

Monroe County School District

Records Management Procedures Manual

(Revised 12/15/2016)



Monroe County School District
RECORDS MANAGEMENT PROCEDURES MANUAL

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I. INTRODUCTION

The records that Florida's state and local government agencies keep in the course of carrying out their duties and responsibilities are public records. Public records are different from records of businesses and private organizations because Florida law requires public records to be readily accessible and available to the public upon request. All employees must ensure that public records in their custody are maintained and accessible as required by Florida law. Employees and agencies do not have the authority to withhold records deemed "sensitive." The only records that can be withheld from public disclosure are those specifically designated by the Florida Statutes as confidential or exempt.

Chapter 119, Florida Statutes, defines "custodian of public records" as *"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."* Responsibility for properly maintaining public records, including electronic records, begins with the Superintendent. The Superintendent has designated a Records Management Liaison Officer (RMLO) with this responsibility but, if records are not available when they should be, it is the Superintendent who ultimately will have to answer for it. It is, therefore, in the District's best interest to support the proper management of its public records.

This policy will provide Monroe County School District (MCSD) employees with the information necessary to understand and carry out their public records responsibilities.

A. Purpose

The purpose of this policy is to provide District employees with the information and procedures necessary to understand and carry out their responsibilities under the Florida Public Records Law, including:

- 1) The requirements for managing Monroe County School District public records, and
- 2) The manner in which public records requests are to be processed to ensure that responses to the requests are organized, inclusive, and in compliance with applicable statutes and rules.

B. Scope

This policy applies to all District employees, as well as publicly created advisory boards and private organizations, that have been delegated the authority to perform some District function. This policy applies to all public records of the District, regardless of the medium in which they exist (i.e., paper, electronic or other).

C. Policy

It is the District's policy to ensure that public records in the department's or school's custody are maintained and managed as required by the Florida Public Records Law. This law provides that all materials made or received by Florida's state and local government agencies in connection with their official business are public records.

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It is also the policy of the District to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, as required by the Florida Public Records Law. Requested public records may not be withheld for any reason, except if the record or a portion of the record is specifically designated under law as confidential or exempt from public disclosure.

The District places a high priority on efficient, effective, and economical management of public records to ensure that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

D. Authority

- 1) Sections 257.36(5)(b) and (6), 119.07, 119.011(12), and 119.021, *Florida Statutes*.
- 2) Rules 1-2.0031, 1B-24, 1B-26.003, and 1B-26.0021, *Florida Administrative Code*.

E. Definitions

“Confidential” means public records that have been identified in the *Florida Statutes* as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated in the statute.

“Exempt” means public records that have been identified in Chapter 119 or other applicable Florida Statutes as exempt from public disclosure.

“Inactive Records” means records which have lost some of their value or have been superseded by new records, but have not reached their specified retention. Records that are referenced less than once per month are usually considered inactive.

“Public record” as defined by section 119.011(12), *Florida Statutes*, means 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.

“Record (Master) Copy” as defined in Rule 1B-24.001(3)(j), *Florida Administrative Code*, means the public records specifically designated by the custodian as the official record.

“Record Series” as defined in Rule 1B-24.001(3)(k), *Florida Administrative Code*, means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

II. PROCEDURES

Records management entails organization, inventory, retention, storage, disposition, and all other record-keeping requirements and practices that support District programs, activities, operations, and accomplishments in order to best serve the public.

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The Department of *Basics of Records Management* handbook emphasizes the crucial role of records maintenance and disposition of public records in an effective, cost-efficient manner. The handbook is available at <http://dos.myflorida.com/media/31105/basicsrecordsmanagement.pdf> .

A. Organization and Maintenance

- 1) Public records shall be organized, arranged, and maintained using a filing or record-keeping system that:
 - is appropriate to the nature, purpose, and use of the records,
 - can be easily understood by all users, and
 - facilitates the location of and access to those records by all users, when and where it is needed.
- 2) All records shall be stored on an appropriate media format to ensure their preservation for the entire length of their required retention.
- 3) Inactive records can be boxed until the applicable retention period has been met. Records shall be boxed according to the applicable records series to facilitate disposal of the records in a timely manner.

B. Records Retention Schedules

All records created and maintained by the District must have a records retention schedule approved by the State Library and Archives of Florida, Information Resources Management Section.

A records retention schedule describes a record series and sets a **MINIMUM** period of time for which the records must be retained before final disposition of the records can be made. Every record series must have an approved retention schedule in place before records from that series can be destroyed or otherwise disposed of. Retention and disposition requirements stated in records retention schedules are based upon the administrative, legal, fiscal, and historical values of each record series.

There are two types of retention schedules: General Records Schedules and Individual Records Schedules. General Records Schedules establish retention requirements for records common to several or all government agencies, while Individual Records Schedules establish retention requirements for records that are unique to particular departments.

All of these retention schedules establish the **MINIMUM** length of time a record series must be maintained. Retention schedules do not tell you when you must dispose of records; they tell you how long you must retain records before you can dispose of them. Departments and schools have the discretion to retain records beyond the minimum retention requirements if needed for administrative, legal, or other purposes. Although it is highly recommend that departments and school dispose of records that have met their retention requirements and are no longer needed. Adhering to formalized, consistent records management practices will benefit the District in the event of litigation.

All District public records should be covered by the “General Records Schedule GS1-SL For state and Local Government Agencies” available online <http://dos.myflorida.com/media/30960/general->

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[records-schedulegs01-sl.pdf](#) and/or “General Records Schedule GS7 For Public Schools Pre-k-12 and Adult and Career Education” available online <http://dos.myflorida.com/media/30971/general-records-schedulegs07.pdf>.

