

**RESOLUTION NO. 2022-148**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING RESOLUTION 2019-153 PUBLIC RECORDS POLICY FOR NASSAU COUNTY, FLORIDA; AMENDING DEFINITIONS; AMENDING DESIGNATION OF THE PUBLIC RECORDS CUSTODIAN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article I, Section 24, Florida Constitution, and Chapter 119, Florida Statutes, provides that County records shall be made available to the public upon reasonable request;

**WHEREAS**, the Nassau County Board of County Commissioners advocates a policy of full compliance with the Public Records Law in order to encourage transparency and participation in its government; and

**WHEREAS**, the Nassau County Board of County Commissioners adopted a comprehensive Public Records Policy on October 16, 2019; and

**WHEREAS**, the Board now desires to amend the Public Records Policy to add a definition for Records Management Liaison Officer and designating said officer as the Public Records Custodian.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Nassau County, Florida, Resolution 2019-153 shall be amended as follows:

**SECTION 1. FINDINGS.** The above findings are true and correct and are hereby incorporated herein by reference.

**SECTION 2. DEFINITIONS.** As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

**"Actual Cost"** means the base hourly salary plus benefits for county employees or the applicable contractual rates for contracted county services.

**"Board"** means the Board of County Commissioners of the County.

**"Confidential"** means those records, or portions thereof, specifically designated as "confidential" by applicable law. The County may not release records designated by law as confidential.

**"County"** means Nassau County, Florida.

**“Custodian” or “Public Records Custodian”** means the Records Management Division of the County, which is the designated entity responsible for the management of County Public Records.

**“Electronic Communications”** means all Public Records, regardless of the technology or means of transmission, sent electronically from one device to another and pertaining to official County business. This includes electronic mail (e-mail), SMS messages (text messages), MMS (including multimedia and picture messages), and social media records (Facebook, Instagram, YouTube, Twitter, etc.).

**“Employee”** means all persons who are full-time or part-time employees of the County, and shall also include any non-paid volunteers and interns, as well as all members (whether elected or appointed) of any County dependent special district, advisory board, and committee.

**“Exempt”** means those records, or portions thereof, specifically designated as “exempt” by applicable law. As exempt records, the County may release such records, in whole or part, in its discretion.

**“Extensive Request”** means a Public Records request that due to the nature or volume of the records requested will require in excess of 30 minutes of information technology resources, clerical, legal, or supervisory time.

**“Officers”** means a member of the Nassau County Board of County Commissioners, any appointed County officials, and the Clerk of Court when acting in his/her capacity as ex-officio clerk to the Board.

**“Public Record”** shall have the definition as specified by §119.011(12), F.S., as may be amended from time to time, which currently states “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.” This definition shall be interpreted liberally to include all records prepared in connection with official County business, including electronic communications, which are intended to perpetuate, communicate, or formalize knowledge. This definition includes e-mails and text messages created or transmitted in connection with the transaction of official business, regardless if the communications were sent from a County-owned device or a privately owned device.

**“Public Records Act”** means Article I, Section 24, Florida Constitution, and Chapter 119, Florida Statutes.

**“Public Records Policy” or “Policy”** means this Resolution, as it may be amended from time to time.

**“Records Management Liaison Officer (RMLO)” means the point of contact between the agency and the Division of Library and Information Services records management program**

to ensure the agency's compliance of proper disposition of eligible records and advises agency staff in records management practices.

**“Redact/Redaction”** means the act of censoring all or part of a Public Record to obscure or excise Exempt or Confidential information contained therein, thereby preventing public disclosure of the protected content.

**“Special Service Charge”** means a charge for Extensive Requests to be calculated as the Actual Cost based on the time and effort incurred in fulfilling the request for the lowest cost employee or contractor who is able to fulfill the request.

### **SECTION 3. PURPOSE, SCOPE AND APPLICABILITY.**

(A) It is the purpose of this Policy to ensure that the Public Records of the County are effectively retained, managed, and disposed in a manner consistent with Florida law embodied in the Public Records Act, Section 257.36, Florida Statutes (records disposition), Chapter 688, Florida Statutes (electronic commerce), Chapters 1B-24 and 1B-26, Florida Administrative Code (disposal of records and electronic record-keeping), the Florida General Records Schedules (GS1-SL) established by the Florida Department of State, and other applicable laws.

(B) It is the policy of the County to comply with the Public Records Act by making the County's Public Records available for inspection at reasonable times and under reasonable circumstances and, upon request, provide copies of such records at costs authorized by Florida Statutes and this Policy. Furthermore, all County officers and employees have a duty to preserve and retain all Public Records, including Electronic Communications, in compliance with Florida law.

(C) This Public Records Policy shall apply to all Officers and Employees when acting in furtherance of official County business and to all departments of the County. All officers, employees, and agents must comply with all policies and procedures outlined in the Records Management Procedure Manual. (Attached hereto as Exhibit “A”)

### **SECTION 4. CUSTODIAN.**

(A) While Public Records requests may be submitted to any County Officer or Employee, for the most expeditious processing, the County recommends that Public Records requests be submitted directly to the Records Management Liaison Officer, which serves as the County's Public Records Custodian.

(B) For the convenience of the public, the Custodian maintains the following website containing comprehensive information related to the submission and processing of Public Records requests:

<https://www.nassaucountyfl.com/178/Public-Records-Requests>



(C) Persons wishing to submit a Public Records request may do so via telephone, email, U.S. mail, fax, or in person via the following:

Records Management Division  
96135 Nassau Place  
Suite 6, Yulee, Florida 32097  
[\(904\) 530-6100](tel:9045306100)  
E-mail: [records@nassaucountyfl.com](mailto:records@nassaucountyfl.com)  
[Fax: 904-321-2658](tel:9043212658)

## **SECTION 5. PUBLIC RECORDS REQUESTS.**

(A) Members of the public shall not be required to submit Public Records requests in writing or upon any preprinted form. A request may be submitted in any format including written, orally, or via electronic communication including telephone, e-mail, or fax. The requestor does not have to show any special or legitimate interest in the record requested. The request may be made anonymously. Employees must honor a Public Records request in any format and/or means of submittal. However, the County *encourages* requestors to submit written requests, thereby providing documentation of their request should any dispute arise.

