

Notice of Proposed Rule

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:

1B-24.003 Records Retention Scheduling and Disposition

PURPOSE AND EFFECT: Revision to General Records Schedule GS3 For Election Records.

SUMMARY: The proposed amendment incorporates a revised GS3 Elections Records retention schedule. The revisions update the records series in the GS3 to provide clarity and guidance in recordkeeping requirements for Election Records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification because it is not anticipated to have an adverse impact.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 119.021(2)(a), 257.35(7), 257.36, FS.

LAW IMPLEMENTED: 119.021(2)(b)-(d), 257.35, 257.36, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jon Morris, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, jon.morris@dos.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-24.003 Records Retention Scheduling and Disposition.

(1) The Division issues General Records Schedules which establish minimum retention requirements for record series common to all agencies or specified types of agencies based on the legal, fiscal, administrative, and historical value of those record series to the agencies and to the State of Florida. The General Records Schedules established by the Division, which can be obtained at <http://dos.myflorida.com/library-archives/records-management/general-records-schedules/>, are incorporated by reference:

(a) General Records Schedule GS1-SL for State and Local Government Agencies (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12098>, eff. 08/20).

(b) General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12702>, eff. 02/21).

(c) General Records Schedule GS3 for Election Records (~~XXXXX~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-05000>, eff. XX/XX 2/19/15).

(d) General Records Schedule GS4 for Public Hospitals, Health Care Facilities and Medical Providers (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12099>, eff. 08/20).

(e) General Records Schedule GS5 for Public Universities and Colleges (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05002>, eff. 2/19/15).

(f) General Records Schedule GS7 for Public Schools Pre-K-12 and Adult and Career Education (<https://www.flrules.org/Gateway/reference.asp?No=Ref-10357>, eff. 2/21/19).

(g) General Records Schedule for Fire Departments (Schedule GS8)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12100>, eff. 08/20).

(h) General Records Schedule GS9 for State Attorneys

<https://www.flrules.org/Gateway/reference.asp?No=Ref-05005>, eff. 2/19/15).

(i) General Records Schedule GS11 for Clerks of Court

<https://www.flrules.org/Gateway/reference.asp?No=Ref-05006>, eff. 2/19/15).

(j) General Records Schedule GS12 for Property (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05007>, eff. 2/19/15).

(k) General Records Schedule GS13 for Tax Collectors

<https://www.flrules.org/Gateway/reference.asp?No=Ref-10358>, eff. 2/21/19).

(l) General Records Schedule GS14 for Public Utilities (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12101>, eff. 08/20).

(m) General Records Schedule GS15 for Public Libraries

<https://www.flrules.org/Gateway/reference.asp?No=Ref-05010>, eff. 2/19/15).

(2) through (12) No change.

Rulemaking Authority 119.021(2)(a), 257.35(7), 257.36 FS. Law Implemented 119.021(2)(b)-(d), 257.35, 257.36 FS. History—New 2-20-01, Amended 1-18-09, 2-19-15, 7-27-17, 4-21-19, 8-6-20, 2-14-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy Johnson, Director Division of Library and Information Services.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Laurel M. Lee, Secretary of State.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 2, 2021.