Any records not covered by General Records Schedules must have an Individual Records Retention Schedule established. Some departments may maintain records that are governed by federal law with varying retention periods that must be followed; in this case an Individual Records Retention Schedule must be established. To establish an Individual Records Retention Schedule, contact the District RMLO for guidance.

1) Distinguishing Different Types of Retention Period Requirements

When trying to determine when records are eligible for disposition, you need to be aware of the different types of retention requirements. For instance, records with a retention period of “3 anniversary years” will have a different eligibility date from records with a retention period of “3 fiscal years” or “3 calendar years.”

- **Anniversary year** – from a specific date
Example: 3 anniversary years

If a record has “3 anniversary years” retention period, the eligibility date would be 3 years after the ending date of the record series.

- **Calendar year** – January 1st through December 31st
Example: 3 calendar years

If a record has “3 calendar years” retention period, the eligibility date would be 3 years after the end of the calendar year of the last record in the series.

- **Fiscal year**
Example: 3 fiscal years

If a record has “3 fiscal years” retention period, the eligibility date would be 3 years after the end of the fiscal year of the last record in the series.

- **Months or days**
Examples: 3 months; 90 days

- **OSA** – Retain until obsolete, superseded, or administrative value is lost.

With this retention period, a record is eligible for disposition whenever it is no longer of any use or value to the agency. The retention could vary from less than one day to any length of time thereafter.

- **Triggering event** – Records become eligible for disposition upon or after a specific triggering event. Examples:
 - Retain until youth turns age 25.

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- Retain for life of the structure.
- 3 anniversary years after final action.

2) Calculating Eligibility Dates

Example: Let's say that the **ending date** for a specific record series is **7/31/2013**. When are these records eligible for disposition under different retention period types?

Retention Period	Date to start counting	Add # of years	Date eligible for disposition
3 anniversary years	7/31/2013	+3	= 7/31/2016
3 fiscal years (local govt.)	10/1/2013	+3	= 10/1/2016
3 fiscal years (school district)	7/1/2014	+3	= 7/1/2017
3 calendar years	1/1/2014	+3	= 1/1/2017

C. Inventory

Each department or school in the District must maintain a current inventory of all record series in their custody or control. The inventory of records maintained by the department or school must be identified by one of the existing retention schedules or the establishment of an Individual Records Retention Schedules that can be applied to those records.

An inventory should identify and describe each **record series** created and maintained by the department or school. A record series, as defined in Rule 1B-24, *Florida Administrative Code*, is:

...a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use.

The inventory documenting each record series can be maintained in a Word document or Excel spreadsheet. The Records Inventory Worksheet (Appendix B, Attachment A) is available to identify the series, description, quantity, etc for paper or electronic records and can be maintained with the inventory. The Paper Records Inventory form (Appendix B, Attachment B) is also available to aid in the inventory process.

Examples of record series might be Payroll Files, Medicaid Files, Equipment Maintenance and Repair Records, or Procurement Files. Each record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the department or school. The following information should be compiled for each record series:

Record Series Title. A brief phrase summarizing the form, function, and/or subject of the records without using agency jargon or abbreviations is recommended. For instance, Executive Director's Correspondence and Administrative Files is a more meaningful record series title than Bob Smith's Files.

Description. The description of the record series identifies the purpose and function of the record series with regard to the department or school's operation. The description indicates how the record

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series is used, why it was created, and the type(s) of information or subject matter the records contain. Additional information in the description might include the medium on which the record series is recorded, the office or position holding the record (master) copy, the routing path of duplicate copies (if any), statutory requirements for creating the records, and any other information that would enable someone not familiar with the record series to identify it and understand its contents.

Inclusive Dates. It is important to determine the date range covered by each record series in order to determine when they are eligible for disposition under the appropriate retention schedule. Some series might be ongoing and will therefore be disposed of in increments.

Volume. The quantity of records in each record series is usually expressed in terms of cubic feet.

- Records Volume Conversion to Cubic Foot Measurements
 - Letter/Legal, 10”H x 12”W x 15”D, box 1.0 cu. ft.
 - Letter-size, 10”H x 12”W x 24”D, drawer or box 1.5 cu. ft.
 - Legal-size, 10”H x 15”W x 24”D, drawer or box 2.0 cu. ft

To calculate the cubic foot volume of a container, use the following formula:

$$\frac{\text{Length} \times \text{Width} \times \text{Height (in inches)}}{1,728} = \text{cu. ft.}$$

- Electronic records volume should be recorded in bytes.

Retention. If a retention schedule is already approved, the retention requirement(s) should be noted on the inventory form. If no retention schedule exists for the record series, note the time period that the record series is administratively active and start the process of establishing a retention schedule for the records. Contact the District RMLO for assistance.

Vital Records. The inventory should indicate whether each record series is considered a vital record to the District. Vital records are those that are essential to the continuation of operations of the District in the event of a disaster or emergency.

D. Transmittal and Receipt of Paper Records for Storage

Paper records are generally considered ready for transfer to the MCSD Warehouse if they:

- Are referenced less than once a month per cubic foot.
- Are controlled by a Department of State approved records retention schedule.
- Have not met their retention or there is justification for extending their retention.
- Consist of at least one cubic foot of material.
- Are properly identified and documented for transfer and reference.

In order for records to be stored and retrieved efficiently, the following guidelines for the transfer of records must be followed. Failure to comply with these guidelines will result in returning the records back to the department/school.