(B) The Custodian shall serve as a centralized coordinator of all requests for County records.

(1) Upon receipt of a Public Records request, the Officer or Employee to whom such request was made shall promptly forward the request to the Custodian for processing in accordance with this Policy. Within three (3) business days of receipt of the request, the Custodian shall provide an acknowledgment of its receipt to the requestor. The acknowledgment shall indicate the date and time of the request, the documents requested, an initial estimated processing time, an initial estimated cost and the required deposit, if any.

(2) In the event the individual or entity requesting access to Public Records is involved in active or threatened litigation or is representing such persons, or in the event the subject matter of the request involves active or threatened litigation, such request shall be referred to the County Attorney's Office for fulfillment. The County Attorney shall notify the Custodian upon the completion of the request.

(3) Upon notification of a Public Records request, all Officers and Employees shall promptly provide all relevant information related to the request to the Custodian. The Custodian shall process the request in accordance with the policies and procedures established herein.

(4) The Custodian shall keep a log of all Public Records requests. All Public Records shall be tracked in a manner that identifies the specific Public Records requested and a telephone number or other means of communication with that person to advise

when the documents requested are ready for pick up or available for review. Such written records are to ensure that persons requesting documents obtain the requested records.

(C) In processing a Public Records request, all potentially responsive records that are known or suspected to contain Exempt or Confidential content shall be reviewed by a properly trained employee.

(1) Any public record containing information that is a "Confidential" under applicable law shall not be made available for inspection or copying unless and until the Confidential portions of such record are sufficiently Redacted to prevent disclosure.

(2) At the discretion of the County, Public Records containing information that is "Exempt" from disclosure under applicable law may be Redacted to remove any such Exempt information prior to the records being made available for inspection or copying.

(3) If a Public Record is Exempt or Confidential pursuant to applicable law, the basis for the refusal to release should be provided in writing. If only a portion of the Public Record is exempt, only that portion can be Redacted, but the remaining record must be provided for examination. All exemptions of a Public Record or portions of a Public Record must be specifically authorized by law.

(4) At the request of the Custodian, the County Attorney's Office shall assist with the evaluation of potentially exempt or confidential information contained in Public Records.

(D) It is the goal of the County to fulfill Public Records requests within seven (7) business days, provided that it is not an Extensive Request, that the requested records are readily accessible, and absent of Exempt or Confidential information. Extensive Requests, requests spanning multiple County departments, or requests for records requiring Redaction of statutorily Exempt or Confidential information may result in longer response times. When these or other circumstances arise requiring a longer response time, the Custodian will contact the requestor to inform them of a revised estimated processing time.

(E) Upon receipt of a Public Records request, the Custodian cannot refuse a request because the request is over broad but can request clarification from the person requesting records. For an Extensive Request the County will charge, in addition to the cost of duplication, a Special Service Charge in accordance with Section 8 of this Policy.

(F) The County is required to produce Public Records in a timely manner; however, the County is not required to conduct research or extract data to create documents. Additionally, the Custodian and other County Employees and Officers are not required to answer questions or create or reformat Public Records in a particular form if the Public Records are not already available in that format or form. If Public Records are available in more than one format, the requestor may choose which format/medium to receive; however, staff are not required to convert records into a new medium or format. Furthermore, staff shall not convert records from

one format to another with the intent of frustrating or inconveniencing the requestor, or hindering the requestor's ability to easily and conveniently utilize the records or data.

(G) The County shall not accept any "standing request" for Public Records that do not yet exist, or for records that may be created or received by the County at some future date. The County is only obligated to respond to requests by providing records that exist at the time a Public Records request is submitted.

(H) Although it is not required, persons making Public Records request are encouraged to provide as much detail and specificity in each request so as to positively identify the records sought. Specifically, it is helpful for the requestor to:

- (1) Provide a date range;
- (2) Provide the name(s) of the specific employees, individuals, County departments, and/or business entities pertaining to your inquiry;
- (3) Provide a list of relevant keywords or search parameters;
- (4) If the request pertains to e-mail, provide the relevant e-mail address(es) and/or domain name(s), if known; and
- (5) If the request pertains to property, provide the address, parcel number, or owner's name, if known.

Providing such detail assists County Employees in narrowing the scope of the request to encompass only those records sought, which can reduce the staff time required to process the request as well as the fees charged to the requestor.

(I) The custodian must keep Public Records secure, reasonably protected from alteration or destruction, and readily available. In that, the Custodian must ensure that original Public Records are not defaced, removed or altered in any fashion. The Custodian must allow Public Records to be inspected and examined by any person desiring to do so, at any reasonable time. Inspection can be done under reasonable conditions, but the Custodian may not impose a condition of inspection which operates to restrict the right of access. When a person desires to review original Public Records, it is necessary that an Employee be present to ensure the integrity of the Public Records is maintained. As such, the County will impose a Special Service Charge for staff time that is in excess of 30 minutes needed to oversee a person's review of original Public Records in the manner provided in Section 8 of this Policy.

## **SECTION 6. RECORDS RETENTION.**

(A) Public Records must be retained in accordance with Florida law. Records may not be disposed until the longest applicable retention period has been satisfied, per the published retention schedules. The State of Florida, Department of State, Division of Library &

Information Services (DLIS), has developed a set of records retention schedules containing individual record series defining various Public Records and establishing minimum retention requirements. Such retention schedules are primarily based on the type of record rather than the format in which it is in (i.e. paper document or electronic file).

