TAB 5

Law Offices

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MEMORANDUM

TO:

All Board of Trustees

FROM:

Christiansen & Dehner, P.A.

SUBJECT:

Public Records Management

DATE:

January 18, 2011

We continue to have a number of questions regarding the requirements for records retention and disposal of pension plan documents. Some requirements have changed since our memorandum in 2003. This memorandum is intended to update and clarify these requirements.

Boards of Trustees of public pension funds have some special requirements under the law regarding the storage, retention and destruction of public records. Below is an outline of the requirements of the law as provided for in Florida Statutes Chapter 257 and Florida Administrative Code Rule 1B-24.

The first responsibility of a Board is to appoint a Records Management Liaison Officer also known as an RMLO. The RMLO is the contact point between the Board and the Florida Division of Library and Information Services, the entity responsible for oversight of the records management functions of Florida local governments. The RMLO does not have to be a Trustee. The name of the designated RMLO must be provided to the Florida Division of Library and Information Services by completing and submitting the attached memorandum to the Division. A Word version of the memorandum is available on the Division's website at:

http://dlis.dos.state.fl.us/index_RecordsManagers.cfm

Second, the Board should establish and adopt a records retention schedule. Records retention schedules identify the Board's records and establishes periods of time that the records are to be retained. The Board can adopt the official Division of Library and Information Services schedule for State and Local Government Agencies (Schedule GS1-SL) or can create a Board specific schedule which has been approved by the Division. We recommend adopting Schedule GS1-SL, which can be downloaded from:

http://dlis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm

Finally, the Board will be asked to annually attest to the compliance with records disposition laws, rules and procedures.

Attached is a sample resolution of the Board of Trustees to appoint an RMLO and to adopt the GS1-SL records retention schedule. Even if the Board previously adopted a resolution we are recommending a new resolution be adopted, since the name of the retention schedule has been changed. Once completed, the resolution and the memorandum should be sent to Division of Library and Information Services, Florida Department of State, Mail Station 9A, Tallahassee, Florida 32399-0250.

Please place this on the agenda for the next meeting for Board consideration.

RESOLUTION NO. 03-01GE

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CITY OF PALMETTO GENERAL EMPLOYEES' RETIREMENT SYSTEM DESIGNATING A RECORDS MANAGEMENT LIAISON OFFICER AND ADOPTING A RECORDS RETENTION SCHEDULE:

WHEREAS, Florida Statutes §257.36 creates the Records and Information Management Program within the State Division of Library Services, which is responsible for records management;

WHEREAS, the Board of Trustees is a local governmental agency subject to the requirement of Florida Statutes §257.36;

WHEREAS, Florida Statutes §257.36 requires the Board to designate a Records Management.

Liaison Officer; and

WHEREAS, Florida Statutes \$257.36 requires the Board to establish and maintain an active and continuing program for the economical and efficient management of records;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE

SECTION 1. The Board designates Diane Ponder as the Records

Management Liaison Officer for purposes of Florida Statutes §257.36.

SECTION 2. The Board adopts the State of Florida General Records Schedule GS1-L for Local Government Agencies as its records retention schedule, to establish and maintain an active and continuing program for the economical and efficient management of records.

Adopted by the Board this 4th of August, 200 3

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ECRETARY.

Bureau of Archives and Records Management Division of Library and Information Services 500 S. Bronough Street Tallahassee, Florida 32399-0250

RECORDS MANAGEMENT COMPLIANCE STATEMENT for Fiscal Year 2009-2010

Agency ID:

N0001452

Section I Compliance Certification	This agency is in compliance with Section 257.38(5), Florida Statutes ¹ , and Rule 1B-24.003(9), Florida Administrative Code ² , for all public records regardless of media or format (e.g., paper, electronic including email, microfilm, audio, video, etc.). YesNo (Please explain and indicate areas in need of assistance on reverse side.) This agency has disposed ofcubic feet of records for the fiscal year indicated above. (It is not necessary to Indicate volume of electronic records disposed.) Agency Head Signature: Date:12-10-10 Name of Agency Head (please print): Cut Clerk Title of Agency Head (please print): Cut Clerk
- 100	Please indicate changes to Agency Information on lines provided on right.
Section II Agency Information	Current Information: Please do not erase or cover Information below. Indicate changes or additions on lines below: Agency Name: City of Palmetto General Employees' Retirement System
	Agency Head: James Freeman
Sency	Address: 516 Eighth Avenue West
Ag	Post Office Box 1209
6.	Palmetto, Florida 34220-1209
1	ection 257.36(5)(a), Florida Statutes ¹ , <u>requires</u> public agencies to designate a Records Management Liaison Officer RMLO). Please indicate changes to RMLO Information on lines provided on right. If Current Information is blank, please esignate an RMLO for your agency on lines provided on right.
Section III RMLO Information	Current Information: Please do not erase or cover information below: Indicate changes or additions on lines below:
	RMLO: Ms. Diane Ponder
	Address: , 516 Eighth Avenue West, Post Office Box 1209
	Palmetto, Florida 34220-1209
2	Phone: (941) 723-4570 Ext.:
te	ax: (941) 723-4576
·	-Mail: dponder@palmettofl.org

Section 257.36(5), Florida Statutes: "For the purposes of this section, the term "agency" shall mean any state, county, district, or municipal officer, department, division, bureau, board, commission, or other separate unit of government created or established by law. It is the duty of each agency to: (a) Cooperate with the division in complying with the provisions of this chapter and designate a records management liaison officer. (b) Establish and maintain an active and continuing program for the economical and efficient management of records."

²Rule 1B-24.003(9), Florida Administrative Code: "Public records may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division. Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per Section 92.29, F.S., Photographic or electronic copies...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: 1. Records retention schedule number; 2. Item number; 3. Record series title; 4. Inclusive dates of the records; 5. 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 6. Disposition action (manner of disposition) and date."

Please complete and return this compliance statement by December 31, 2010 to:

Department of State Records Management Program, Mail Station 9A Tallahassee, FL 32399-0250

OR

Fax to: 850,245,6795