metadata: *The Future Impact of Invisible Data on E-discovery in Florida*, Nicole O'Neal, Volume 81, No. 11, December, 2007

**Provided by Agency:**

Current Organization Charts

Data addressing the start date of the Agency

Disposition History

City of Doral Standard Operating Procedures, November 23, 2007

City of Doral Digest, Winter 2008

List of City Boards and Committees

Roles and Responsibilities of Staff Liaisons, Board Members and the City Clerk's Office

Sample, Draft Minutes, City of Doral Council Meeting, December 12, 2007

Portion of City Charter, Duties and Appointment of City Clerk, Section 3.06 (a) and (b)

Memo from Jacob G. Horowitz, February 04, 2008, City Incorporation Documents

Iron Mountain Services Agreement, Invoice dated December 31, 2007, And Fee Schedule A

City Compliance Statement for FY06/07 designating City Clerk Barbara Herrera as the City RMLO

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

## **SPECIFICATIONS**

The following Specifications are offered as a guide for writing an RFP, or for securing bids, quotes, etc. The Agency may also attach to competitively bid contracts by other Florida Public Agencies, or State Contracts. Consultant will be happy to provide to the Agency copies of such contracts, which, in the experience of the Consultant, offer superior service at fair rates. Consultant has no financial relationship with any service provider tethered to endorsement or service procurement or opportunities.

**SPECIFICATIONS FOR HARD COPY RECORDS STORAGE FACILITY**

Hard copy records shall be stored in a freestanding, single tenant, concrete or masonry structure of Type 4 protected non-combustionable heavy resistant construction as specified by the Standard Building Code, SBCCI. 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 written, quarterly index of record holdings;
6. Destruction services in accordance with Rule Chapter 1B-24, Florida Administrative Code.
7. 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 item

Emergency/After Business Hours \_\_\_\_\_ per item

Storage Boxes (outside volume, used to calculate billing, shown)

1.2 cubic foot box	_____	each
0.6 cubic foot box	_____	each
1.7 cubic foot box	_____	each
Monthly Storage	_____	per cubic foot
Facsimile Transmission	_____	per page
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 item
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, single tenant, concrete or masonry structure of Type 4 protected non-combustionable heavy resistant construction as specified by the Standard Building Code, SBCCI. 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 Rule Chapter 1B-24, Florida Administrative Code;
7. Inert gas fire suppression equipment;
8. Storage to meet or exceed requirements of Rule 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 item
Emergency/After Business Hours	_____ per item
Monthly Storage	_____ per cubic foot
Destruction Date Change	_____ each
Permanent Deletion	_____ each
Data Entry	_____ per line
Customer Delivery/Pick-up	_____ per transaction
Accession Fee	_____ per item
Computer Indexing	_____ per line
Destruction	_____ per cubic foot



**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 Rule 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 Rule Chapter 1B-26 of the Florida Administrative Code.

Scanning letter/legal pages to Group IV Text Image File	_____ per image
Scanning Construction Drawings to Group IV Text Image File	_____ per image
OCR	_____ per image
Mastering images to CD-ROM	_____ per CD
Indexing images via document control number (bar code)	_____ per entry per 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

## **SPECIFICATIONS FOR OPEN SHELF LATERAL FILE UNITS**

*(see State Contract #420-590-07-1, which expires February 21, 2011)*

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 ATTACHMENTS

**TAB**  
**No.:**

- 25 File Codes and Files Names matrix.
- 26 Chapter 119, Public Records
- 27 Section 257.36, F.S.
- 28 Section 668.6076, F.S.
- 29 Rule Chapter 1B-24, F.A.C., Public Records Scheduling and Dispositioning.
- 30 Public Records Storage Guidelines  
Florida Department of State.
- 31 Records and Document Recovery Techniques.
- 32 Rule Chapter 1B-26.003, F.A.C., Electronic Record keeping.
- 33 Rule Chapter 1B-26.0021, F.A.C., Microfilm Standards.
- 34 Department of State E-mail Opinion.
- 35 Sections from Chapter 553, F.S., Building
- 36 AGO 85-87: Machine-readable files, public records.
- 37 AGO 96-34: Records, e-mail made or received by public agency.
- 38 AGO 97-84: Records, architectural plans under seal; copyright.
- 39 AGO 2001-20: E-mail as a public record and as a meeting.
- 40 AGO 2005-28: Public Records, fees for copying records.
- 41 AGO 2005-34: Records, county property appraiser (as related to electronic signature).
- 42 AGO 2006-30: Public Records, access by static website.
- 43 AGO 2007-14: Public Records--emails and email addresses.

- 44 Disposition List Number 1 and 2, Hardcopy
- 45 General Schedule GS1-SL, State and Local Government  
With Changes
- 46 Supreme Court of Florida, Florida v. Agency of Clearwater,  
Times Publishing Company v. Agency of Clearwater, Florida. (*Personal/  
Private e-mail*) Nos. SC02-1694 & SC02-1753.
- 47 Sample City Ordinances
- 48 Recommended Training Outline
- 49 Draft Training Manual
- 50 CD

- MS Word, Plan
- MS Word, Draft Training Manual
- MS Access, File Code Application
- MS Word Form, Disposition List
- MS Word Form, Form 105
- MS Access, Box Application

Inside Back Cover Form 105, Hardcopy