

MOODY RIVER ESTATES

**COMMUNITY DEVELOPMENT
DISTRICT**

October 21, 2021

BOARD OF SUPERVISORS

REGULAR MEETING

AGENDA

Moody River Estates Community Development District

OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

October 14, 2021

Board of Supervisors
Moody River Estates Community Development District

Dear Board Members:

ATTENDEES:

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

NOTE: MEETING LOCATION

The Board of Supervisors of the Moody River Estates Community Development District will hold a Regular Meeting on October 21, 2021, at 1:00 p.m., at the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.

1. Call to Order/Roll Call
2. Public Comments (*3 minutes - agenda items*)
3. Staff Report – District Engineer: *Barraco and Associates, Inc.*
 - Discussion: Stormwater Management System 20 Year Needs Analysis Pursuant to F.S. 403.9302 (2021)
4. Discussion: Scope of Inspection of Stormwater Management System and Frequency
 - A. Will Barraco and Associates, Inc., be Inspecting the Common Areas of the Master Association and the Eight Carriage and Coach Associations for Areas that are Not in Compliance with SFWMD Permit or Other Applicable Governmental Authorities
 - B. How Frequently Should the CDD be Conducting Inspections of Compliance with Stormwater Management System Elements for Compliance with SFWMD and Other Governmental Authorities
 - C. Discussion: MRE As-Builts – Cost Estimate to Secure
 - D. Discussion: MRE Design Drawings for All 21 Lakes
5. Discussion: Stormwater Maintenance Plan
 - Barraco and Associates, Inc., to Produce a More Specific Instrument/Document for MRE Stormwater Maintenance Plan Submitted to Authorities Having Jurisdiction (Independent Official Recording, Similar to Eagle Management Plan)
6. Discussion: Violation Notices and Solutions Available to Owners

- SFWMD Non-Compliance Notice
7. Update: LDO Status for Lakes 8 & 18
 8. Discussion: Contact with District Counsel
 9. Discussion: Evaluation of District Management and Vendors – Set Timeline to Complete
 10. Discussion: Amending the District’s Management Contract to Include Broader Scope of Work Checklist
 11. Discussion: Records Retention, ADA Compliance, Webmaster
 - Consideration of Resolution 2022-01, Amending Resolution 2010-04 Providing for the Appointment of a Records Management Liaison Officer, the Duties of the Records Management Liaison Officer, and Adopting a Records Retention Policy; and Providing for an Effective Date
 12. Discussion/Consideration: Consent to Use Agreement, 3300 Banyan Hollow Loop
 13. Discussion/Consideration: M.R.I. Inspection, LLC, Estimate #2963 for Lakes 9 to 12 Dewatering
 14. Discussion: M.R.I. Inspection, LLC, Update Regarding Lake #8
 15. Discussion: Request for WHA to Secure Competitive Bids to Bring All Lakes into Compliance
 - Barraco and Associates, Inc., to Prepare Scope of Work and Design Documents
 16. Discussion: Drone Assistance for Waterways – Bill Holderby, Professional Drone Pilot
 17. Discussion: Reschedule of Bill from Eagle Eye
 18. Discussion: Correspondence Regarding Review of Facilities Maintenance Agreement
 19. Discussion: Monuments
 20. Continued Discussion: Signage for Conservation Areas
 21. Discussion: Joint CDD/HOA Town Hall Meeting to Discuss Stormwater Drainage System
 22. Discussion: Draft 5 – Proposed Resolution Related to Moody River Estates East

23. Discussion: No-Call Bond Provision Alternatives
24. Discussion: Moody East – BOS to Vote to Discontinue Effort to Pursue or to Acquire
25. Discussion: Issue at Lake Bank Behind 3111 Midship Drive
26. Acceptance of Unaudited Financial Statements as of August 31, 2021
27. Approval of August 19, 2021 Public Hearings and Regular Meeting Minutes
 - Action Items
28. Staff Reports
 - A. District Counsel: *Hopping Green & Sams, P.A.*
 - I. Consideration of District Counsel Transition Letter (*to be provided under separate cover*)
 - II. District Counsel’s Opinion Regarding the Risks of the Following:
 - a. BOS Maintaining Elected Positions in the Community Under the Auspices of the HOA and Most Especially When Multiple Supervisors Maintain Such a Position Within the Same Body
 - b. Harassing HOA Residents That May Have Issues With the CDD
 - c. Failing to Follow the Advice of Legal Counsel
 - d. Holding Meetings at the Facility and Time of Canceled Workshops
 - B. District Manager: *Wrathell, Hunt & Associates, LLC*
 - UPCOMING WORKSHOP/MEETING DATES:
 - I. December 16, 2021 Workshop at 11:00 A.M.
 - II. January 13, 2022 at 6:00 P.M.
 - QUORUM CHECK


SEAT 1	Chris Jenner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 2	Edward Pike	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 3	Robert Geltner	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 4	John Teckorius	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 5	Julie Canoura	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
 - C. Operations Manager: *Wrathell, Hunt & Associates, LLC*
 - Monthly Status Report- Field Operations

○ Key Activity Dates

- 29. Public Comments (*non-agenda items*)
- 30. Supervisors' Requests
- 31. Adjournment

Should you have any questions and/or concerns, please contact me directly at 239-464-7114.

Sincerely,



Chesley E. Adams, Jr.
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

CALL IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 709 724 7992

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

3

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT
STORMWATER MANAGEMENT SYSTEM
20 YEAR NEEDS ANALYSIS PURSUANT TO F.S. 403.9302 (2021)

Initial Deadline June 30, 2022

Additional Deadlines:

June 30, 2027

June 30, 2032

June 30, 2037

June 30, 2042

STEP 1: DEVELOP NEEDS ANALYSIS	
(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:	
403.9302(3) (a) to (g)	
(a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.	<p>District Information</p> <p>The Moody River Estates Community Development District is a local, special-purpose government entity authorized by Chapter 190 of the Florida Statutes as amended, and established on November 9, 2004 by Lee County Ordinance #04-20 as an alternative method of planning, acquiring, operating and maintaining community-wide improvements in planned communities.</p> <p>The Moody River Estates Community Development District is a local, special-purpose government entity authorized by Chapter 190 of the Florida Statutes as amended, and established on November 9, 2004 by Lee County Ordinance #04-20 as an alternative method of planning, acquiring, operating and maintaining community-wide improvements in planned communities.</p> <p>The Moody River Estates CDD encompasses an area of approximately 308 acres located in Lee County, Florida. The District is surrounded by residential subdivisions as well as Skyline Drive to the South; Hancock Bridge to the North and West; and Moody Road to the East.</p> <p>A Community Development District (CDD) provides the 'solution' to Florida's need to provide valuable community infrastructure generated by growth, ultimately without overburdening other governments and their taxpaying residents. CDDs represent a major advancement in Florida's effort to manage its growth effectively and efficiently. This</p>

		allows a community to establish higher construction standards, meanwhile providing a long-term solution to the operation and maintenance of the community's facilities.
	(b) The number of current and projected residents served calculated in 5-year increments.	Moody River Estates 775 Moody River Estates East ??
	(c) The current and projected service area for the stormwater management program or stormwater management system.	The Moody River Estates CDD encompasses an area of approximately 308 acres located in Lee County, Florida. The District is surrounded by residential subdivisions as well as Skyline Drive to the South; Hancock Bridge to the North and West; and Moody Road to the East.
	(d) The current and projected cost of providing services calculated in 5-year increments.	\$?
	(e) The estimated remaining useful life of each facility or its major components.	Identify and list major components and useful life of each:
	(f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.	\$?
	(g) The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.	
	STEP 2: SUBMIT TO LEE COUNTY	
	(4) Upon completing the requirements of subsection (3), each municipality or special district shall <u>submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its stormwater management program or stormwater management system is located.</u>	
	STEP 3: COUNTY FILES WITH SECRETARY OF ENVIRONMENTAL PROTECTION AND THE COORDINATOR OF THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH	
	403.9302(4) ...Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document. The county shall file the compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.	
	STEP 4: STATE AGENCY ANALYZES AND COMPLETES STATEWIDE ANALYSIS	
	403.9302(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.	

The 2021 Florida Statutes

Title XXIX PUBLIC HEALTH

Chapter 403 ENVIRONMENTAL CONTROL

403.9302 Stormwater management projections.—

(1) The Legislature intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a 20-year needs analysis.

(2) As used in this section, the term:

(a) “Facility” means any equipment, structure, or other property, including conveyance systems, used or useful in connection with providing a stormwater management program or stormwater management system.

(b) “Stormwater management program” has the same meaning as provided in s. 403.031(15).

(c) “Stormwater management system” has the same meaning as provided in s. 403.031(16).

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.

(b) The number of current and projected residents served calculated in 5-year increments.

(c) The current and projected service area for the stormwater management program or stormwater management system.

(d) The current and projected cost of providing services calculated in 5-year increments.

(e) The estimated remaining useful life of each facility or its major components.

(f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.

(g) The local government’s plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its stormwater management program or stormwater management system is located. Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document. The county shall file the compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

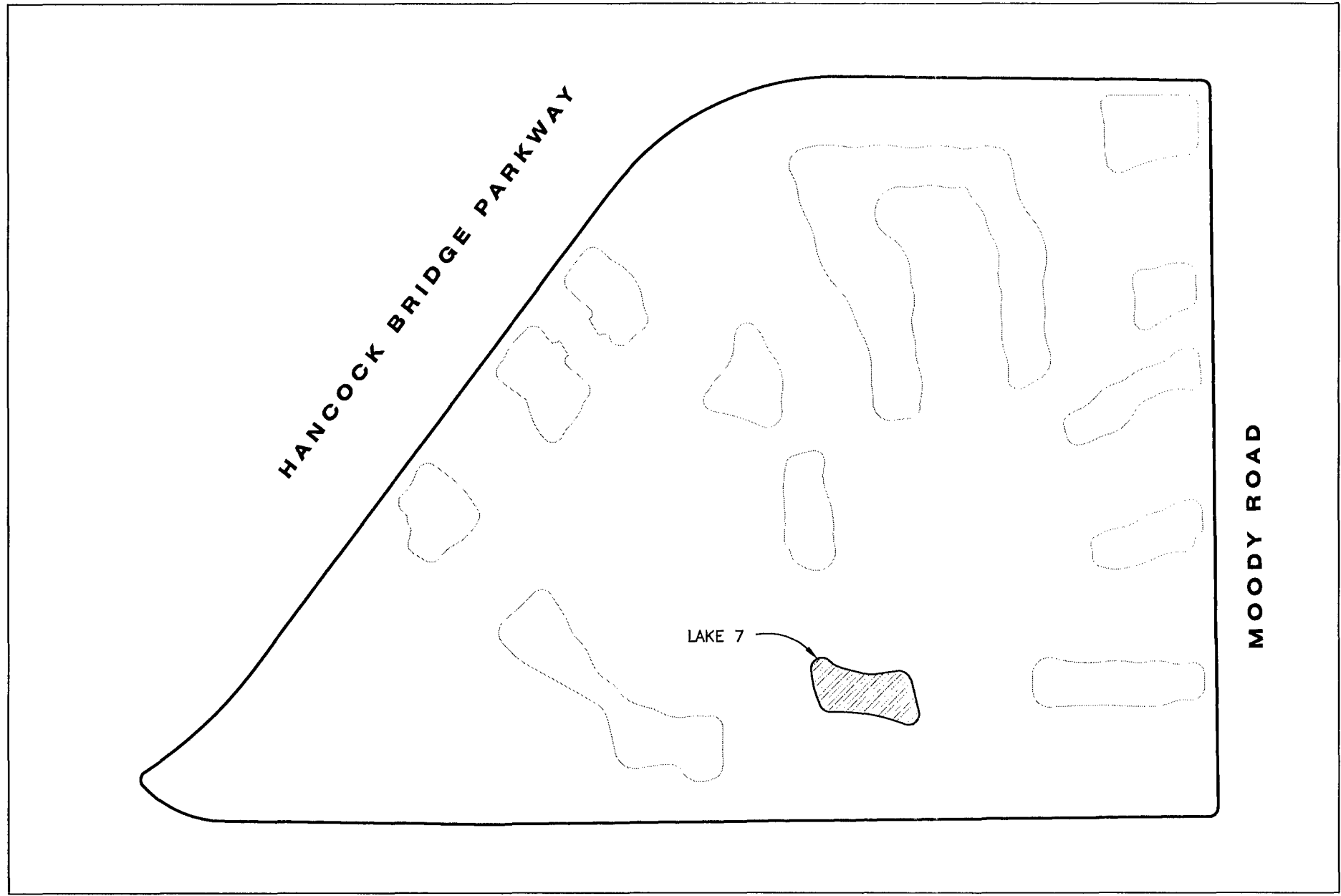
(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

History.—s. 5, ch. 2021-194.

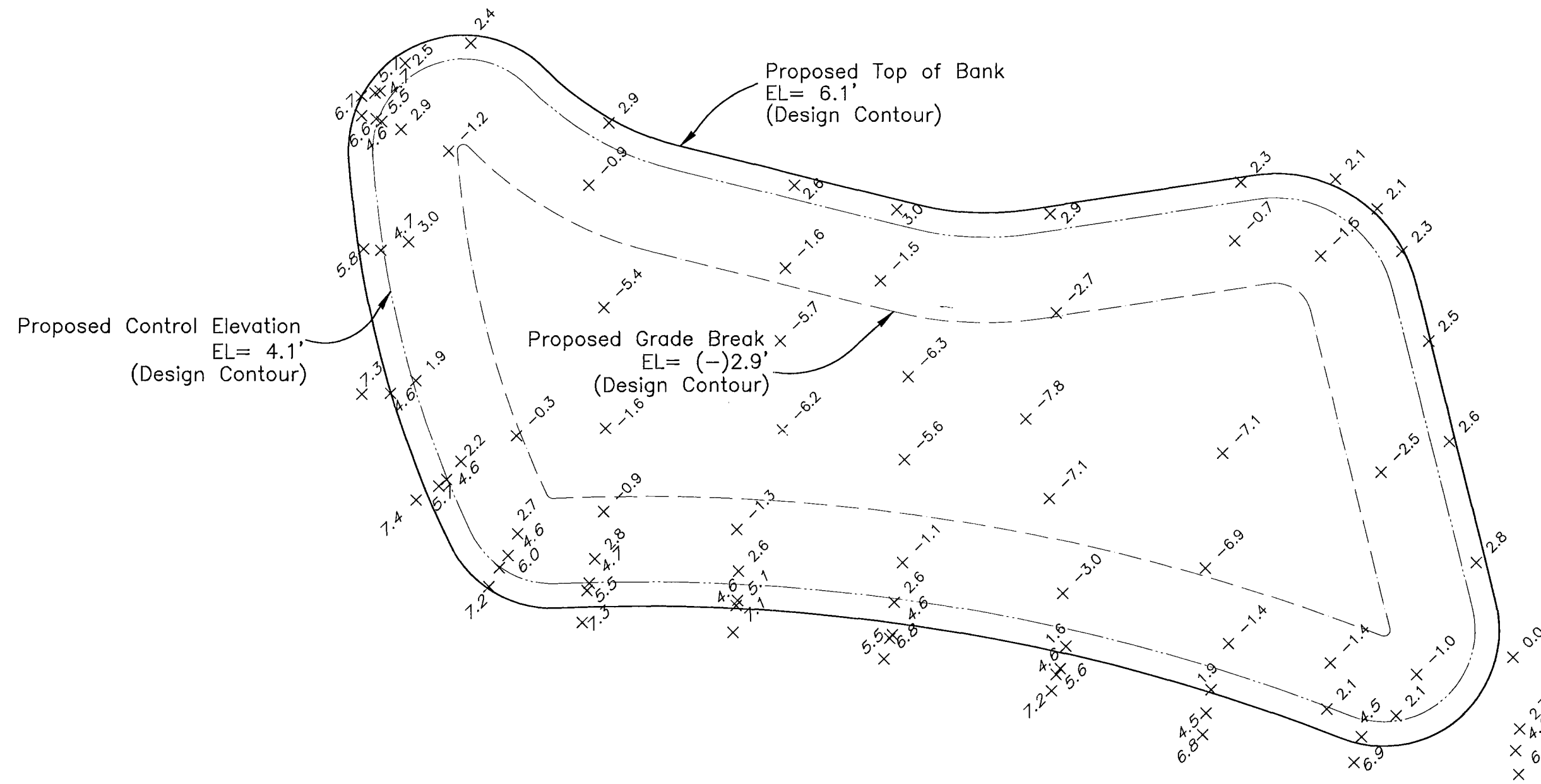
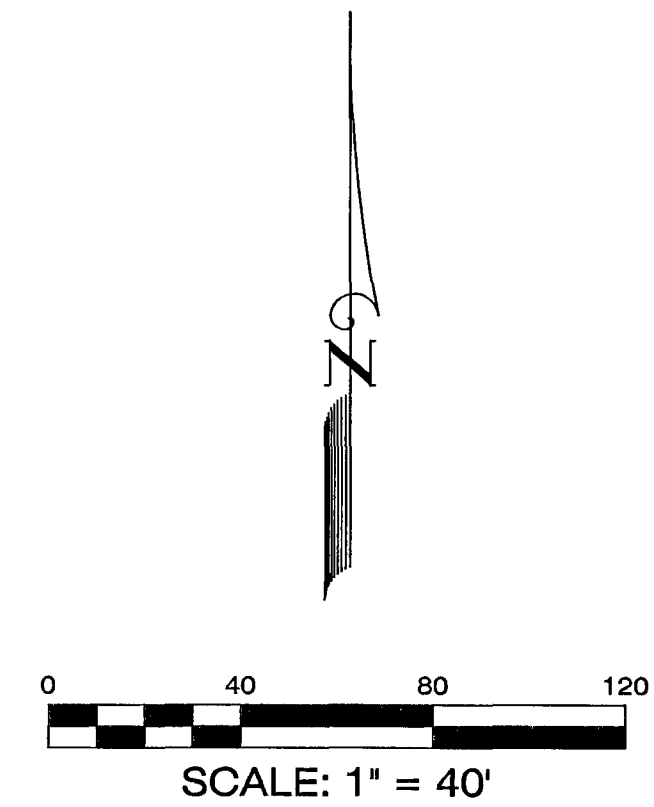
MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

4C

RECEIVED
MAR 29 2006
PERMIT COUNTER



VICINITY MAP
(NOT TO SCALE)



LAKE 7

LAKE 7 LIES IN THE FOLLOWING PARCEL:

MOODY RIVER ESTATES UNIT 2 (Tract LK-6), a subdivision recorded in Plat Book 83 at page 14, of the Public Records of Lee County, Florida.

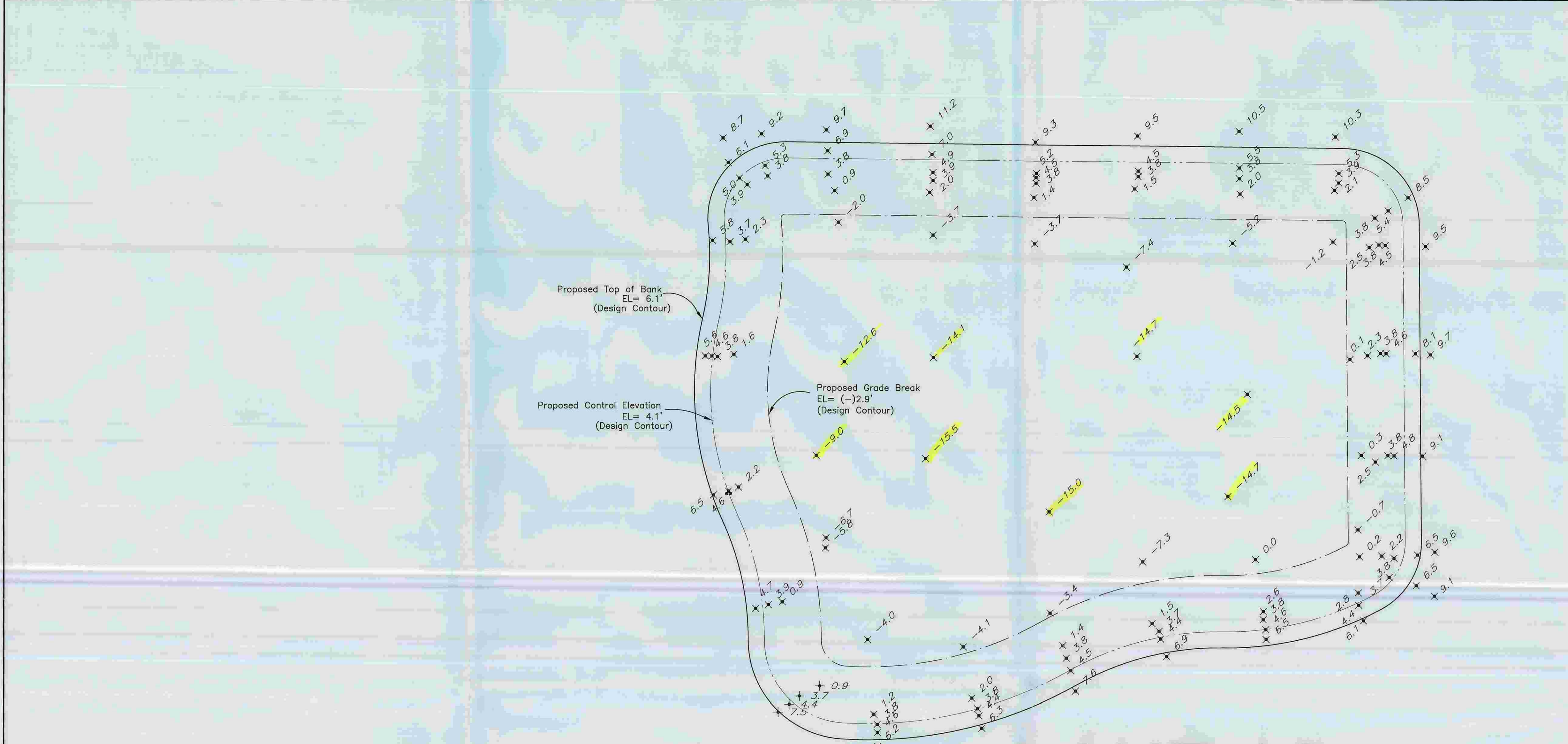
SURVEY NOTES:

1. This survey provided to Lee County in accordance with the approved Deep Lake Management Plan for Moody River Estates. Spot elevation shown with design contours for comparison.
2. The purpose of this survey is to show the depths and bank elevation cross-sections of Lake 7 as excavated.
3. The elevations shown relate to the National Geodetic Vertical Datum (NGVD) of 1929.
4. Elevation were derived from National Geodetic Survey Benchmark designation # X 244, Elevation of 15.64' NGVD 1929.

RECEIVED
MAR 29 2006

AS-BUILT SURVEY BATHYMETRIC SURVEY

Prepared For: COLONIAL HOMES			
SURVEYOR'S CERTIFICATE This certifies that a survey of the herein described property was made under my supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, Pursuant to Section 472.027, Florida Statutes. <i>James N. Wilkison</i> 3/29/06 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER JAMES N. WILKISON LICENSE NO. LS4876			
PREPARED BY: HEIDT & ASSOCIATES, Inc. Tampa ♦ Fort Myers CIVIL ENGINEERING PLANNING SURVEYING ENVIRONMENTAL PERMITTING LANDSCAPE ARCHITECTURE FL Myers Office 3800 Colonial Blvd # 200 Ft. Myers, Florida 33912 Phone: 239-482-7275 FAX: 239-482-2103			
No.	Date	Description	Dwn.
REVISIONS			
SHEET 1 OF 1 SHEETS			
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		Last Date of Field Survey: 9/13/05	
Dwn.: KAE		Ck.: JNW	P.C.: LB
Date: 09/30/05		Order No.: COL-MR-011	
SEC. 9 & 10, TWP. 44 S., RGE. 24 E.			



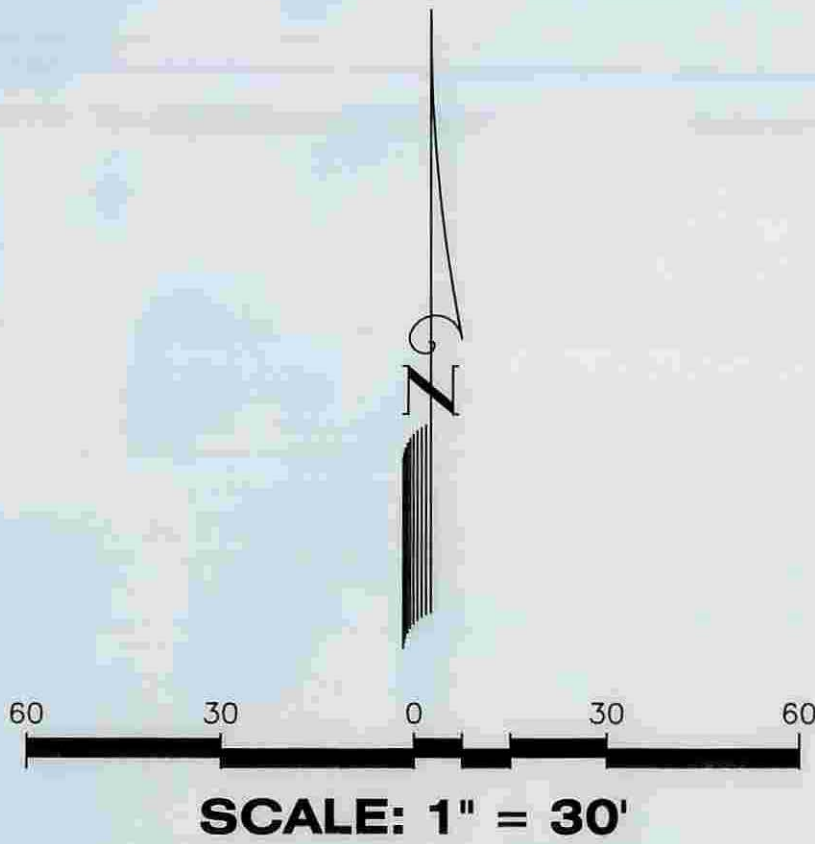
LAKE 10 LIES IN THE FOLLOWING PARCEL:

MOODY RIVER ESTATES (Tract E), a subdivision recorded in Plat Book 79 at page 60, of the Public Records of Lee County, Florida.

SURVEY NOTES:

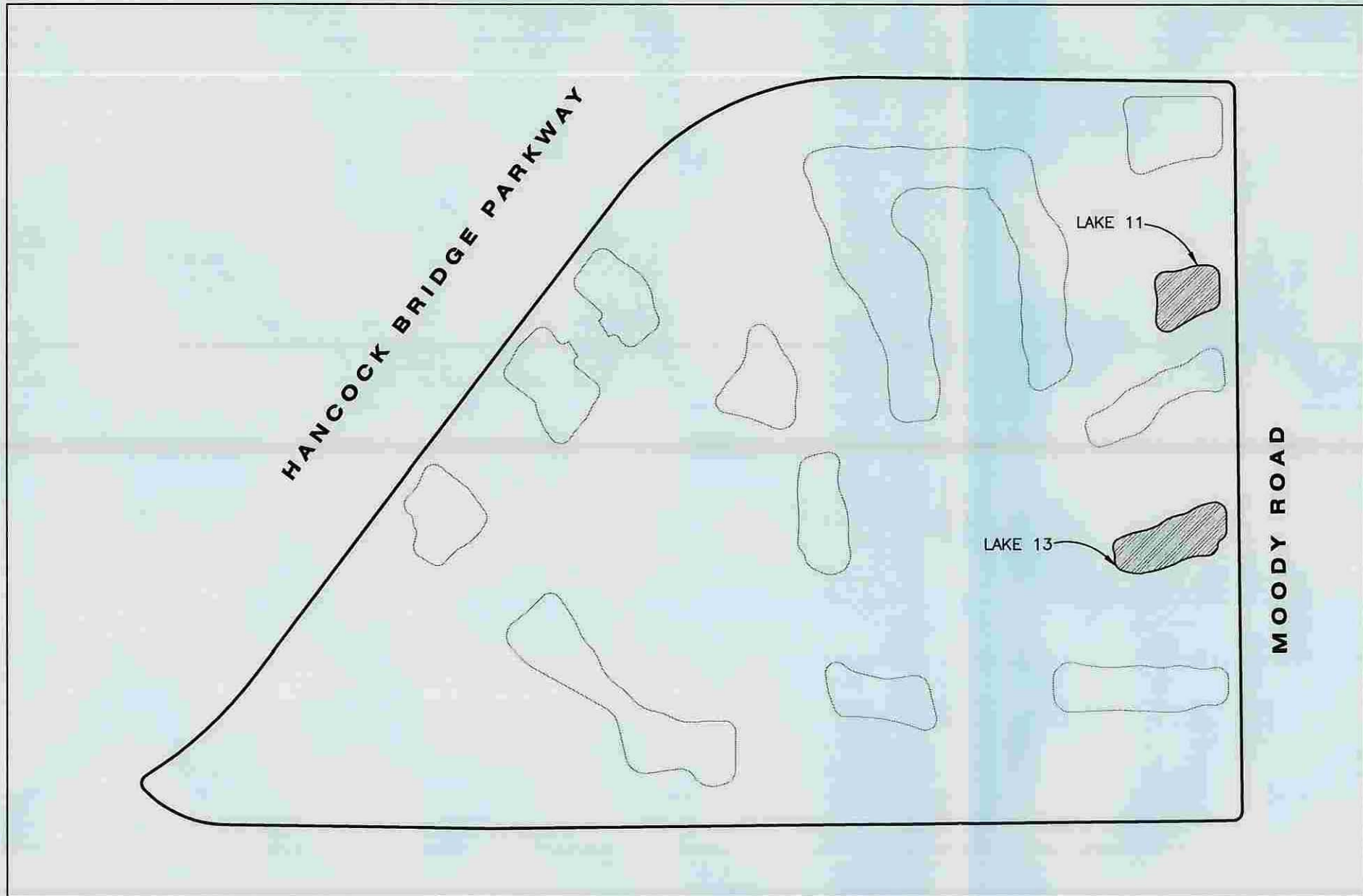
1. This survey provided to Lee County in accordance with the approved Deep Lake Management Plan for Moody River Estates. Spot elevation shown with design contours for comparison.
2. The purpose of this survey is to show the depths and bank elevation cross-sections of Lake 10 as excavated.
3. The elevations shown relate to the National Geodetic Vertical Datum (NGVD) of 1929.
4. Elevation were derived from National Geodetic Survey Benchmark designation # X 244, Elevation of 15.64' NGVD 1929.

