

The Current — and Future — State of Florida Records Management

Modernizing records management for Florida agencies and local governments



Introduction

Today's hybrid work environment requires employees to use a variety of communication tools. While this empowers collaboration and productivity, it can create challenges in managing records, maintaining transparency and enabling public records requests — all with limited budgets.

Effective data management is also crucial, especially for agencies that handle sensitive information. Floridians are increasingly concerned with government transparency, so it's important to maintain — and be able to produce — accurate and complete records.

Florida agencies, local governments and elected officials that can't meet these challenges risk costly litigation and reputational damage.



Hybrid, remote work and technologies raise questions

With hybrid work becoming more common, agencies need to consider collaboration tools like Microsoft Teams that offer features such as video conversations, chat, attachment sharing, whiteboard and polling.

The increased use of smartphones has led to a surge in the use of text messaging, social media and other electronic media to communicate. This increases the data that state and local agencies must store and has created new challenges for managing and responding to open records requests.

It's vital that government agencies can capture and archive these communications.



Florida's recordkeeping requirements

When is a record a record?

The government passed the Sunshine Act in 1967 to provide the public access to government meetings and records, including agency boards or commissions, authorities of agencies, counties, municipalities, or political subdivisions. In 1992, the act was adopted into the state constitution, requiring all government bodies to follow public records laws.

Public records include documents used by the government, such as papers, photos, letters, maps, computer records, data processing software, and sound recordings. The Florida Supreme Court expanded this to include all materials used to perpetuate, communicate, or formalize knowledge related to official business.

Recently, changes have been made to the law, incorporating electronic communications such as text messages and emails as public records.

Public records requests

Timely response in providing records is required for state and local governments all over the United States. Florida law requires that an agency must respond within a “limited reasonable time.”

While the definition of a “reasonable period” may be open to interpretation, constituents and government watchdog groups won’t tolerate waiting weeks or months for records after a request. Failure to produce records in a reasonable time opens a government agency to litigation.

Challenges caused by legacy recordkeeping solutions

The state has faced compliance issues related to data management in health and human services, especially during the COVID-19 pandemic. The Florida Department of Economic Opportunities’ IT system was so outdated that it couldn’t handle the influx of data, causing issues with the unemployment system and process.

The state’s security management has also been criticized. Florida has been the target of several cybersecurity attacks, including ransomware, computer system attacks, water supply system attacks, and infrastructure-related attacks.

Florida’s agencies struggle with compliance due to insufficient compliance management platforms, inadequate data management strategies, and outdated systems.

Traditional records management solutions and workflows simply can’t keep up with these new data types, further complicating public records requests.

The future of Florida recordkeeping

In recent years, there’s been a push for public sector modernization in Florida, with an emphasis on digitization efforts, enterprise sustainability and personalized on-demand services. This is largely driven by government workers and constituents’ increasing reliance on smartphones, social media and other forms of digital communications.

Additionally, there’s a growing demand for engagement on messaging and social media platforms like texting and TikTok, which creates challenges around recordkeeping requirements.

In our webinar, [Modernizing Florida Records Management](#), we asked our audience of Florida-based government workers how they expect to address demand for new communications tools in 2023. Around 60% of respondents plan to do so as they come, based on their employee and client demand.

To address these challenges, the Florida Digital Service was created in 2020 to prioritize data interoperability and digital transformation with an emphasis on a data catalog for improved data management.

Providing transparency to Floridians through design and technology has been a goal of the Florida Digital Service. This team of technology professionals and public servants are collaborating to enhance government services within Florida. A key objective of the Florida Digital Service is to focus on data interoperability and digital transformation. It aims to improve accessibility, data sharing and analytics, and create a better digital service experience for the people of Florida.



Did you know?

Tallahassee's public records policy is a model for other agencies and local governments, as they have implemented a robust policy that includes retaining all communications through city-issued phones and tailoring policies for electronic communications. Other agencies and municipalities are now implementing electronic management solutions to prevent compliance and reputational risks and stress the importance of compliance management and risk reduction.

Improving cybersecurity

Cybersecurity and data privacy are top priorities for state and local governments, with risks increasing as government digitization efforts continue.

Florida is taking a whole-of-state approach to cybersecurity, emphasizing communication and utilizing zero-trust models. Resilient architecture and proper security measures are crucial to ensuring a strong cybersecurity posture, including solutions for modern communications and data management. It's essential to address both data privacy and security concerns, as incidents affecting both need to be tackled as one.

Updating legacy technology to cloud-based solutions — it's the law

Cloud-based solutions offer efficient and cost-effective on-demand access to resources. They provide agility, allowing agencies to quickly spin up services and pay only for what they need. This enables citizens to access services through their smartphones.

Florida's statute 282.206 requires state agencies to prioritize cloud computing solutions in their technology-sourcing strategy whenever possible. This is due to the outdated government systems and the need for streamlined, efficient on-demand services that citizens expect. Cloud services have become a must-have for Florida's agencies to deliver public services effectively.

As agencies shift from on-premise to the cloud, they need to address the constant flow of communications and data, as well as legal, privacy, and compliance issues. Cloud-based discovery applications are being sought to address these issues, and cloud services enable the long-term preservation of digital documents.

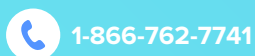


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