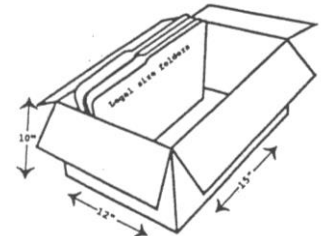
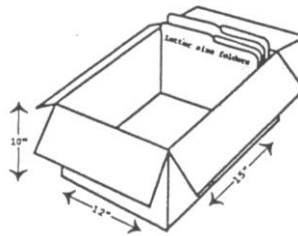
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(1) Storage Cartons:

- Standard letter/legal storage boxes must have the following dimensions: 10”H x 12”W x 15”D with a fold-in top or lift-off lid. One box will hold up to one cubic foot of letter or legal size records.

(2) Packing:

- Keep files in their original folders. Do not put loose paper in the box. All papers must be in folders.
- Keep filing order intact.
- Pack folders upright with letter size folders facing the 12-inch side or legal size folders facing the 15-inch side (see figures on this page).
- Pack the box practically. You should be able to slide your hand into the box easily to retrieve a record. Do not over pack or force files.
- If it is possible that information will be added to a file, leave room for growth in the box.



(3) When packing is complete:

- Tuck the flaps alternately over each other or place lid on the box and tape shut.
- Fill out a Records Storage Box Label (see Appendix B, Attachment C)
- Complete all available information. In the lower right of the label indicate **Disposition Date** in **Bold Lettering**.
- Print the label.
- Place the Records Storage Box Label on the front (12 inch side) of the box. Completely seal all four sides of the label with packing tape.
- Number cartons consecutively, maintaining the consecutive numbering on future boxes.
- Complete the “Transmittal and Receipt for Records Storage form (see Appendix B, Attachment D).

E. Disposition of Public Records

Each department or school in the District must systematically dispose of public records that have met their retention requirements and are no longer needed. Once the minimum retention has been met, disposition of the records is recommended. Disposition may be by physical destruction, transfer to another agency, or in the case of electronic records, erasure.

Section 257.36(6), F.S. states that “[a] public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division.” This means that all records, regardless of access provisions (see Section 119.07, F.S.), must be covered by a retention schedule before disposition can occur. Agencies must first identify an appropriate current records retention

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schedule (either a general schedule or an individual schedule) or create and receive approval for a new records retention schedule before disposing of any record series.

1) Factors That Influence the Disposition of Records

- **Litigation** – When the District has been given notice that a potential cause of action is pending or underway, or when the District can reasonably anticipate that litigation might occur, records related to that cause should **NOT** be disposed of in any manner. The legal counsel should inform the RMLLO and/or records custodian(s) when the records become eligible for disposition.
- **Public Records Requests** – According to Section 119.07(1)(h), F.S., the custodian of a public record may not dispose of a record for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian shall not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.
- **Accreditation Standards** – Some departments receive national or statewide accreditation or certification by professional societies, organizations, and associations. In an effort to enhance the professionalism of their members, these groups may place more stringent recordkeeping requirements on public agencies than those mandated under state or federal law. Departments may therefore choose to maintain their records for a longer period of time than required by records retention schedules in order to meet recordkeeping requirements for accreditation. However, if a professional society requires a shorter retention period than that required in an approved retention schedule, the retention period in the approved retention schedule prevails.
- **Records in Support of Financial or Performance Audits** – These records should be retained in accordance with the following guidelines provided by the Florida Office of the Auditor General:

Records must be retained for at least three fiscal years (most financial records must be retained for a minimum of five fiscal years in accordance with guidelines of the Department of Financial Services and the Office of the Auditor General). **If subject to the Federal Single Audit (pursuant to 31 USC, Section 7502, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, Subpart E) or other federal audit or reporting requirements, records must be maintained for the longer of the stated retention period or three years after the release date of the applicable Federal Single Audit or completion of other federal audit or reporting requirements.** Finally, if any other audit, litigation, claim, negotiation, or other action involving the records has been started before the expiration of the retention period and the disposition of the records, the records must be retained until completion of the action and resolution of all issues which arise from it. However, in no case can such records be disposed of before the three fiscal year minimum.

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The District records management program does not track or maintain information on which audits apply to which records in which department. Different departments are subject to different types of audits at different times, and each department is responsible for knowing what audits might be conducted and retaining needed records for that purpose.

Audits may be conducted by the Florida Auditor General, independent public accountants, or other state or federal auditors, as well as grant funding agencies and national or statewide professional accreditation or certification groups. The finance office, the legal office, and the Auditor General's Office are good sources of information as to which specific records of your department should be retained for audit purposes.

- **Federal, state, or local laws and regulations** regarding recordkeeping and records retention for specific agencies or specific types of records might require a longer retention than indicated in general records schedules. Departments should be aware of all laws and regulations relating to their records and recordkeeping requirements and should submit a *Request for Records Retention Schedule* (Form LS5E-105REff.2-09) when such requirements are not already reflected in existing retention schedules.

2) Records Disposition Documentation

There are two general requirements for disposing of public records: 1) You must ensure that the records have met all retention requirements; knowledge of disposal eligibility is the responsibility of the department or school; and 2) You must document the disposition of any public records in your custody, per Rule 1B-24.003(9)(d), *Florida Administrative Code*, which requires that:

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

- (a) Records retention schedule number;*
- (b) Item number;*
- (c) Record series title; including the Box number noted in the lower left corner of the Records Storage Box Label;*
- (d) Retention*
- (e) Inclusive dates of the records;*
- (f) Volume in cubic feet for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form; and*
- (g) Disposition action (manner of disposition) and date.*

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

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The record holder or custodian must properly document disposition of these records. The Records Disposition Document form is available from the State Library and Archives of Florida's Web site at <http://dos.myflorida.com/library-archives/records-management/forms-and-publications/> (see Appendix B, Attachment E). The District Records Management Liaison Officer or District Records Coordinator must permanently retain the completed disposition forms.