LAKE 10

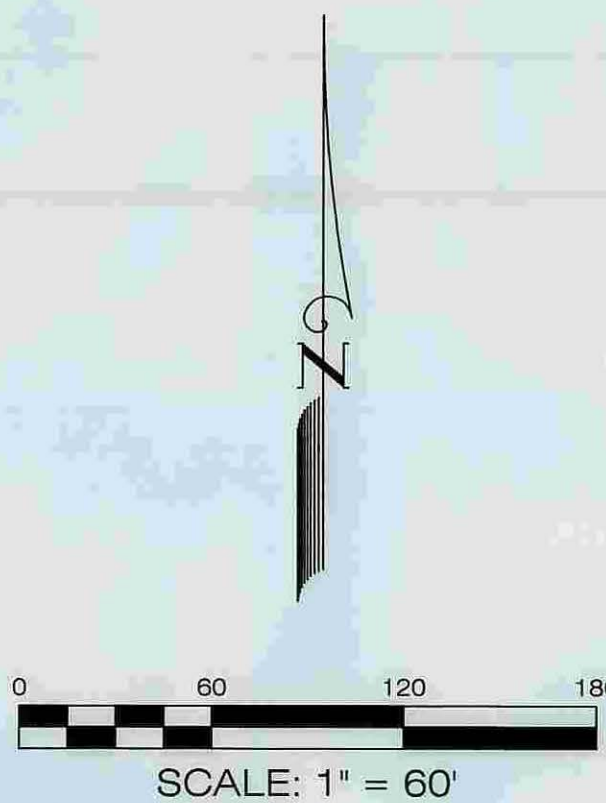
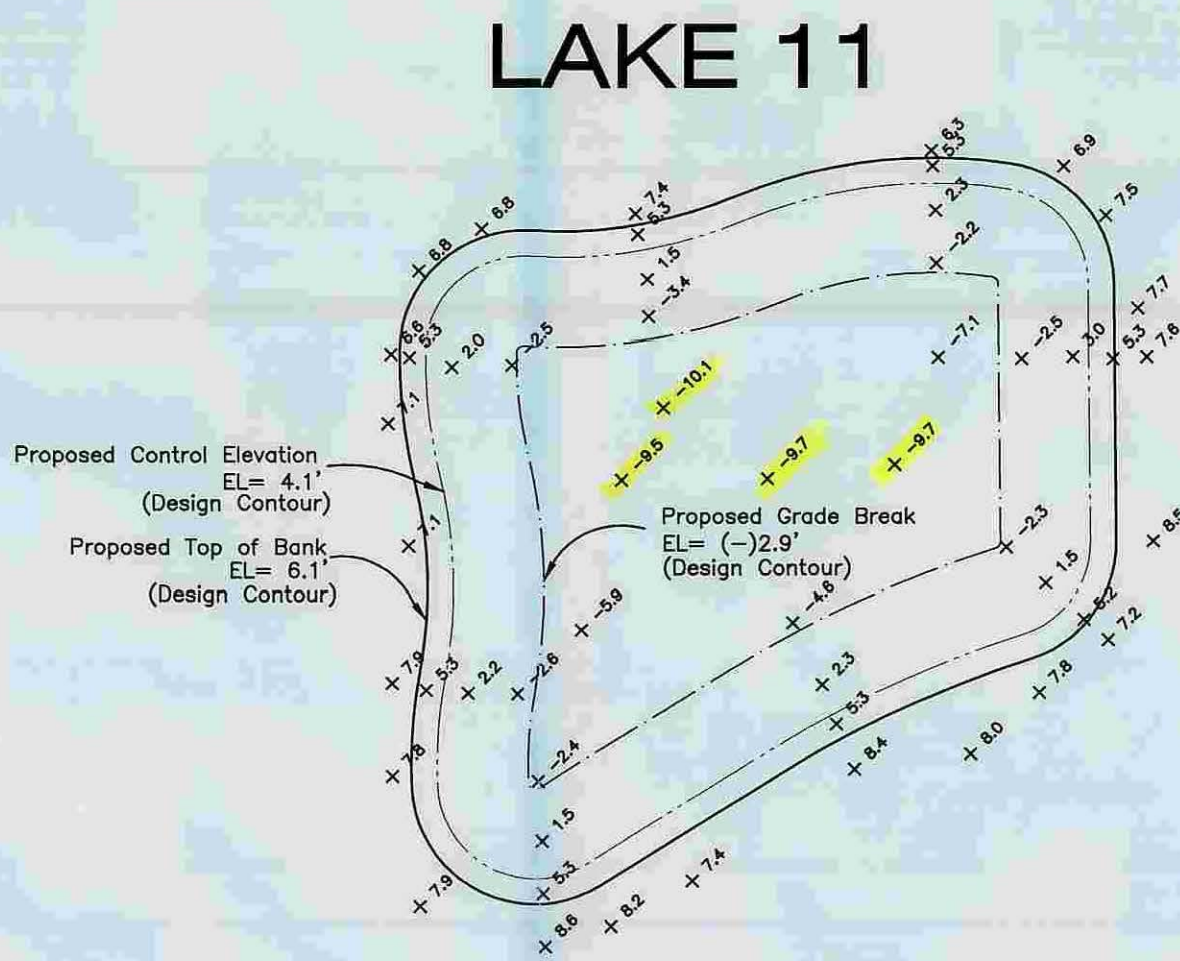


AS-BUILT SURVEY
BATHYMETRIC SURVEY

Prepared For: COLONIAL HOMES			SURVEYOR'S CERTIFICATE This certifies that a survey as described herein was made under my supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-1 Florida Administrative Code, Pursuant to Section 472.027, Florida Statutes. <i>[Signature]</i> FLORIDA PROFESSIONAL SURVEYOR AND MAPPER JAMES N. WILKISON LICENSE NO. LS4876		
PREPARED BY: HEIDT & ASSOCIATES, Inc. Tampa ♦ Fort Myers			CIVIL ENGINEERING PLANNING SURVEYING ENVIRONMENTAL PERMITTING LANDSCAPE ARCHITECTURE Fort Myers Office 3800 Colonial Blvd Suite 200 Fort Myers, Florida 33912 Phone: 239-482-7279 Fax: 239-482-2103		
Date	Description	Dwn.	THIS SURVEY NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYORS SEAL.	Dwn.: KAE Date: 09-17-05	Chk.: JNW P.C.: L.B. Order No.: COL-MR-011
REVISIONS			G-LAKE16-ASBLT		
SHEET 1 OF 1 SHEETS			Last Date of Field Survey: 09-14-05		
			SEC. 9 & 10, TWP. 44 S., RGE. 24 E.		



VICINITY MAP
(NOT TO SCALE)



LAKE 11 LIES IN THE FOLLOWING
PARCEL:

MOODY RIVER ESTATES (Tract E), a
subdivision recorded in Plat Book 79 at
page 60, of the Public Records of Lee
County, Florida.

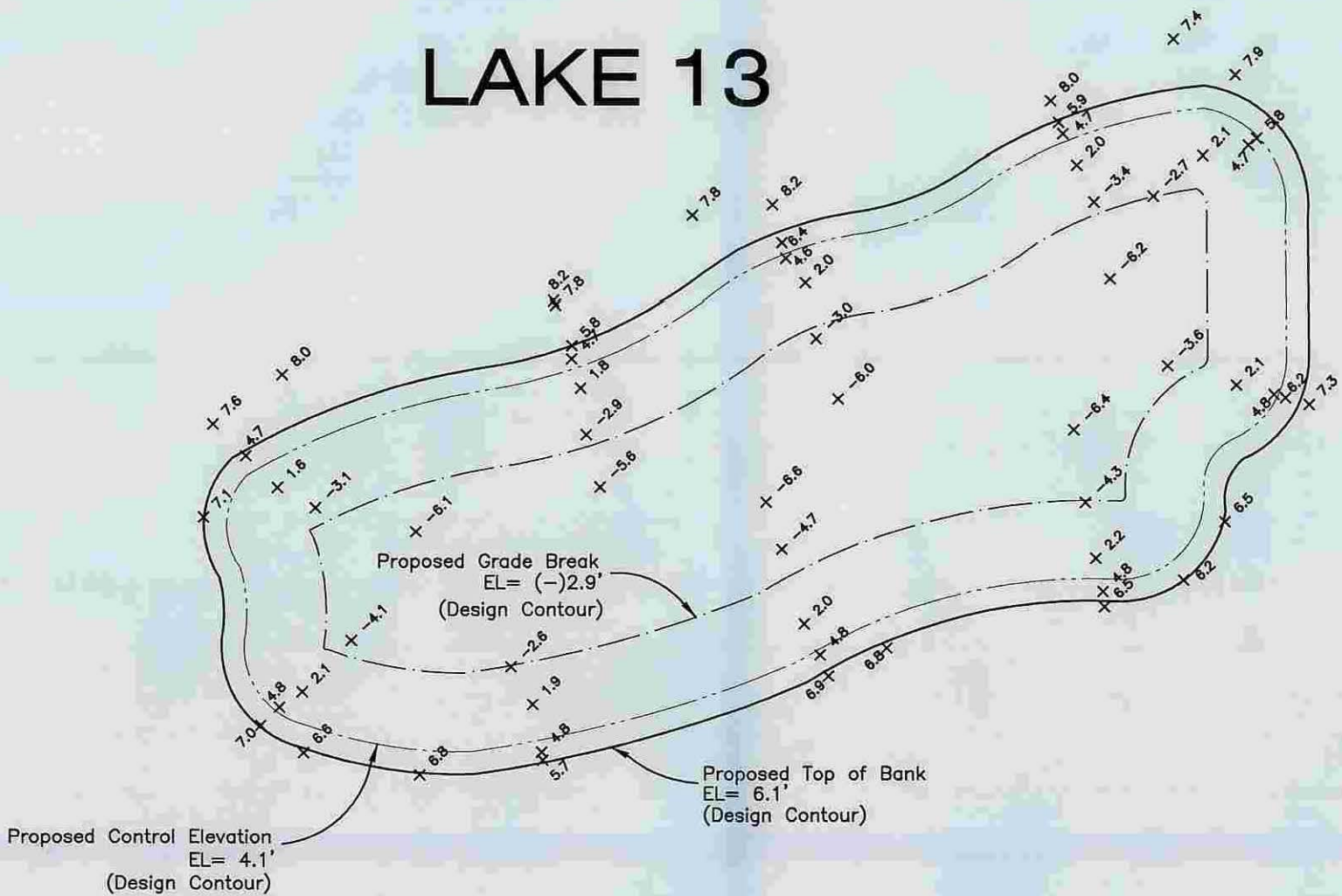
LAKE 13 LIES IN THE FOLLOWING
PARCEL:


MOODY RIVER ESTATES UNIT 2 (Tract
LK-13), a subdivision recorded in Plat
Book 83 at page 14, of the Public
Records of Lee County, Florida.

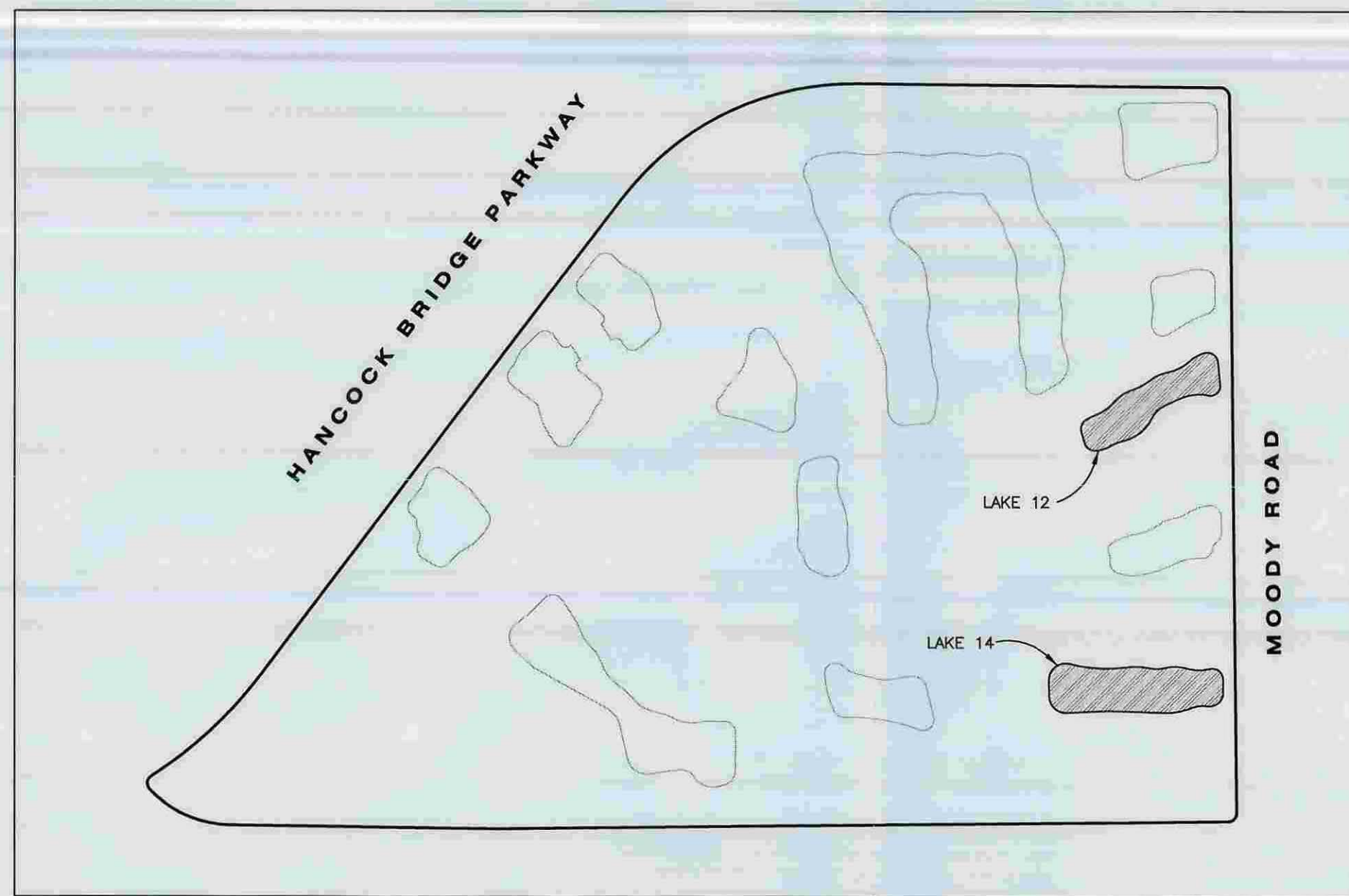
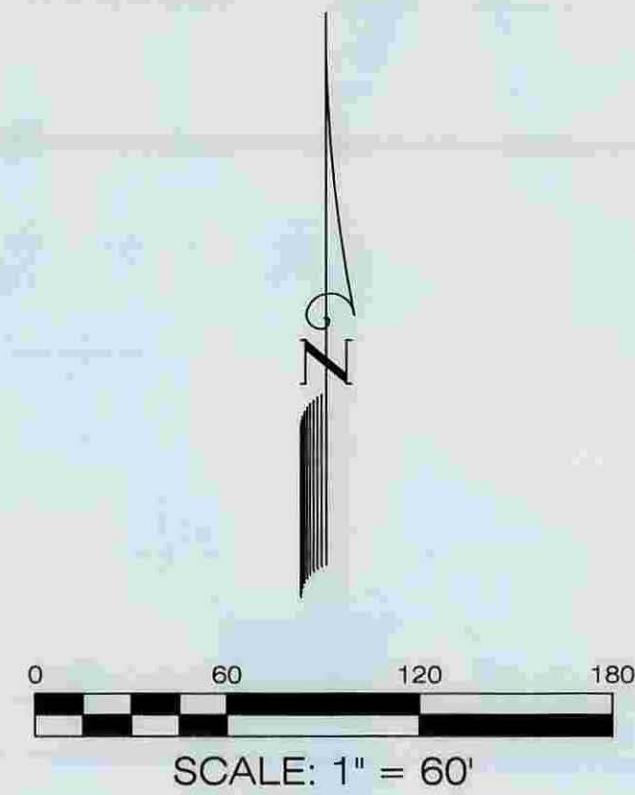
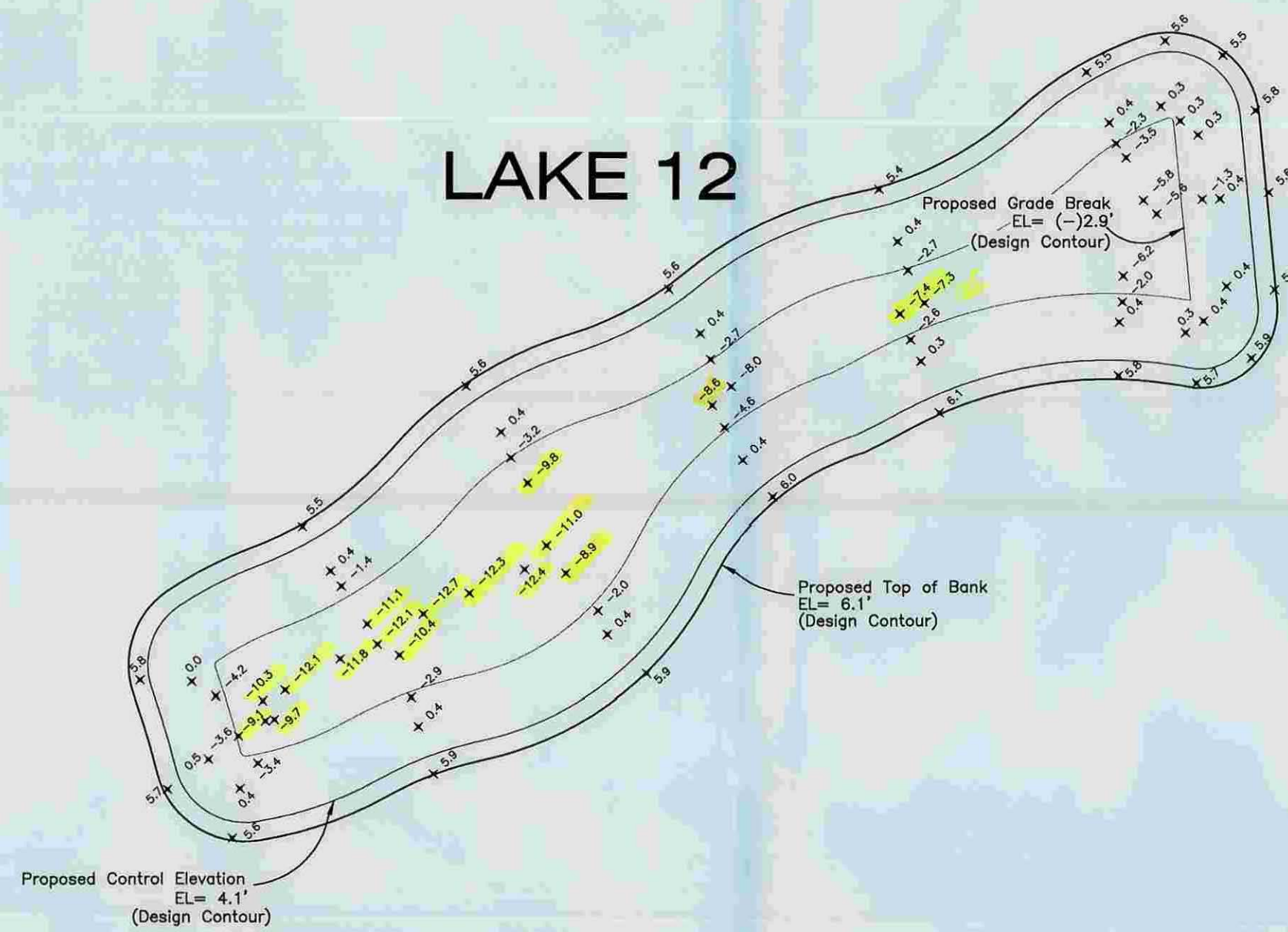
SURVEY NOTES:

1. This survey provided to Lee County in
accordance with the approved Deep Lake
Management Plan for Moody River Estates. Spot
elevation shown with design contours for
comparison.
2. The purpose of this survey is to show the
depths and bank elevation cross
—sections of Lakes 11 & 13 as excavated.
3. The elevations shown relate to the National
Geodetic Vertical Datum (NGVD) of 1929.
4. Elevation were derived from National Geodetic
Survey Benchmark designation # X 244,
Elevation of 15.64' NGVD 1929.

AS-BUILT SURVEY
BATHYMETRIC SURVEY



				Prepared For: COLONIAL HOMES			
				SURVEYOR'S CERTIFICATE		PREPARED BY: HEIDT & ASSOCIATES, Inc. Tampa ♦ Fort Myers	
				This certifies that a survey of the herein described property was made under my supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, Pursuant to Section 472.027, Florida Statutes.			
				JAMES N. WILKISON 9/29/05		CIVIL ENGINEERING Ft. Myers Office PLANNING 3800 Colonial Blvd # 200 SURVEYING Ft. Myers, Florida 33912 ENVIRONMENTAL PERMITTING Phone: 239-482-7275 LANDSCAPE ARCHITECTURE FAX: 239-482-2103	
				FLORIDA PROFESSIONAL SURVEYOR AND MAPPER JAMES N. WILKISON LICENSE NO. LS4876			
1	09/27/05	UPDATE LAKE #11	KAE				
No.	Date	Description	Dwn.				
REVISIONS				NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		Dwn.: SRU Chk.: RLH P.C.: HH MR-LKS11-13	
				Last Date of Field Survey: 9/13/05		Date: 10-07-04 Order No.: COL-MR-010	
SHEET 1 OF 1 SHEETS						SEC. 9 & 10, TWP. 44 S., RGE. 24 E.	



VICINITY MAP
(NOT TO SCALE)

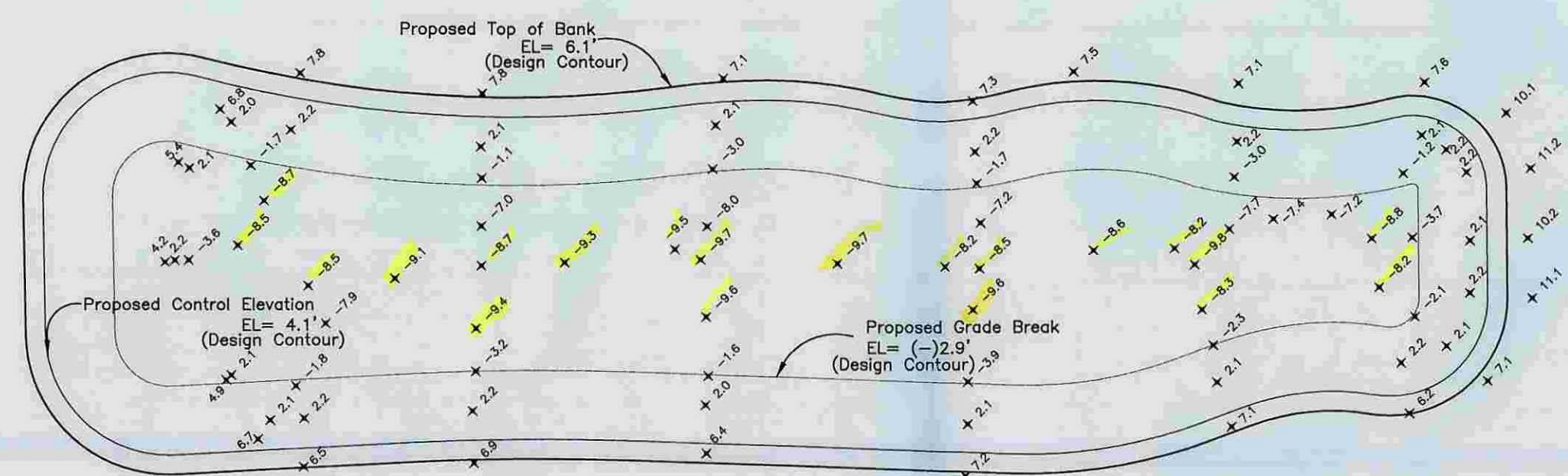
LAKES 12 & 14 LIE IN THE FOLLOWING
PARCEL:

MOODY RIVER ESTATES UNIT 2 (Tracts
LK-12 & LK-14), a subdivision recorded
in Plat Book 83 at page 14, of the
Public Records of Lee County, Florida.

SURVEY NOTES:

1. This survey provided to Lee County in accordance with the approved Deep Lake Management Plan for Moody River Estates. Spot elevation shown with design contours for comparison.
2. The purpose of this survey is to show the depths and bank elevation cross—sections of Lakes 12 & 14 as excavated.
3. The elevations shown relate to the National Geodetic Vertical Datum (NGVD) of 1929.
4. Elevation were derived from National Geodetic Survey Benchmark designation # X 244, Elevation of 15.64' NGVD 1929.

**AS-BUILT SURVEY
BATHYMETRIC SURVEY**



Prepared For: COLONIAL HOMES			
SURVEYOR'S CERTIFICATE			
This certifies that a survey of the herein described property was made under my supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, Pursuant to Section 472.027, Florida Statutes.			
 9/28/05 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER JAMES WILKISON LICENSE NO. LS4876			
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER			
REVISIONS			
No.	Date	Description	Dwn.
SHEET 1 OF 1 SHEETS			
Last Date of Field Survey: 9/13/05			
Prepared By: HEIDT & ASSOCIATES, Inc. Tampa ♦ Fort Myers			
CIVIL ENGINEERING PLANNING SURVEYING ENVIRONMENTAL PERMITTING LANDSCAPE ARCHITECTURE			
Ft. Myers Office 3800 Colonial Blvd # 200 Ft. Myers, Florida 33912 Phone: 239-482-7275 FAX: 239-482-2103			
Dwn.: KAE Ck.: JNW P.C.: HH MR-LKS12-14 Date: 9/28/05 Order No.: COL-MR-011			
SEC. 9 & 10, TWP. 44 S., RGE. 24 E.			

STR. 131 (2)

PREPARED FOR

**COLONIAL
HOMES,
INC.**

12631 WESTLINKS DRIVE
FORT MYERS, FL 33913
PHONE (239) 768-3888

PROJECT DESCRIPTION

PREMIER LIVING



MOODY RIVER
ESTATES

LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD
TIMOTHY B. GAVIN, P.E.
FOR THE FIRM
2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 70075

[Signature] 6/6/11

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FILE NAME	22949CS10 RECORD.DWG
LAYOUT	LAYOUT1
LOCATION	J:\22949\DWG\EXHIBITS
PLOT DATE	MON: 6-6-2011 - 2:13 PM
PLOT BY	WES KAYNE
DESIGN BY	

CROSS REFERENCED DRAWINGS

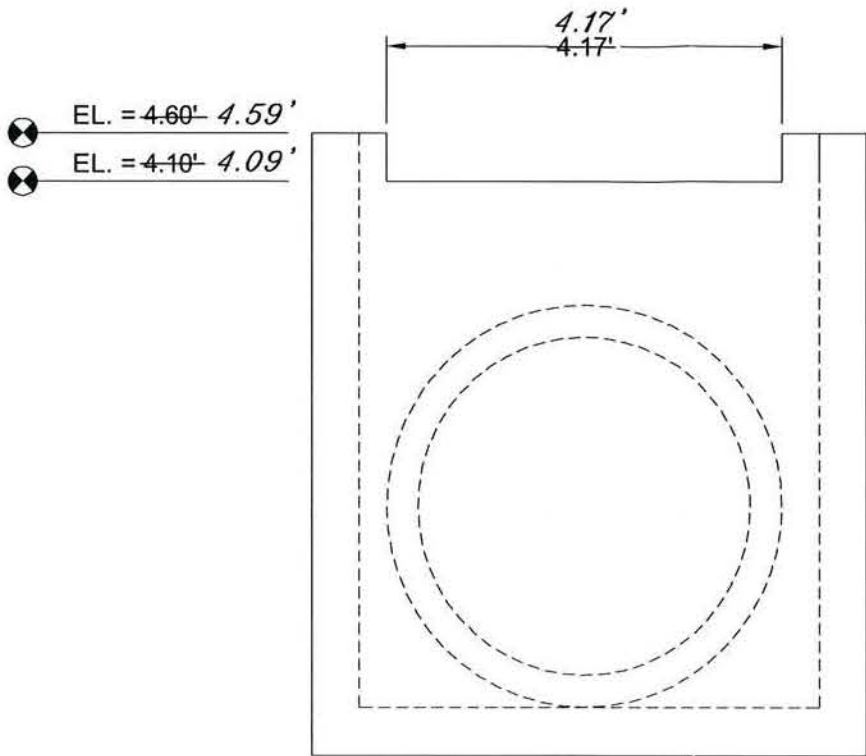
PLAN REVISIONS

PLAN STATUS

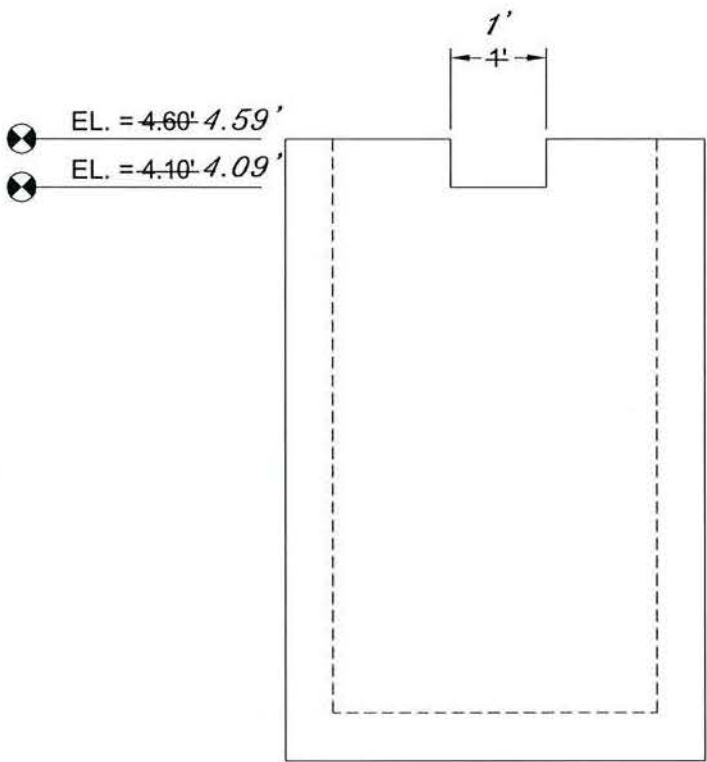
SFWMD CERTIFICATION
SUBMITTAL

**CONTROL STRUCTURE
RECORD
DRAWINGS**

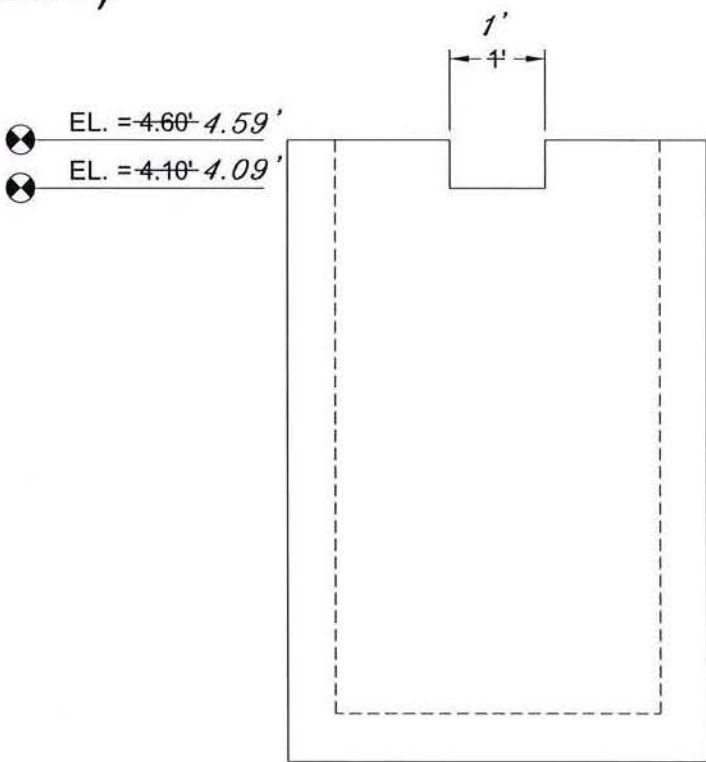
PROJECT / FILE NO.	SHEET NUMBER
22949	1 OF 3



FRONT (WEST)



SIDE (NORTH)



SIDE (SOUTH)



PREPARED FOR

**COLONIAL
HOMES,
INC.**

12631 WESTLINKS DRIVE
FORT MYERS, FL 33913
PHONE (239) 768-3888

PROJECT DESCRIPTION

PREMIER LIVING



**MOODY RIVER
ESTATES**

LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD

TIMOTHY B. GAVIN, P.E.