(1) All County Officers and Employees must adhere to these schedules and shall keep records in compliance with the longest retention period imposed therein.

(2) To the extent County Officer and Employees have questions concerning the application of the retention schedules to a particular County record, they should consult with the County Attorney.

(3) Upon leaving County service, all County Officers and Employees shall transfer all Public Records in their possession to the Custodian or their successor in function, as applicable.

(B) All Electronic Communications that are Public Records must be retained in accordance with Florida law.

(1) To satisfy this requirement with regard to Electronic Communications, the County shall acquire, implement, and maintain IT systems that maintain a searchable archive of messages sent or received from the County's centralized e-mail platform (e.g. Microsoft Outlook/Exchange) and all County owned or leased mobile devices.

(2) Officers and Employees are prohibited from using private, non-County e-mail servers to conduct County business (e.g. @gmail.com, @yahoo.com, etc.). Should any Officer or Employee receive unsolicited e-mail communications that are Public Records to their private/personal e-mail account, it is the duty of the Officer or Employee to preserve and retain all communications regarding County business and to promptly transfer those records to the custody of the County, either by forwarding the communication to the individual's County e-mail account or providing same directly to the Custodian with instructions that the records be preserved in accordance with this Policy.

(2) Officers and Employees are prohibited from using private, non-County owned or leased mobile devices to send or receive SMS messages, text messages, instant messages, or MMS (including multimedia and picture messages) to conduct County business. Should any Officer or Employee receive unsolicited messaging communications that are Public Records to their private/personal mobile device, it is the duty of the Officer or Employee to preserve and retain all communications regarding County business and to promptly transfer those records to the custody of the County, either by forwarding the communication to the individual's County e-mail account, a County-issued mobile device, or providing same directly to the Custodian with instructions that the records be preserved in accordance with this Policy.

(3) It is permissible to transmit Electronic Communications from a private email account or a non-County owned or leased mobile device to a County email account or a County-issued mobile device as the County email account and County-issued mobile device will preserve a record of the Electronic Communications. It is the intent of this section to prohibit County business-related Electronic Communications originating from a private device from being transmitted to another privately owned device, thereby circumventing the County's automatic-retention software.

(4) Technologies other than text messaging: The prohibition on using private devices and private accounts for Electronic Communications regarding County business shall be broadly interpreted to prohibit the use of any technology for which the County lacks a mechanism to automatically retain every Electronic Communication, including instant messaging, personal messaging, social media messaging (Facebook, Twitter, Instagram, Skype), etc.

(C) The County shall acquire, implement, and maintain a retention system to collect and store all content posted to County-owned or maintained social media accounts. All County departments who manage a County-sponsored social media account shall enroll such accounts into the retention system. All County Officers who maintain an official social media account for their office shall enroll such accounts into the retention system.

(D) In general, Public Records stored off-site may not be protected by the County's insurance policies. Therefore, Public Records shall be kept and maintained in a County owned, leased, or operated facility. In addition, employees shall not store Public Records on equipment or devices not owned, leased, or controlled by the County. Any Public Records stored on non-County equipment or on premises not owned, leased, or operated by the County shall be promptly returned to the custody of the County. For purposes of this Policy, storage of electronic documents in a cloud based storage system is permissible.

## **SECTION 7. PUBLIC RECORD DISPOSAL.**

(A) No Public Record that is the subject of an active Public Records request or which pertain to active, pending, threatened, or anticipated litigation shall be disposed without the written consent of the County Attorney. The County Attorney, or his/her designee, shall provide written notification to the Custodian, and each affected department director, and each shall take the appropriate measures to enact a "legal hold" to prevent the disposal or destruction of any records pertaining thereto. Upon the conclusion of litigation, the County Attorney, or his/her designee, shall inform the parties to lift the "legal hold" placed upon the records.

(B) All other Public Records may be disposed upon the expiration of the longest applicable retention period. When disposal is conducted, all Public Records containing Exempt or Confidential information shall be disposed using a means of destruction authorized by the Florida Administrative Code.

(C) Departments shall notify the Custodian upon the destruction of any Public Records in the custody of the County.



(D) In accordance with Chapter 257, Florida Statutes, the Custodian shall complete and return the annual statement to the Florida Department of State summarizing the records disposed during the year.

#### **SECTION 8. FEES.**

(A) The County shall assess the following fees for Public Records requests in accordance with section 119.07(4), Florida Statutes, as it may be amended from time to time:

\$ .15 per page for single page copies (8.5" x 11" and 8.5" x 14")

\$ . 20 per page for double sided copies (8.5" x 11" and 8.5" x 14")

\$0.20 per page for single page copies (11" x 17")

\$0.25 per page for double sided copies (11" x 17")

\$5.00 per page for larger documents (building plans, maps etc.)

\$1.00 per page for certified copies of public records

\$1.00 per CD/DVD

USB Flash Drive (at cost)

Special Service Charge for Extensive Requests

For other documents not specifically addressed, the actual cost of duplication, materials, and postage shall be charged

(B) Eligible records in County custody may be certified upon request by affixing the County Seal and the signature of the Custodian or his/her designee. The Custodian will assess the fee noted above for certification of records.

(C) In the event a requestor (or multiple requestors working in concert) attempts to submit multiple requests related to the same or similar subject matter over a period of time in an attempt to avoid paying fees, the County may aggregate the time it expends on each subsequent request in order to calculate the appropriate fee and to determine whether the request qualifies as an Extensive Request for payment of a Special Service Charge.