3) Final Disposition of Records

The most common method of disposing of records is actual destruction. Physical destruction of public records should be in accordance with the guidelines set forth in Rule 1B-24.003(10), *Florida Administrative Code*, which reads as follows:

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

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

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

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

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

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III. GLOSSARY

Active Records: Records that still have sufficient administrative, fiscal, legal, or historical value to warrant their continued storage in an easily accessible area (e.g., office area).

Agency: “[A]ny state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.” (Rule 1B-24.001(3)(a), *F.A.C.*)

Appraisal: The process of determining the value and thus the disposition of records based upon their current administrative, legal, and fiscal use; their long-term evidential and informational or research value; their arrangement; and their relationship to other records.

Archives: An organization dedicated to the preservation of records deemed to have enduring historical significance. Usually an archives will accept, arrange, and preserve such records according to approved archival practices. *See also State Archives of Florida.*

Custodian: “[T]he elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.” (Rule 1B-24.001(3)(b), *F.A.C.*)

Disaster Preparedness: Policies and procedures for preventing, responding to, and assessing and recovering from the damage resulting from a natural or man-made disaster or emergency situation, including the systematic identification of those records that are vital to an agency’s purpose and operations and a plan to protect such records. *See also Vital Records.*

Disposition: “[F]inal actions taken with regard to public records that have met all retention requirements and are no longer needed for current government business as indicated in General Records Schedules or Records Retention Schedules. Disposition may include either destruction of public records or transfer of public records to the custody of another public agency such as the Florida State Archives or a local government archives or records repository.” (Rule 1B-24.001(3)(c), *F.A.C.*)

Drafts: Materials that constitute precursors of public records, have not been communicated or circulated for review or comment, and are not in themselves intended as final evidence of the knowledge to be recorded. Information in a preliminary form that is not intended to perpetuate, communicate, or formalize knowledge of some type and that is fully represented in the final product is a “draft” and not a “public record.”

Duplicate (or Convenience) Records: Reproductions of record (master) copies, prepared simultaneously or separately, which are designated as not being the official copy.

Electronic Records: “[A]ny information that is recorded in machine readable form.” (Rule 1B-24.001(3)(e), *F.A.C.*; Rule 1B-26.003(5)(e), *F.A.C.*)

Files Management: Applying records management principles and techniques to filing practices in order to organize and maintain records properly, retrieve them rapidly, ensure their completeness, and facilitate appropriate disposition.

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Florida State Archives: See State Archives of Florida.

General Records Schedules: “[R]etention requirements established by the Division for public records common to all agencies or specified types of agencies within the State of Florida indicating the minimum time such records must be kept.” (Rule 1B-24.001(3)(g), *F.A.C.*) See Appendix A for a complete list of Florida’s general records schedules and information on obtaining them.

Inactive Records: Records that have lost some of their value or have been superseded by new records but have not yet met all of their retention requirements. These records can be stored off-site until final disposition. Sometimes referred to as “semi-active records.”

Intermediate Files/Processing Files: “[T]emporary electronic files used to create, correct, reorganize, update, or derive output from master data files. Intermediate files are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate files only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files . . .” (Rule 1B-24.001(3)(h), *F.A.C.*)

Public Records: “[A]ll 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.” (Section 119.011(12), *F.S.*)

Record (Master) Copy: “[P]ublic records specifically designated by the custodian as the official record.” (Rule 1B-24.001(3)(j), *F.A.C.*)

Record Series: “[A] group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.” (Rule 1B-24.001(3)(k), *F.A.C.*)

Records Center: A facility especially designed and constructed for the low-cost and efficient storage and furnishing of reference service on inactive records pending their final disposition.

Records Inventory: The systematic categorization of records in an agency conducted to develop or identify appropriate retention schedules for the agency’s records.

Records Management: The application of systematic and scientific controls to recorded information required in the operation of an agency’s business. Records management seeks to manage and control records throughout their life cycle, from their creation, distribution, filing, and use through their final disposition, whether by destruction or permanent retention.

Records Management Liaison Officer (RMLO): The individual designated by the agency who serves as a contact person to the Division and is assigned records management responsibilities by the Custodian.

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Records Retention Schedule: “[R]etention requirements established by the Division for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept.” (Rule 1B-24.001(3)(l), *F.A.C.*) Agencies can initiate the process by submitting to the Division a *Request for Records Retention Schedule*, Form LS5E-105REff.2-09.

Retention Period: The minimum period of time for which a record series must be retained before final disposition, based upon the administrative, legal, fiscal, and historical values of the record series. Retention values are determined by the nature, content, and purpose of the record series and not by the physical format (paper, electronic, microfilm) in which the series resides.

State Archives of Florida: “[T]he program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the state and which have been accepted by the Division for transfer to its custody.” (Rule 1B-24.001(3)(f), *F.A.C.*) *See also Archives.*

Supporting Documents: Public records assembled or created to be used in the preparation of other records that are needed to trace or explain actions, steps, and decisions covered in the final or record (master) copy.

Vital Records: Records that are essential to the operations of an agency and/or to protecting the rights of individuals and that are needed in order to resume the critical business of the agency after a disaster or emergency. Vital records should be identified as part of a disaster preparedness program. *See also Disaster Preparedness.*

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APPENDIX A
ELECTRONIC RECORDS

(1) Introduction

An **electronic record** is any information that is recorded in machine readable form. Electronic records include numeric, graphic, audio, video, and textual information which is recorded or transmitted in analog or digital form such as electronic spreadsheets, word processing files, databases, electronic mail, instant messages, scanned images, digital photographs, and multimedia files. Electronic records that meet the definition of a public record must be managed and made available according to applicable laws and rules.