FOR THE FIRM

2271 MCGREGOR BOULEVARD

FORT MYERS, FLORIDA 33901

FLORIDA P.E. NO. 70072

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED

FILE NAME J:\22949\DWG\RECORD.DWG

LAYOUT LAYOUT1 (2)

LOCATION J:\22949\DWG\EXHIBITS\

PLOT DATE MON, 6-6-2011 - 2:13 PM

PLOT BY WES KAYNE

DESIGN BY

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

SFWMD CERTIFICATION
SUBMITTAL

**CONTROL STRUCTURE
RECORD
DRAWINGS**

PROJECT / FILE NO.

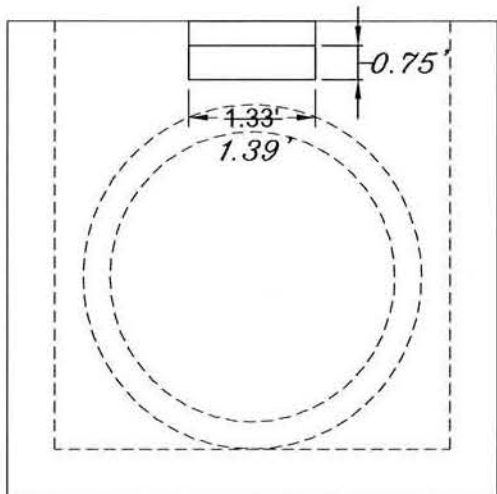
22949

SHEET NUMBER

2 OF 3

STR. 171 (3A-1)

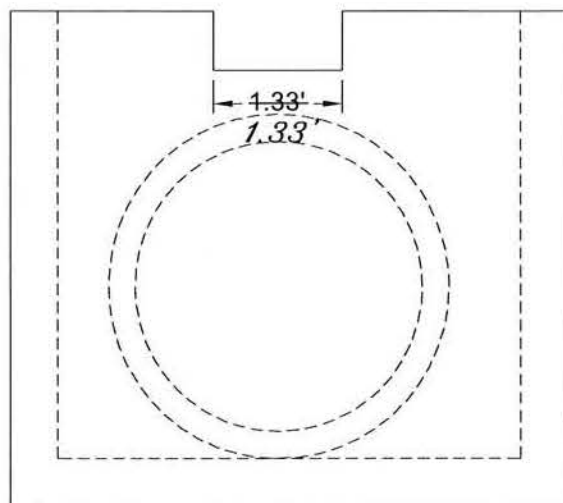
EL. = 3.34' 4.05'
EL. = 2.70' 2.65'



FRONT (SOUTHEAST)

STR. 153 (3A-2)

EL. = 3.34' 3.45'
EL. = 2.70' 2.69'



FRONT (NORTHEAST)

PREPARED FOR

**COLONIAL
HOMES,
INC.**

12631 WESTLINKS DRIVE
FORT MYERS, FL 33913
PHONE (239) 768-3888

PROJECT DESCRIPTION



PROJECT ENGINEER

ENGINEER OF RECORD:
TIMOTHY B. GAVIN, P.E.
FOR THE FIRM
2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 10175

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FILE NAME	22949CS10 RECORD.DWG
LAYOUT	LAYOUT1 (0)
LOCATION	J:\22949\DWG\EXHIBITS\
PLOT DATE	MON. 6-6-2011 - 2:14 PM
PLOT BY	WES KAYNE
DESIGN BY	

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

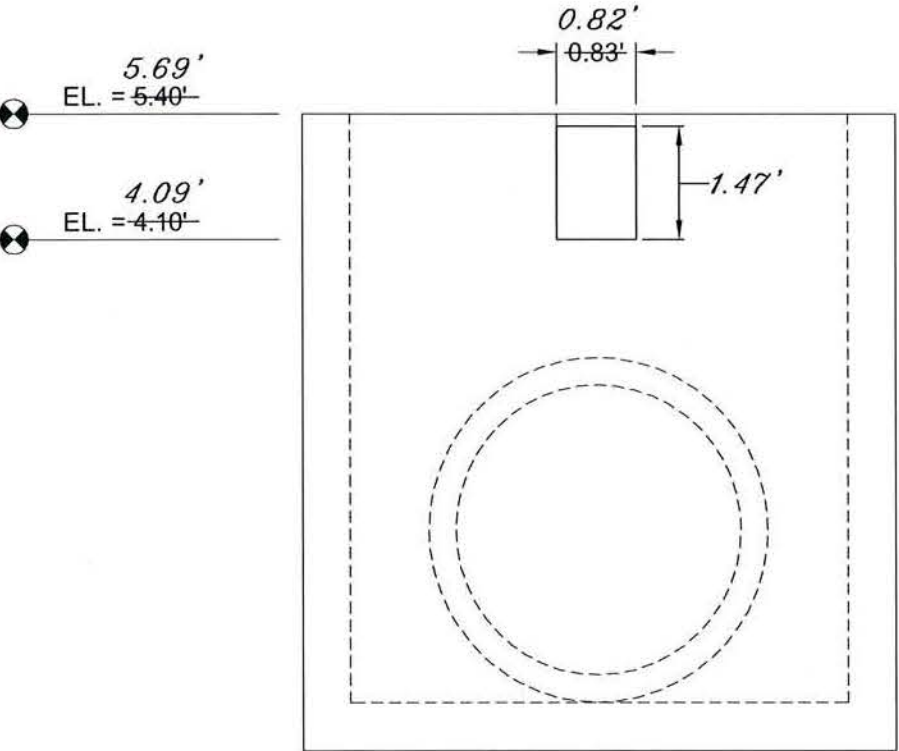
PLAN STATUS

SFWMD CERTIFICATION
SUBMITTAL

**CONTROL STRUCTURE
RECORD
DRAWINGS**

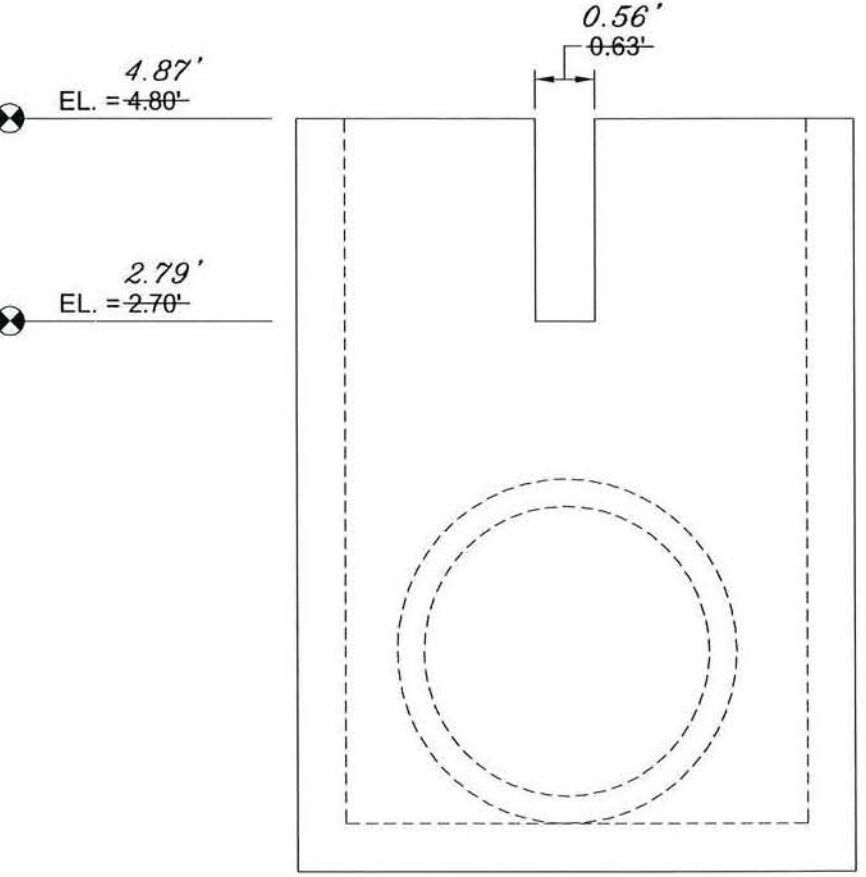
PROJECT / FILE NO.	SHEET NUMBER
22949	3 OF 3

STR. 155 (3B)



FRONT (SOUTHWEST)

STR. 186 (3C)



FRONT (EAST)

TRANSMITTAL LETTER

TO:

Becky Reide, P.E.
South Florida Water Management
District
2301 McGregor Boulevard
Fort Myers, FL 33901

FROM:

Stephen Coleman

DATE:

JUNE 7, 2011

PROJECT NUMBER

22949

PROJECT NAME:

Moody River Estates

DISTRIBUTION TO:

RE:

Certification of Construction Completion (App. 030205-15)

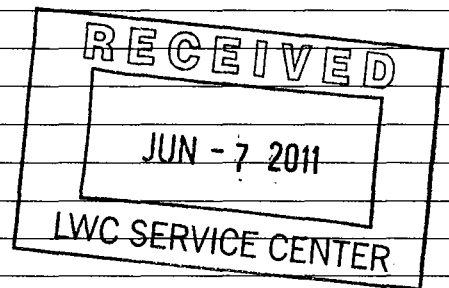
WE ARE SENDING THE FOLLOWING ITEMS VIA:

<input type="checkbox"/>	STANDARD POSTAL MAIL
<input type="checkbox"/>	OVERNIGHT DELIVERY

<input checked="" type="checkbox"/>	COURIER SERVICE
<input type="checkbox"/>	CLIENT PICK-UP AT OUR OFFICE

<input type="checkbox"/>	OTHER
<input type="checkbox"/>	

ITEM	COPIES	DATE	DESCRIPTION
1.	1	6/6/11	Signed and sealed Control Structure Exhibit.
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			



THESE ARE TRANSMITTED AS CHECKED BELOW:

<input checked="" type="checkbox"/>	AS REQUESTED
<input type="checkbox"/>	FOR YOUR USE
<input type="checkbox"/>	FOR APPROVAL
<input type="checkbox"/>	FOR REVIEW AND COMMENT

<input type="checkbox"/>	FOR BIDS DUE:
<input type="checkbox"/>	APPROVED AS SUBMITTED
<input type="checkbox"/>	APPROVED AS NOTED
<input type="checkbox"/>	RETURNED FOR CORRECTIONS

<input type="checkbox"/>	RESUBMIT ___ COPIES FOR APPROVAL
<input type="checkbox"/>	SUBMIT ___ COPIES FOR DISTRIBUTION
<input type="checkbox"/>	RETURN ___ CORRECTED PRINTS
<input type="checkbox"/>	ITEMS RETURNED AFTER LOAN TO US

NOTES/COMMENTS:

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

6



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 07, 2021

John Teckorius, Chair
Moody River Estates Community Development District
9220 Bonita Beach Road, Suite 214
Bonita Springs, FL 34135

Delivered via email

Robert Geltner, Vice Chair
Moody River Estates Community Development District
9220 Bonita Beach Road, Suite 214
Bonita Springs, FL 34135

Delivered via email

See Distribution List for Additional Recipients

**Subject: Moody River Estates
First Notice of Noncompliance
Environmental Resource Permit (ERP) No. 36-04694-P
Lee County**

Dear Board Members:

This letter is to provide notification that an inspection and file review of the above referenced project was conducted by South Florida Water Management District (District) staff with John Teckorius on July 9, 2021. This inspection and file review indicates that the project is not in compliance with the conditions of the above referenced ERP. Specifically, items that need to be addressed include the following:

1. Please re-establish the rear yard swale system, repair the berm breaches in the rear yard swale/berm, and remove any encroachments into the drainage easement for the rear yard swale.
2. Please remove the debris from the inlets and control structure.
3. Due to the age of the stormwater management (SWM) system the efficiency of the system, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity is responsible to perform periodic inspections and maintenance. Please ensure that routine inspections of the system have been documented by your engineer and that sand and sediment has been removed so that SWM efficiency has been restored.

The District requests correction of noncompliance item(s) noted above within 30 days of the date of this letter.

If you have any questions or require additional assistance, please contact Gary Koltz, P.E. at 239-338-2929 x7765 or via email at gkoltz@sfwmd.gov.

Sincerely,



Gary Koltz, P.E.
District Staff Engineer, Environmental Resource Compliance

eEnclosures: Location Map ([031118-1_Loc-Map_20210916.pdf](#))
Permit Plan Excerpts ([031118-1_Excerpts-Maps_20211005.pdf](#))
Inspection Report ([36-04694-P_ENG_InspectionRpt_20210916_Part-1.pdf](#))
Inspection Report ([36-04694-P_ENG_InspectionRpt_20210916_Part-2a.pdf](#))
Inspection Report ([36-04694-P_ENG_InspectionRpt_20210916_Part-2b.pdf](#))
Inspection Report ([36-04694-P_ENG_InspectionRpt_20210916_Part-3.pdf](#))

This document is filed in the ePermitting system under Permit Number 36-04694-P via the Application/Permit Section on the Records Search home page

Distribution List

Chris Jenner, Assistant Secretary
Moody River Estates Community Development District
9220 Bonita Beach Road, Suite 214
Bonita Springs, FL 34135

Delivered via email

Ed Pike, Assistant Secretary
Moody River Estates Community Development District
9220 Bonita Beach Road, Suite 214
Bonita Springs, FL 34135

Delivered via email

Susan Garling
Moody River HOA
3050 Moody River Blvd
North Fort Myers , FL 33903

Julie Canoura, Assistant Secretary
Moody River Estates Community Development District
3301 Midship Dr.
North Fort Myers , FL 33903

Delivered via email

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

7



Writer's Direct Dial Number: 239-533-8316

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

October 05, 2021

Cleo Adams
Wrathell, Hunt, and Associates, LLC
9220 Bonita Beach Road
Suite #214
Bonita Springs, FL 34135

RE: Moody River Estates - Lake Bank Maintenance (Lakes 8 and 18)
LDO2021-00502
Type D Limited Review

Dear Cleo Adams:

The Development Services Section has reviewed the information provided from the above-referenced Development Order application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied.

See attached checklist.

In accordance with Section 10-110 of the Land Development Code, you may redraft and submit the required documents (showing the corrections for specified deficiencies) to the Director of the Development Services Division within thirty (30) days of the date hereon or the application will be deemed withdrawn unless the applicant requests an extension and waives in writing the statutory development order review deadlines in F.S. 125.022, as it may be amended. A Request for Waiver of Statutory Development Order Review Deadlines is enclosed for your convenience. If deemed withdrawn, a new application along with appropriate fees will be required; or you have thirty (30) calendar days from the date hereon to file an appeal of this decision to the Hearing Examiner's office. Applications are available from the Development Services Division. Please notify development services staff to schedule a meeting to attempt to resolve outstanding issues.

PLEASE INDICATE THE ABOVE DEVELOPMENT ORDER NUMBER ON ANY FUTURE CORRESPONDENCE.

PLEASE RESUBMIT 1 COMPLETE SET OF REVISED PLANS ALONG WITH APPLICABLE RESUBMITTAL FEES. IF THIS APPLICATION WAS SUBMITTED DIRECTLY THROUGH EPLAN, NOTIFY ECONNECT@LEEGOV.COM WHEN YOU ARE READY TO RESUBMIT SO WE MAY OPEN THE PROJECT FOR YOUR UPLOAD. REMEMBER TO KEEP THE ORDER AND NUMBER OF DOCUMENTS THE SAME IN EACH FILE. THE FILE NAME MUST BE THE SAME AS THE FILE IT IS REPLACING.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Section

Electronically signed on 10/5/2021 by
Brittany Banker, Development Services Plan
Reviewer
Lee County Development Services

Wrathell, Hunt, and Associates, LLC
Moody River Estates - Lake Bank Maintenance (Lakes 8
LDO2021-00502
October 05, 2021

Page 2



REQUEST FOR WAIVER OF STATUTORY DEVELOPMENT ORDER REVIEW DEADLINES

Please email application to Bodom@leegov.com or submit to the Zoning counter at 1500 Monroe St. Fort Myers, FL 33901. Call 239-533-8585 with questions.

*Please provide the required information below.

*Project Case Number: _____

*Project Name: _____

*Applicant Name: _____

*Phone Number: _____

*Email: _____

In accordance with § 10-110(b) of the Lee County Land Development Code, Applicant hereby requests a waiver of the statutory development order review deadlines found in § 125.022, Florida Statutes, for the application identified above. This waiver will allow additional time for Applicant to submit, and for Lee County to review, any supplemental or corrected materials which have been deemed necessary by the Director of Development Review to substantiate compliance with Chapter 10 of the Lee County Land Development Code. Applicant acknowledges that the maximum response time, notwithstanding this waiver request, is 180 days from receipt of the notice of insufficiency. Failure to respond to Lee County's requests for supplemental or corrected materials for a period of 180 days from receipt of the notice of insufficiency will result in the application being deemed withdrawn.

*Signature

*Date

Wrathell, Hunt, and Associates, LLC
Moody River Estates - Lake Bank Maintenance (Lakes 8
LDO2021-00502
October 05, 2021

Page 3

Approval is subject to the following stipulation(s) and/or comment(s):

Environmental Comments:

Please explain what the lake bank restoration entails. The cross section illustrates a temporary backfill tube. What happens to the tube? Please explain the product and process for the restoration.

Is this lake bank restoration technique considered hardened? If so, please refer to LDC 10-418(3) for requirements for hardened shoreline.

Does either lake have existing littorals? How will the littorals be affected by the proposed restoration activity?

Please provide a table of the required littorals included previously required per the original development order and any compensatory if the restoration is considered hardened shoreline.

Please contact Abby B Henderson at AHenderson@leegov.com or by calling 239-533-8305 with any questions regarding the above review comments.

Natural Resources Comments:

Please provide an analysis of Lee Plan Policy 125.1.2.

Please contact Nicholas DeFilippo at NDeFilippo@leegov.com or by calling 239-533-8983 with any questions regarding the above review comments.

October 8th, 2021

Ms. Brittany Banker
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

Re: Moody River Estates – Lake Bank Maintenance (Lakes 8 and 18)
Request for Additional Information
LDO2021-00502
Type D Limited Review

Dear Ms. Banker:

Please accept the following information in response to your September 30th, 2021 correspondence regarding the above referenced project.

Environmental Comments; Reviewed by Abby B Henderson

Phone: 239-533-8305; Email: AHenderson@leegov.com

Comment 1:

Please explain what the lake bank restoration entails. The cross section illustrates a temporary backfill tube. What happens to the tube? Please explain the product and process for the restoration.

Response:

The temporary backfill tube is considered sacrificial and comprised of a soil tight geotextile fabric such that the contractor can reclaim material from the bottom of the lake by pumping into the backfill tube. Upon completion of reclamation the top of the tube is cut open to allow for grading of the reclaimed material to match the approved maximum lake bank slope. A portion of the geotextile remains beneath the reclaimed material. The lake bank restoration detail on sheet 5.0 has been updated to include the typical section at completion.

Comment 2:

Is this lake bank restoration technique considered hardened? If so, please refer to LDC 10-418(3) for requirements for hardened shoreline.

Response:

The proposed method utilizes the geotube as a sacrificial component of the reclamation process. As explained in response 1 this restoration technique is not considered hardened.

Comment 3:

Does either lake have existing littorals? How will the littorals be affected by the proposed restoration activity?

Response:

The lakes have existing littorals from initial development and natural

recruitment. The restoration method reduces and minimizes impacts to the littoral areas, however, any impacted littorals will be replaced if needed to achieve the minimum quantity required by the approved development order permit.

Comment 4:

Please provide a table of the required littorals included previously required per the original development order and any compensatory if the restoration is considered hardened shoreline.

Response 4:

Littoral calculations and requirements from the approved development orders have been added to sheets 3.0 and 4.0.

Environmental Comments; Nicholas DeFilippo

Phone: 239-533-8983; Email: NDeFilippo@leegov.com

Comment 1:

Please provide an analysis of Lee Plan Policy 125.1.2.

Response:

Lee Plan Policy 125.1.2 refers to “new development and additions to existing developments”. In this case, the nature of this limited review development order is lake bank maintenance to restore the slopes consistent with the original approved development orders. The material utilized is reclaimed from the lakes. Therefore, no degradation to surface or ground water quality is anticipated.

Sincerely,

BARRACO AND ASSOCIATES, INC.



Wesley Kayne, P.E.
Project Manager

WK/zd

23985

Type C Limited Review

LIMITED REVIEW DEVELOPMENT ORDER PLANS
FOR
MOODY RIVER ESTATES
LAKE BANK MAINTENANCE (LAKES 8 AND 18)

LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS	PROJECT DATUM
3050 MOODY RIVER BOULEVARD NORTH FORT MYERS, FL 33903	N/A

PERMIT REQUIREMENTS

AGENCY	STATUS	NOTES
LEE COUNTY LDO	PENDING	-

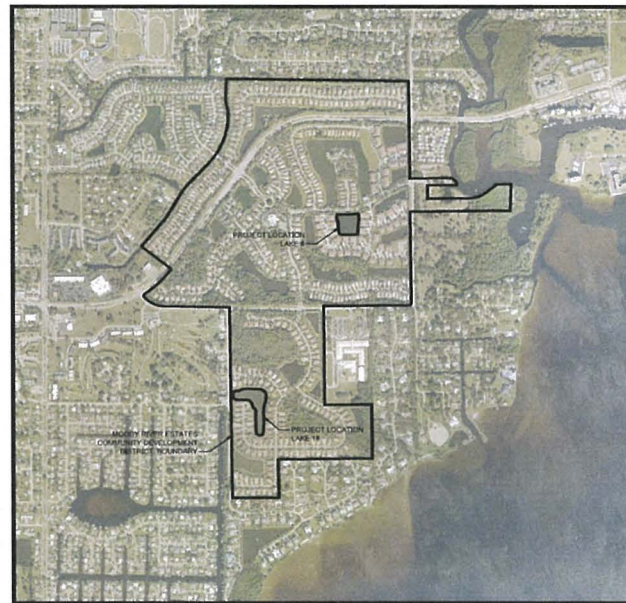
NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS
REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

DESIGN TEAM

PROJECT ENGINEER	PROJECT MANAGEMENT
CARL BARRACO, P.E.	WESLEY S. KAYNE, P.E.
DESIGN ENGINEER	PROJECT SURVEYOR
-	-
LEAD DESIGN TECHNICIAN	SITE PLANNING
W. PEYTON GAUSE III	-
DESIGN STAFF	LAND PLANNING
-	-
QUALITY CONTROL	RECORD DRAWINGS
DOUG TARN	-

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION.
THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

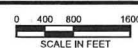
ALL DIMENSIONS ARE IN FEET.



PROJECT
LOCATION



LOCATION MAP



INDEX OF DRAWINGS

ENGINEER OF RECORDS SIGNATURE AND SEAL APPLY TO THE FOLLOWING PLAN SHEETS, EXCLUDING ANY SUPPLEMENTS.

SHEET	DESCRIPTION	XREF	DRAWING NAME
1.0	COVER SHEET AND LOCATION MAP	-	22098A01.DWG
2.0	AERIAL PHOTOGRAPH AND KEY SHEET	-	22098A10.DWG
3.0	LAKE 8 RESTORATION EXTENT	-	22098A10.DWG
4.0	LAKE 18 RESTORATION EXTENT	-	22098A10.DWG
5.0	TYPICAL SECTIONS, DETAILS, AND NOTES	-	22098A10.DWG

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	BASE LAYOUT PLAN	22098A00.DWG
B	AERIAL PHOTOGRAPH	AERIAL_2021.TIF

PLAN STATUS

APPROVAL SUBMITTAL PLANS

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net

2271 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6545

PREPARED FOR

MOODY RIVER
ESTATES
COMMUNITY
DEVELOPMENT
DISTRICT

3050 MOODY RIVER BOULEVARD
NORTH FORT MYERS, FL 33903

PHONE (239) 652-0101

PROJECT DESCRIPTION

MOODY
RIVER
ESTATES

LEE COUNTY, FLORIDA

ENGINEER OF RECORD

CARL A. BARRACO, P.E., FOR THE FIRM

FLORIDA P.E. NO. 36366 - CARL.BARRACO@BARRACO.COM

Digitally signed
by Carl A.

Barraco, P.E.

Date:

2021.10.08

14:04:28 -04'00'

(This form has been electronically signed and sealed under a
PKCS #7 authentication code.)

(Physical copies of this document are not considered signed and
sealed and the PKCS #7 authentication code must be verified on
any electronic copies.)

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THE INTERNET IS PROHIBITED.

FILE NAME: 22098A01.DWG

LOCATION: J:\22098RIVER\2021\LAKE'S 8 & 18\

PLOT DATE: FRI 15-10-2021 11:56 AM

PLOT BY: WES KAYNE

CROSS-REFERENCED DRAWINGS

MASTER: 22098A00.DWG

PLAN REVISIONS

PLAN STATUS

APPROVAL SUBMITTAL PLANS

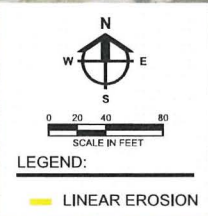
MOODY RIVER
LAKE BANK
RESTORATION

PROJECT / FILE NO.

22098

SHEET NUMBER

1.0



MOODY RIVER BOULEVARD

BLUE JASMINE DRIVE

±1,090 LF OF LAKE
BANK MAINTENANCE
(REFER TO SHEET 5.0 FOR
DETAILS AND SECTIONS)

LAKE NO. 8

SEA HAVEN COURT

SEA TRAWLER BEND

SANDY KEY BEND

LAKE 8: LITTORAL CALCULATIONS
PER APPROVED LEE COUNTY DOS2004-00087
PERIMETER: 1,090.32 LF
REQUIRED LITTORAL PLANTS AT 1 PER LF: 1,091 PLANTS
CONTRACTOR TO CONFIRM MIN. 1,091 PLANTS IN PLACE
AT COMPLETION OF LAKE BANK MAINTENANCE
REFER TO DOS2004-00234 APPROVED LANDSCAPE
PLANS FOR PLANTING REQUIREMENTS AND SPECIES

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net

2271 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33903-2800
PHONE (239) 461-3170
FAX (239) 461-3185

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6546

PREPARED FOR

MOODY RIVER
ESTATES
COMMUNITY
DEVELOPMENT
DISTRICT

3050 MOODY RIVER BOULEVARD
NORTH FORT MYERS, FL 33903

PHONE (239) 652-0101

PROJECT DESCRIPTION

MOODY
RIVER
ESTATES

LEE COUNTY, FLORIDA

ENGINEER OF RECORD

CARL A. BARRACO, P.E., FOR THE FIRM
FLORIDA P.E. NO. 36161 - CARL.BARRACO@BARRACO.NET

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NO SOLIDITY CHANGES OR ADJUSTMENTS ARE PERMITTED

FIRM NAME: J1028899WFLA0002021 LAKE'S 8 181

LOCATION: J1028899WFLA0002021 LAKE'S 8 181

PLOT DATE: FEB 15/2021 11:51 AM

PLOT BY: WES KAYNE

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

APPROVAL SUBMITTAL PLANS

LAKE 8
RESTORATION
EXTENT

PROJECT / FILE NO.	SHEET NUMBER
22898	3.0

1. ANY LITTORAL PLANTS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED WITH LIKE SPECIES.
2. ANY AREAS DISTURBED DURING THE CONSTRUCTION ACTIVITIES SHALL BE RE-GRADED AND RE-SEDED WITH THE SAME SPECIES.
3. CONTRACTOR TO UTILIZE AREAS IDENTIFIED AS "DRAINAGE EASEMENTS" D.E. AND OR LAKE MAINTENANCE EASEMENTS (L.M.E.) IN THIS EXHIBIT FOR ACCESS TO AND FROM LAKE AREAS DURING CONSTRUCTION INCLUDING BUT NOT LIMITED TO LAKE BANKS AND CONSTRUCTION ACCESS AREAS.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE OWNER'S REPRESENTATIVE TO PROTECT OR TEMPORARILY REMOVE ANY IRRIGATION WITHIN THE WORK AREAS.