(D) For requests where a fee or Special Service Charge is assessed, the Custodian shall transmit a cost estimate to the requestor and in the event the cost estimate exceeds \$50, the requestor must pay a deposit in the amount of 50% of the total estimate prior to the County

(C) On an annual basis, all Officers and each department head shall be provided a copy of the latest version of the "Government in the Sunshine Manual," compiled by the Attorney General, also available at the following site:

<http://www.myfloridalegal.com/sun.nsf/sunmanual>

**SECTION 11. MISCELLANEOUS PROVISIONS.**

(A) The Custodian shall be responsible for the preparation of any forms necessary for the implementation of this policy. It shall be his/her responsibility to administer this Policy and to recommend any amendments that may, from time to time, be appropriate.

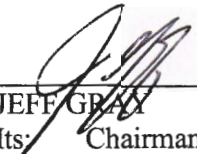
(B) This Policy shall replace the County's public records policy adopted in Resolution No.s 97-144, 2006-108, 2011-64, 2014-016, and 2018-55, which resolutions are hereby repealed.

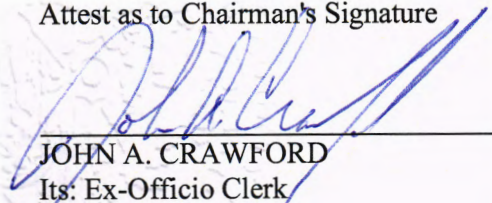
(C) This Policy does not create a private cause of action, a new duty of care, or a basis of liability, and third parties may not recover damages or seek enforcement action against the County, an officer, or an employee for a violation of this Policy.

**SECTION 12. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage.

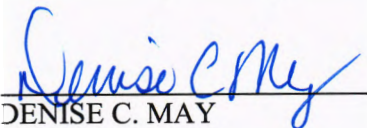
**DULY ADOPTED** this 25<sup>th</sup> day of July, 2022.

**BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, FLORIDA**

  
\_\_\_\_\_  
JEFF GRAY  
Its: Chairman

Attest as to Chairman's Signature  
  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
DENISE C. MAY

initiating any work relative to the request. In such cases, the responsive records shall not be provided to the requestor until all outstanding assessments have been paid in full. If the requestor asserts that the deposit requirement is a hardship, the Custodian is authorized to discuss and approve alternative terms.

(E) Should the County attempt to contact the requestor and/or transmit a cost estimate and the requestor fails to respond in good faith, the County shall deem the request as “abandoned” after a period of seven (7) calendar days and the log shall reflect the abandonment. In cases where holidays or other closures of the County’s administrative offices occur, staff shall afford reasonable additional time to the requestor to respond.

#### **SECTION 9. REQUESTS TO REDACT PERSONAL INFORMATION.**

(A) Certain current and/or former public employees, victims of certain crimes or domestic abuse, and other persons identified by Florida law are entitled to protection of certain personal information per Florida law.

(B) Persons qualifying for such exemption shall file a written request with the Custodian requesting such protection, on a form prescribed by the Custodian for such purpose. When required by statute, the form shall require a statement from the requesting party that they have made reasonable efforts to protect their personal information from being accessible by the public through other sources. The requesting party shall provide to the County the address of all residences and home telephone numbers to be exempted from disclosure.

(C) Any request for redaction filed with the Custodian shall expire after 5 years, or upon any event that triggers a loss of entitlement to such protection. As a courtesy to those whose redaction request expires, if an e-mail address has been provided to the Custodian, the Custodian shall attempt to notify the registrant within 90 days of expiration. The Custodian shall not be required to contact registrants via telephone or postal mail.

(D) The Custodian is authorized to utilize the data and records of any County constitutional officer or other public agency for purposes of administering requests for redaction.

#### **SECTION 10. TRAINING, COMPLIANCE & VIOLATIONS.**

(A) Employees are hereby notified that violation of this Policy and/or Florida law regarding Public Records shall be grounds for disciplinary action in accordance with the County’s personnel policies and procedures. Repeated violations or flagrant abuses shall be grounds for termination.

(B) Officers and County department heads shall annually file a sworn statement, under penalty of perjury, confirming their understanding of and compliance with this Policy. Additionally, said personnel shall complete at least one (1) hour of annual training concerning Florida Public Records law.

**NASSAU COUNTY BOARD  
OF COUNTY  
COMMISSIONERS**

**RECORDS MANAGEMENT  
PROCEDURE MANUAL**

**JULY 2022**

## **INDEX**

INTRODUCTION	1
DEFINITIONS	2-3
RECORDS MANAGEMENT LIAISON OFFICER	4-6
RECORDS LIAISON	7-8
PUBLIC RECORDS REQUESTS	9-10
RETENTION POLICY	11-12
RECORDS STORAGE	13
RECORDS DISPOSITION/DESTRUCTION	14
ELECTRONIC RECORDS/E-MAIL	15-17
EXHIBITS	18
• Resolution 2022- <u>148</u>	
• Public Records Request Invoice	
• Public Records Request Certification	
• Records Storage Inventory Form	
• Records Center Transmittal and Receipt for Records Storage	
• Records Center Box Label	
• Records Request	
• Records Disposition Report	



## **INTRODUCTION**

Proper records management ensures that information is available when and where it is needed. An organized and efficient records management program is comprised of record keeping requirements and policies that allow an organization to maintain control over information necessary to perform day to day operations. Nassau County has a responsibility to the citizens to ensure that public records are created, managed, and preserved in the most efficient manner in accordance with Florida Statutes. The procedures in this manual will be implemented by all Board of County Commissioner employees to better serve the citizens of Nassau County.



## **DEFINITIONS**

**Public Records** – All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing, software, or other material, regardless of physical form, characteristics, or means of transmission, made, or received pursuant to law or ordinance or in connection with the official business by an agency.