Rule 1B-26.003, Florida Administrative Code, provides standards for record (master) copies of public records which reside in electronic recordkeeping systems, establishes minimum requirements for the creation, utilization, maintenance, retention, preservation, storage, and disposition of electronic record (master) copies.

Section 119.01(2)(a), Florida Statutes, provides that “*Automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.*” Therefore agencies must take steps to ensure that their electronic records are properly maintained and available when requested.

(2) Managing Electronic Records

Management of electronic records must incorporate the program elements necessary to meet public records requirements. Including but not limited to:

- Electronic records management must be incorporated with objectives, responsibilities, and authorities of the District bylaws and policies.
- All electronic records must be identified by the appropriate records retention schedules with appropriate retention period indicated as outlined in II. Procedures, B. Records Retention Schedules.
- The District electronic recordkeeping systems must meet state requirements for public access to records.
- The appropriate level of security must ensure the integrity of electronic records.
- Make sure training is provided for users of electronic records systems in the operation, care, and handling of the equipment, software, and media used in the system.
- Ensuring the development and maintenance of up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and for the timely, authorized disposition of records.
- Specifying the location of electronic records is maintained to meet retention requirements and maintaining inventories of electronic records systems to facilitate disposition.

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- Ensure the continued accessibility and readability of electronic records throughout their life cycle.

The Department of State's *Electronic Records and Records Management Practices* handbook at <http://dos.myflorida.com/media/31109/electronicrecordsmanagementpractices.pdf> is available to assist in managing electronic records in an effective, cost-efficient manner that also accommodates their public records responsibilities. The handbook emphasizes the crucial role of records maintenance and disposition in managing electronic records and is designed to be used in conjunction with the Department of State's *Basics of Records Management* handbook which is available at <http://dos.myflorida.com/media/31105/basicsrecordsmanagement.pdf>.

(3) Electronic Records Inventory

An inventory of electronic records must be completed and maintained as described in II. Procedures, C. Inventory. The inventory will identify the location and describe all records and ensure that all the records are included in approved retention schedules. The Records Inventory Sheet included in Appendix B, Attachment A can be used in the inventory process.

(4) Retention Requirements for Electronic Records

All electronic records must have a designated Records Retention Schedule with appropriate retention period assigned. There is no single retention period that applies to all of electronic records, or all electronic records in a particular format such as e-mail. Retention periods are determined by the content, nature, and purpose of records, and are set based on their legal, fiscal, administrative, and historical values, regardless of the format in which they reside. Records in any format can have a variety of purposes and relate to a variety of program functions and activities. The retention of any particular electronic record will generally be the same as the retention for records in any other format that document the same program function or activity. Electronic records follow the same procedures as described in II. Procedures, B. Records Retention Schedule.

(5) Managing Exempt and Confidential Public Records

The Florida statutes contain hundreds of specific exemptions to the access and inspection requirements of the Public Records Law. The statutes also designate many records as exempt *and* confidential. Whether their records are designated as exempt and confidential or simply exempt, agencies are responsible for ensuring that these public records are properly safeguarded. Electronic recordkeeping systems must have appropriate security in place to protect information that is confidential or exempt from disclosure. When providing access to or destroying electronic records containing confidential or exempt information unauthorized access to or use of the exempt information must be prevented.

(6) Maintenance of Electronic Records

There is often a presumption that because information is stored in the computer or on disk, it is somehow automatically preserved for all time. Unfortunately, electronic storage media can easily become unreadable over time due to physical, chemical, or other deterioration. Special care and precautionary measures must be taken to avoid the loss of records stored on electronic media. Rule

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1B-26.003, *Florida Administrative Code*, specifies maintenance requirements for electronic storage media.

- A statistical sample of all electronic media containing permanent or long-term records must be read annually to identify any loss of information and to discover and correct the cause of data loss.
- All permanent or long-term electronic records must be tested at least every 10 years and verify that the media are free of permanent errors. More frequent testing (e.g., at least every 5 years) is highly recommended.

(7) Electronic Records Back-up for Disaster Recovery

Electronic records must be backed-up on a regular basis to safeguard against loss of information due to equipment malfunctions, human error, or other disaster. A back-up containing record copies or the only existing copies of records that have not passed their retention would have to be retained for the length of the longest unmet retention period. Preferably, the records should be restored to an accessible storage device from the back-up to ensure that the back-up is not used as a records retention tool.

(8) Disposition of Electronic Records

Each department or school in the District must systematically dispose of electronic public records that have met their retention requirements and are no longer needed. Once the minimum retention has been met, disposition of the electronic records is recommended. Disposition of electronic records must be documented and follow the guidelines as described in II. Procedures, E. Disposition of Public Records.