* FROM PREVIOUSLY APPROVED DEVELOPMENT ORDERS



1. TEMPORARY BACKFILL TUBE(S) TO BE PLACED AND FILLED WITH RECLAIMED MATERIAL.
2. CUT TOP OF TUBE AND GRADE MATERIAL TO ORIGINAL DESIGN SLOPE.
3. COMPACT MATERIAL TO "FIRM AND UNYIELDING" CONDITION.
4. STABILIZE WITH SOD TO CONTROL ELEVATION.
5. ADDITIONAL TUBE AS REQUIRED TO ACHIEVE ORIGINAL DESIGN SLOPE.

LAKE BANK RESTORATION DETAIL

N.T.S.

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

11

State of Florida

MANAGING FLORIDA'S PUBLIC RECORDS



FEBRUARY 2021

Florida Department of State
Division of Library and Information Services
Bureau of Archives and Records Management
Tallahassee, Florida

850.245.6750

recmgt@dos.myflorida.com

info.florida.gov/records-management/

Managing Florida's Public Records

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Managing Florida's Public Records

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PREFACE

The goal of Florida's Records Management Program is to provide professional assistance to state and local government agencies in managing the records and information required to conduct the business of government. Our society generates and processes information on an unprecedented scale, intensified by rapidly advancing technology and complicated by quickly evolving principles of law governing the legality and admissibility of records created or maintained by this technology.

Managing all this information in an effective and cost-efficient manner can seem an overwhelming task. As records and information managers, we must remain educated and informed so that the decisions we make are consistent with laws and best practices.

In Florida, we are faced with yet another challenge. We must both control costs through the application of sound records and information management principles *and* apply these principles in light of the public's right to know. Florida's Public Records Law (Chapter 119, *Florida Statutes*) is one of the most open public records laws in the country and is a model for other states. Florida has had some form of a public records law since 1909 and is recognized nationally for leadership in accessibility to public records and government information.

The benefits of an effective records and information management program are many. Compliance with legal retention requirements, faster retrieval of information, space savings, fewer lost or misfiled records and reduction of expenditures for records filing equipment or storage media are just a few of the benefits agencies can realize through good records management. *Managing Florida's Public Records* is intended to serve as an introduction to records management and a guide to the ways in which Florida's Records Management Program can help you achieve your goals.

While the recommendations in this handbook reflect best practices, they are not meant to define mandatory standards. Agencies must adhere to the following mandatory standards:

- [Rule 1B-24, Florida Administrative Code, Public Records Scheduling and Disposition](#).
- [Rule 1B-26.003, Florida Administrative Code, Electronic Recordkeeping](#). This rule provides standards for the creation, utilization, maintenance, retention, preservation, storage and disposition of electronic records.
- [Rule 1B-26.0021, Florida Administrative Code, Microfilm Standards](#). This rule provides standards for microfilming public records to assure that the film, photographing methods, processing, handling and storage is in accordance with methods, procedures and specifications designed to protect and preserve such records on microfilm.

For more information, contact the Records Management Program by email at recmgt@dos.myflorida.com.

INTRODUCTION TO RECORDS MANAGEMENT

A. The objectives of records and information management.

The primary concern of Florida's Records Management Program is the efficient, effective and economical management of public records and information. Proper records management ensures that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

While the importance of records management might not be obvious to everyone, its impact on the ability of an agency to function effectively is indisputable. It is only through the operation of a well-run records management program that an agency retains control of its corporate memory, which allows an agency to conduct business.

Records management is more than the retention, storage and disposition of records. It entails all recordkeeping requirements and policies that allow an agency to establish and maintain control over information flow and administrative operations.

Records management can help answer important questions, such as:

- Where are the agency's records?
- How long are they kept?
- When are they eligible for destruction?
- On what media are they recorded?
- Are the recording media of sufficient stability to maintain the viability of the records for the duration of their retention period?
- What records are vital to the continued operation of the agency?
- Are these vital records sufficiently protected?
- What recovery procedures are in place to help the agency assemble its records and resume administrative operations in the case of a disaster?
- How should the agency manage electronic records?
- Are emails records?
- Are any of the records in the agency historically significant?

With technology constantly evolving and large quantities of records and data being created and maintained, records management is one of the key tools in assisting agencies to answer these questions and to function effectively.

Records management seeks to manage and control records throughout their entire life cycle regardless of their format, from creation, when the records are created or received; through their active life, when the records are accessed frequently (at least once a month); through their inactive life, when the records are no longer frequently accessed but have to be retained for a period of time for legal, fiscal, administrative or historical reasons; until their final disposition, be it destruction or permanent preservation.

B. The benefits of records management.

The benefits of a well-run records management operation are many:

Space savings. Space savings can be the most immediately realized benefit of a records management program, particularly for paper-based records. By implementing retention schedules and systematically destroying records that have met their retention requirements, an agency can significantly reduce the space occupied by records.

Reduced expenditures for filing equipment and storage media. Appropriate disposition of records can greatly reduce the need for filing cabinets, file folders, electronic storage media, rented storage space, etc.

INTRODUCTION TO RECORDS MANAGEMENT

Increased efficiency in information retrieval. Retrieval of information is made more efficient through improved management of paper records systems and through cost-effective and efficient implementation of electronic records management and document management systems. An added benefit of improved filing systems is the reduction of misfiles and lost records, which can result in costly and time-consuming searches to locate needed records.

Compliance with legal retention requirements and the establishment of retention requirements based on administrative, fiscal and historical values. The hallmark of a good records management program is the establishment of and adherence to retention requirements based upon an analysis of the records' legal, fiscal, administrative and historical requirements and values. In the absence of such requirements, many agencies either destroy records that should be retained or retain everything, thereby taking a legal risk or assuming unnecessary operating costs.

Protection of vital records. Records management's role in identifying vital records and in preparing a carefully designed disaster preparedness, response and recovery plan can help an agency reduce its vulnerability. The destruction of important records can cost an agency millions of dollars and threaten the agency's ability to function, thus jeopardizing its existence and the well-being of citizens who depend on that agency.

Control over creation of new records. A significant percentage of the cost of information is in records creation. Records management, forms management and reports management can help reduce the proliferation of unnecessary reports, documents and copies and at the same time improve the effectiveness of those reports and documents that do need to be created.

Identification of historical records. Records managers play a vital role in the identification and protection of historical records. They are often responsible for preserving and making available records having historical or archival value. Records management programs should include procedures for identifying and ensuring the care of Florida's documentary heritage.

RECORDS MANAGEMENT IN FLORIDA

A. Florida's Records Management Program.

Florida's Records Management Program is operated by the Bureau of Archives and Records Management, part of the Division of Library and Information Services of the Department of State. The Secretary of State is the custodian of the Great Seal of the State of Florida and the official record keeper of the state. The program's role in this organizational hierarchy is to provide guidance and assistance to local and state government agencies in establishing records and information management programs and in managing public records and the information they create and use daily. To that end, the program offers a variety of services related to records and information management:

- Establishing standards for controlling, retaining, and destroying or preserving public records.
- Providing consulting services and training in the following areas:
 - Compliance with state laws, regulations and policies.
 - Records inventory and appraisal, including archival appraisal.
 - Records retention and disposition.
 - Records storage.
 - Records preservation principles.
 - Electronic recordkeeping requirements and guidelines.
 - Vital records protection and disaster planning and recovery.
 - Managing historical records.
- Providing cost-efficient off-site records storage at the Edward N. Johnson Records and Information Center (State Records Center). State and local government agencies within 120 miles of Leon County may store non-current or inactive records at the State Records Center. This facility is equipped to store paper records, electronic media and microfilm. Electronic media and microfilm are stored in high-security temperature- and humidity-controlled vaults.

B. Regulatory mandate for records management.

(1) Chapter 257, *Florida Statutes*.

Florida's Records Management Program is a cooperative effort between the Division of Library and Information Services/Bureau of Archives and Records Management and state and local government agencies throughout Florida. Chapter 257, *Florida Statutes*, vests in the division the authority to oversee the records management functions of state and local government agencies. Specifically, Section 257.36(1)(a), *Florida Statutes*, mandates that the division will:

Establish and administer a records management program directed to the application of efficient and economical management methods relating to the creation, utilization, maintenance, retention, preservation, and disposal of records.

Section 257.36(5), *Florida Statutes*, specifies the responsibilities of state and local government agencies:

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.*

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- (b) *Establish and maintain an active and continuing program for the economical and efficient management of records.*

The designation of a Records Management Liaison Officer (RMLO) is accomplished by a communication from the agency to the division. Please refer to [Starting Your Records Management Program](#), for information regarding the appointment of an RMLO and the suggested duties of that position. See [Appendix A](#) for an RMLO designation form.

(2) Chapter 119, Florida Statutes.

To understand the vital role of records management in Florida government, one must have a basic understanding of Florida's Public Records Law, Chapter 119, *Florida Statutes*. The Public Records Law has specific provisions covering important issues such as the definition of public records, access requirements, and exemptions from access.

(a) What is a Public Record?

The definition of public records in Section 119.011(12), *Florida Statutes*, is broad and all-inclusive. The statute reads as follows:

"Public records" means 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.

The Florida Supreme Court further defined public records in a seminal 1980 legal decision, *Shevin v. Byron, Harless, Schaffer, Reid, and Associates* (379 So. 2d 633, Fla. 1980), ruling that a public record:

. . . is any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.

Any document meeting the above criteria set forth by the Court is a public record, regardless of whether it is in its final form or is designated by the agency as a "draft," "working copy" or "preliminary version." If an agency has circulated a "draft" for review, comment or informational purposes, even just internally, that draft is a public record.

To clarify this definition, the Court further ruled:

To be contrasted with "public records" are materials prepared as drafts or notes, which constitute mere precursors of governmental "records" and are not, in themselves, intended as final evidence of the knowledge to be recorded. Matters which obviously would not be public records are rough drafts, notes to be used in preparing some other documentary material, and tapes or notes taken by a secretary as dictation. Inter-office memoranda and intra-office memoranda communicating information from one public employee to another or merely prepared for filing, even though not a part of an agency's later, formal public product, would nonetheless constitute public records inasmuch as they supply the final evidence of knowledge obtained in connection with the transaction of official business.

(b) Inspection and examination of public records.

Florida's Public Records Law provides for unparalleled access to the records of government. Section 119.07(1)(a), *Florida Statutes*, states that:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

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Additionally, Section 119.01(2)(a), *Florida Statutes*, states the following regarding electronic records:

Automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.

The law does not define “reasonable time” or “reasonable public access.” Every agency should clearly define in their records management policies and procedures what constitutes reasonable times and conditions and proper supervision. Many factors will determine the “reasonable” amount of time in which an agency can respond to a request: the nature of the request, the time involved in collecting and generating the information requested, the scope and volume of material involved, the general accessibility of the records, the personnel that will be required, and the information resources necessary to gather or generate the information. All these issues should be considered when an agency develops its public records accessibility policies and procedures.

When requested to copy public records, agencies have the right to charge for those copies under the fee provisions of Section 119.07(4), *Florida Statutes*. These charges apply unless otherwise authorized by statute. In addition, the Public Records Law also allows an agency to charge a requester if the request for information will result in the extensive use of information technology resources or of clerical or supervisory assistance. Again, the law does not define “extensive use,” so each agency should indicate in their records management policies and procedures what constitutes extensive use of either staff or information technology resources.

(c) Exemptions from disclosure requirements of Florida's Public Records Law.

Not every record generated by local and state government agencies is open for inspection. Some public records are, by law, exempt or confidential and exempt from the public disclosure requirements of Section 119.07(1), *Florida Statutes*, and Section 24(a), Article I of the State Constitution.

Section 119.071, *Florida Statutes*, lists certain records that are exempt from public disclosure, usually for reasons of public safety, public health, law enforcement and/or personal privacy, and additional exemptions are specified elsewhere throughout *Florida Statutes*. However, it is important to remember two key points. First, Florida's Public Records Law emphasizes a “general state policy on public records” that says, “...all state, county, and municipal records are open for personal inspection and copying by any person” (Section 119.01(1), *Florida Statutes*). In other words, government records are open to public inspection unless *specifically exempted by law*. Second, while exempt or confidential and exempt records are exempt from the public disclosure requirements of Section 119.01, *Florida Statutes*, and Section 24(a), Article I of the State Constitution, they are *not* exempt from other legal records management requirements, such as those concerning records retention scheduling and disposition.

Electronic recordkeeping systems must have appropriate security in place to protect information that is confidential or exempt from disclosure.

See [Appendix B](#) for sources of additional information on public records access and exemption issues.

(3) Florida Administrative Code.

Florida's Administrative Code includes the following rules intended to aid agencies in establishing and maintaining a records management program:

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(a) Rule 1B-24, Public Records Scheduling and Disposition.

This rule establishes standards and procedures for the scheduling and disposition of public records to promote economical and efficient management of records. Scheduling of records also assists in the identification of records of archival value, which may ultimately result in their transfer to the State Archives of Florida (for state agency records) or to a formally established local government historical records repository (for local government records).

(b) Rule 1B-26.0021, Records Management - Standards and Requirements - Microfilm Standards.

This rule provides standards for the microfilming of public records to ensure that the film, photographing methods, processing, handling and storage are in accordance with methods, procedures and specifications designed to protect and preserve such records on microfilm.

(c) Rule 1B-26.003, Records Management - Standards and Requirements - Electronic Recordkeeping.

This rule provides standards for record copies of public records that reside in electronic form. These requirements must be incorporated in the design and implementation of new systems and enhancements to existing systems in which electronic records reside.

(d) Rule 1B-31, Real Property Electronic Recording.

This rule provides standards for the electronic recording of real property documents in those Florida counties in which the county recorder elects to accept electronic real property documents for recordation.

See Appendix C for information on accessing or obtaining copies of schedules, handbooks and other resources.
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STARTING YOUR RECORDS MANAGEMENT PROGRAM

Establishing the procedures required to operate an agency records management program might at first appear daunting. The startup will indeed require a concerted effort, patience, cooperation from colleagues, and time. All of this presupposes support from management. Without initial support from management to allocate resources to the project and continuing managerial commitment to the program, the implementation of an effective records management program will be extremely difficult.

One of the first responsibilities in initiating a records management program is the appointment of a Records Management Liaison Officer (RMLO). Every agency is required by law to designate an RMLO to serve as the primary point of contact between the agency and the division's Records Management Program (Section 257.36(5)(a), *Florida Statutes*). To appoint an RMLO, an agency may submit to the division an RMLO designation form (see [Appendix A](#)), under signature of the records custodian or other authorizing official. Agencies may also designate an RMLO by sending a letter, email or other communication. Because the RMLO is in close contact with the division, they will be an important source of information within your agency about division policies and procedures.

The RMLO might perform a variety of records management functions as assigned by the agency, including:

- Inventorying agency records.
- Working with the division to establish new records retention schedules and to ensure the appropriate disposition of records eligible for destruction.
- Training and advising agency staff in records management practices.
- Participating in agency decision-making for issues such as preservation, access, digital imaging, storage and disposal.
- Working with agency information technology staff to ensure information systems comply with records management requirements.
- Responding to public questions regarding agency records and records management practices.
- Reporting annually to the division regarding the agency's compliance with records management statutes and rules.

A. Inventory procedures: Identifying records.

An effective records management program requires an inventory of records maintained by an agency and the identification of existing retention schedules or the establishment of new retention schedules that can be applied to those records. Retention schedules identify records an agency might hold and establish minimum (usually) periods of time for which the records must be retained based on the records' legal, fiscal, administrative and historical values. Once all retention requirements have been met, disposition of the records is strongly recommended (or, in rare cases, legally required). Disposition may be by physical destruction, transfer to another agency (e.g., a successor agency or a public historical records repository) or, in the case of electronic records, erasure. State agency records appraised by division staff as having long-term historical value can be transferred to the State Archives. (See [Archives and Archival Records](#).)

An inventory might take many forms and can be as detailed as the agency requires, but at minimum should identify and describe each **record series** created and/or maintained by the

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agency, including record series maintained in electronic form. A record series, as defined by Rule 1B-24.001(3)(k), *Florida Administrative Code*, is:

...a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.

Examples of record series might be personnel files, client case files, project research files, equipment maintenance and repair records, or procurement files. Each record series might contain records in a variety of forms and formats that together document a particular program, function or activity of the agency.

The following information should be compiled for each record series:

Record Series Title. Use a brief, meaningful phrase summarizing the form, function and/or subject of the records without using agency jargon or abbreviations. For instance:

- “Communications Services Use Tax Returns” – not “Form DR-700019.”
- “Highway Planning Maps” - not “Road Files.”
- “Executive Director’s Correspondence and Administrative Files” – not “Bob Smith’s Files.”
- “Directives/Policies/Procedures” – not “SOPs.”

Description. The description of the record series identifies the purpose and function of the record series regarding the agency’s operation. The description indicates why the record series was created and how it is used as well as the type(s) of information or subject matter the records contain. Additional information in the description might include the medium on which the record series is recorded, the office or position holding the record copy, the routing path of duplicate copies (if any), statutory requirements for creating the records, and any other information that would enable someone not familiar with the record series to identify it and understand its contents. If the records fall under an existing retention schedule, there is probably already a description of the records available. For instance, this is the description of records falling under the existing Directives/Policies/Procedures retention schedule (*General Records Schedule GS1-SL for State and Local Government Agencies*, Item #186):

This record series consists of the official management statements of policy for the organization, supporting documents, and the operating procedures that outline the methods for accomplishing the functions and activities assigned to the agency. The series may include, but is not limited to, such materials as employee handbooks, standard operating procedures, management approval documentation, and correspondence and memoranda stating the policies and procedures to be followed by employees.

Retention. If a retention schedule is already approved, the retention requirement(s) should be noted on the inventory form. If no retention schedule exists for the record series, note the time period that the record series is administratively active and start the process of establishing a retention schedule for the records (see [Retention of Public Records: Retention Schedules](#)).

Vital Records. The inventory should indicate whether each record series is considered a vital record in your agency. Vital records are those that are essential to the continuation of operations in an agency or to the protection of the agency’s or citizens’ legal rights in the event of a disaster or emergency.

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Custodial Office. The inventory should indicate what office, program or position is the records custodian responsible for the record copy of the record series.

Once this information has been compiled for each record series, the basic information of the inventory has been completed and can be assembled into a file plan, an agency-wide "map" delineating an organization's filing categories and record series, where they are located in the organization, who is responsible for managing them, and their retention requirements. The file plan can be used to help locate needed records as well as to identify redundancies and inefficiencies in an agency's filing systems. The inventory and file plan data should be reviewed and updated periodically as new record series are created, existing series become obsolete, retention requirements change, offices and filing systems are reorganized and records management responsibilities are reassigned.

See [Appendix D](#) for an example of a Records Inventory Worksheet and File Plan Form.

B. Retention of public records: Retention schedules.

A **records retention schedule** describes a record series and sets a **MINIMUM** period of time for which the records must be retained before final disposition of the records can be made. In rare instances, a retention schedule might reflect a maximum period of time by which destruction of the records is required by law. Every record series must have an approved retention schedule in place before records from that series can be destroyed or otherwise disposed of.

Retention and disposition requirements stated in records retention schedules are based upon the legal, fiscal, administrative and historical values of each record series and by the content, nature and purpose of records regardless of the format in which they reside. Records in any format can have a variety of purposes and relate to a variety of program functions and activities. Retention schedules are not intended to cover specific formats or media.

There are two types of retention schedules:

- **General records schedules** establish retention requirements for records common to several or all government agencies.
- **Individual records schedules** establish retention requirements for records that are unique to particular agencies or are not covered by existing general records schedules.

Almost all these retention schedules establish the **MINIMUM** length of time a record series must be maintained. Retention schedules establishing minimum retention periods do not tell you when you must dispose of records; they tell you how long you must retain records before you can dispose of them. Agencies have the discretion to retain records beyond the minimum retention requirements if needed for administrative, legal or other purposes. In keeping with records management best practices, we highly recommend that agencies dispose of records that have met their retention requirements and are no longer needed and that agencies specify in their records management policies if and why, as a matter of practice, they will retain certain records for a period of time beyond the minimum. Adhering to formalized, consistent records management practices will benefit your agency in the event of litigation.

We also recommend that different record series not be interfiled or boxed together. This will help prevent inadvertent premature disposition of records having a longer retention period. However, if your agency interfiles or stores two or more record series together, you must identify each retention schedule that applies to the different record series and retain the combined file in accordance with the retention schedule having the longest retention period.

(1) **General records schedules.**

General records schedules establish retention requirements for records documenting administrative and program functions common to several or all government agencies, such

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as personnel, accounting, purchasing and general administration. General records schedules may cover the majority of an agency's record series.

The *General Records Schedule GS1-SL for State and Local Government Agencies* (GS1-SL) can be used by all Florida state and local agencies in determining their records retention requirements.

Certain agencies will also need to use other general records schedules in conjunction with the GS1-SL. General records schedules have been established for groups of agencies conducting equivalent or related functions. These general records schedules establish retention requirements for program records documenting the unique or specialized functions and activities of those types of agencies or institutions.

The following general records schedules are currently in effect for Florida government agencies:

GS1-SL	State and Local Government Agencies
GS2	Law Enforcement, Correctional Facilities and District Medical Examiners
GS3	Election Records
GS4	Public Hospitals, Health Care Facilities and Medical Providers
GS5	Public Universities and Colleges
GS7	Public Schools Pre-K-12 and Adult and Career Education
GS8	Fire Departments
GS9	State Attorneys
GS11	Clerks of Court
GS12	Property Appraisers
GS13	Tax Collectors
GS14	Public Utilities
GS15	Public Libraries

Please contact the Records Management Program to verify which general records schedules are appropriate for use by your agency.

If a similar record series is listed in two general records schedules, the retention requirements contained in the program schedule are generally more stringent and so will usually take precedence. For instance, if a record series is listed in both the GS1-SL and the GS2, law enforcement agencies would usually abide by the retention requirements cited in the GS2. When in doubt, use the retention schedule with the longer retention period. Please contact the Records Management Program to ensure that you are using the correct schedule in the event of a conflict.

(2) Individual records schedules.

Individual records schedules establish retention requirements for records that are unique to particular agencies or are not covered by existing general records schedules. Many agencies will not require individual records schedules at all or may need them for only a small number of record series. Individual records schedules may *only* be used by the agency for which they were established. However, an agency may model a request for a new individual schedule on an existing schedule for the same or similar records in another agency.

To establish an individual records schedule, an agency must submit a *Request for Records Retention Schedule* (Form LS5E-105REff.2-09) to the Records Management Program for review and approval. This form is available on the Records Management website at info.florida.gov/records-management/forms-and-publications/ and can also be obtained by completing the order form in [Appendix E](#) and mailing or emailing it to the Records Management Program.

Each *Request for Records Retention Schedule* form should be used to schedule **one** record series. To complete the form accurately, agency personnel responsible for creating

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and maintaining that record series must analyze and evaluate the content, purpose and use of the records. Based on this analysis, agency records management personnel develop a record series description and an initial recommendation of the minimum time period that the record series must be kept before disposition can be authorized.

Once the agency submits the proposed retention schedule to the Records Management Program, records analysts with the program and archivists with the State Archives review and analyze the proposed schedule, consult as necessary with agency staff knowledgeable about the records, and research the *Florida Statutes*, administrative rules, operating procedures, applicable federal regulations and other such sources to make a final determination of retention requirements for each record series. If an existing schedule exists that covers the records, the requesting agency will be referred to that schedule.

Once a retention schedule has been established for a record series, the records are eligible for disposal action when they have met their retention requirements. The schedule remains in effect until the series content changes or other factors arise that would affect the retention period, such as a change in state or federal law. The agency should then submit a new schedule request for approval. If a new general records schedule is later established requiring an equal or longer retention period for the same records, that general records schedule supersedes the individual schedule. If you have an individual schedule that requires a longer retention, contact the Records Management Program for guidance.

In addition to establishing reasonable and appropriate minimum retention requirements for each record series, the scheduling process serves the following objectives:

- To describe the use and function of the records series.
- To summarize important characteristics of the records series.
- To identify regulatory or statutory retention requirements.
- To assist in identifying:
 - Vital records.
 - Records of archival value.
 - Preservation issues.
 - Reformatting needs.

See [Appendix E](#) for instructions on completing a *Request for Records Retention Schedule* form.

C. Final disposition of public records.

Section 257.36(6), *Florida Statutes*, states that “[a] public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division.” This means that all records, **regardless** of confidential/exempt status and **regardless** of the presence of retention language in statute, rule, code, ordinance, contracts, policies or elsewhere, **must** be covered by a retention schedule before disposition can occur. Agencies must first identify an appropriate current records retention schedule (either a general schedule or an individual schedule) or create and receive approval for a new records retention schedule before disposing of any record series. Agencies must use only current, active retention schedules to dispose of records; retention schedules that have been superseded or designated as inactive cannot be used to dispose of records. Contact the Records Management Program if you are unsure of the status of a retention schedule.

(1) Records disposition documentation.

There are two general requirements for disposing of public records; you must 1) ensure that the records have met all retention requirements; knowledge of disposal eligibility is your agency's responsibility; and 2) document internally the disposition of any public records in your custody, per Rule 1B-24.003(9)(d), *Florida Administrative Code*, which requires that:

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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.*

Agencies are not required to document the disposition of records with a retention of "Retain until obsolete, superseded or administrative value is lost" (OSA) except for records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with Rule 1B-26.0021 or 1B-26.003, Florida Administrative Code, where the microfilm or electronic version will serve as the record (master) copy.

Your agency may use the model *Records Disposition Document* available on the Records Management Program website at info.florida.gov/records-management/forms-and-publications/ or any form of documentation that is convenient for your agency and that ensures that you maintain the required disposition information.

(2) Distinguishing between the different types of retention period requirements.

When trying to determine when records are eligible for disposition, agencies must understand the different types of retention requirements. For instance, records with a retention of "3 anniversary years" will have a different eligibility date from records with a retention of "3 fiscal years" or "3 calendar years."

A. Anniversary Year - from a specific date

Example: 3 anniversary years

If a record series has a retention of "3 anniversary years," the eligibility date would be 3 years after the ending date of the series or the file cutoff date.

B. Calendar Year - January 1 through December 31

Example: 3 calendar years

If a record series has a retention of "3 calendar years," the eligibility date would be 3 years after the end of the calendar year of the latest record in the series or the file cutoff date.

C. Fiscal Year - depends on agency type

- State government agencies, school districts - July 1 through June 30
- Local government agencies – October 1 through September 30

Example: 3 fiscal years

If a record series has a retention of "3 fiscal years," the eligibility date would be 3 years after the end of the fiscal year of the latest record in the series or the file cutoff date.

D. Months or Days

Examples: 6 months; 90 days

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If a record series has a retention of "6 months," the eligibility date would be 6 months after the ending date of the record series or file cutoff date.

If a record series has a retention of "90 days," the eligibility date would be 90 days after the ending date of the record series or file cutoff date.

E. Retain until obsolete, superseded, or administrative value is lost (OSA)

With this retention, records become eligible for disposition when they are no longer of any use or value to the agency or have been replaced by more current records. The retention could vary from less than one day to any length of time thereafter.

F. Triggering Event

With this retention, records become eligible for disposition upon or after the occurrence of a specific event – the "triggering event."

Examples:

Retain until youth turns age 25.

Retain for life of the structure.

3 anniversary years after final action.

Examples: Calculating eligibility dates

If the **ending date** for a specific record series or file cutoff is **7/31/2020**, when are these records eligible for disposition under different retention period types?

Retention Period	Start Counting From	Add # of Years	Retain Through
3 anniversary years	7/31/2020	+3	= 7/31/2023
3 fiscal years (local govt.)	9/30/2020	+3	= 9/30/2023
3 fiscal years (school district)	6/30/2021	+3	= 6/30/2024
3 calendar years	12/31/2020	+3	= 12/31/2023

(3) Records volume conversion to cubic foot measurements.

Cassette tapes, 200	1.0 cubic foot
Letter-size file drawer	1.5 cubic feet
Legal-size file drawer	2.0 cubic feet
Letter-size 36" shelf	2.0 cubic feet
Legal-size 36" shelf	2.5 cubic feet
Magnetic Tapes, 12	1.0 cubic foot
3 x 5 cards, ten 12" rows	1.0 cubic foot
3 x 5 cards, five 25" rows	1.0 cubic foot
4 x 6 cards, six 12" rows	1.0 cubic foot
5 x 8 cards, four 12" rows	1.0 cubic foot
16mm microfilm, 100 rolls	1.0 cubic foot
35mm microfilm, 50 rolls	1.0 cubic foot
Map case drawer, 2" x 26" x 38"	1.1 cubic feet
Map case drawer, 2" x 38" x 50"	2.2 cubic feet
Roll storage, 2" x 2" x 38"	0.1 cubic foot
Roll storage, 2" x 2" x 50"	0.2 cubic foot
Roll storage, 4" x 4" x 38"	0.3 cubic foot
Roll storage, 4" x 4" x 50"	0.5 cubic foot

(One roll of microfilm contains approximately 1.0 cubic foot of records.)

Cubic foot calculation: (Length" x Width" x Height") ÷ 1,728 = cubic feet

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(4) Factors that might influence when records can be disposed.