**Division** – Division of Library and Information Services of the Department of State.

**Records Management Liaison Officer (RMLO)** – The point of contact between the agency and the Division of Library and Information Services' records management program to ensure the agency's compliance of proper disposition of eligible records and advises agency staff in records management practices.

**Records Liaison** – An employee appointed by the director of each county department to oversee the management, retention, and timely disposition of records, whether maintained on-site, offsite, in electronic systems or stored at the Records Management Center, and assists in carrying out the requirements of Section 119.07, Florida Statute.

**Records Management Center** – A physical location where the County records are stored for long-term or permanent retention.

**Records Retention Schedule** – Retention requirements established by the Division for public records indicating the **minimum time** such records must be kept based on administrative, legal, fiscal, and historical value.

**General Records Schedule** – Retention schedule for public records common to all governmental agencies or specific agencies as published by the Division.

**Individual Records Schedule** – A schedule approved by the Division that establishes retention requirements for records that are unique to a particular agency.

**Inactive Records** – Those records which have lost some of their value or have been superseded by more current records, but which have not met their established retention period.

**Record Copy** - The official copy of record.

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

**Electronic Records** – Any information that is recorded in machine readable form.

**Record Series** – A group of related documents organized 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.

**Retention Period** – The minimum time period necessary to retain records before they have met their administrative, legal, fiscal, or historical values.

**Vital Essential Records** – Records which are critical to the continuation of government under crisis or emergency conditions, including those records needed to re-establish normal operations in post-emergency conditions.

**Drafts and Working Papers** – Precursors of records, not intended as the final product. If a public records request is received during the “draft stage”, documents considered as public records (perpetuate, communicate, or formalize knowledge) shall be provided.

## **RECORDS MANAGEMENT LIAISON OFFICER**

Florida Statutes 257.36(5) requires that agencies appoint a Records Management Liaison Officer (RMLO) to serve as the primary point of contact between the agency and the Division's Records Management Program. The responsibilities of the RMLO include:

- Serve as a liaison between the State of Florida Records Management Staff and the County.
- Oversee the County's Records Management Program by providing effective control over identification, appraisals, maintenance, protection, preservation, transfer, retention, and destruction of all County records.
- Provide information and assistance to department records liaisons, including, but not limited to, the preparation of records for transfer to the Records Management Center.
- Receive transferred boxes of records and select locations for storage at the Records Management Center.
- Work with each department storing records in the Records Management Center to create and maintain searchable electronic databases for storing records at the Records Management Center.
- Notify departments when their stored records have met their minimum retention requirements, assist in the creation of disposition documentation, and arrange appropriate destruction.
- Review retention schedules regularly providing updates to department records liaisons in order to ensure document lifecycle retention requirements.
- Review the Records Disposition documents and authorizes destruction.
- Provide training for department Records Liaisons.
- Prepare yearly Records Compliance Statements required by State.
- Execute the annual Records Disposition Compliance Statement attesting to the County's compliance with records disposition laws, rules, and procedures.
- Report all Records Management Program concerns to County Administration.
- Coordinate all County public records requests.

- Assist Departments' Records Liaisons as needed to ensure public records requests are addressed in a quick and efficient manner.
- In writing, acknowledge a request has been received and, if needed, clarify the request. Many requests require clarification. Communicating with the requestor often will result in more focused request that involves less time and expense to respond.
- Follow up on records requests promptly. When the request is for records that are readily available, a best practice is to make them available to the requestor as soon as possible. In other cases, let the requesting party know when the records will be available for inspection, or that extensive research will be required.
- Charge requestor for the cost of duplication and for extensive staff time. Extensive staff time is defined as any time after the first fifteen minutes that it takes to research, gather, or process the public records request, as well as the time spent with the requestor to review the records.
- Provide the requesting party with a cost estimate prior to fulfilling his or her request. This estimate should include the cost of the time required for redacting any exempted information as well as the time spent reviewing emails generated through the IT department.
- Refer to the attached Public Records Request Fee and Cost Schedules to quote, estimate and invoice for the costs associated with the public records request.
- Collect all the fees for the estimated duplication and staff time fees upfront before starting the work to gather or research or duplicate records. Require additional funds be provided prior to release of records if the cost estimate is exceeded or reimburse any amount necessary should the amount collected be more than the actual cost of resources used. The funds received for reimbursement of employee time and/or copying costs will be deposited by the department whose staff is responsible for the response. If multiple departments are involved in responding to a request, the funds received will be shared in accordance with the time spent by each department's staff in responding to the request.
- Close any open requests after 30days with no contact with the requestor. If a requestor has not been in contact with the department for more than 30 days after any letter/email is sent with deposit information or requesting clarification of the request, the department should close the request.



- **Maintain public records in accordance with the dictates of Florida Law.**
- **Follow approved procedures for processing public records request.**

## **RECORDS LIAISON**

Department Heads shall assign one person from the department to serve as the Records Liaison. The Records Liaison shall keep a copy of the General Records Schedule, GS1-SL, and department specific schedule (GS-8, GS-14, GS-15), and become familiar with record series applicable to the department. In addition, the Records Liaison shall:

- Serve as liaison between the Records Management Liaison Officer and the department.
- Oversee the creation and maintenance of departmental records and prepares required documents for records transfers to the Records Management Center and disposition forms for records destruction.
- Be responsible for the application of retention schedule item numbers for department records and knowledge of document-type lifecycles.
- Be responsible for compiling responsive documents to public records request while working with the Records Management Liaison Officer in ensuring that complete and timely responses are provided to the requestors.
- Be responsible for ensuring that no new records are created in response to a public records request, as directed by law.
- Make all non-exempt records available, in their original format, for inspection and/or copying within a reasonable timeframe of the original request. There are many exemptions, and the County is required to invoke them when applicable. Personal information subject to exemptions may be contained in records other than a personnel file. Therefore, if a request seeks any information regarding a specific employee, prior to release, the records liaison shall contact Human Resources to check whether the employee is entitled to any personal exemptions prior to the release of the information. If a department is unsure as to whether certain information is exempt under Florida law, contact the County Attorney's Office for clarification.
- Do not create new records to respond to a public records request except as required by law. A request may come in asking for answers to a list of questions, to fill out a form, or otherwise seeking a county employee to create a new record. If there is responsive records that provides the information sought it should be provided, otherwise inform the requestor that there are no responsive records.