Physical destruction of public records should be in accordance with the guidelines set forth in Rule 1B-24.003(10), *Florida Administrative Code*, specifies the following:

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

and

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

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APPENDIX B
RECORDS MANAGEMENT FORMS

- Attachment A: Records Inventory Worksheet
- Attachment B: Paper Records Inventory
- Attachment C: Records Storage Box Label
- Attachment D: Transmittal and Receipt for Records Storage
- Attachment E. Records Disposition Document

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RECORDS MANAGEMENT FORMS
Attachment A: Records Inventory Worksheet

Fillable Worksheet form available on the Florida State website below
<http://dos.myflorida.com/library-archives/records-management/forms-and-publications/>

RECORDS INVENTORY WORKSHEET				
Department/ Section _____		Contact _____		Phone No. _____
Location of Records Room _____ File _____		Schedule No. _____		Item No. _____
Records Series Title _____				
Record/File Title _____				
Description (Contents, Purpose, and Use: Include form title and numbers, if any) _____ _____ _____ _____				
<input type="checkbox"/> Record Copy <input type="checkbox"/> Duplicate Copy				
File Type <input type="checkbox"/> Subject <input type="checkbox"/> Case/Business Activity <input type="checkbox"/> Working Papers <input type="checkbox"/> Reference <input type="checkbox"/> Index	Cut-Off Date <input type="checkbox"/> Calendar Year <input type="checkbox"/> Fiscal Year <input type="checkbox"/> Anniversary <input type="checkbox"/> Continuous <input type="checkbox"/> Other _____	Arrangement <input type="checkbox"/> Alphabetic by _____ <input type="checkbox"/> Alphanumeric by _____ <input type="checkbox"/> Numeric by _____ <input type="checkbox"/> Chronological by _____ <input type="checkbox"/> Other _____		Authorization for Series <input type="checkbox"/> a. Statute <input type="checkbox"/> b. Regulations <input type="checkbox"/> c. Administrative _____ (Citation)
Record Form <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> 8-1/2" x 11" paper (letter size) <input type="checkbox"/> 8-1/2" x 14" paper (legal size) <input type="checkbox"/> Bound books, catalogs <input type="checkbox"/> 3" x 5" Cards <input type="checkbox"/> 4" x 6" Cards </div> <div style="width: 30%;"> <input type="checkbox"/> 11" x 15" computer printouts <input type="checkbox"/> 11" x 8-1/2" computer printouts <input type="checkbox"/> Roll microfilm <input type="checkbox"/> Microfiche <input type="checkbox"/> Other _____ </div> <div style="width: 30%;"> <input type="checkbox"/> Computer disks <input type="checkbox"/> Compact discs <input type="checkbox"/> Computer tapes/cartridges <input type="checkbox"/> Video tapes <input type="checkbox"/> Optical discs </div> </div>				
Electronic Records Filing a. What is the name of the system? _____ b. Who owns the system? _____ c. What operating system is needed to retrieve and view files? _____ d. What application software is needed to retrieve and view files? _____ e. What is the file format? (.doc, .xls, .tif, .rtf, etc.) _____ f. What is current age of media on which records are stored? (1 year, 5 years, etc.) _____ g. How quickly is this information usually needed? (within minutes, days, weeks, etc.) _____ h. How often is this information accessed? (daily, weekly, monthly, etc.) _____ i. What business activity do these records support? _____ j. Are there any records related to these records? _____ k. Do you need more assistance with assessing these records? _____				
Current Holdings				
Year (Inclusive Dates)	Paper Cubic Feet	Electronic Bytes/Item Count	Type Filing Equipment Used	Quantity

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[illegible]

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RECORDS MANAGEMENT FORMS
Attachment C: Records Storage Box Label

Fillable Worksheet form available on the Florida State website below
<http://dos.myflorida.com/library-archives/records-management/forms-and-publications/>

AGENCY NAME & ADDRESS		CUSTOMER BOX NUMBER (if applicable)	
Florida			
RETENTION SCHEDULE NUMBER:	ITEM NUMBER:	FROM DATE: / / mm dd yyyy	
RECORD SERIES TITLE:		TO DATE: / / mm dd yyyy	
DESCRIPTION OF RECORDS (When describing records, avoid vague terms such as "Miscellaneous." If describing a person's files, include the person's position title. For example, rather than saying "Bob Smith's Files," use "Director of Marketing Bob Smith's Promotion Planning Files" instead. Make a note of the range of records in the box for future reference.) :			
<small>STATE OF FLORIDA DEPARTMENT OF STATE Division of Library and Information Services Form LS5E200 R 09-2004</small>		Records Storage Box Label	

AGENCY NAME & ADDRESS		CUSTOMER BOX NUMBER (if applicable)	
Florida			
RETENTION SCHEDULE NUMBER:	ITEM NUMBER:	FROM DATE: / / mm dd yyyy	
RECORD SERIES TITLE:		TO DATE: / / mm dd yyyy	
DESCRIPTION OF RECORDS (When describing records, avoid vague terms such as "Miscellaneous." If describing a person's files, include the person's position title. For example, rather than saying "Bob Smith's Files," use "Director of Marketing Bob Smith's Promotion Planning Files" instead. Make a note of the range of records in the box for future reference.) :			
<small>STATE OF FLORIDA DEPARTMENT OF STATE Division of Library and Information Services Form LS5E200 R 09-2004</small>		Records Storage Box Label	

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RECORDS MANAGEMENT FORMS
Attachment E: Records Disposition Document

Fillable Worksheet form available on District the Florida State website below
<http://dos.myflorida.com/library-archives/records-management/forms-and-publications/>

