



## Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** May 5, 2015

**Subject:** Records Retention

**Prepared By:** Commissioner Bob Anderson

**Sponsored By:** Commission

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**Background:** Staff is working to comply with Florida Public Records Retention laws. My concern is how this will affect property (street file) information that is more than 10 years old. The history of a property - variances, permits, upgrades such as impact windows and doors, fines, liens, etc. are crucial pieces of information especially when properties change hands.

**Fiscal/Budget Impact:** To be determined depending on how records will be preserved.

**Recommendation:** Commission discussion regarding how best to preserve these records.



Date: May 1, 2015

To: Heidi Siegel, Village Manager

From: Maria C. Camara, Village Clerk

**Re: RECORDS RETENTION**

As part of my continual education through the Florida Association of Certified Clerks (FACC) and the International Institute of Municipal Clerks (IIMC), I have attended numerous seminars and taken courses on the subject of public records management which includes:

- Statutory authority
- Records and information management
- Records retention programs

As I have obtained my professional credentials, it has been a goal of mine for the Village to be in compliance for Florida Public Records laws. The retention of public records is addressed in Florida State Statutes Chapter 119. It is consistently explained that municipalities must establish a records retention schedule as well as schedule records for disposal following the General Records Schedules from the Florida Department of State, Division of Library and Information Services. These schedules indicate the time frame (in months or years) of how long each specific record must be maintained by a municipality. Once the retention has been met, the municipality must provide for the disposal of inactive records. The schedules cover the records for:

- State and local government agencies
- Law enforcement agencies
- Elections
- Building Departments

As the retention of records and the General Records Schedules are referenced in Florida State Statutes, there must be **consistency** in the records retention program. If you follow the schedule for one record, you must follow the schedule for all records.

The following are excerpts from the Florida Department of State, Division of Library and Information Services, from ARMA International (the professional association an authority on governing information), from the University of Florida, George A. Smathers Libraries; in regards to the disposition of records:



***Risks of poor records management include:***

- *Litigation potential – all records created are potential documentation in lawsuits. Keeping records beyond their retention period or destroying documents too soon can be costly.*
- *Unnecessary expense – keeping unused documents takes up valuable storage space.*
- *Information loss – unused records can add to the retrieval time needed to find information and poorly named files can lead to lost records*

***Principle of Disposition***

- *An organization shall provide secure and appropriate disposition of in accordance with its policies, and, applicable laws, regulations and other binding authorities.*
- *At the completion of the retention period for an organization's records, the records must be designated for disposition.*

***What are the other possible problems associated with noncompliance?***

- *If you keep records beyond their retention period, you will spend money that could be available for other program needs.*
- *Your agency may not be trusted to provide for the public's right of access to public records.*
- *Without properly scheduling and disposing of records, you will not have a professional audit trail that could be beneficial in litigation.*
  - *Controversial documents are more likely to be located by opposing counsel if they are kept past retention requirements.*
  - *Opposing counsel will take advantage of a lack of organization and management of records*

Currently the Village utilizes a room in the Recreation Center that is approximately 10' x 6' for storage of records. In the new Public Safety & Administration Annex, we will acquire an 8' x 10' room for additional storage. This space will also serve as general storage for the new Village Hall.

The Village is out of compliance with Florida State Statutes Chapter 119 and the General Records Schedule. The Police Department has worked towards compliance through the use of a Miami Dade College intern over the last several months. The Building Department has records dating to the 1950s. The General Records Schedule states that building department records shall be maintained for ten years, plus one audit year. The Village is currently working with a resident volunteer to bring our building department files into compliance.



## *The Village of Biscayne Park*

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Village Staff is proposing the following next steps to safeguard compliance while addressing the concerns of residents:

- Once the building department files are in compliance, the Village will retain the records to be disposed of for six months. *(Please note that the General Records Schedule states that the Village should only retain these records for 30 days.)*
- During these six months, residents will be informed through newsletters, email blasts and other forms of communication that these records will be destroyed and if they wish to obtain a copy they may visit Village Hall.
- The General Records Schedule further states that original records of the Village may not be given away, even if they are scheduled to be disposed of; therefore, only copies of these files will be available to the public for the fees stated in Florida State Statutes Chapter 119.

Adhering to the records retention schedules and scheduling records for disposal on a regular basis must be strictly followed.