- a) **Litigation.** When a public agency has been notified or can reasonably anticipate that a potential cause of action might arise or is pending or underway, that agency should **immediately** place a hold on disposition of **any and all** records related to that cause. Your agency's legal counsel should inform the RMLO and/or records custodian(s) when a legal hold must be put in place and when that hold can be lifted so that records can again be disposed of in accordance with retention schedules.
- b) **Public records requests.** According to Section 119.07(1)(h), *Florida Statutes*, the custodian of a public record may not dispose of a record "for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties."
- c) **Accreditation standards.** Some public agencies receive national or statewide accreditation or certification by professional societies, organizations and/or associations. Examples include the Joint Commission on the Accreditation of Health Care Organizations, the Commission on Accreditation for Law Enforcement Agencies, and COLA (formerly the Commission on Office Laboratory Accreditation). In an effort to enhance the professionalism of their members, these groups may place more stringent recordkeeping requirements on public agencies than those mandated under state or federal law. Agencies may therefore choose to maintain their records for a longer period of time than required by established records retention schedules in order to meet recordkeeping requirements for accreditation. However, records cannot be disposed of before the minimum retention period dictated by the records retention schedules, even if the accrediting organization's retention requirements are less stringent than those set forth in the retention schedules.
- d) **Records in support of financial or performance audits.** These records should be retained in accordance with the following guidelines provided by the Florida Office of the Auditor General:

Records must be retained for **at least** three fiscal years (most financial records must be retained for a minimum of five fiscal years in accordance with guidelines of the Department of Financial Services and the Office of the Auditor General). **If subject to the Federal Single Audit (pursuant to 31 USC, Section 7502, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, Subpart E) or other federal audit or reporting requirements, records must be maintained for the longer of the stated retention period or three years after the release date of the applicable Federal Single Audit or completion of other federal audit or reporting requirements.** Finally, if any other audit, litigation, claim, negotiation, or other action involving the records has been started before the expiration of the retention period and the disposition of the records, the records must be retained until completion of the action and resolution of all issues which arise from it. However, in no case can such records be disposed of before the three fiscal year minimum.

The Records Management Program does not track or maintain information on which audits apply to which records in which agencies. Different agencies are subject to different types of audits at different times, and each agency is responsible for knowing what audits might be conducted and retaining needed records for that purpose. For instance, some agencies might be subject to the Federal Single Audit, while others are not. In general, any records relating to finances or financial transactions might be subject to audit.

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Audits may be conducted by the Florida Auditor General, independent public accountants, or other state or federal auditors, as well as grant funding agencies and national or statewide professional accreditation or certification groups. Your finance office, your legal office and the Auditor General's Office are good sources of information regarding which specific records your agency should retain for audit purposes.

- e) **Federal, state or local laws and regulations.** In rare instances, laws, rules or regulations for specific agencies or specific types of records might require a longer retention than indicated in general records schedules, particularly with newly enacted laws. Agencies should be aware of all laws and regulations relating to their records and recordkeeping requirements and should submit a *Request for Records Retention Schedule* when such requirements are not already reflected in existing retention schedules.

D. Disposing of public records.

Physical destruction of public records must be in accordance with the provisions set forth in Rule 1B-24.003(10), *Florida Administrative Code*, which reads as follows:

Agencies shall ensure that all destruction of records is conducted in a manner that safeguards the interests of the state and the safety, security, and privacy of individuals. In destroying records containing information that is confidential or exempt from disclosure, agencies shall employ destruction methods that prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered. The agency shall specify the manner of destruction of such records when documenting disposition. Where possible, recycling following destruction is encouraged.

(a) For paper records containing information that is confidential or exempt from disclosure, appropriate destruction methods include burning in an industrial incineration facility, pulping, pulverizing, shredding, or macerating. High wet strength paper, paper mylar, durable-medium paper substitute, or similar water repellent papers are not sufficiently destroyed by pulping and require other methods such as shredding or burning.

(b) For electronic records containing information that is confidential or exempt from disclosure, appropriate destruction methods include physical destruction of storage media such as by shredding, crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.

(c) For other non-paper media containing information that is confidential or exempt from disclosure, such as audio tape, video tape, microforms, photographic films, etc., appropriate destruction methods include pulverizing, shredding, and chemical decomposition/recycling.

(d) Agencies shall not bury confidential or exempt records since burying does not ensure complete destruction or unauthorized access.

While the most common method of disposing of records is destruction, disposition may also mean the transfer of records to another agency. For example, if a public agency transfers records to a public historical records repository, then the custody of those records becomes the responsibility of the agency to which the records are transferred. However, if a private historical society requests a loan of certain records, the agency may loan the records but is still the legally responsible custodian of those public records and is therefore not transferring, or disposing of, the records.

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E. Records disposition compliance statement and RMLO designation.

Once a year, the Records Management Program will send to each agency a *Records Management Compliance Statement* form, including instructions on how to complete the form. On this form, the agency must indicate its compliance with records management laws and rules and provide updated agency and RMLO information. Your agency should complete and return the form promptly, as compliance data from all agencies is compiled and submitted annually in a report to the Governor and Legislature.

Compliance reporting is required by law. Rule 1B-24.003(11) and (12), *Florida Administrative Code*, require that "Each agency shall submit to the Division, once a year, a signed statement attesting to the agency's compliance with records management laws, rules, and procedures...The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature regarding statewide records management practices and program compliance."

If your agency does not receive a *Records Management Compliance Statement* form by the end of November each year and a parent agency is not reporting for you (for instance, a city police department being reported by the city), please contact the Records Management Program.

F. Developing a records management policy.

Developing and adhering to a formal, written records management policy is the best way to ensure that records management requirements are met in a consistent, effective and efficient manner. A formal records management policy will help to minimize your agency's vulnerability to potential public records litigation and is also a useful tool in training new employees. Agencies should therefore work closely with their legal office in developing their records management policies.

The following are some common components of a records management policy. The Department of State's internal records management policy is provided in [Appendix F](#) as an example. ***This is not a statewide policy and applies only to the Florida Department of State.*** The specific components or information included in any agency's policy will depend on the needs and circumstances of that particular agency.

Introductory matter. Indicate the overall state, county, municipal or institutional policy objectives that the records management policy is intended to achieve and the legal authority (statutes, administrative rules, county or municipal ordinances, etc.) that drives those policies. Indicate how the agency's internal administrative policies support those policy objectives. Note the specific purpose for implementing the policy and its scope of coverage, including to whom the policy does or does not apply.

Definitions. Define key terms to ensure that all employees and others who read and use the policy have the same understanding of the terminology used.

Agency authority and responsibility. Indicate where in the agency's organizational structure the records management program and the designated RMLO are located. As a best practice and to increase the chances for success, the records management responsibility should be placed at a senior level or report to a senior manager. Note which office or position is designated as the legal custodian of public records for specific program areas or for the agency as a whole.

Inventory procedures. Outline procedures for developing or maintaining an inventory, file plan or equivalent method of maintaining current information on the agency's public records, including those designated as vital records. For example, some agencies use a list of retention schedules that apply to their records as the basis of their inventory.

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Filing and storage. Indicate how the agency organizes and files records for efficient retrieval, including protection of and access to vital records.

Record copy designation. Indicate which office or position maintains the record copy of specified records when copies are distributed to other offices.

Retention. Note which retention schedules apply to the agency's records (general schedules and/or individual agency retention schedules) and where staff can consult those retention schedules to ensure that records are retained for the required period of time. Also note if it is the agency's policy to retain certain records for a period beyond the minimum retention period and the justification for doing so.

Disposition. Indicate who has responsibility for and authority to conduct disposition of public records, including methods of physical destruction of records that have satisfied all retention requirements and are no longer needed, as well as transfer of records having archival value (see [Archives and Archival Records](#)) to an appropriate public historical records repository, or otherwise ensuring the preservation of archival records. Specify the agency's disposition documentation procedures.

Legal holds. Indicate the agency's procedures for placing and lifting legal holds on records relating to current or potential litigation to ensure that such records are not disposed of until any such litigation or threat of litigation is resolved.

Electronic records. Note how the agency integrates management of electronic records, including email and other born-digital records as well as digitizing of hard-copy records, into its overall records management program and procedures.

Public records requests. Indicate the agency's overall policy and specific procedures for responding to requests for public records. Note the office or position to which public records requests should be directed; timeframes for responding to requests; methods of accepting payment for copies; formulas for calculating any extensive use fees as authorized by Section 119.07(4)(d), *Florida Statutes*; procedures for ensuring the protection of information that is statutorily confidential and/or exempt from public disclosure, including redaction procedures; times and conditions for inspection of records; and any other related procedures.

G. Records management training.

While the Records Management Program cannot require training, we highly recommend that records management staff, administrative staff, office managers, IT professionals and other agency personnel take advantage of the benefits of records management training. Such training can help all employees to:

- Apply records management principles and best practices to ensure compliance with Florida's Public Records Law.
- Be familiar with and understand legal mandates.
- Identify public records.
- Determine appropriate retention schedules for their records.
- Adhere to retention and disposition requirements.
- Manage electronic records including email.
- Be familiar with and understand public records access requirements.

The Records Management Program offers several training options, including on-site and web-based. Training is also available from other governmental entities and the private sector, although you will want to ensure they have experience with Florida's Public Records Law and

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the most current information regarding the rules, policies and procedures of the Records Management Program.

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Paper records are expensive to create and maintain, but they can be an asset to an agency if the information is available for use. By implementing proper files management - selecting and using appropriate filing systems, arrangements and equipment - agencies should be able to locate paper records with ease. Whether developing a new filing system for paper records or revamping an existing system, agencies should evaluate how the records will be accessed, handled and stored.

A. Filing Arrangements.

There are five commonly used filing arrangements that are designed to file and reference records in different ways: alphabetical, numerical, alpha-numerical, chronological and geographical. Each has advantages for certain types of records and reference needs, and each possesses distinct patterns of arrangement and indexing. Agencies should choose a filing arrangement that best suits the character of the content being filed and the business needs of the agency, and that can be understood by the employees of the agency. Often the simplest method is the best.

(1) Alphabetical.

The most commonly used filing arrangement is alphabetical filing. Alphabetical files can be arranged in two different ways:

- a. Dictionary order – each subject gets an individual folder and all are arranged alphabetically. Subject/reference files might be arranged alphabetically by topic; for example, “Budgeting” would come before “Contract Negotiations.” Correspondence files might be arranged alphabetically by last name of writer, a particularly useful filing arrangement if the correspondence will frequently need to be accessed by name.
- b. Encyclopedic order – subjects are grouped into major headings, with individual folders arranged alphabetically behind each heading. For example, a major heading could be “Contracts” followed by individual folders for “Alpha Printing,” “Beta Shredding,” and “Charlie’s Recycling.”

(2) Numerical.

In a numerical filing system, the files are arranged sequentially by number rather than by name. Numerical files can be organized in two different ways:

- a. Serial number – used for files having a pre-printed or pre-assigned number, such as a system-generated purchase request number that is assigned when the record is created in the system.
- b. Digit filing – uses an applied number to identify files, such as a social security number, student identification number, patient number or budget line number.

(3) Alpha-Numerical.

Alpha-numerical filing is the classification of records by codes that should give information about the contents of the folders. Typically, users locate filings through a hierarchical or alphabetical list that indicates the code designed for filing or retrieval.

(4) Chronological.

Chronological filing is useful for records that are created and monitored on a daily, or regular, basis. Folders are arranged sequentially by date. Chronological filing should be used with caution, as it might hamper access by other methods such as name.

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(5) Geographical.

Geographical filing is an arrangement in which files are labeled and arranged, often alphabetically, according to a geographical location, such as the city or county location of an agency district office, organization or person. This arrangement can be useful when access to records of certain locations is required.

Once an arrangement is chosen, a file procedures manual should be established and should be used by everyone working with the files to maintain the integrity of the filing system.

B. Establishing a filing system.

The cost and efficiency of filing operations are directly affected by the type of equipment used. A major aim in filing equipment management is to purchase only necessary filing equipment that will provide the most efficient file retrieval at the lowest cost and use the least amount of office space.

(1) Equipment selection criteria.

Office equipment manufacturers offer numerous types, sizes, styles and price ranges of filing equipment. Equipment should be selected based on criteria such as:

Accessibility. Equipment should provide quick and easy access to the records it houses. Since records are filed for future reference, retrieval of the information should be a foremost consideration. The records should be as open as possible to authorized users, located near their work area and have the potential to be used by several people simultaneously.

Cost. Soaring office costs require selection of the most economical equipment that provides the required accessibility and retrieval speed. Compare equipment in terms of cost per square inch of actual filing space.

Space Utilization. Office space is a recurring cost. Equipment requiring excessive space could cost more over the long term than the original cost of more expensive, but more compact, equipment. Filing equipment should consume minimum office space.

Security. Since agencies are responsible for protecting their records, security is another strong consideration in selecting equipment. Most filing equipment can be equipped with locks to provide controlled access. If you rely on locks, make sure the locking hardware and mechanisms are strong and not easily broken or bypassed and that keys are unique to each lock. For better file security, secure the entire filing area and restrict access to that area.

Mobility. Filing equipment should be evaluated for its mobility. Offices that move or reorganize often should procure relatively mobile equipment.

(2) Types of filing equipment.

Common types of filing equipment include vertical, lateral, shelf or mechanized. Both traditional vertical pull-drawer file cabinets and lateral rollout drawer cabinets help protect records from light, dust and physical damage. However, they require significant floor space to house and allow for opening of drawers. Drawers can only be opened one at a time, limiting quick viewing of files and the effectiveness of any color coding or bar coding the agency might want to employ. Other options include:

Mechanical (power elevator) files – These files offer potential floor to ceiling high density storage of records housed in carriers that may be accessed by the touch of a key or a few keys, with the mechanical carriers rotating the desired record tiers to a comfortable workstation level. Mechanical files use only a moderate amount of floor space while utilizing often wasted high space and can be used with end-tabbed, color-coded or bar-coded folders. However, as with pull-drawer cabinets, only one person at a

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time can access the records and only a limited portion of the files can be viewed at any one time.

Open shelf files (lateral shelf files) – These are available either as basic shelf units without any covers, as self-contained units with covers and locks for each tier, or as “data box” units that may be easily expanded and contracted by adding or deleting individual click-in boxes. These systems allow visual access to all files, are readily adaptable for use with color coding and bar coding, conserve floor space, and use often wasted high space.

Mobile shelving/compact shelving - Designed to provide high-density storage for paper and other records media, mobile shelves are constructed on tracks and moved by mechanical or electrical systems to allow access to files using a minimum amount of floor space. However, only one aisle of records can be open for access at a time, maintenance costs over time must be accounted for, and it is critical to have professional engineers study your floor load capacity to ensure your facility can accommodate the weight of high-density storage.

(3) Tools to use with paper files.

A variety of simple tools help to systematically organize and efficiently locate and retrieve needed files:

Folders. The most common type of filing tool is the simple paper or manila file folder that serves as a container for a specified set of paper records. File folders are often scored on the bottom edge, allowing for expansion to hold more pages without overstuffing the folder and reducing the risk of the file bending and/or sliding under other folders.

Hanging and suspension folders. Hanging and suspension folders hold one or more traditional file folders and so require considerably more supplies and file cabinet space. They can also make it more difficult to place files in boxes for storage or disposition. However, they help prevent file folders from bending or slipping under each other and are especially useful in organizing large files.

Binder folders. Folders with prong fasteners should be avoided. While these folders do hold paper securely, fasteners require extra time to punch holes and secure the pages in place and to remove pages when necessary, such as for copying. They also increase the risk of damage, such as from rust or tears, and are more expensive than standard folders.

Guides. Guides are file drawer dividers that divide a set of files into distinct labeled sections to permit quick and easy location of a specific file. Their sturdy construction can also help to support the files and prevent sagging. Guides with side tabs that can be read from either side are available for use with open shelf files. Primary guides indicate a principal division of the file, while secondary guides indicate a subdivision of the file and are often used with larger file series.

Tabs. All folders and guides should have a tab with space for a label or caption indicating file content. Tabs can be constructed of the same material as the folder or guide, of more durable material such as metal, or of clear plastic to protect the labels. Tabs can be straight or slanted, printed or blank, and of various widths or cuts, depending on filing needs.

Labels. Labels on guide tabs and folder tabs identify the contents of the records. Labeling in a uniform style makes it easier to locate needed files. Printed labels are preferable where possible so that labels can be easily read.

Color-coding. Color-coded filing systems aid in filing and retrieval of all types of files, from financial records to personnel files. The assignment of colors to letters, numbers, or other identifiers in a particular position on a file folder results in a color block pattern

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that gives a quick, clear visual identification of any misfiles. It is especially well-suited for use with shelf filing because the ends of the folders are readily visible. Color coding of files minimizes hidden misfiles, increases speed and accuracy in filing and retrieval, and allows rapid presorting by color.

Bar coding. Bar coding can easily be accomplished in back file conversions with procedures as simple as applying self-adhesive bar code labels to folders or boxes and recording the bar code numbers in a database to make computer-based tracking and management of that file immediately possible. Many systems provide for on demand automated printing of bar code labels and the scanning and uploading of that bar code data into the database.

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Electronic records are any data or information that has been captured and fixed for storage and manipulation in an automated system and requires the use of a system to render it intelligible by a person. Electronic records include numeric, graphic, audio, video and textual information that is recorded or transmitted in analog or digital form such as electronic spreadsheets, word processing files, databases, electronic mail, instant messages, scanned images, digital photographs and multimedia files.

Electronic records that meet the definition of a "public record" as defined by Section 119.011(12), *Florida Statutes*, must be managed and made available according to applicable laws and rules. As provided by Section 119.01(2)(a), *Florida Statutes*, "Automation of public records must not erode the right of access to those records."

Electronic public records, just like paper records, must be created and maintained in accordance with Florida statutes and administrative rules. Electronic records:

- Are subject to retention requirements.
- Should be disposed when they have satisfied all retention requirements.
- Must be documented when disposed/erased.
- Must be made available for inspection and examination upon request.
- Must be protected to prevent release of confidential or exempt information.
- Are subject to legal holds for current or potential litigation.
- Are subject to audits.

Rule 1B-26.003, *Florida Administrative Code*:

- Provides standards for the creation, maintenance and backup of electronic public records, including standards for digitizing records of long-term or permanent value.
- Establishes procedures for regular recopying, reformatting and other necessary maintenance to ensure the retention and usability of electronic records throughout their authorized life cycle.
- Provides for transfer of electronic records and any related documentation and indexes to the State Archives of Florida at the time specified in the records retention schedule, if applicable.
- Establishes requirements for destruction of electronic records. Electronic records may be destroyed only in accordance with the provisions of Rule 1B-24, *Florida Administrative Code*. At a minimum each agency shall ensure that:
 - Electronic records scheduled for destruction are disposed of in a manner that ensures that any information that is confidential or exempt from disclosure, including proprietary, or security information, cannot practicably be read or reconstructed.
 - Recording media previously used for electronic records containing information that is confidential or exempt from disclosure, including proprietary or security information, are not reused if the previously recorded information can be compromised in any way by reuse.

A. Sustainable formats.

Typically, agencies select electronic formats based on business needs and current technical requirements. Selected formats should be sustainable, that is, accessible both throughout their lifecycle and as technology evolves, regardless of the technology used when it was originally created. A sustainable format is one that increases the likelihood of a record being accessible

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in the future. Formats that are not sustainable may cause records to become obsolete and inaccessible before they are eligible for deletion as authorized in the approved records retention schedule.

Rule 1B-26.003, *Florida Administrative Code*, defines long-term records as those with a retention requirement of more than 10 years. When records need to be maintained over the long term (sustainability), agencies should consider each of the following characteristics of formats:

- **Published documentation and open disclosure** – Also known as “open-source” or “non-proprietary,” these are formats for which specifications are published and accessible to the public. This allows developers or anyone else to freely work with the format to create a wide variety of applications or tools to read, process and validate files, including accessing information in obsolete formats and/or migrating files to new formats. Tagged Image File Format (TIFF) and the Portable Document Format family (PDF, PDF/A, etc.) are examples of formats based on a publicly available, authoritative specification for scanned images.
- **Widespread adoption and use** - Formats adopted for widespread use by information creators, disseminators and users have a higher probability of being sustainable over time. When a format has been widely adopted by users, it is likely that multiple software tools have been created to open, read and access the records and that the market supports ongoing sustainability of the file format. This extends the time that the information can be maintained in the format using readily available tools. Hyper-text Markup Language (HTML) is an example of a format that has been widely adopted for Internet use.
- **Self-describing formats** - Self-describing formats contain embedded metadata needed to interpret the content, context and/or structure of the file. Embedded metadata, such as file name, creation date or field names, minimizes the need to rely on external documentation and the risk of disassociation of metadata from the file over time. While self-describing formats provide the capability for including metadata (for instance, in the file header or through tags within the file structure), they may not necessarily mandate it in the format specification. If present, the metadata should be easily accessible to ensure that descriptive information about the record is sustainable. Extensible Markup Language (XML) is an example of a self-documenting format because it describes its structure and field names.

When agencies use formats that exhibit these characteristics, they increase the likelihood that the information will be accessible over the long term.

When creating electronic records or converting source data, agencies can enhance sustainability by maintaining the original quality of source data. The following methods are typically applied through software settings and vary depending on the format being used.

- **Technical protection mechanisms** – Long-term records should be unrestricted and/or unencrypted so that user IDs and/or passwords are not needed to maintain the file. User IDs and passwords can be lost over time. This does not mean that confidential or exempt information should be released to the public, but that the agency must ensure its own access to all its records.
- **Maintain integrity of source data** – When using compression to reduce file size, agencies should use lossless compression to maintain the integrity of source data. Lossless compression produces smaller file sizes without removing any information. Maintaining the original quality of source data can facilitate future migration and conversion. Minimizing subsequent modification of the records after production is also recommended to maintain integrity.

While selecting appropriate formats does not guarantee sustainability, it does significantly increase the probability that those records will remain accessible and readable for as long as

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necessary. Of course, agencies need to follow other record policies and procedures governing creation and management of electronic records and adhere to approved records retention schedules to further ensure that records are maintained properly.

B. Scanning records.

Scanning of public records must be conducted in accordance with Rule 1B-26.003, *Florida Administrative Code*.

- Records with a minimum retention of over 10 years must be scanned at a minimum 300 PPI (300 DPI) to “a published International Organization for Standardization (ISO) open standard image format.” These formats include TIFF, PDF, PDF/A and others. To find out if a particular format is a published ISO format, go to the ISO website at <http://www.iso.org/> and search for the format (e.g., search for PDF, TIFF, etc.).
- For records with a minimum retention requirement of 10 years or less, any PPI/DPI and image format can be used; however, the agency still must ensure that the records remain fully accessible and readable for as long as they are required to be retained.
- In general, scanned images of public records can be designated as the record copies, and the original hard copy can be designated as duplicates and disposed of when no longer needed, provided that the electronic records are in compliance with Rule 1B-26.003, *Florida Administrative Code*, and the completeness and accuracy of the scanned copies have been verified. The electronic version, once designated as the record copy, must be retained for the retention period stated in the applicable retention schedule and in accordance with Rule 1B-26.003, *Florida Administrative Code*. The paper original can then be designated as a duplicate and disposed of at any time.
- Rule 1B-24.003(9)(a), *Florida Administrative Code*, states, “An agency that designates an electronic or microfilmed copy as the record (master) copy may then designate the paper original as a duplicate and dispose of it in accordance with the retention requirement for duplicates in the applicable retention schedule unless another law, rule, or ordinance specifically requires its retention.” Although this is a rare exception, we recommend that agencies consult with their legal counsel for guidance if they are unsure if their records must be maintained in their original paper form.

C. File naming.

File naming is an important part of managing any system of records. A file name is the principal identifier for a record or set of records. Having a unified naming system can help place records in context with other records as well as associated record series and retention schedules. Records that are named using a consistent, logical system can be more easily located and shared among users. Agencies may want to consider an agency-wide file naming policy as part of their strategy for managing electronic records.

File naming policies will vary depending on the business needs of the agency or office. When developing a file naming policy, consider including as part of the file name some of the following common conventions:

- Version number (e.g., version 1 [v1, vers1])
- Date of creation (e.g., April 14, 2017 [04142017, 04_14_2017])
- Name of creator (e.g., Edward N. Johnson [ENJohnson, ENJ])
- Description of content (e.g., media kit [medkit, mk])
- Name of intended audience (e.g., general public [pub])
- Name of group associated with the record (e.g., Committee ABC [CommABC])

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- Release date (e.g., released on March 24, 2018 at 10:30 a.m. eastern time [03242018_1030ET])
- Publication date (e.g., published on December 31, 2020 [pub12312020])
- Project number (e.g., project number 625 [PN625])
- Department number (e.g., Department 126 [Dept126])
- Record series (e.g., Series2036)

Also consider the following issues when developing a file naming policy:

- **Access and ease of use.** The policy should be simple and straightforward. A simple policy will help staff members logically and easily name records and help ensure that records are accessible to staff members and/or to the public. A simple policy will be more consistently used, resulting in records that are consistently named and thus easier to organize and access.
- **Ease of administration.** The policy should work with your computer infrastructure so that you can monitor policy compliance, manage records and record series, gather metadata (as discussed in section A, metadata in the context of records management is data describing context, content, and structure of records and their management through time), and perform other administrative tasks easily and in compliance with all legal requirements. For example, if all the records in a specific record series are easily identifiable by file name, they will be easier to gather and manage.
- **Uniqueness.** To prevent conflicting file names when files are moved from one location to another, each file name should be unique. Having multiple files with the same name is confusing and creates a risk that a file might automatically overwrite another file with the same name. How you arrive at unique file names will require some thought. Once you have developed a system, it is important to standardize and adhere to it.
- **Version control.** Determine whether and how to indicate the version of the record. Sometimes current and obsolete drafts are put in different electronic file folders without altering the file name. However, when these records are moved from the active electronic file folder to another storage area, identical file names may conflict and cause confusion.
- **Scalability.** Consider how scalable your file naming policy needs to be. For example, if you want to include the project number, do not limit your project numbers to two digits, or you can only have 99 projects.
- **Persistence over time.** File names should outlast the records creator who originally named the file. With good staff input and training, you should be able to develop file names that make sense to staff members once the file creators are no longer available.

D. Automated systems to manage electronic records.

Agencies may want to consider acquiring computer software written specifically to manage electronic records. These systems can be costly and require a substantial commitment to implement, but they offer features that help control documents and records and some have built-in records management features to help safeguard the agency's records. Agencies considering acquiring such systems should understand the differences in the types of systems available.

- **Electronic Records Management Systems (ERMS)** are designed primarily to manage an organization's electronic records, although they can be used for some physical records management functions also. Users cannot revise or edit documents once they are declared to the system. ERMS functionality includes:

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- Capture of electronic records and their accompanying metadata.
 - Discovery.
 - Records retention in accordance with set schedules or rules.
 - Authorized disposition.
 - Litigation holds.
 - Other functionality designed to ensure the appropriate maintenance, accessibility, authenticity, and security of records for as long as required by the organization.
- **Electronic Document Management Systems (EDMS)** are also widely used in organizations to control the creation, use and destruction of electronic documents to facilitate workflow. EDMS often lack some of the functionality needed to fully manage records but support such functions as:
 - Indexing of documents.
 - Storage management.
 - Version control.
 - Close integration with desktop applications.
 - Retrieval tools to access the documents.

The United States Department of Defense (DoD) has functional requirements and standards for that Department's electronic records management systems that can be helpful to Florida agencies planning to acquire these types of systems. DoD standard DoD 5015.2-STD, Electronic Records Management Software Applications Design Criteria Standard, April 25, 2007, is a requirement for DoD records management applications and is endorsed by the National Archives and Records Administration (NARA) for use by all federal agencies. DoD 5015.2-STD is *not* a requirement for Florida agencies and includes many functions that do not apply to Florida public records or agencies. However, it can serve as a useful reference for agencies evaluating ERMS software and/or developing their own functional requirements. The standard is available at

<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/501502std.pdf>.

(1) Implementing automated systems.

When creating electronic records and implementing automated systems that will contain public records, agencies must take steps to ensure the records are maintained according to applicable public records laws and rules.

(a) Incorporate recordkeeping requirements into system design.

Rule 1B-26.003, *Florida Administrative Code*, states that electronic recordkeeping requirements "must be incorporated in the system design and implementation of new systems and enhancements to existing systems in which electronic records reside." Agencies must "establish procedures for addressing records management requirements, including recordkeeping requirements and disposition, before approving, recommending, adopting, or implementing new electronic recordkeeping systems or enhancements to existing systems." Recordkeeping requirements are best addressed and incorporated when automated systems are being planned and designed. Selected technologies must accommodate records retention, exemption and access requirements. For instance, an agency implementing a new surveillance recording system must ensure that the system can accommodate the minimum 30-day retention requirement for surveillance recordings as well as the ability to preserve the recordings longer in the event of an incident investigation (*General Records Schedule GS1-SL for State and Local Government Agencies*, Item #302, Surveillance Recordings).

If an agency utilizes an information system development methodology (ISDM), system development life cycle (SDLC), or similar process when designing and planning information systems, records management requirements should be included in the earliest stages of this process.

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(b) Agencies should include steps to ensure that:

- Records can be migrated to new storage media or formats to avoid loss due to media decay or technology obsolescence.
- Records can be disposed of when they have met their required retention.
- Records needed for legal discovery are withheld from disposal and retained in their native format until litigation is resolved.

(2) Document electronic recordkeeping systems.

Maintaining documentation of all agency systems that store electronic records is a best practice for both records management and information technology. Often, but not always, the IT program maintains such documentation.

Electronic records systems documentation should include written descriptions and procedures that provide information about a computer program or a computer system so that it can be properly used and maintained. The documentation should also:

- Identify all defined inputs and outputs of the system.
- Define the contents of the files and records.
- Determine restrictions on access and use.
- Provide an understanding of the purpose(s) and function(s) of the system.
- Describe update cycles or conditions and rules for adding information to the system, changing information in it, or deleting information.