RECORDS DISPOSITION DOCUMENT				NO. PAGE OF PAGES		
1. AGENCY NAME and ADDRESS			2. AGENCY CONTACT (Name and Telephone Number) () - Ext.			
3. NOTICE OF INTENTION: The scheduled records listed in Item 5 are to be disposed of in the manner checked below (specify only one). <input type="checkbox"/> a. Destruction <input type="checkbox"/> b. Microfilming and Destruction <input type="checkbox"/> c. Other _____						
4. SUBMITTED BY: I hereby certify that the records to be disposed of are correctly represented below, that any audit requirements for the records have been fully justified, and that further retention is not required for any litigation pending or imminent. <div style="display: flex; justify-content: space-between;"> Signature _____ Name and Title _____ Date _____ </div>						
5. LIST OF RECORD SERIES						
a. Schedule No.	b. Item No.	c. Title	d. Retention	e. Inclusive Dates	f. Volume In Cubic Feet	g. Disposition Action and Date Completed After Authorization
6. DISPOSAL AUTHORIZATION: Disposal for the above listed records is authorized. Any deletions or modifications are indicated. <div style="display: flex; justify-content: space-between;"> Custodian/Records Management Liaison Officer _____ Date _____ </div>			7. DISPOSAL CERTIFICATE: The above listed records have been disposed of in the manner and on the date shown in column g. <div style="display: flex; justify-content: space-between;"> Signature _____ Date _____ </div> <div style="display: flex; justify-content: space-between;"> Name and Title _____ </div> <div style="display: flex; justify-content: space-between;"> Witness _____ </div>			

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Continuation Page

a. Schedule No.	b. Item No.	c. Title	d. Retention	e. Inclusive Dates	f. Volume In Cubic Feet	g. Disposition <u>Action and</u> <u>Date</u> Completed After Authorization

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APPENDIX C
PUBLIC RECORDS REQUEST PROCEDURES

(1) Request for Public Records

- a. A public records request is a request to either inspect or copy or both, public records pursuant to Chapter 119, *Florida Statutes*.
- b. There is no requirement that the request be made in person or in writing, or be in any particular form.
- c. The person making the request is not required to identify himself/herself, or to provide information about the reason for the request or how the records will be used.
- d. The request must be clear enough to enable the department or school to conduct a meaningful search. The department or school may ask questions about the request in order to respond to the request fully and in a timely manner.
- e. All requests should be directed to the Superintendent's.

(2) Responding to the Request

- a. Upon receipt of a request for public records by e-mail, the department shall send an acknowledgment of receipt of the request to the requestor via e-mail within two business days. (See sample at Attachment A.) For requests received by any other means, an acknowledgment letter is necessary only if the request cannot be fulfilled within two days.
- b. The department shall respond to all public records requests in a reasonable time, taking into account the extent and nature of the request. Within five business days of receipt of the request, the Department must take one of the following actions:
 - send an invoice with a cover letter to the requestor outlining the fees as calculated by section 7.b.iii, "Fees," and the total amount due. (See sample invoice and letter at Attachment B.)
 - notify the requestor of estimated costs and request payment in advance if the nature or volume of the requested records will require extensive use of information technology resources, extensive clerical or supervisory assistance, or both, in addition to the actual cost of duplication or production
 - inform the requestor that the department is working on their request; give them an estimated time of completion and advise them about any specific circumstances affecting completion of the request
 - inform the requestor that the requested materials do not exist or are not in the custody of the department.
- c. Upon receipt of payment, the department shall provide the requested materials. If for any reason the materials cannot be provided within five business days, the department shall contact the requestor with an estimated time of completion.

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d. Certified Copies of Public Records:

- Certification Statement: When more than five pages of certified copies are requested, a certification statement may be used, instead of certifying each page. In this statement, which is a cover page for the group of documents, the custodian certifies that the copies provided are true and correct copies of the originals. (See sample certification at Attachment C.)
- Page Certification: When each page of the record is requested to be certified, the following statement shall be typed on each page, either on the bottom or on the back of the page, depending on where space is available, and signed by the custodian of the records:

I, (insert name, title, and section), Monroe County School District, hereby certify that this is a true and correct copy of the record of the Monroe County School District.
Certified this (date) day of (month), (year).

_____ Signature

- e. The department or school may not delay production of records. Records must be produced within the time reasonably required to identify, collect, and copy them for the requesting party. The department or school must make a good faith effort to satisfy the request promptly, consistent with available resources and other priorities.
- f. The Public Records Law does not require the department or school to generate or create records not already in the department's custody in response to a public records request. Records that are responsive to the public records request that are available as of the date the request is fulfilled must be provided, even if such records did not exist as of the date the request was received.

g. Confidential or exempt records:

- If the requested records are confidential or exempt from public disclosure by statute, the records may not be disclosed. The department must inform the requestor that the records are exempt from disclosure and cite the applicable statute establishing the exemption. (See sample letter at Attachment D.)
- If only part of the record is confidential or exempt, the department must redact that information and provide the remaining record to the requestor. The most efficient method should be used to redact information. One method of redacting is to black out the exempt information on a copy of the original, photocopying the marked copy, and providing the final photocopy to the requestor. The marked copy may be destroyed. Other methods are acceptable and may be used as long as the confidential or exempt information is not released to the requestor.

For questions or guidance regarding records exempt from disclosure, contact the General Counsel's Office, Monroe County School District.

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- h. The office responding to the request shall maintain the request, acknowledgment, response, invoice, materials produced, or a record of what was produced; any related correspondence; and receipt of payment.
- i. The department shall not dispose of requested records for a period of 30 days after the date on which a request for the records was made. This requirement is in addition to, and does not lessen, the obligation of the department to retain records pursuant to the otherwise required records retention schedules.