- Upon receipt of a records request, if the request can be provided instantly, without departments involved, you can provide the responsive documents. If a citizen comes into your office and request documents, please try to fill instantly. If not, please provide the request to the Records Management Liaison Officer for processing. If the request cannot be filled instantly, or other Departments need to be involved in the filling of the request, please forward the request to the Records Management Liaison Officer for processing.
- Upon receipt of a records request from the RMLLO, acknowledge receipt of the request via responsive email. The Records Liaison should then forward the request to any staff member in their department and direct them to compile all documents in their possession or purview.
- Provide the Records Management Liaison Officer with a cost estimate prior to fulfilling his or her request. This estimate should include the cost of time required for redacting any exempted information as well as the time spent reviewing emails generated through the IT department.
- Refer to the attached Public Records Request Fee and Cost Schedules to quote, estimate and invoice for the costs associated with the public records request.
- If your department does not have any responsive documents to the request, please execute the certification (attached) and forward back for processing.

All Records Liaisons are required to complete the Public Records Management Training provided by the Records Management Liaison Officer during their initial year of employment. The Public Records Management Training is required every 3<sup>rd</sup> year following the initial training session.

## **PUBLIC RECORDS REQUEST**

Section 119.011, Florida Statutes, defines “public records” as all documents, papers, letters, maps, books, tapes, photographs, film, sound recordings, data processing software, or other material, regardless of 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 the County.

- All public records requests will be completed in a timely manner.
- Restrictions shall not be placed as to how a request is received. Requests may be received by telephone, in-person, via email, or by letter.
- Requestor shall not be asked for a name or reason for requesting the records. However, an employee may ask for additional information or to be more specific with the request in order to understand the records being requested.
- A deposit may be requested with large requests after the extensive time has been estimated.
- Employees are not required to create a record, or answer questions pertaining to or interpret information in a record.
- Records will be provided in the format the records are maintained.
- A receipt shall be attached to all public records requests.
- Public records requests shall be reviewed to ensure exempt and/or confidential information has been redacted. The statute creating the exemption shall be cited for the requestor. Examples of confidential and/or exempt records include social security numbers, medical records, student records, bank account information, active criminal investigative records, home addresses/telephone/photographs of Law Enforcement Personnel, Firefighters, Code Enforcement Officers, and Human Recourse Directors.
- Resources: Chapter 119.071, Government-in-the-Sunshine Manual, Florida Attorney General’s Office.

**Public records include (but are not limited to):**

- All paper documents maintained by County employees or County officials, including any archived documents stored in private or public facilities.
- All electronic records relating to County business whether generated on work or home computers, phones, other electronic devices including, but not limited to, email, text, or voicemail.
- All materials made or received by the County in connection with official business which are used to perpetuate, communicate, or formalize knowledge.
- Draft documents, whether on paper or electronic once they have been sent to or circulated to another person or persons.

**The following are not public records:**

- Personal emails, text messages, social media messages, or substantially similar communications that **do not** involve official business of the County.
- Draft documents that have not been circulated to another person or persons.
- Personal note concerning County business unless they are circulated or sent to others or if they were taken with the intention to perpetuate, communicate, or formalize knowledge.



## **RETENTION POLICY**

Nassau County uses the General Records Schedules published by the Division. The retention schedules establish the minimum retention requirements for administrative and program records common to most governmental agencies in Florida. Records **MAY NOT** be destroyed before the recommended retention in the general schedules. The retention schedules do not require destruction of records when retention has been met, but departments are strongly encouraged to follow the recommended retention in the general schedules. The following schedules are used by the BOCC departments:

**\*GS1-SL – State and Local Government Agencies**

**GS-8 – Fire Departments**

**GS-14 – Public Utilities (NAU)**

**GS-15 – Public Libraries**

(\* for use by all departments)

A copy of the above schedules can be obtained from the Records Management Liaison Officer or the Florida State Department Records Management website at <http://dlis.dos.state.fl.us/recordsmgmt/publications.cfm>

Retention Types:

- Anniversary year (AY)
- Calendar year (CY)
- Fiscal year (FY)
- Obsolete, Superseded, or Administrative value is lost (OSA)
- Triggering event
- Permanent

The above retention types apply to the “record copy”. It is very important that the retention type (FY, AY, CY) is documented when setting retention, as it may affect the disposition date. The retention for ALL duplicates is OSA. The record shall be retained beyond retention in the following instances:

- Active or anticipated litigation
- Audit pending
- Public records request within the last 30 days
- Administrative need to retain

Records Liaisons are responsible for assigning the appropriate record series and retention to records. Any questions should be directed to the Records Management Liaison Officer.

The Nassau County Clerk of Court is the Official Record Keeper for many administrative records for the Board of County Commissioners. Records sent to the Clerk’s Office for action are the record copy (ex: payroll, official minutes, disbursement records, just to name a few). While many personnel may choose to keep duplicates for a period of time for quick reference, retaining duplicates past one year is unnecessary, and takes up valuable storage space.