For purchased software, the documentation supplied by the software vendor, along with any agency-specific documentation that IT maintains such as user permissions, etc., will likely be sufficient. The agency should develop similar documentation for software that is developed in-house.

E. Electronic communications as public records.

Electronic communication is the electronic transfer of information, typically in the form of electronic messages, memoranda and attached documents, from a sending party to one or more receiving parties by means of an intermediate telecommunications system. Electronic communications include email, instant messaging, text messaging (such as SMS, Blackberry PIN, etc.), multimedia messaging (such as MMS), chat messaging, social networking (such as Facebook, Twitter, etc.), or any other current or future electronic messaging technology sent or received by any device. Any such communications that meet the definition of public record must be managed accordingly.

There is no single retention period that applies to all electronic messages or communications. Retention periods are determined by the content, nature and purpose of records, and are set based on their legal, fiscal, administrative and historical values, regardless of the format in which they reside or the method or device by which they are transmitted. Electronic communications, as with records in other formats, can have a variety of purposes and relate to a variety of program functions and activities. The retention of any particular electronic message will generally be the same as the retention for records in any other format that document the same program function or activity.

(1) Email.

Agencies should develop and adhere to a formal, written email policy to ensure email is managed consistently throughout the agency. The specific components or information included in any agency's policy will depend on the needs and circumstances of that agency. The Department of State's internal email is provided in [Appendix G](#) as an example. ***This is the Department of State's internal electronic mail policy and is***

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provided as an example. This is not a statewide policy and applies only to the Florida Department of State.

Acceptable ways to manage emails include:

- **Folders/Individual Email Management.** Sorting electronic communications such as email into appropriate folders can help individual employees to manage these records and to ensure that appropriate retention requirements are identified and met. That is, just as file cabinets with folders are set up to house different sets of physical files and employees know where to file paper records in those files, email files and folders can be set up with the appropriate retention period designated for each of those files and folders. This may be done with shared email folders as well. For example, an employee could set up folders such as these:

Inbox

Information Request Records, GS1-SL #23

Fiscal Year 2018-2019

Fiscal Year 2019-2020

Fiscal Year 2020-2021

Correspondence: Administrative, GS1-SL #17

Fiscal Year 2018-2019

Fiscal Year 2019-2020

Fiscal Year 2020-2021

- **Big buckets.** The “big bucket” approach groups records in broad categories that correspond to major activities, functions or work processes. Unlike a traditional retention schedule, which may specify different retention periods for individual record series associated with a given function, the records included in a big bucket category have identical or similar retention requirements, and a uniform retention period is applied to the entire category. The retention period is based on the longest retention requirement for any record series covered by the category.
- **Enterprise Email Management.** With this approach, the agency controls email storage and retention and establishes uniform storage periods for all agency email. This can assist in dealing with unmanaged backlogs of emails and can facilitate ease of management going forward. Here is how you can implement this approach in your agency:
 - 1) Determine if you keep the record copy of any long-term or permanent records (over 10-year retention) in email form. It is likely that you do not – for instance, you probably do not keep the record copy of official meeting minutes, asbestos records, or personnel records in the form of email. If you do keep the record copy of any long-term or permanent records in email form, identify those emails and make sure they are secured and backed up. If they do not need to be produced for litigation, you might want to convert them to another format to ensure they remain accessible in the future.
 - 2) Of the remaining emails, determine what the longest retention period would be. For instance, you probably have emails that fall under a number of retention items, which may include records such as:
 - Transitory Messages (OSA)
 - Administrative Convenience Records (OSA)
 - Administrative Support Records (OSA)
 - Drafts and Working Papers (OSA)
 - Subject/Reference Files (OSA)
 - Information Request Records (1 FY)
 - Attendance and Leave Records (3 FY)
 - Correspondence and Memoranda: Administrative (3 FY)

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- Correspondence and Memoranda: Program and Policy Development (5 FY)
- HIPAA/Protected Health Information Records (6 AY from trigger date)
- Administrator Records: Agency Director/Program Manager (10 AY)
- Permits: Building (10 AY)
- Others?

- 3) Once you have determined what the longest retention would be for your non-long-term/non-permanent emails, set that time period as your email storage period. For instance, in the example above, the longest retention is 10 anniversary years, so you would store all the emails for that period of time and dispose of them as they reach the 10-year mark. By setting the longest retention as your storage period, you will ensure that no records are disposed of prematurely, although many will be retained much longer than required. You could also establish different uniform storage periods for different departments, as long as the selected storage period meets the retention requirements of all of each department's emails.
- 4) Before disposing of the emails, be sure that no record copy long-term/permanent records are included and that records needed for litigation holds or other purposes are not included in the purge.

- **Email archiving.** Email archiving generally refers to applications that remove email from the mail server and store it in a central location also known as an archive. Although email archiving applications may provide business benefits to an agency, they can be limited in their capabilities to keep and organize records according to records management laws, regulations, and policies.

Recordkeeping systems that include electronic mail messages, including email archiving systems being used to store record copy emails, must:

- Provide for the grouping of related records into classifications according to the business purposes the records serve.
- Permit easy and timely retrieval of both individual records and files or other groupings of related records.
- Retain the records in a usable format for their required retention period and allow their disposal when the retention is met.
- Be accessible by individuals who have a business need for information in the system.
- Preserve the transmission and receipt data specified in agency instructions.

While email archiving applications offer business benefits, agencies are responsible for ensuring the technology meets all the requirements of the public records laws and rules.

- **Printing emails.** Printouts of email files are acceptable in place of the electronic files provided that the printed version contains all date/time stamps, routing information, etc. This information usually prints automatically at the top of each printed email and includes name of the sender, names of all recipients (including To, CC and BCC), date/time sent or received, subject line, and an indication if an attachment was present (attachments should be printed and retained with the printed email). This can be applied broadly to other types of electronic records that you are going to print and retain only in paper form. Any metadata that is necessary to understanding the nature and content of the record should be printed along with the record.

However, as indicated in the **E-Discovery** section, **in the event of litigation or reasonably anticipated litigation, existing records in electronic form must be**

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maintained in their current electronic format until all legal discovery issues are closed.

(2) Social media.

Postings on a website or social networking site that meet the definition of a public record should be retained according to retention schedules based on the content, nature and purpose of the posting.

Attorney General's Opinion Number AGO 2009-19 (April 23, 2009) states the following regarding Facebook pages established by a city – this will of course apply to any public agency maintaining a Facebook page:

Since the city is authorized to exercise powers for a municipal purpose, the creation of a Facebook page must be for a municipal, not private purpose. The placement of material on the city's page would presumably be in furtherance of such purpose and in connection with the transaction of official business and thus subject to the provisions of Chapter 119, Florida Statutes. In any given instance, however, the determination would have to be made based upon the definition of "public record" contained in section 119.11, Florida Statutes. . .

The city is under an obligation to follow the public records retention schedules established by law. . .

Communications on the city's Facebook page regarding city business by city commissioners may be subject to Florida's Government in the Sunshine Law, section 286.011, Florida Statutes. Thus, members of a city board or commission must not engage on the city's Facebook page in an exchange or discussion of matters that foreseeably will come before the board or commission for official action. . .

It is the nature of the record created rather than the means by which it is created which determines whether it is a public record. The placement of information on the city's Facebook page would appear to communicate knowledge. Thus, the determination in any given instance as to whether information constitutes a public record will depend on whether such information was made or received in connection with the transaction of official business by the city. . .

Similarly, a 2009 Department of State's General Counsel's Office opinion states that "A posting or comment to a state agency page on a social networking site is a public record when the content of the posting or comment satisfies the definition of "public record" in section 119.011(12), Fla. Stat. (2008) . . . those comments whose content falls within the definition of public record must be retained by agencies in accordance with the appropriate Division retention schedules."

If you post a copy of a public record (such as the minutes of a meeting) to a website or social networking site, it is not necessary to maintain that Web copy indefinitely as long as you retain the record copy in your office in accordance with the applicable retention schedule.

So, it is the nature, content and purpose of the record that will determine if it meets the definition of public record and, if so, what the retention of that record would be. For example, while some Twitter messages ("tweets") might indeed be transitory messages, other tweets might fall under other retention schedules, such as one of the CORRESPONDENCE items, again depending on the content of the message. Just as with public records in any other form, agencies will need to determine the appropriate retention item based on the nature, content and purpose of the record and ensure that it is retained for that time period.

One possible option when using Facebook or some other social networking technologies is to disallow postings from outside sources, thus saving the agency the trouble of

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determining and implementing retention requirements for those outside postings. If outside postings are allowed, the agency will need to find a way to ensure the appropriate retention of those postings that are public records. We advise agencies to carefully consider public records access and retention requirements, responsibilities and implications when considering the use of any social networking technologies.

Social media "archiving" software may be employed to assist agencies in managing their social media public records. Technology for social media archiving is constantly evolving, and we cannot recommend or endorse any specific products, but listed below for your convenience are some social media and web archiving products and services that you might want to investigate:

- [ArchiveSocial](#) – widely used in government agencies, including some Florida agencies.
- [SMARSH](#) – also widely used in government agencies, including some Florida agencies.
- [Archive-IT](#) – used by many organizations, including a number of state archives, for web archiving.
- [Erado](#) – an early entrant in the field; used by regulated industries (financial institutions, financial management companies, etc.) as well as government organizations.
- [Social Feed Manager](#) – an open-source tool used primarily by libraries and archives to collect and provide research access to social media and web resources.
- [PageFreezer](#) – used by financial, government, business and educational institutions.
- [Conifer](#) (formerly Webrecorder) – an open-source tool for capturing interactive copies of webpages.

F. Storage and maintenance of electronic records and media.

There is often a presumption that because information is stored in a computer or on some digital storage medium (server, disc, tape, etc.), it is somehow automatically preserved for all time. Unfortunately, electronic storage media can easily become unreadable over time due to physical, chemical or other deterioration. Special care and precautionary measures must be taken to avoid the loss of records stored on electronic media.

(1) Electronic storage media maintenance.

Rule 1B-26.003(11), *Florida Administrative Code*, specifies maintenance requirements for electronic storage media.

- Preservation duplicates of permanent or long-term records shall be stored in an off-site storage facility, which may include cloud storage, geographically separated from the risks associated with the agency's location, with constant temperature (below 68 degrees Fahrenheit) and relative humidity (30-45 percent) levels.
- Storage and handling of magnetic tape containing permanent or long-term records must conform to the magnetic tape standard AES22-1997 (r2003), "AES recommended practice for audio preservation and restoration - Storage and handling - Storage of polyester-base magnetic tape," available from the Audio Engineering Society, Incorporated, and at the Internet Uniform Resource Locator:
<http://www.aes.org/publications/standards/search.cfm>.

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- Agencies must annually read a statistical sample of all electronic media containing permanent or long-term records to identify any loss of information and to discover and correct the cause of data loss.
- Agencies must conduct data integrity testing on all media containing permanent or long-term electronic records at least every 10 years and verify that the media are free of permanent errors. More frequent testing (e.g., at least every 5 years) is highly recommended. If a checksum was previously run on the digital media, testing can be conducted by running the same checksum.

(2) Environmental controls.

- Electronic records storage media should be stored in a cool, dry, dark environment (maximum temperature 73 degrees Fahrenheit, relative humidity 20-50 percent). See section **(1) Electronic storage media maintenance** for environmental controls for preservation duplicates of permanent or long-term records.
- Electronic records storage media must not be stored closer than 6 feet to sources of magnetic fields, including generators, elevators, transformers, loudspeakers, microphones, headphones, magnetic cabinet latches and magnetized tools.
- Electronic records on magnetic tape or disk must not be stored in metal containers unless the metal is non-magnetic.
- Storage containers must be resistant to impact, dust intrusion and moisture.
- Compact disks must be stored in hard cases, and not in cardboard, paper, or flimsy sleeves.

(3) Selecting storage media.

As specified in Rule 1B-26.003(10), *Florida Administrative Code*, agencies shall select appropriate media for storing record copies of electronic public records throughout their life cycle that meet the following requirements:

- Permit easy and accurate retrieval in a timely fashion.
- Retain the records in a usable format until their authorized disposition.
- When appropriate, meet the requirements necessary for transfer to the State Archives of Florida.

Agencies should consider the following factors before selecting a storage media or converting from one media to another:

- The authorized retention of the records.
- The maintenance necessary to retain the records.
- The cost of storing and retrieving the records.
- The access time to retrieve the stored records.
- The portability of the medium (can be read by multiple manufacturers' equipment).
- The ability to transfer the information from one medium to another.

When storing permanent or long-term records, agencies must adhere to additional standards. Long-term records are defined as those that have an established retention of more than 10 years.

- Permanent or long-term records may be stored on hard drive (cloud-based or internal), optical disc (preferably write-once discs with an inert dye layer), or on polyester-based magnetic data tape.

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- Agencies shall not use flash memory media (such as thumb drives, SD cards, CF cards and micro-SD cards), floppy disks, audio cassette tapes or VHS video cassette tapes for the storage of record copies of permanent or long-term records.
- Agencies shall use only previously unrecorded audio or video tape for record copies of permanent or long-term audio or video recordings.
- Record copies of scanned images created by the agency from hard copy permanent or long-term records must be stored in accordance with a published International Organization for Standardization (ISO) open standard image format. Published standards can be found at <http://www.iso.org/iso/home.htm>. Examples of acceptable formats are TIFF, PDF and PDF/A.

(4) Using CDs and DVDs for storage.

CDs and DVDs are not recommended for storing the record copy of permanent or long-term records. If you choose to use CDs and DVDs for storing short-term records, you should understand their properties and limitations.

- The color of a CD/DVD indicates its quality. It is best to look for a gold or silver CD/DVD; look at the color from the underside of the disk, not the top.
- To assure the highest quality of a CD-R, look for those manufactured using phthalocyanine dye with gold or silver reflective layers. Do not use Azo- or (plain) cyanine-dyed media.
- For DVD-Rs, use double-sided/single-layer with a gold reflective underside.
- Acquire new CDs/DVDs as they are needed. According to the Optical Storage Technology Association (OSTA), the shelf life of unrecorded CD-R/DVD-R disks is conservatively estimated to be between 5 and 10 years.
- Recorded CDs/DVDs can show a life expectancy of anywhere from as low as a year or two to 25 or 30 years.
- We recommend testing your media at least every two to five years to assure your records are still readable.

(5) Media conversion.

- Agencies must convert storage media to provide compatibility with the agency's current hardware and software to ensure that information is not lost due to changing technology or deterioration of storage media.
- Before conversion of information to different media, agencies must determine that authorized disposition of the electronic records can be implemented after conversion.

(6) Cloud computing.

Cloud computing is a term that refers to accessing via the Internet computer resources that are owned and operated by a service provider in one or more data center locations. Cloud computing customers use resources as a service and pay only for resources that they use, thereby avoiding capital expenditure on hardware and software. Services may include data storage and management, software, and computing resources.

Agencies considering cloud computing should have a clear understanding of exactly what the agency needs and what the service provider is offering. Records management requirements apply to public records maintained in the cloud just as they do to records stored on agency computers. Some of the issues that should be considered:

- **Scope** – What agency records will be stored, processed or accessed through the cloud? Will they include confidential or exempt records?

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- **Access** – How frequently and quickly will the agency need to retrieve records from the cloud? What are the terms, costs and performance benchmarks for accessing records?
- **Retention** – With cloud computing services, often multiple copies of the data are stored on geographically-dispersed resources for data protection and access. How will the vendor ensure destruction of all copies of records that have met their retention?
- **Location** – It is not uncommon for the end-user to have no idea where their information is stored or processed in the cloud. If agency records must be maintained within jurisdictional boundaries, this requirement should be included in the vendor contract.
- **Legal/Policy Compliance** – Cloud computing may not adequately address some compliance issues such as those related to the Health Insurance Portability and Accountability Act (HIPAA), the Sarbanes-Oxley Act of 2002, and the Payment Card Industry (PCI) security requirements.
- **E-Discovery** – How will the agency ensure that it can comply with an e-discovery order if some or all of its records are stored in the cloud?
- **Interoperability** – As with any information technology, it is important to ensure that records are not trapped in a proprietary system in the cloud that will require considerable expense or effort to remove it from that system or move it to another system.
- **Security** – There is debate as to whether cloud services provide more or less security than traditional IT infrastructure. Some argue that data is more secure when managed internally, while others argue that cloud providers have a strong incentive to maintain trust and as such employ a higher level of security.

Agencies considering cloud computing services should address these and related issues up front. **Have the provider demonstrate or describe in detail how they can meet all agency requirements, and clearly delineate those functional and performance requirements in the contract with the provider.**

G. Electronic records backup for disaster recovery.

Backups are created and maintained SOLELY for disaster recovery and/or business continuity. Backing up means to copy data and files onto stable media for use in restoring lost or corrupted data and/or for recovery of operating systems or application files. Retention of backups is based on each agency's backup rotation schedule/protocol.

Backing up data or files is different from data archiving. Data archiving means to move less active data and files to separate storage until retention requirements have been satisfied. Retention of archived data is based on records retention requirements.

Data archiving is different from preserving and managing records that have long-term historical research value – archival records in the traditional sense. Archival records are selected for permanent preservation because they have been determined to have permanent or enduring value. Archival records are often referred to as historical records, but their value can be historical, administrative, legal or financial. See the [Archives and Archival Records](#) section for more on this.

- Agencies must back up electronic records on a regular basis to safeguard against loss of information due to equipment malfunctions, human error or other disaster. Additional backups are strongly recommended for permanent and long-term records.

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- Backup media should be stored in an off-site storage facility, which may include cloud storage, geographically separated from the risks associated with the agency's location.
- The storage environment for backup media must be maintained at constant temperature (below 68 degrees Fahrenheit) and relative humidity (30-45 percent) levels.
- If, for any reason (for instance, a disaster erases emails on your server), the only existing copy of an item that has not met its retention period is on a backup medium, the agency must ensure that the record on the backup is maintained for the appropriate retention period. A backup containing record copies or the only existing copies of records that have not passed their retention would have to be retained for the length of the longest unmet retention period. It is strongly recommended that any such records be restored to an accessible storage device from the backup to ensure that the backup is not used as a records retention tool.
- Agency IT policies should establish, and agencies should adhere to, a regular cycle of backup overwrites based on the agency's operational, security and disaster recovery needs.
- There is no retention schedule for backup tapes or other forms of data backup. As discussed earlier, a backup tape or drive should be kept solely as a security precaution and not to serve as the record copy or as a records retention tool. In the case of disaster, the backup would be used to restore lost records. Agency records that have not met their retention should not be disposed of based on the existence of a backup.

H. E-Discovery.

Electronic discovery (or e-discovery) refers to discovery in civil litigation of electronically stored information, or ESI.

The Federal Rules of Civil Procedure (FRCP) do not require agencies to keep **all** of their emails (or other electronic records) permanently. Courts expect organizations to produce **relevant** ESI in the same electronic format in which the organization normally created or maintained it for business purposes. Therefore, in the event of litigation or reasonably anticipated litigation, existing records in electronic form must be maintained in their current electronic format; printing them out or converting them to another format at that point might not only be unnecessary, but also might be unacceptable to the court. If an agency has a print and file policy for email, deletion of emails once printed must be suspended until all legal discovery issues are closed.

Agencies can do the following to prepare for e-discovery:

- Have a formal, active records management program and policy that applies to all records regardless of format.
- Maintain records inventories or other means of identifying and locating all agency records.
- Ensure that retention schedules and all other retention requirements have been met before disposing of records in any form, including electronic records.
- Properly document disposition of records.
- Have a formal procedure for placing a litigation hold on records in all formats that might be relevant to anticipated, pending or ongoing litigation.
- Ensure regular consultation among agency legal staff, records management staff and information technology staff.

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Consultation between agency legal, records management and information technology staff is critical to ensuring that appropriate policies and procedures are in place and all the key players are familiar with their responsibilities relating to e-discovery and other records management requirements. Agencies should always consult with their legal counsel to verify their legal requirements for compliance with these and other rules of civil and criminal procedure.

I. Essential characteristics of electronic records and legal admissibility.

Managing and preserving electronic records can be challenging since they are easily revised, deleted, or manipulated. If appropriate measures are not taken, the essential characteristics of records can be altered or lost. Careful planning and system design are required to guarantee that the essential characteristics of electronic records are both captured and maintained for the lifetime of the record.

The essential characteristics of electronic records are:

Content - Information in the record that documents government business. Content can be composed of numbers, text, symbols, data, images or sound. The information content of a record should be an accurate reflection of a particular business transaction or activity.

Context - Information that shows how the record is related to the business of the agency and other records. Contextual information is crucial to the evidentiary function of records. If a record lacks key information about its creator, the time of its creation, or its relationship to other records, its value as a record is severely diminished or lost entirely.

Structure – Appearance and arrangement of a record's content and technical characteristics of the record (e.g., file format, data organization, relationships between fields, page layout, style, fonts, page and paragraph breaks, hyperlinks, headers, footnotes). It is easier to preserve a record over time if it has a simple record structure. It is also advisable to base record structure on open standards to avoid dependence on a specific company or organization.

For records to serve as evidence, these three essential characteristics must be maintained. Whenever one of the characteristics is altered, the ability of records to accurately reflect the activities of an agency is diminished.

Legal admissibility concerns whether a piece of evidence would be accepted by a court of law. If the authenticity and accuracy of the records can be demonstrated, then they will have evidential weight; if a record does not hold evidential weight, it could potentially harm a case being fought. There are two main elements that demonstrate authenticity of electronic records:

- The system's ability to "freeze" a record at a specific moment in time.
- Maintenance of a documented audit trail.

J. Electronic records management training.

Agencies must provide for appropriate training for users of systems in which electronic records reside, including training in the operation, care and handling of the equipment, software, media used in the system, system security controls, and management of records. Training for staff who create, edit, store, retrieve or dispose of records is a critical aspect of electronic records management. Training should enable staff to identify electronic public records and understand how those records are filed and safeguarded, procedures for editing records, and how to dispose of records in accordance with legal requirements.

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K. Electronic signatures requirements.

The statutory governance for electronic signatures is Florida's Electronic Signature Act of 1996, Section 668.001-006, *Florida Statutes*, and Uniform Electronic Transaction Act, Section 668.50, *Florida Statutes*. In particular, the following sections may apply:

668.004 Force and effect of electronic signature. — Unless otherwise provided by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature.

668.50(7) LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS. —

(a) A record or signature may not be denied legal effect or enforceability solely because the record or signature is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in the formation of the contract.

(c) If a provision of law requires a record to be in writing, an electronic record satisfies such provision.

(d) If a provision of law requires a signature, an electronic signature satisfies such provision.

668.50(13) ADMISSIBILITY IN EVIDENCE. — In a proceeding, evidence of a record or signature may not be excluded solely because the record or signature is in electronic form.

In essence, unless otherwise specified by law or administrative rule, electronic signatures are acceptable, including digital signatures. Agencies are advised to review Chapter 668, *Florida Statutes*, as well as consult with their legal counsel for further guidance on this issue.

L. Professionally sealed documents.

Documents that have been sealed by professionals, such as building plans sealed by professional engineers, can be scanned for retention purposes.

- Raised impression or embossed seals must be clearly visible after scanning. This can be done by, for example, lightly shading with a pencil, rubbing the impression with carbon paper or using an embossment ink.
- Agencies must maintain unaltered copies of professionally sealed records. Any markups made by the agency should be done on a duplicate of the record. Each copy must be retained according to its applicable retention schedule.

It is not necessary for agencies to follow standards established by the Board of Professional Engineers. Their standards are for professional engineers, not governmental entities receiving or approving plans.

ADDITIONAL RECORDS MANAGEMENT INFORMATION

The Division of Library and Information Services has a Records Management website at info.florida.gov/records-management/ providing general information, guidance and resources regarding Florida public records. The website includes all current general records schedules as well as information regarding retention scheduling and disposition, RMLOs, applicable statutes and rules, disaster recovery and training opportunities.

The division also produces handbooks providing additional information on records management topics. These handbooks, as well as other publications and forms, are available on the Records Management website. Available handbooks include:

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Florida State Records Center Handbook

Public Records Center Facilities Guidelines

Records Storage and Facilities Guidelines for Archives and Historical Records Repositories

Records Management Self-Evaluation Guide

Micrographics Handbook

See [Appendix H](#) for contact information for records management and archivist professional organizations.

ARCHIVES AND ARCHIVAL RECORDS

Archival records are selected for permanent preservation because they have been determined to have permanent or enduring value. Archival records are often referred to as historical records, but their value can be historical, administrative, legal or financial.

An archives is the agency, office or program responsible for collecting, preserving and making available records determined to have archival value. "Archives" also refers to the building in which an archival institution is housed and to the collections managed by the archives program.

Florida's archival records are an invaluable source of information on the history and development of the state, its government and the lives of its citizens. Archival records document and therefore protect our rights and privileges as citizens and the responsibilities, duties and limitations of our government. Archival records document the actions and decisions of our government, our personal lives, our businesses and professions, our environment, and our society and culture. They are used to provide information on the programs and functions of government, to prove ownership of property and to document family history. Historical records need to be preserved because our government is obligated to maintain them and because they tell us where we have been, offer insights into where we are now and provide vision for our future.

Archivists and records managers work together to identify, select and preserve historical records. Records managers, through the application of standard records management practices, ensure that records and information are properly identified and managed in the office and that, through the scheduling and disposition process, archival records are preserved.

Archivists consider a number of factors when appraising records to determine archival value. Age and format are just two of these considerations. Records and information being created today can have archival value equal to that of records created centuries ago. Similarly, information maintained electronically can have archival value equal to that of records on paper or bound in a volume. Key characteristics of records that justify their continued retention as archives include such values as:

- **Evidential value.** The value of the evidence that records provide of the origins, structure, functions and operations of the agency that created them.
- **Informational value.** The research or reference value of the information contained in the records beyond their evidential value.
- **Financial, legal and administrative value.** The value of the records for the conduct of current and future agency business.
- **Intrinsic value.** The value of records deriving from their association with a historical event or person or from their unique physical format.

A. State Agencies.

The State Archives of Florida, a program of the Division of Library and Information Services, serves as the central repository for the archives of state government. In the broadest sense, the purpose of the State Archives of Florida is to preserve and make available the permanent public and private records in its custody. The Archives' specific mandate in Section 257.35, *Florida Statutes*, authorizes the State Archives of Florida, Division of Library and Information Services, to collect, preserve and make available for research the historically significant public records of the state, as well as private manuscripts, local government records, photographs and other materials that complement the official state records.

Title to any records transferred to the State Archives of Florida is vested in the Division of Library and Information Services. Public records in the State Archives are available to the public and the creating agency in accordance with *Florida Statutes*.

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ARCHIVES AND ARCHIVAL RECORDS

All public records transferred to the State Archives of Florida must be properly scheduled through the Records Management Program as described in this handbook. Once the scheduling process is complete, state agencies should contact the State Archives staff for instructions and assistance in completing archival appraisal and, if appropriate, transfer of the records to the Archives, including types of storage boxes to use, packing and labeling the boxes, and documenting the records transfer (contact information is located at the end of this section).

B. Local Agencies.

Some local government agencies and jurisdictions also have formal archives programs. Local government archival records reflect and touch the lives of most citizens. Such records may document property ownership, birth, death, marriage, school attendance, work, community activities and relations, and many other aspects of our lives. The valuable information they contain must be preserved and made available for people to use. There are many avenues a local government can take to preserve and make available its archival records; not all need to establish a formal archival program as found at the state and national level, although this is the ideal approach.

The first step local governments should take to formally begin the process is to pass an ordinance or resolution officially authorizing the operation of an archives program. This demonstrates the local government's commitment to preserving its historical records and emphasizes the importance of this activity to managers, employees and the public. There are several options a local government might consider when planning to care for its archival records. Governments can:

- Establish an independent archives program, including an archives building and a staff of professional archivists, with a recurring budget line item or other dedicated source of funding. This option requires the largest amount of resources and commitment but will best ensure the appropriate preservation of and access to the records.
- Create a multi-government archival program where several local agencies or jurisdictions pool their resources to preserve and make available local historical records. For example, the county Clerk of Court, Board of County Commissioners and School Board could work together to form one archival program documenting the county's history, or a city and county could form a cooperative archives program.
- Incorporate an archives program into a comprehensive records management program. Records centers can be adapted to store archival records and staff can receive basic archival and preservation training to handle the archival records. The RMLO or another individual can be given the archives responsibility and can serve as the point of contact for researchers using the records. This option should include provisions for a proper storage environment for the archival records and, if possible, for engaging the services of at least one experienced professional archivist as an employee, consultant or volunteer.
- Include the identification, preservation and availability of archival records as a part of the government's overall recordkeeping process. This option requires the records custodian(s) to care for the records from creation to disposal or permanent retention. Office records are identified, scheduled and maintained in the creating office, and inventories are created to assist researchers in using the records. Office staff assist researchers using the records. This option is useful for governments with few archival records, such as school boards, and is economical in that existing office staff and facilities are used to maintain the records.

Local governments interested in establishing an archives program are encouraged to contact the Division of Library and Information Services for assistance. The division can provide technical assistance and training in all areas of archives management including program

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ARCHIVES AND ARCHIVAL RECORDS

establishment, records identification and selection, access and public programs, general preservation principles and program assessment.

For more information regarding archival records, contact the State Archives by phone at 850.245.6700 or by email at archives@dos.myflorida.com.

GLOSSARY

Active Records: Records that have sufficient administrative, fiscal, legal or historical value to warrant their continued storage in an easily accessible area (e.g., office area).

Agency: “[A]ny state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.” (Rule 1B-24.001(3)(a), *Florida Administrative Code*)

Appraisal: The process of determining the value and thus the disposition of records based upon a broad range of considerations, among them their current administrative, legal and fiscal use; their long-term evidential and informational or research value; their arrangement; and their relationship to other records.

Archives: An organization dedicated to the preservation of and access to records deemed to have enduring historical significance. Usually an archives will accept, arrange and preserve such records according to approved archival practices. *See also* [State Archives of Florida](#).

Custodian: “[T]he elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.” (Rule 1B-24.001(3)(b), *Florida Administrative Code*)

Disaster Preparedness: Policies and procedures for preventing, responding to, and assessing and recovering from the damage resulting from a natural or man-made disaster or emergency, including the systematic identification of those records that are vital to an agency’s purpose and operations and a plan to protect such records. *See also* [Vital Records](#).