(3) Fees

- a. Fees may be paid by cash, check, or money order made payable to the Florida Department of State.
- b. Copies or certified copies of records shall be furnished upon payment of the fee prescribed by Section 119.07(4), *Florida Statutes*:
 - Up to 15 cents may be charged per one-sided copy of not more than 14 inches by 8 1/2 inches.
 - No more than an additional five cents may be charged for each two-sided copy.
 - For all other copies, the actual cost of duplication may be charged.
 - Other costs: \$0.85 for each CD-ROM; \$1.15 for each DVD.
- c. Certified copies of public records shall be furnished upon payment of the fees listed below:
 - Per page certification. A charge of \$1 per page shall be assessed for each individually certified page. (Section 119.07(4), *Florida Statutes*)
 - Certification statement. Charge of \$5 for the certification statement plus any fees for copies calculated under section 2.
 - The Division of Corporations shall furnish certified copies in accordance with sections 608.452 and 620.1109, *Florida Statutes*.
- d. The cost of mailing or shipping the requested material may also be added if the requestor asks that the material be delivered (instead of the requestor picking up the material in person).
- e. If the nature or volume of the public records requested to be inspected or copied is such that it requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, in addition to the actual cost of duplication, a special service charge may be assessed. This charge shall be reasonable and shall be based on the actual cost incurred for information technology resources and/or the labor cost of the clerical and supervisory personnel providing the service. (Section 119.07(4)(d), *Florida Statutes*)

Rule 1-2.0031, *Florida Administrative Code, Public Records Requests: Special Service Charge*, provides:

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“(1) When a public records request is of the nature described in Section 119.07(4)(d), F.S., the following will apply:

(a) The term “extensive” means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (b) and (c) below.

(b) The term “clerical or supervisory assistance” includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(c) The term “use of information technology resources” includes the setup and implementation of information technology defined in Section 282.0041(10), F.S.

(2) (a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the cost of wages and benefits of the lowest paid personnel who, in the discretion of the Department, has the necessary skill and training to perform the request. The special service charge shall be in addition to the duplication charge as provided in Sections 119.07(4)(a) and (b), F.S., and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the

Department in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requestor shall be required to remit additional monies to pay for any costs in excess of the deposit. In the event the requestor fails to remit additional monies to cover costs in excess of the monies deposited, the Department shall withhold releasing any public records identified pursuant to that request until those amounts are paid in full.”

- f. The wage expense portion of public records special service charges¹ shall be calculated based on the following formulas²:

Public Records Special Service Charge =
(Hourly Base Rate of Pay + Hourly Value of Benefits) X Number of Hours Worked

¹ This charge is authorized by Section 119.07(4)(d), *Florida Statutes*, and Department of State Rule 1-2.0031(2)(a), *Florida Administrative Code*, which is entitled "Public Records Requests: Special Service Charge."

² The first two formulas (for calculation of hourly rates of pay) are derived from DMS Rule 60L-32.002, *Florida Administrative Code*, which is entitled "Computation of Hourly Rate."

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Hourly Base Rate of Pay =

[Annual Base Rate of Pay (or Monthly Base Rate x 12 or Biweekly Base Rate X 26)] /2080 Hours
(# work hours per year)

Hourly Value of Benefits for Career Service and Select Exempt =

Hourly Base Rate of Pay X Benefit Factor³

- g. Upon receipt of payment, fees should be processed according to the revenue receipt procedures of the division or forwarded to the Support Services Administrator in the Office of Support Services.
- h. Notwithstanding what is stated herein, no charges will be assessed against the requestor if the cost of production is less than \$5.00.

³ The benefit factor (in the third formula) is based on expenditures in the Department's Salary and Benefits appropriation category, and is calculated by dividing the salary expenditures by the benefit expenditures. This factor may be obtained from the Department's Bureau of Planning, Budget and Financial Services.

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PUBLIC RECORDS REQUEST PROCEDURES

Attachment A

(Acknowledgement Letter – Use District Letterhead or send by e-mail)

(Date)

(Requestor's Name)

(Requestor's Address)

RE: Acknowledgement of Public Records Request

Dear *(Insert name of requestor)*:

We have received your public records request. Your request will be processed in accordance with the Florida Public Records Law. You will be advised as soon as possible regarding estimated costs. Payment will be due in advance by cash, check, or money order made payable to the Monroe County School District.

If you have any questions, you may contact me at *(insert telephone number)* or by e-mail at *(insert e-mail address)*.

Sincerely,

(Name)

(Title)

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PUBLIC RECORDS REQUEST PROCEDURES
Attachment C

(Invoice Cover Letter – Use District Letterhead)

(Date)

(Requestor's Name)
(Requestor)

RE: Public Records Request

Dear *(Insert name of requestor)*:

Please find enclosed an invoice for your public records request. Upon payment of the invoice amount, we will provide you with copies of the records. Please make your check or money order payable to the Monroe County School District and send it to _____.

Please let me know if I may be of further assistance.

Sincerely,

(Name)
(Title)

Enclosure

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PUBLIC RECORDS REQUEST PROCEDURES
Attachment D

(Certification Statement – Use District Letterhead)

I, (insert name, title, and section), Monroe County School District, hereby certify that the attached are true and correct copies of (insert description of public records, including the number of pages), and that I am the official custodian of the records.

CERTIFIED *this (date) day of (month), (year).*

BY:

(Insert name)
(Insert title)
(Insert department or school)
Monroe County School District

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PUBLIC RECORDS REQUEST PROCEDURES
Attachment E

(Response Letter for Confidential/Exempt Records – Use District Letterhead)

(Date)

(Requestor's Name)
(Requestor's Address)

RE: Public Records Request

Dear *(Insert name of requestor)*:

Please find enclosed the materials related to your request for public records.

Some of the material contains information that is confidential or exempt from public disclosure in accordance with Florida Statutes. *(Provide the reason and statutory authority for all redactions, e.g., all social security numbers have been redacted per Section 119.071(5)(a)3, Florida Statutes.)*

If you have any questions, you may contact me at *(insert phone number)* or by e-mail at *(insert e-mail address)*.

Sincerely,

(Name)
(Title)