#### Individual Records Schedule

If there is no applicable schedule for a record, an Individual Records Schedule may be requested for a record or records that are unique to a particular agency. A “Request for Records Retention Schedule” form must be completed and submitted to the Records Management Liaison Officer for submittal to the Division for approval. Contact the Records Management Liaison Officer with any questions.

## **RECORDS STORAGE**

Active records shall be filed/stored within the department electronically, if possible, for easy accessibility.

When records are placed in “inactive” status, the records may be placed in storage.

### **STORAGE OPTIONS**

**Retention of 5 years or less:** Individual Department or Electronic

**Retention 5-10 years or Permanent:** Records Management Center

An inventory form and “Transmittal and Receipts for Records Storage” form shall be completed and forwarded to Records Management. **See Exhibits (4) and (5)**

Boxes and labels for storage at the records center are provided by Records Management. **See Exhibit (6)**

A Record Request form shall be submitted to Records Management Liaison Officer to retrieve any records from the Records Management Center. **See Exhibit (7)** Departments should allow two to three business days for retrieval of records from storage.

### **RECORDS DISPOSTION**

Proper and timely destruction of records in accordance with retention schedules benefit the county with savings in storage space, reduce the need to purchase additional filing cabinets, and promote economical and efficient management of records.

- A Records Disposition Report must be completed before records that have met retention may be destroyed. **See Exhibit (8)**
- Records Management Liaison Officer monitors retention of records in storage at the Records Management Center and prepares the disposition report.
- Records Liaisons shall complete the Records Disposition Report for records stored within the department. The form shall be signed by the Department Head, and forwarded to Records Management for review, and signature by the RMLO before the records may be destroyed. It is not necessary to document records with a retention of “OSA” **except for records that have been scanned in accordance with Rule 1B-26.003, F.A.C., where the electronic version will serve as the record copy.**
- Records Management will retain the record copy of disposition documents as a permanent record.

### **DESTRUCTION**

The safest method of destruction for paper records, and the only acceptable method for exempt and/or confidential BOCC documents, is shredding. Recycling is acceptable for duplicates containing no exempt or confidential information but record copies should not be recycled as there is no way of documenting the actual date of destruction.

Records Management Liaison Officer will schedule records destruction for all departments at least once a year. An email will be sent to Department Heads with the date, time, and location.

## **ELECTRONIC RECORDS**

Electronic documents are official records in the same respect as paper documents, and their creation, maintenance, use, and disposition must be managed accordingly. The most common types of document-based electronic records are word processing files, spreadsheets, and email. Recently, electronic copies of building plans, engineering plans, and applications is becoming common.

- Filing electronic documents is much the same as paper documents. Electronic folder and subfolder should contain documents relating to the same function and have similar recordkeeping requirements (retention, disposition, access).
- Retention is applied to the contents of the entire folder, meaning the documents should be filed by record series. If it is necessary to combine record series, at a minimum, the retention must be the same. **Back-up performed by IT serves to restore data for disaster recovery purposes, not as a records retention tool.**
- Disposition and documentation of disposition of electronic records is the same as paper records, with one exception. Documentation of the volume of electronic records is annotated on the disposition report by recording the number of bytes and/or records and/or files if known, or simply writing “electronic” in the appropriate column. See **Exhibit (8)**
- To ensure electronic storage resources are managed efficiently, Records Liaisons should review all electronic records annually and perform recommended disposition by schedule.

### **EMAIL**

**“The real problem with managing emails is not that they are so fundamentally different than other forms of records and documents... it is simply because there are just so many of them and they are so easy to create, replicate and distribute!” (Gulf Coast ARMA Chapter Seminar, 2006)**



- Email is not a record series but a communication media. The retention is based on the content. In many cases, the email serves as an envelope for the attachment with the email.
- Retaining all emails, or any records, paper or electronic, “**just in case...**” or “**we might need it one day**”, is not a legitimate reason to retain records.
- Many people believe it is not necessary to dispose of electronic records specifically, because server space is inexpensive. Yet, the savings agencies could see by scanning and retaining records according to the retention schedules may be lost if purchasing new equipment, software, and additional space becomes necessary to store the electronic records.

A large number of emails received and sent can be categorized into two records series:

**Correspondence and Memoranda: Administrative, GS1-SL, Item #17**

This record series consists of routine correspondence and memoranda of a general nature that are associated with administrative practices but that do not create policy or procedure, document the business of a particular program, or act as a receipt. See also “CORRESPONDENCE AND MEMORANDA: PROGRAM AND POLICY DEVELOPMENT,” “DIRECTIVES/POLICIES/PROCEDURES,” and “INFORMATION REQUEST RECORDS.”  
**These records may have archival value.**

Retention:

- a) Record copy. 3 fiscal years. **State agencies must contact the State Archives of Florida for archival review before disposition of records. Other agencies should ensure appropriate preservation of records determined to have long-term historical value.**
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

**Transitory Messages, GS1-SL, Item #146**

This record series consists of records that are created primarily to communicate information of short-term value. “**Transitory**” refers to **short-term value based upon the content and purpose of the message, not the format or technology used to transmit it.** Examples of

transitory messages include, but are not limited to, reminders to employees about scheduled meetings or appointments; most telephone messages (whether in paper, voice mail, or other electronic form); announcements of office events such as holiday parties or group lunches; and recipient copies of announcements of agency-sponsored events such as exhibits, lectures, workshops, etc. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction. Or become a receipt.

**Retention:**

- a) Record copy. Retain until obsolete, superseded, or administrative value is lost.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

If email is not managed on a regular basis, it can become overwhelming very quickly due to the volume received daily.

Email may be retained electronically or printed out and retained as a hard copy. Retention schedules apply regardless of how the email is maintained.