Disposition: “[F]inal actions taken with regard to public records that have met all retention requirements and are no longer needed for current government business as indicated in General Records Schedules or Records Retention Schedules. Disposition may include either destruction of public records or transfer of public records to the custody of another public agency such as the Florida State Archives or a local government archives or records repository.” (Rule 1B-24.001(3)(c), *Florida Administrative Code*)

Division: “[T]he Division of Library and Information Services of the Department of State.” (Rule 1B-24.001(3)(d), *Florida Administrative Code*)

Drafts: Materials that constitute precursors of public records, have not been communicated or circulated for review or comment and are not in themselves intended as final evidence of the knowledge to be recorded. Information in a preliminary form that is not intended to perpetuate, communicate or formalize knowledge of some type and that is fully represented in the final product is a “draft” and not a “public record.” (Florida Supreme Court, *Shevin v. Byron, Harless, Schaffer, Reid, and Associates* (379 So. 2d 633, Fla. 1980))

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

Electronic Records: Any data or information that has been captured and fixed for storage and manipulation in an automated system and requires the use of a system to render it intelligible by a person. Electronic records include numeric, graphic, audio, video, and textual information that is recorded or transmitted in analog or digital form such as electronic spreadsheets, word processing files, databases, electronic mail, instant messages, scanned images, digital photographs, and multimedia files.

Florida State Archives: *See* [State Archives of Florida](#).

General Records Schedules: “[R]etention requirements established by the Division for public records common to all agencies or specified types of agencies within the State of Florida indicating the minimum time such records must be kept.” (Rule 1B-24.001(3)(g), *Florida*

GLOSSARY

Administrative Code) See [Appendix C](#) for a complete list of Florida's general records schedules and information on obtaining them.

Inactive Records: Records that have lost some of their value or have been superseded by new records but have not yet met all of their retention requirements. These records can be stored off-site until final disposition. Sometimes referred to as "semi-active records."

Intermediate Files/Processing Files: "[T]emporary electronic files used to create, correct, reorganize, update, or derive output from master data files. Intermediate files are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate files only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files . . ." (Rule 1B-24.001(3)(h), *Florida Administrative Code*)

Public Records: "[A]ll 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." (Section 119.011(12), *Florida Statutes*)

Record Copy: "[P]ublic records specifically designated by the custodian as the official record." (Rule 1B-24.001(3)(j), *Florida Administrative Code*)

Record Series: "[A] group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency." (Rule 1B-24.001(3)(k), *Florida Administrative Code*)

Records Center: A facility especially designed and constructed for the low-cost and efficient storage of inactive records and the furnishing of reference service on inactive records pending their final disposition.

Records Inventory: The systematic identification of records in an agency conducted to 1) facilitate efficient management of, and access to, their records, and 2) to develop or identify appropriate retention schedules for their records.

Records Management: The application of systematic controls to manage an agency's records throughout their life cycle from their creation, distribution, filing and use through their final disposition, whether by destruction or permanent retention.

Records Management Liaison Officer (RMLO): The individual designated by the agency who serves as a contact person to the division and is assigned records management responsibilities by the Custodian. Section 257.36(5)(a), *Florida Statutes* requires all agencies to designate an RMLO.

Records Retention Schedule: "[R]etention requirements established by the Division for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept." (Rule 1B-24.001(3)(l), *Florida Administrative Code*) Agencies may initiate the process by submitting to the division a *Request for Records Retention Schedule*, Form LS5E-105REff.2-09.

Retention Period: The minimum period of time for which a record series must be retained before final disposition, based upon the legal, fiscal, administrative and historical values of the record series. In rare instances, a retention period might establish the maximum period of time to retain records before they must be destroyed. Retention values are determined by the nature, content and purpose of the record series and not by the physical format (e.g., paper, electronic, microfilm) in which the series resides.

GLOSSARY

Semi-Active Records: See [Inactive Records](#).

State Archives of Florida: "[T]he program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the state and which have been accepted by the Division for transfer to its custody." (Rule 1B-24.001(3)(f), *Florida Administrative Code*) See also [Archives](#).

Supporting Documents: Public records assembled or created to be used in the preparation of other records that are needed to trace or explain actions, steps and decisions covered in the final or record copy.

Vital Records: Records that are essential to the operations of an agency and/or to protecting the rights of individuals and that are needed in order to resume the critical business of the agency after a disaster or emergency, regardless of whether they have a permanent, long-term or short-term retention. Vital records should be identified during the records inventory process and as part of a disaster preparedness program. See also [Disaster Preparedness](#).

APPENDIX A

Records Management Liaison Officer (RMLO) Designation Form

Please provide current information about your agency RMLO in the spaces below.

Agency Name: _____

Agency Mailing Address: _____

RMLO Name: _____

RMLO Email Address: _____

RMLO Mailing Address: _____

Telephone Number: _____

Authorizing Official Name: _____

Authorizing Official Title: _____

Authorizing Official Signature: _____

Date: _____

PLEASE RETURN TO:

State Library and Archives of Florida
Records Management Program
500 South Bronough Street
Mail Station 9E
Tallahassee, FL 32399-0250
Email: recmgt@dos.myflorida.com

APPENDIX B

Public Records and Freedom of Information Policy Sources

The ***Government-in-the-Sunshine Manual***, compiled annually by the Office of the Attorney General, is a comprehensive guide to Florida's open government requirements and responsibilities, including open meetings and public records. The *Manual* provides answers to many questions regarding access to public records, including an extensive list of exemptions from disclosure. To order a copy, contact the publisher at:

First Amendment Foundation

317 East Park Avenue, Lower Level
Tallahassee, Florida 32301
Main Office: 850.224.4555
Hotline: 850.222-3518
Toll-Free: 800.337.3518
Email: info@floridafaf.org
floridafaf.org

The ***Brechner Report*** is a monthly newsletter providing news and information regarding public records, access and freedom of information issues. For more information, contact the publisher at:

Brechner Center for Freedom of Information

Post Office Box 118400
3208 Weimer Hall
University of Florida
Gainesville, Florida 32611-8400
Phone: 352.392.2273
Fax: 352.392.9173
brechner.org

The **Office of Open Government** provides advice regarding public records access issues to assure full and expeditious compliance with Florida's open government and public records laws. For more information, contact the Office of Open Government at:

Office of Open Government

The Executive Office of the Governor
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001
Phone: 850.717.9248
Email: desantis.opengov@eog.myflorida.com
flgov.com/open_government

APPENDIX C

Obtaining Schedules, Handbooks and Other Resources

The publications and resources of Florida's Records Management Program are available on the records management website at info.florida.gov/records-management. We recommend that you consult these publications on the web to ensure that you are working with the most current information. To control expenses, we do not print or stock quantities of these resources. However, if you are unable to access these materials on the web, we can provide you with an individual copy. Please complete and mail or [email](#) this form to:

State Library and Archives of Florida
Records Management Program
Mail Station 9E
Tallahassee, Florida 32399-0250
recmgt@dos.myflorida.com

PLEASE CHECK THE ITEMS DESIRED

- ☐ GS1-SL for State and Local Government Agencies
- ☐ GS2 for Law Enforcement, Correctional Facilities and District Medical Examiners
- ☐ GS3 for Election Records
- ☐ GS4 for Public Hospitals, Health Care Facilities and Medical Providers
- ☐ GS5 for Public Universities and Colleges
- ☐ GS7 for Public Schools Pre-K-12 and Adult and Career Education
- ☐ GS8 for Fire Departments
- ☐ GS9 for State Attorneys
- ☐ GS11 for Clerks of Court
- ☐ GS12 for Property Appraisers
- ☐ GS13 for Tax Collectors
- ☐ GS14 for Public Utilities
- ☐ GS15 for Public Libraries
- ☐ Request for Records Retention Schedule (Form LS5E-105REff.2-09)
- ☐ Managing Florida's Public Records
- ☐ Records Management Self-Evaluation Guide
- ☐ Micrographics Handbook
- ☐ Public Records Center Facilities Guidelines
- ☐ Records Storage and Facilities Guidelines for Archives and Historical Records Repositories
- ☐ Chapter 119, *Florida Statutes* - Public Records
- ☐ Chapter 257, *Florida Statutes* - Public Libraries and State Archives
- ☐ Rule 1B-24, *Florida Administrative Code* - Public Records Scheduling and Disposition
- ☐ Rule 1B-26.0021, *Florida Administrative Code* - Microfilm Standards
- ☐ Rule 1B-26.003, *Florida Administrative Code* - Electronic Recordkeeping

Name/Title: _____

Agency: _____

Address: _____

APPENDIX D

Records Inventory Worksheet (two pages)

Fillable Worksheet form in PDF format available at info.florida.gov/records-management/forms-and-publications/.

RECORDS INVENTORY WORKSHEET				
Department/Section _____		Contact _____		Phone No. _____
Location of Records Room _____ File _____		Schedule No. _____		Item No. _____
Records Series Title _____				
Record/File Title _____				
Description (Contents, purpose, and use: Include form title and numbers, if any) _____ _____ _____ _____				
<input type="checkbox"/> Record Copy <input type="checkbox"/> Duplicate Copy				
File Type <input type="checkbox"/> Subject <input type="checkbox"/> Case/Business Activity <input type="checkbox"/> Working Papers <input type="checkbox"/> Reference <input type="checkbox"/> Index	Cut-Off Date <input type="checkbox"/> Calendar Year <input type="checkbox"/> Fiscal Year <input type="checkbox"/> Anniversary <input type="checkbox"/> Continuous <input type="checkbox"/> Other _____	Arrangement <input type="checkbox"/> Alphabetic by _____ <input type="checkbox"/> Alphanumeric by _____ <input type="checkbox"/> Numeric by _____ <input type="checkbox"/> Chronological by _____ <input type="checkbox"/> Other _____		Authorization for Series <input type="checkbox"/> a. Statute <input type="checkbox"/> b. Regulations <input type="checkbox"/> c. Administrative (Citation) _____
Record Form <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> 8-1/2" x 11" paper (letter size) <input type="checkbox"/> 8-1/2" x 14" paper (legal size) <input type="checkbox"/> Bound books, catalogs <input type="checkbox"/> 3" x 5" Cards <input type="checkbox"/> 4" x 6" Cards </div> <div style="width: 33%;"> <input type="checkbox"/> 11" x 15" computer printouts <input type="checkbox"/> 11" x 8-1/2" computer printouts <input type="checkbox"/> Roll microfilm <input type="checkbox"/> Microfiche <input type="checkbox"/> Other _____ </div> <div style="width: 33%;"> <input type="checkbox"/> Computer disks <input type="checkbox"/> Compact disks <input type="checkbox"/> Computer tapes/cartridges <input type="checkbox"/> Video tapes <input type="checkbox"/> Optical disks </div> </div>				
Electronic Records Filing a. What is the name of the system? _____ b. Who owns the system? _____ c. What operating system is needed to retrieve and view files? _____ d. What application software is needed to retrieve and view files? _____ e. What is the file format? (.doc, .xls, .tif, .rtf, etc.) _____ f. What is current age of media on which records are stored? (1 year, 5 years, etc.) _____ g. How quickly is this information usually needed? (within minutes, days, weeks, etc.) _____ h. How often is this information accessed? (daily, weekly, monthly, etc.) _____ i. What business activity do these records support? _____ j. Are there any records related to these records? _____ k. Do you need more assistance with assessing these records? _____				
Current Holdings				
Year (Inclusive Dates)	Paper Cubic Feet	Electronic Bytes/Item Count	Type Filing Equipment Used	Quantity

APPENDIX D

1

File Plan Form

This is a sample file plan form and can be adapted to meet your agency's needs. Feel free to add or remove columns as needed. Additional columns can help further identify your records such as specific names of individuals responsible for the records, legal requirement for the records, filing arrangement, or comments.

[illegible]

APPENDIX E

Request for Records Retention Schedule Form

STATE OF FLORIDA DEPARTMENT OF STATE Division of Library and Information Services Form LSSE-105REF.2-09 Rule 1B-24.003, F.A.C.	Request for RECORDS RETENTION SCHEDULE	<i>Department of State Use Only</i> SCHEDULE NO. _____ Agency No. _____ <input type="checkbox"/> New Schedule <input type="checkbox"/> Revise Existing Sched # _____						
Agency Information								
1. Agency Name: _____ Division: _____ Bureau: _____	2. RMLO Contact Information Name: _____ Phone: _____ E-mail: _____ Address: _____							
3. Custodian Name: _____ Phone: _____								
Record Series Information								
<small>Retention schedules are established for record series, regardless of media or format. A record series is a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use.</small>								
4. Proposed Record Series Title. Provide a brief phrase summarizing the form, function and/or subject of the records, without using agency jargon or abbreviations. _____								
5. Record Series Description. Provide a general description of the record series, including its purpose and use. This information should enable someone not familiar with the record series to identify it and understand its contents. Please attach any related forms or other documentation. _____								
6. What is the primary purpose of this record series? <input type="checkbox"/> Administrative <input type="checkbox"/> Legal <input type="checkbox"/> Fiscal Is this record series subject to audit? <input type="checkbox"/> Yes <input type="checkbox"/> No List any federal, state, or local statutes, laws, ordinances, rules or other legal or regulatory requirements specifically relating to this record series. Please attach copies, if available. _____								
Agency Recommended Retention								
7. Based on your agency's knowledge of the record series and its function, what is your agency's recommended retention period? <i>Record Copy:</i> _____ <i>Duplicate Copies:</i> _____								
Agency Authorization								
8. Authorized by: <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 40%;"></td> <td style="border-bottom: 1px solid black; width: 40%;"></td> <td style="border-bottom: 1px solid black; width: 20%;"></td> </tr> <tr> <td style="text-align: center; font-size: small;">Signature</td> <td style="text-align: center; font-size: small;">Title</td> <td style="text-align: center; font-size: small;">Date</td> </tr> </table>						Signature	Title	Date
Signature	Title	Date						
PLEASE SUBMIT TO: Florida Department of State State Library and Archives of Florida Mail Station 9A Tallahassee, Florida 32399-0250								
<small>Please note that this is a retention schedule request and that the schedule is not available for use until reviewed and approved by the Department of State. You will be notified when this review is complete.</small>								

APPENDIX E

Completing the *Request for Records Retention Schedule* Form LS5E-105REff.2-09

The *Request for Records Retention Schedule* is a two-page form. Agencies will complete and submit Page 1, available on our website at info.florida.gov/records-management/forms-and-publications/. The Records Management Program will complete Page 2 as part of the Program's approval process.

STEP 1. NEW OR EXISTING SCHEDULE

In the upper right corner of Page 1, indicate if the proposed schedule is a new schedule or a revision to an existing schedule. If a revision to an existing schedule, indicate the existing schedule number.

STEP 2. AGENCY INFORMATION

In Sections 1-3, identify the agency, the custodian of the record series (name and telephone number) and the contact person or RMLO (name, telephone number, email and mailing address). The contact person should be the individual most familiar with the record series being scheduled and is often the person completing the form.

STEP 3. RECORD SERIES INFORMATION

In Section 4, enter the title of the record series. The title should be a brief phrase summarizing the form, function and/or subject of the records without using agency jargon or abbreviations (see above under [Inventory Procedures](#)).

In Section 5, enter a description of the record series indicating the purpose and use of the records, the type(s) of information or subject matter the records contain, if the record series is considered a vital record in your agency (vital records are those that are essential to the continuation of operations in an agency in the event of a disaster or emergency) and any other information that would enable someone not familiar with the record series to identify it and understand its contents and use.

In Section 6, indicate the primary purpose of the record series:

- **Administrative value** reflects use for general office operations and activities.
- **Legal value** means that the records may be used in or are often subject to litigation; or a specific state or federal law (such as statute of limitations) regulates the length of retention; or the records are significant documentation of the legal rights or responsibilities of government or citizens.
- **Fiscal value** indicates that the records are needed for financial audit and/or to document financial transactions of the agency such as budgets, payrolls, procurements or payments.

Also, in Section 6, indicate if the record series is subject to audit in your agency. Agencies need to be aware of any audit requirements relating to such records. See [Final Disposition of Public Records](#), subsection (2)(d) for information regarding audits.

Finally, in Section 6, list and/or attach copies of any applicable local, state or federal statutes, rules, regulations, ordinances, policies, etc., relating to creation or retention of the records. Reference to specific sections of statutes or rules will expedite the Records Management Program's review and approval of your retention schedule and will serve as supporting documentation should your agency's authority to dispose of the records ever be questioned.

STEP 4. RECOMMENDED RETENTION PERIOD

In Section 7, indicate your agency's recommended retention for both the record copy and for duplicates, based on your familiarity with the record series and its function in your office. This should be the MINIMUM length of time the record series must be retained to meet all administrative, legal and fiscal requirements (as discussed

APPENDIX E

above) before it is eligible for disposition. A fourth value, historical/archival value, will be reviewed and evaluated by the State Archives staff in consultation with your agency.

The recommended retention is for the information contained in the records, regardless of whether the records are kept in paper, electronic, microfilm or some other format. Retention is based on the nature, content and purpose of the records and not their physical format.

STEP 5. AUTHORIZATION

Section 8 is for the signature of the records custodian or their designee. This person might be the RMLO or some other person with authority to approve disposition of the agency's records. The form will not be processed without this signed authorization.

STEP 6. SUBMIT THE REQUEST

When you submit your *Request for Records Retention Schedule* to the Records Management Program, a records analyst will review the submitted information and the recommended retention schedule for compliance with legal requirements and/or any administrative or fiscal value the records might have. The analyst will also review established retention schedules for similar records from other agencies for consistency with existing retention practices. In many cases, the analyst will contact the agency for additional information or clarification.

An archivist from the State Archives will then review the schedule to determine if the records might have **long-term historical or archival value**. This helps to ensure the preservation of significant and unique records documenting the operation of government and the history of Florida and Floridians and thereby to protect the rights and interests of the citizens of the state. If the records are determined to be archival or potentially archival, the descriptive language will indicate this in the final, approved retention schedule. In the event that state government records are of archival value, the records should be transferred to the State Archives of Florida once all retention requirements have been met or, for records scheduled as permanent, once they are no longer in active agency use. Local government records having archival value may be transferred to local government historical records repositories or loaned to other local historical records repositories for preservation, provided they are maintained under the public records access provisions of Chapter 119, *Florida Statutes*. Only a very small percentage of an agency's records are generally targeted for transfer to an archives.

STEP 7. OFFICIAL RECORDS RETENTION SCHEDULE

Finally, the analyst will complete Page 2, which serves as the official retention schedule. This page includes the schedule number and the final record series title, description and retention requirements, and signatures of authorized division staff and managers. The Records Management Program will retain the original signed schedule and will provide a copy to the originating agency.

Should the analyst determine that the records covered by the requested schedule are already covered under an existing retention schedule, or should the analyst be unable to get sufficient explanatory information or justification for the schedule from the originating agency, the analyst will disapprove the request and will return a copy of the disapproved request to the agency.

Questions regarding the completion of the *Request for Records Retention Schedule* should be addressed to the Records Management Program at 850.245.6750 or recmgt@dos.myflorida.com.

APPENDIX F

This is the Department of State's internal records management policy and is provided as an example. This is not a statewide policy and applies only to the Florida Department of State.

Department of State Records Management and Public Records Request Policy

1. Introduction

The records that Florida's state and local government agencies keep in the course of carrying out their duties and responsibilities are public records. Public records are different from records of businesses and private organizations because Florida law requires public records to be readily accessible and available to the public upon request. All employees must ensure that public records in their custody are maintained and accessible as required by Florida law. Employees and agencies do not have the authority to withhold records deemed "sensitive." The only records that can be withheld from public disclosure are those specifically designated by the Florida Statutes as confidential or exempt. This policy will provide employees with the information necessary to understand and carry out their public records responsibilities.

2. Purpose

The purpose of this policy is to provide Department of State employees with the information and procedures necessary to understand and carry out their responsibilities under the Florida Public Records Law, including:

- a. The requirements for managing Department of State public records, and
- b. The manner in which public records requests are to be processed to ensure that responses to the requests are organized, inclusive, and in compliance with applicable statutes and rules.

3. Scope

This policy applies to all Department of State employees, as well as publicly created advisory boards and private organizations (such as Citizen Support Organizations), that have been delegated the authority to perform some governmental function. This policy applies to all public records of the Department of State, regardless of the medium in which they exist (i.e., paper, electronic, or other).

4. Policy

It is the Department of State's policy to ensure that public records in the Department's custody are maintained and managed as required by the Florida Public Records Law. This law provides that all materials made or received by Florida's state and local government agencies in connection with their official business are public records.

It is also the policy of the Department of State to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, as required by the Florida Public Records Law. Requested public records may not be withheld for any reason, except if the record or a portion of the record is specifically designated under law as confidential or exempt from public disclosure.

APPENDIX F

The Department of State places a high priority on efficient, effective, and economical management of public records to ensure that information is available when and where it is needed, in an organized and efficient manner, and in an appropriate environment.

5. Authority

- a. Sections 257.36(5)(b) and (6), 119.07, 119.011(12), and 119.021, *Florida Statutes*.
- b. Rules 1-2.0031, 1B-24, 1B-26.003, and 1B-26.0021, *Florida Administrative Code*.

6. Definitions

- a. "Confidential" means public records that have been identified in the *Florida Statutes* as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated in the statute.
- b. "Department of State Individual Records Retention Schedule" means individual retention schedules for records that are unique to the Department of State. The Department of State individual records retention schedules are available on the Department's Intranet at <http://dosintraweb/index.html>.
- c. "Exempt" means public records that have been identified in Chapter 119 or other applicable Florida Statutes as exempt from public disclosure.
- d. "GS1-SL" means the *General Records Schedule GS1-SL for State and Local Government Agencies*, which is available at info.florida.gov/records-management/general-records-schedules/.
- e. "Inactive Records" means records which have lost some of their value or have been superseded by new records, but have not reached their specified retention. Records that are referenced less than once per month are usually considered inactive.
- f. "Public record" as defined by section 119.011(12), *Florida Statutes*, means 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.
- g. "Record (Master) Copy" as defined in Rule 1B-24.001(3)(j), *Florida Administrative Code*, means the public records specifically designated by the custodian as the official record.
- h. "Record Series" as defined in Rule 1B-24.001(3)(k), *Florida Administrative Code*, means a group of related documents arranged 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.

7. Procedures

- a. Records Management: Records management entails retention, storage, disposition, and all other record-keeping requirements and practices that support Department programs, activities, operations, and accomplishments in order to best serve the public.
 - i. Organization and Maintenance:

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1. Public records shall be organized, arranged, and maintained using a filing or record-keeping system that:
 - Is appropriate to the nature, purpose, and use of the records.
 - Can be easily understood by all users.
 - Facilitates the location of and access to those records by all users, when and where it is needed.
 2. All records shall be stored on an appropriate media format to ensure their preservation for the entire length of their required retention.
 3. Inactive records can be boxed until the applicable retention period has been met. Records shall be boxed according to the applicable records series to facilitate disposal of the records in a timely manner.
- ii. Inventory: Each division or office in the Department must maintain a current inventory of all record series in their custody or control. The inventory can be in any format at the discretion of each division or office, including, but not limited to, one of the following methods:
1. Document each record series the office maintains in a Microsoft Word document or Excel spreadsheet.
 2. Highlight each applicable records series in the GS1-SL and the individual records schedules.
- iii. Records Retention Schedules: All records created and maintained by the Department must have a records retention schedule approved by the Division of Library and Information Services.

Many of the Department's public records are covered by the *General Records Schedule GS1-SL for State and Local Government Agencies*. The Division of Elections may also use the *General Records Schedule GS3 for Election Records*. The State Library of Florida may also use the *General Records Schedule GS15 for Public Libraries*.

Any records not covered by general records schedules must have an individual records retention schedule. To establish an individual records retention schedule, contact the department Records Management Liaison Officer or your division Records Coordinator (see Section 8) for assistance.

- iv. Disposition: Each division or office in the Department must systematically dispose of public records that have met their retention requirements and are no longer needed.
1. The record holder or custodian must properly document disposition of these records. A records disposition document form is available from the Division of Library and Information Services' Web site at info.florida.gov/records-management/forms-and-publications/.
 2. The Records Management Liaison Officer or Records Coordinator must permanently retain the completed disposition forms.

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3. Records with retention of "retain until obsolete, superseded, or administrative value is lost" (OSA) do not have to be documented when disposed, except for records that have been microfilmed or scanned where the microfilm or electronic version will serve as the record copy.
 4. Records determined by the State Archives of Florida to have archival value shall be transferred to the Archives in accordance with Archives procedures.
 - v. Employment separation: When an employee separates from employment with the Department, that employee's electronic public records, including but not limited to his/her computer user drive and email, shall be transferred to his/her immediate supervisor or the supervisor's designee for appropriate management, retention, and disposition. Hard copy public records shall remain in the program office for appropriate use, retention, and disposition by staff and/or managers of that office.
 - vi. Employee separation within the Office of the Secretary: When a Secretary of State separates, his/her electronic public records shall be transferred to the Assistant Secretary of State or his/her designee.
- b. Public Records Requests:
- i. Request:
 1. A public records request is a request to either inspect or copy, or both, public records pursuant to Chapter 119, *Florida Statutes*.
 2. There is no requirement that the request be made in person or in writing, or be in any particular form.
 3. The person making the request is not required to identify himself/herself, or to provide information about the reason for the request or how the records will be used.
 4. The request must be clear enough to enable the agency to conduct a meaningful search. The agency may ask questions about the request in order to respond to the request fully and in a timely manner.
 5. All requests should be directed to the appropriate division or office, with one exception. **Requests for Division of Elections records should be directed to the Public Information Office in the Office of the Secretary of State.**
 6. Reference requests to the State Archives of Florida are not considered public records requests.
 - ii. Responding to the request:
 1. Upon receipt of a request for public records by email, the Department shall send an acknowledgment of receipt of the request to the requestor via email within two business days. (See sample at Attachment A.) For requests received by any other means, an acknowledgment letter is necessary only if the request cannot be fulfilled within two days.

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2. The Department shall respond to all public records requests in a reasonable time, taking into account the extent and nature of the request. Within five business days of receipt of the request, the Department must take one of the following actions:
 - Send an invoice with a cover letter to the requestor outlining the fees as calculated by section 7.b.iii, "Fees," and the total amount due. (See sample invoice and letter at Attachment B.)
 - Notify the requestor of estimated costs and request payment in advance if the nature or volume of the requested records will require extensive use of information technology resources, extensive clerical or supervisory assistance, or both, in addition to the actual cost of duplication or production.
 - Inform the requestor that the Department is working on their request; give them an estimated time of completion and advise them about any specific circumstances affecting completion of the request.
 - Inform the requestor that the requested materials do not exist or are not in the custody of the Department.
3. Upon receipt of payment, the Department shall provide the requested materials. If for any reason the materials cannot be provided within five business days, the Department shall contact the requestor with an estimated time of completion.
4. Certified Copies of Public Records:
 - Certification Statement: When more than five pages of certified copies are requested, a certification statement may be used, instead of certifying each page. In this statement, which is a cover page for the group of documents, the custodian certifies that the copies provided are true and correct copies of the originals. (See sample certification at Attachment C.)
 - Page Certification: When each page of the record is requested to be certified, the following statement shall be typed on each page, either on the bottom or on the back of the page, depending on where space is available, and signed by the custodian of the records:

I, (insert name, title, and section), Florida Department of State, hereby certify that this is a true and correct copy of the record of the Florida Department of State.
Certified this (date) day of (month), (year).
_____ Signature
5. The Department may not delay production of records. Records must be produced within the time reasonably required to identify, collect, and copy them for the requesting party. The Department must make a good faith effort to satisfy the request promptly, consistent with available resources and other priorities.

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6. The Public Records Law does not require the Department to generate or create records not already in the Department's custody in response to a public records request. Records that are responsive to the public records request that are available as of the date the request is fulfilled must be provided, even if such records did not exist as of the date the request was received.
7. Confidential or exempt records:
 - If the requested records are confidential or exempt from public disclosure by statute, the records may not be disclosed. The Department must inform the requestor that the records are exempt from disclosure and cite the applicable statute establishing the exemption. (See sample letter at Attachment D.)
 - If only part of the record is confidential or exempt, the Department must redact that information and provide the remaining record to the requestor. The most efficient method should be used to redact information. One method of redacting is to black out the exempt information on a copy of the original, photocopying the marked copy, and providing the final photocopy to the requestor. The marked copy may be destroyed. Other methods are acceptable and may be used as long as the confidential or exempt information is not released to the requestor.

For questions or guidance regarding records exempt from disclosure, contact the General Counsel's Office.

8. The office responding to the request shall maintain the request, acknowledgment, response, invoice, materials produced, or a record of what was produced; any related correspondence; and receipt of payment.
9. The Department shall not dispose of requested records for a period of 30 days after the date on which a request for the records was made. This requirement is in addition to, and does not lessen, the obligation of the Department to retain records pursuant to the otherwise required records retention schedules.

iii. Fees

1. Fees may be paid by cash, check, or money order made payable to the Florida Department of State.
2. Copies or certified copies of records shall be furnished upon payment of the fee prescribed by Section 119.07(4), *Florida Statutes*:
 - Up to 15 cents may be charged per one-sided copy of not more than 14 inches by 8¹/₂ inches.
 - No more than an additional five cents may be charged for each two-sided copy.

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- For all other copies, the actual cost of duplication may be charged.
3. Other costs:
 - \$0.85 for each CD-ROM.
 - \$1.15 for each DVD.
 4. Certified copies of public records shall be furnished upon payment of the fees listed below:
 - Per page certification. A charge of \$1 per page shall be assessed for each individually certified page. (Section 119.07(4), *Florida Statutes*)
 - Certification statement. Charge of \$5 for the certification statement plus any fees for copies calculated under section 2.
 - The Division of Corporations shall furnish certified copies in accordance with sections 608.452 and 620.1109, *Florida Statutes*.
 5. The cost of mailing or shipping the requested material may also be added if the requestor asks that the material be delivered (instead of the requestor picking up the material in person).
 6. If the nature or volume of the public records requested to be inspected or copied is such that it requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, in addition to the actual cost of duplication, a special service charge may be assessed. This charge shall be reasonable and shall be based on the actual cost incurred for information technology resources and/or the labor cost of the clerical and supervisory personnel providing the service. (Section 119.07(4)(d), *Florida Statutes*)

The requestor shall not be charged for the first 30 minutes expended to fulfil the request; the extensive use charge shall be calculated after the first 30 minutes.
 7. When records can be sent by email, the Department will do so in the interest of efficiency and to minimize costs. In these cases, the Department will charge only for extensive time, if applicable. If the records must be placed on CD, DVD, or other media because they are too voluminous to email or because the requester does not want them sent by email, the costs of the media provided to the requester will be recovered.