**If you are questioning if a message is transitory, please contact the Records Management Liaison Officer to discuss with the County Attorney before destruction.**

**EXHIBITS**

- (1) RESOLUTION 2022- 148
- (2) PUBLIC RECORDS REQUEST INVOICE
- (3) PUBLIC RECORDS REQUEST CERTIFICATION
- (4) RECORDS STORAGE INVENTORY FORM
- (5) RECORDS CENTER TRANSMITTAL AND RECEIPT FOR RECORDS STORAGE
- (6) RECORDS CENTER BOX LABEL
- (7) RECORDS REQUEST
- (8) RECORDS DISPOSITION REPORT



**CERTIFICATION**

I HEREBY CERTIFY that I am the Public Records Point of Contact for the Nassau County \_\_\_\_\_ Department. I have reviewed the request of \_\_\_\_\_ (Person Making Request) and:

(Initial)

\_\_\_\_\_ The Nassau County \_\_\_\_\_ Department has no records responsive to the Request.

\_\_\_\_\_ Documents responsive to the Public Records Request in the possession and purview of the Nassau County \_\_\_\_\_ Department are attached hereto and are all inclusive.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Signature  
Public Records Point of Contact  
\_\_\_\_\_ Department

<b>GOVT ENTITY: NASSAU COUNTY BOCC</b>	<b>DEPT NAME:</b>
<b>RETENTION PERIOD:</b>	<b>BOX NUMBER:</b>
<b>SCHEDULE #:</b>	<b>DATE INVENTORIED:</b>
<b>RECORDS SERIES TITLE:</b>	
<b>RECORD SERIES #:</b>	<b>RECORD DATE:</b>
GENERAL DESCRIPTION, PURPOSE & USE OF RECORD (INCLUDE DATE(S), ANY AUDIT REQUIREMENTS, FORMS, OR OTHER RELATED DATA TO IDENTIFY THIS RECORD):	

**RECORD COPY**             **DUPLICATE**  
*(IF DUPLICATE, INDICATE LOCATION OF THE RECORD COPY IN DESCRIPTION)*

**LOCATION OF THIS RECORD:**

**PRIMARY PURPOSE:**  
**ADMINISTRATIVE**           **LEGAL**                             **FISCAL**

**FORMAT OF RECORD: (CHECK ALL THAT APPLY)**  
       **PAPER**  
       **MICROFILM**  
       **ELECTRONIC (MAGNETIC DISK, OPTICAL IMAGE, CD, DVD, ETC.)**  
       **OTHER (AUDIO, VIDEO, PHOTOGRAPHIC, ETC.)**

**VITAL RECORD?**       

**HIPPA RECORD?**       

**ANY OTHER CONFIDENTIAL OR RESTRICTED DATA ON THIS RECORD?**       

**CITE STATUE EXEMPTION, CODE OR LEGISLATION:**

**SIGNATURE OF PERSON TAKING INVENTORY** \_\_\_\_\_

**PRINTED NAME** \_\_\_\_\_

**DATE ELIGIBLE FOR DESTRUCTION:** \_\_\_\_\_

**DATE RECORD DESTROYED:** \_\_\_\_\_







**RECORDS CENTER, NASSAU COUNTY**

**\*\* Please Print \*\***

**DEPARTMENT NAME:**

**NAME OF RECORD:**

**DATE RANGE:**

**FROM;**

**TO:**

**CONTENTS:**

**ROW:**

**SHELF:**

**BOX:**

**DESTRUCTION DATE:**

**RECORD REQUEST**

**Date:** \_\_\_\_\_

**File Number:** \_\_\_\_\_

**File Name:** \_\_\_\_\_

**Storage Location:** \_\_\_\_\_  
(if known)

**Box Number:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Questions/Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RECORDS MANAGEMENT USE ONLY**

**Date Request Received:** \_\_\_\_\_ **Location of Record:** \_\_\_\_\_

**Date Retrieved:** \_\_\_\_\_ **Date Returned to Storage:** \_\_\_\_\_

**Signature of receiver:** \_\_\_\_\_

<b>REPORT #</b>	<b>RECORDS DISPOSITION REPORT</b>	PAGE 1 OF 1 PAGES
<b>1. AGENCY: NASSAU COUNTY BOCC</b>		
<b>2. CONTACT (Name and Telephone Number)</b>  <b>BOARD OF COUNTY COMMISSIONERS YULEE, FLORIDA 32097 (904) 530-6010</b>		<b>5. SUBMITTED BY:</b> I hereby certify that the records to be disposed of are correctly represented below. That any audit requirements for the records have been fully justified, and that further retention is not required for any litigation pending or imminent.  _____ Signature <span style="float: right;">Date</span>
		Printed Name of Department Head/Representative
		<b>6. NOTICE OF INTENTION</b> The scheduled records listed in Item 7 are to be disposed of in the manner checked below (specify only one):
		<input checked="" type="checkbox"/> a. Destruction <span style="margin-left: 100px;"><input type="checkbox"/> b. Microfilming and Destruction</span> c. Other:

**7. LIST OF RECORD SERIES**

a. Schedule No	b. Item No.	c. Title		d. Inclusive Dates	e. Volume in Cubic Feet	f. Disposition Action and Date Completed After Authorization

<p><b>8. DISPOSAL AUTHORIZATION</b> Disposal for the above listed records is authorized. Any deletions or modifications are indicated.</p> <p>_____ Amber Jordan Records Management Liaison Officer <span style="float: right;">Date</span></p>	<p><b>9. DISPOSAL CERTIFICATE:</b> The above listed records have been disposed of in the manner and on the date shown in column f.</p> <p>_____ Signature <span style="float: right;">Date</span></p> <p>_____ Name and Title</p> <p>_____ Witness</p> <p><b>NOTE:</b> Upon deposition retain this form for your records.</p>
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