Managing Florida's Public Records

APPENDIX F

8. The wage expense portion of public records special service charges¹ shall be calculated based on the following formulas²:

Public Records Special Service Charge =
(Hourly Base Rate of Pay + Hourly Value of Benefits) X Number of Hours Worked

Hourly Base Rate of Pay =
Annual Base Rate of Pay (or Monthly Base Rate X 12 or Biweekly Base Rate X 26)

2080 Hours (# work hours per year)

Hourly Value of Benefits for Career Service and Select Exempt =
Hourly Base Rate of Pay X Benefit Factor³

9. Upon receipt of payment, fees should be processed according to the revenue receipt procedures of the division or forwarded to the Support Services Administrator in the Office of Support Services.
10. Notwithstanding what is stated herein, no charges will be assessed against the requestor if the cost of production is less than \$5.00.

8. Records Management Liaison Officer and Records Coordinator

The Department's Records Management Liaison Officer (RMLO) is designated by the Secretary and serves as the department's contact for records management. In addition, each division shall appoint a Records Coordinator who will be the RMLO's records contact for that division. Address all questions, issues, or concerns relating to records in the Department to the RMLO or Records Coordinator. Contact the Secretary of State's Office or the applicable division director's office for current designations or appointments.

9. Violation

Violation of this policy may result in disciplinary action, up to and including termination of employment.

Approved by:

Secretary of State or Designee

Date

¹ This charge is authorized by Section 119.07(4)(d), *Florida Statutes*, and Department of State Rule 1-2.0031(2)(a), *Florida Administrative Code*, which is entitled "Public Records Requests: Special Service Charge."

² The first two formulas (for calculation of hourly rates of pay) are derived from DMS Rule 60L-32.002, *Florida Administrative Code*, which is entitled "Computation of Hourly Rate."

³ The benefit factor (in the third formula) is based on expenditures in the Department's Salary and Benefits appropriation category, and is calculated by dividing the salary expenditures by the benefit expenditures. This factor may be obtained from the Department's Bureau of Planning, Budget and Financial Services.

Managing Florida's Public Records

APPENDIX F

Records Management and Public Records Request Policy
Attachment A

(Acknowledgement Letter – Use Agency Letterhead or send by email)

(Date)

(Requestor's Name)

(Requestor's Address)

RE: Acknowledgement of Public Records Request

Dear *(Insert name of requestor)*:

We have received your public records request. Your request will be processed in accordance with the Florida Public Records Law. You will be advised as soon as possible regarding estimated costs. Payment will be due in advance by cash, check, or money order made payable to the Florida Department of State.

If you have any questions, you may contact me at *(insert telephone number)* or by email at *(insert email address)*.

Sincerely,

(Name)

(Title)

Managing Florida's Public Records

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Records Management and Public Records Request Policy
Attachment B

(Invoice Cover Letter – Use Agency Letterhead)

(Date)

(Requestor's Name)
(Requestor)

RE: Public Records Request

Dear *(Insert name of requestor)*:

Please find enclosed an invoice for your public records request. Upon payment of the invoice amount, we will provide you with copies of the records. Please make your check or money order payable to the Florida Department of State and send it to _____.

Please let me know if I may be of further assistance.

Sincerely,

(Name)
(Title)

Enclosure

Managing Florida's Public Records

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Records Management and Public Records Request Policy
Attachment C

(Certification Statement – Use Agency Letterhead)

I, (insert name, title, and section), Florida Department of State, hereby certify that the attached are true and correct copies of (insert description of public records, including the number of pages), and that I am the official custodian of the records.

CERTIFIED this (date) day of (month), (year).

BY: _____
(Insert name)
(Insert title)
(Insert section/office and division)
Florida Department of State

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Records Management and Public Records Request Policy
Attachment D

(Response Letter for Confidential/Exempt Records – Use Agency Letterhead)

(Date)

(Requestor's Name)

(Requestor's Address)

RE: Public Records Request

Dear *(Insert name of requestor)*:

Please find enclosed the materials related to your request for public records.

Some of the material contains information that is confidential or exempt from public disclosure in accordance with Florida Statutes. *(Provide the reason and statutory authority for all redactions, e.g., all social security numbers have been redacted per Section 119.071(5)(a)3, Florida Statutes.)*

If you have any questions, you may contact me at *(insert phone number)* or by email at *(insert email address)*.

Sincerely,

(Name)

(Title)

APPENDIX G

This is the Department of State's internal electronic mail policy and is provided as an example. This is not a statewide policy and applies only to the Florida Department of State.

Department of State Email Policy Florida Department of State

ELECTRONIC MAIL POLICY

1. Scope

This policy provides guidelines for the management and usage of electronic mail (email) messages as public records within the Florida Department of State ("Department"). This policy applies to the entire Department workforce with access to the Department's email system including all offices, divisions, bureaus, advisory bodies, and contract agents of the Department in the conduct of their official duties as prescribed by law.

This policy does not provide specific procedures for system backups or "archiving" of inactive email. Employees should refer to internal Department operating procedures for this information.

2. Purposes

The purposes of this policy are to:

- a. Ensure that Department employees comply with Florida's Public Records Law, Chapter 119, Florida Statutes, when using the Department's email system;
- b. Ensure that Department employees properly manage and retain email as public records in accordance with applicable records management statutes and rules; and
- c. Ensure proper usage of the Department's email system and that users understand the types of email usage that are considered inappropriate and a violation of this policy.

3. Authority

- a. Chapters 119, 257, and 282, Florida Statutes;
- b. Rules 1B-24 and 60DD-2, Florida Administrative Code.

4. Definition of Email

Email is the electronic transfer of information, typically in the form of electronic messages, memoranda, and attached documents, from a sending party to one or more receiving parties by means of an intermediate telecommunications system.

5. Email as a Public Record

- a. Email which is created or received by a Department employee in connection with the transaction of official business of the Department is considered a public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes, and is subject to applicable state retention laws and regulations, unless expressly exempted by law.
- b. Emails created or received for personal use are not generally considered public records and do not fall within the definition of public records by virtue of their placement on a government-owned computer system. However, if the Department discovers misuse of the email system, personal emails that are identified as being in violation of Department policy may become public record as part of an investigation.

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Department of State Policies and Procedure
Electronic Mail Policy
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- c. The Florida Statutes contain numerous specific exemptions to the access and inspection requirements of the Public Records Law. Employees are responsible for ensuring that electronic public records which are exempt from access or inspection by statute are properly safeguarded.

6. Use of Email System

- a. The Department's email system is to be used to conduct official Department business and is not to be used for any other purpose unless expressly approved by authorized Department officials. Email may be used to communicate with Department staff and with other public and private entities to conduct official Department business.
- b. Incidental, personal use of the email system is permitted; however, the personal use must be brief, must not interfere with the employee's work or the work of others, must not subject the Department to any additional cost, and must not be prohibited by this policy or any federal, state or local law, statute, ordinance, rule or regulation.

7. Prohibited Uses of Email

The Department's email system shall not be used for any unauthorized purpose including, but not limited to:

- a. Sending solicitations including, but not limited to, advertising the sale of goods or services or other commercial activities, which have not been approved by the Department.
- b. Sending copies of documents in violation of copyright laws or licensing agreements.
- c. Sending information or material prohibited or restricted by government security laws or regulations.
- d. Sending information or material which may reflect unfavorably on the Department or adversely affect the Department's ability to carry out its mission.
- e. Sending information or material which may be perceived as representing the Department's official position on any matter when authority to disseminate such information has not been expressly granted.
- f. Sending confidential or proprietary information or data to persons not authorized to receive such information, either within or outside the Department.
- g. Sending messages or requesting information or material that is *fraudulent, harassing, obscene, offensive, discriminatory, lewd, sexually suggestive, sexually explicit, pornographic, intimidating, defamatory, derogatory, violent or which contains profanity or vulgarity*, regardless of intent. Among those which are considered offensive include, but are not limited to, messages containing jokes, slurs, epithets, pictures, caricatures, or other material demonstrating animosity, hatred, disdain or contempt for a person or group of people because of race, color, age, national origin, gender, religious or political beliefs, marital status, disability, sexual orientation or any other classification protected by law.
- h. Sending messages or requesting information reflecting or containing chain letters or any illegal activity, including, but not limited to gambling.
- i. Sending or requesting information or material that proselytizes or promotes a religious or political view, cause, position or action.

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8. No Right of Privacy

Department employees have no right of personal privacy in any material created, stored in, received, or sent over the Department's email system. The Department reserves and may exercise the right, at any time and without prior notice or permission, to intercept, monitor, access, search, retrieve, record, copy, inspect, review, block, delete and/or disclose any material created, stored in, received, or sent over the Department's email system for the purpose of protecting the system from unauthorized or improper use or criminal activity.

9. Retention Requirements for Email

- a. All public records must have an approved retention schedule in place before they can be destroyed or otherwise disposed of. Retention periods are determined by the content, nature and purpose of records, and are set based on their legal, fiscal, administrative and historical values, regardless of their form. Therefore, there is no single retention schedule that would apply across the board to all emails. Email, like other records, irrespective of its form, can have a variety of purposes and relate to a variety of program functions and activities. The retention period of any particular email message will generally be the same as the retention for records in any other form that document the same program function or activity.
- b. Department employees are required to relate each email that is created or received by the employee through the Department's email system to the activity it documents, as well as to other records documenting that activity, and apply the appropriate retention period based on that activity or function. Approved retention schedules for State Government Agencies can be found at http://dliis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm.
- c. It is the responsibility of each Department employee to ensure that email and other public records in their custody are maintained for the required retention period(s). Although the Department routinely backs up its servers, each backup is maintained only briefly for disaster recovery purposes and therefore cannot be regarded as a tool for meeting public records retention requirements.

10. Transitory Messages

Many, though not all, emails fall under the retention schedule for "TRANSITORY MESSAGES" (General Records Schedule GS1-SL for State and Local Government Agencies, Item #146). "Transitory Messages" are messages that do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. For instance, an email message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in the calendar. The informal nature of transitory messages might be compared to a telephone conversation or a conversation in an office hallway. The retention requirements for Transitory Messages is "Retain until obsolete, superseded or administrative value is lost." Therefore, emails that fall into this category can be disposed of at any time once they are no longer needed.

11. Managing Email

Sorting email into appropriate personal folders is a helpful way to manage these records and to ensure that appropriate retention requirements are identified and met. That is, just as file cabinets are set up to house different sets of files and employees know where to file paper records in those files, email files and folders can be set up with the appropriate retention period designated for each of those files and folders. If no retention schedule exists for records relating to a particular activity, then one must be established and that retention schedule would then apply to all documentation of that activity, regardless of form (paper, film, electronic, etc.).

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12. Violations

Violations of this policy may result in disciplinary action, up to and including termination of employment.

APPROVED BY:

(Original Signature on File)

Dawn Roberts
Assistant Secretary of State/Chief of Staff

Date Approved: 4/18/07

This policy amends the Department's Email Policy dated June 30, 2005, to update references to the General Records Schedule in Section 10.

APPENDIX H

Professional Organizations

ARMA International
(formerly the Association of Records Managers and Administrators Inc.)
11880 College Blvd., Suite 450
Overland Park, Kansas 66210
Phone: 913.444.9174 / Toll free: 844.565.2120
Fax: 913.257.3855
Email: headquarters@armaintl.org
arma.org

National Association of Government Archives and Records Administrators (NAGARA)
444 N. Capitol Street, NW, Suite 237
Washington, D.C. 20001
Phone: 202.508.3800
Fax: 202.508.3801
Email: info@nagara.org
nagara.org

Association for Information and Image Management (AIIM)
1100 Wayne Avenue, Suite 1100
Silver Spring, Maryland 20910
Phone: 301.587.8202 / Toll free: 800.477.2446
Fax: 301.587.2711
Email: aiim@aiim.org
aiim.org

Society of American Archivists (SAA)
17 North State Street, Suite 1425
Chicago, Illinois 60602-4061
Phone: 312.606.0722 / Toll free: 866.722.7858
Fax: 312.606.0728
archivists.org

Society of Florida Archivists (SFA)
Post Office Box 5645
Tampa, Florida 33675
Email: societyoffloridaarchivists@gmail.com
florida-archivists.org

Florida Records Management Association (FRMA)
5004 E. Fowler Avenue, Suite C-338
Tampa, Florida 33617
Email: contact@frma.org
frma.org

Your Document Management Knowledge Center

Creating a Document Management Strategy for Your Organization

[SOURCE: <https://info.docuvariant.com/blog/document-management/creating-a-document-management-strategy-for-your-organization>]

Every organization needs a document management strategy. Having one:

- Improves access to information
- Reduces operating costs
- Diminishes litigation risk
- Protects critical information

If your organization doesn't have one, it's time you considered developing one. Not having one puts your organization at an unnecessary risk and decreases overall efficiency. Luckily, we've laid out everything you need to get started with yours.

Here are 7 steps to create and implement a document management strategy:

1. Determine Who Will Take Charge

When creating and implementing any strategy, it's important to know who's in charge of seeing it through from beginning to end. To ensure that all documents and processes organization wide are taken into account when developing yours, you'll want to establish a project team for oversight.

This project team will be made up of individuals from all aspects of the organization (administration, departments, specialty positions, etc.). Each member of the team will act as a mediator between the team and the group they represent. They will identify which documents from their group must be saved, which can be eliminated, and will also document the way their department processes documents.

2. Assess the Current Filing System and Determine Strategy Requirements

Once your organization has its team established, they'll need to:

- Assess the current system of filing and retaining documents - both paper and electronic.

- Determine how documents are received, processed, reviewed, stored, and eventually purged or updated across the organization.
- Choose 1-2 departments as a trial project. This will help the team develop a method of discovering how each department handles its documents.
- Be sure to document every step along the way. It can be helpful to have a large whiteboard or a roll of craft paper to write on.
- (Note: Keep in mind that each department may have a different process in how they receive documents and it will be up to the team to decide if it's best for the organization to standardize the process or allow for departmental customization.)
- Decide whether the entire strategy development and implementation will be done internally by the project team or externally with the help of a document management company.
- (Note: Drawing on the expertise of a document management software company can be incredibly useful given their immediate availability of resources and being able to provide electronic document management software.)
- Figure out what is necessary to carry out the document strategy to completion. This could be new solutions to store and access electronic documents, ways to convert paper documents into electronic documents, and adding or eliminating steps in the [document process](#) to improve efficiency.

3. Identify Each Document

Now that the project team (possibly joined by a document management company) has an understanding of how your organization handles its documents, it's time to identify what type of documents they're dealing with and how they're used. The project team will take an inventory of the documents in every department's office. Remember to check every location, including closets, empty offices, and any other area documents may have been poorly stored.

Taking inventory will identify which materials are:

- Records
- Reference materials
- Personal papers
- Duplicate copies of documents
- Client information
- Forms

During this process the project team may discover they need more resources to adequately document, organize, and store everything. If this is the case, have the team revise their results from step 2.

This inventory will be helpful in identifying the types of documents your organization deals with daily, which records need to be immediately available and which will not.

4. Establish Procedures and Requirements, Then Document

Once the team has finished taking its inventory, they'll need to determine:

- How documents are to be stored - centralized, in a single location or decentralized, and stored at individual work stations.
- How drafts, working papers, and document copies will be handled.
- Which system will be established to manage and store documents - a physical file system, an electronic one, or a combination of the two.
- (Note: When looking for an electronic document management system it's important to have a system that allows for workflow capabilities, data indexing, the ability to segregate and secure records - allowing access to only those who need it, and is customizable to your specific needs.)

5. Preparing the Strategy

Now that the project team knows the types of documents its organization deals with, the purposes they serve, and where they currently are - they can begin putting together a strategy. This strategy will outline:

- How documents will be received, processed, reviewed, stored, retrieved, and eventually purged from the system.
- Whether this process will be standardized organization wide or customized based on each departments' needs.
- When each step is to be completed.
- How documents are handled when they're no longer needed in the office.

6. Purge Unnecessary Documents

Once the outline is developed, it's time to eliminate the clutter and those files that are only taking up space and potentially causing a liability risk. The project team will begin identifying and potentially eliminating all unnecessary documents that were discovered during the inventory and will eventually hand that task down to their respective groups.

The project team may choose to commit dated documents into a company archive to create a history of records - something an electronic document management system does automatically. Other options for dated and unnecessary documents can and should be developed based on your organizations needs and legal obligations.

7. Organize Documents and Maintain the Process

It's finally time to implement your document strategy.

If using an electronic document management system, move current electronic documents into the system. You'll want to index all aspects of the document as they're transitioned in. If you still have paper documents, begin scanning them in when applicable.

However, if you're still required to keep some paper documents on file then you'll first want to prepare folders for each type of document and organize those documents into those folders. Then follow the procedures established in your file plan. Include reference sheets in the folders to help users locate related non-paper materials.

Once everything is organized, it's important that employees follow the strategy and keep all records up-to-date. We recommend that this now becomes a corporate policy so that you have everyone using the new system and all company assets are protected.

Be sure to:

- File or upload new documents as they come in.
- Protect records - limiting access to only those who need it. An electronic system will be set up with security permissions.
- Have a check-out system to track edits to documents and the people who made those edits.
- Remove documents that have hit their retention periods to prevent a litigation or compliance risk.

All these things are immediately available through an electronic [document management](#) system with minimal set-up. Implementing this process becomes difficult with a paper management system and does not provide the efficiency, reduced costs, compliance and auditing capabilities.

Hopping Green & Sams

Attorneys and Counselors

MEMORANDUM

TO: Moody River Estates Community Development District
Board of Supervisors

FROM: Hopping Green & Sams P.A.

RE: Public Records Retention

DATE: April 6, 2010

The purpose of this memorandum is to outline the District's responsibilities in relation to the retention and disposition of its public records ("Records Retention") and to present a choice between two different resolutions for the Board to consider. Historically, most Districts have not engaged in the disposition of records and have simply chosen to keep all records. However, current state law provides for the disposition of many records after a specified period of time. In order to devise a Records Retention Policy which makes sense, there are three primary sources for legal requirements that must be considered.

Overview of State Law Records Retention Requirements

Florida Law sets forth a comprehensive scheme governing Records Retention. Section 257.36, Florida Statutes, entitled "Records and Information Management" creates the Division of Library and Information Services of the Department of State ("DLIS") which is charged with the duty to set forth policies and rules regulating Records Retention. To this end, DLIS has adopted comprehensive rules and policies applicable to community development districts ("CDDs") which are set forth in Florida Administrative Code sections 1B-24.001, 1B-24.003, 1B-26.0021, and 1B-26.003. DLIS adopts records retention schedules which provide the minimum amount of time that different public records must be kept before they are disposed ("Schedules"). The Schedules typically applicable to community development districts are GS1-SL (General Records Schedule for State and Local Government Agencies), GS3 (General Records Schedule for Election Records), and GS14 (General Records Schedule for Public Utilities). GS1-SL and GS3 will apply to every CDD, while GS14 will apply to just those CDDs operating water and sewer utilities. Each of these three schedules is further broken down into categories of similar documents.

Under Florida law, all documents of a particular type must be retained for the minimum amount of time set forth in the applicable section of the Schedules. In the event a district record exists that does not fall into one of the specified categories, the District is responsible for requesting that an “Individual Records Schedule” be created by DLIS.

Florida law allows CDDs to adopt policies that extend the amount of time a record must be kept. However, CDDs do not have the power to shorten the time periods in the Schedules.

Overview of Federal Law Records Retention Requirements by Virtue of Tax-Exempt Bond Issuance

If a District has issued tax exempt bonds, there are various requirements imposed by federal law relating to Records Retention. The general principle is that documents in any way related to the issuance of tax-exempt bonds, revenues securing bonds, and the use of the bond proceeds should be kept until at least 3 years after bonds are redeemed. If refunding bonds are issued, records for the refunding bonds and the bonds refunded should be kept until at least 3 years after the refunding bonds are redeemed. The records which must be kept include, but are not limited to:

1. Basic records relating to the bond transaction (including the trust indenture, loan agreements, and bond counsel opinion); and
2. Documentation evidencing the expenditure of bond proceeds; and
3. Documentation evidencing use of bond-financed property by public and private sources (i.e., copies of management contracts and research agreements); and
4. Documentation evidencing all sources of payment or security for the bonds, such as assessments; and
5. Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts, and rebate calculations).

Overview of Trust Indenture Requirements to Retain Records

Most, if not all, trust indentures require CDDs that have issued bonds to maintain records which demonstrate that the District has not taken any action to jeopardize the tax-exempt status of the bonds.

Current Responsibilities for District Records Retention

Section 119.021(2)(b), Florida Statutes, provides that the District must comply with the DLIS rules establishing retention schedules and disposal processes. Section 119.021(2)(c), Florida Statutes, provides that each public official shall systematically dispose of records no longer needed, subject to the consent of DLIS. The District’s Procedural Rule 1.2(4), provides “[t]he Secretary of the District shall be responsible for retaining the District’s records in

accordance with applicable Florida law.” Although the ultimate responsibility rests with the Secretary, the District needs to formally appoint a Records Management Liaison Officer to interact with DLIS. The attached resolutions appoint a Records Management Liaison Officer and outline such person’s duties.

District Options for Records Retention Policy

At this point in time, the District really has two options to ensure compliance with applicable Records Retention laws.

First, a District can adopt the Florida Records Retention Schedules modified to ensure the District is also retaining the records required by federal law and the trust indenture. This option allows for the timely destruction of records while ensuring that the District’s policy is in compliance with state and federal laws. HGS has prepared a resolution that implements this option, and it is attached hereto as **Exhibit A**.

Second, a District can adopt the Florida Records Retention Schedules as written and adopt a policy that states that the District will not be destroying any records at this point in time. While this seems like the easiest approach, it has its drawbacks and is inconsistent with the structure intended by Florida law. Not disposing of documents in a timely manner increases the cost of maintaining records thereby shifting valuable financial resources away from core functions. In addition, unnecessary Records Retention may disadvantage a District in future litigation and may be viewed as a lackadaisical approach to records management thereby undermining the public’s confidence in the integrity of the Records Retention system. Despite these concerns, the District could choose to keep all records. HGS has prepared a resolution that implements this option, and it is attached hereto as **Exhibit B**.

It is important to note that the District could change its Records Retention policy at a later date so long as the District’s amendment was consistent with the notice and hearing provisions found in Chapter 190 and the District’s Rules of Procedure.

Electronic Recordkeeping

Electronic recordkeeping is one of the many subjects under consideration by the Florida Legislature and our office will circulate an update on any legislative developments that occur. Presently, electronic recordkeeping is authorized by Rule 1B-26.003, Florida Administrative Code, which provides control standards relating to the same. The DLIS recently released the “Electronic Recordkeeping Strategic Plan,” which focuses on recording strategies as they relate to electronic records. The Strategic Plan, as well as a multitude of resources for records managers, is made available for review by DLIS at the following address: http://dlis.dos.state.fl.us/index_RecordsManagers.cfm.

EXHIBIT A

RESOLUTION 2010-__

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
MOODY RIVER ESTATES COMMUNITY DEVELOPMENT
DISTRICT PROVIDING FOR THE APPOINTMENT OF A
RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING
THE DUTIES OF THE RECORDS MANAGEMENT LIAISON
OFFICER; ADOPTING A RECORDS RETENTION POLICY;
AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
DATE.**

WHEREAS, the Moody River Estates Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Lee County, Florida; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of district business; and

WHEREAS, section 1.2(2) of the District’s Rules of Procedure appoints the Secretary of the District as the District’s records custodian; and

WHEREAS, Section 257.36(5), Florida Statutes, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a Records Retention Policy (the “Policy”) for immediate use and application; and

WHEREAS, the District desires to provide for future amendment of the Records Retention Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF THE MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT:**

SECTION 1. The District hereby authorizes the District's records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District's records custodian, shall each have the individual power to remove the Records Management Liaison Officer at any time for any reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A. serve as the District's contact with the Florida Department of State, State Library and Archives of Florida; and
- B. coordinate the District's records inventory; and
- C. maintain records retention and disposition forms; and
- D. coordinate District records management training; and
- E. develop records management procedures consistent with the attached Records Retention Policy, as amended; and
- F. participate in the development of the District's development of electronic record keeping systems; and
- G. submit annual compliance statements; and
- H. work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I. such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), Florida Statutes, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, Florida Statutes, and the General Records Schedules established by the Division. However, the District will retain certain records longer than required by the General Records Schedules established by the Division as set forth in **Exhibit A**. To the extent the above statute, rules or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment shall not reduce the retention times set forth in **Exhibit A**. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 5. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed. Furthermore, upon its passage this resolution supersedes any Records Retention Policy previously adopted by the District.

PASSED AND ADOPTED this _____ day of _____, 20____.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Print Name: _____
Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: District Amendments to General Records Schedules Established by the Division

Exhibit A

District Amendments to General Records Schedules established by the Division

The requirements of GS1-SL are extended as follows:

ADVERTISEMENTS: LEGAL (Item #25)

The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to proceedings under uniform method of collection of debt assessments permanently. The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to the levy of assessments securing bonds for five (5) fiscal years provided applicable audits have been released, or until three (3) calendar years after related bonds are redeemed, whichever is later.

AUDITS: INDEPENDENT (Item #56)

The District shall retain the record copy of independent audits for ten (10) fiscal years or until three (3) calendar years after all related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: DETAIL (Item #340)

The District shall retain the record copy of disbursement records relating to the use of bonds for five (5) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: SUMMARY (Item #341)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

FINANCIAL REPORTS: COMPREHENSIVE ANNUAL (LOCAL GOVERNMENT) (Item #317)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

INCIDENT REPORT FILES (Item #241)

The District shall retain incident reports for five (5) anniversary years from the date of the incident.

MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS) (Item #4)

The District shall retain audio recordings of board of supervisor meetings for five (5) calendar years after adoption of the official minutes.

PROJECT FILES: CAPITAL IMPROVEMENT (Item #136)

The District shall retain the record copy of project files for projects funded with bonds for ten (10) fiscal years after completion of the project provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

REAL PROPERTY RECORDS: CONDEMNATION/DEMOLITION (Item #364)

The District shall retain the record copy of project files for condemnation/demolition projects funded with bonds for five (5) anniversary years after final action or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

REAL PROPERTY RECORDS: PROPERTY ACQUIRED (Item #172)

The District shall retain the record copy of documents related to property acquisitions funded with bonds for three (3) fiscal years after final disposition of the property provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

EXHIBIT B

RESOLUTION 2010-__

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT PROVIDING FOR THE
APPOINTMENT OF A RECORDS MANAGEMENT
LIAISON OFFICER; PROVIDING THE DUTIES OF THE
RECORDS MANAGEMENT LIAISON OFFICER;
ADOPTING A RECORDS RETENTION POLICY; AND
PROVIDING FOR SEVERABILITY AND EFFECTIVE
DATE.**

WHEREAS, the Moody River Estates Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Lee County, Florida; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of district business; and

WHEREAS, section 1.2(2) of the District’s Rules of Procedure appoints the Secretary of the District as the District’s records custodian; and

WHEREAS, Section 257.36(5), Florida Statutes, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a Records Retention Policy (the “Policy”) for immediate use and application; and

WHEREAS, the District desires to provide for future amendment of the Records Retention Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD
OF SUPERVISORS OF THE MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT:**

SECTION 1. The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the

appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District's records custodian, shall each have the individual power to remove the Records Management Liaison Officer at any time for any reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A. serve as the District's contact with the Florida Department of State, State Library and Archives of Florida; and
- B. coordinate the District's records inventory; and
- C. maintain records retention and disposition forms; and
- D. coordinate District records management training; and
- E. develop records management procedures consistent with the attached Records Retention Policy, as amended; and
- F. participate in the development of the District's development of electronic record keeping systems; and
- G. submit annual compliance statements; and
- H. work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I. such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), Florida Statutes, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, Florida Statutes, and the General Records Schedules established by the Division. However, the District hereby extends the minimum retention guidelines contained in the General Records Schedules so that the District will retain all public records relating to District business until the Board of Supervisors amends the Records Retention Policy to address the disposition of the same. To the extent the above statute, rules, or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment does not permit the disposition of District records without further action of the Board. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 5. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed. Furthermore, upon its passage this resolution supersedes any Records Retention Policy previously adopted by the District.

PASSED AND ADOPTED this _____ day of _____, 20____.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Print Name: _____
Secretary/Assistant Secretary

Chairperson, Board of Supervisors

RESOLUTION 2010-~~4~~

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Moody River Estates Community Development District ("District") is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Lee County, Florida; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of district business; and

WHEREAS, section 1.2(2) of the District's Rules of Procedure appoints the Secretary of the District as the District's records custodian; and

WHEREAS, Section 257.36(5), Florida Statutes, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer ("Records Management Liaison Officer"); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District's records custodian to appoint a Records Management Liaison Officer, which may or may not be the District's records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District's Board of Supervisors ("Board") finds that it is in the best interests of the District to adopt by resolution a Records Retention Policy (the "Policy") for immediate use and application; and

WHEREAS, the District desires to provide for future amendment of the Records Retention Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The District hereby authorizes the District's records custodian to appoint a Records Management Liaison Officer and report such appointment to the

appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District's records custodian, shall each have the individual power to remove the Records Management Liaison Officer at any time for any reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A. serve as the District's contact with the Florida Department of State, State Library and Archives of Florida; and
- B. coordinate the District's records inventory; and
- C. maintain records retention and disposition forms; and
- D. coordinate District records management training; and
- E. develop records management procedures consistent with the attached Records Retention Policy, as amended; and
- F. participate in the development of the District's development of electronic record keeping systems; and
- G. submit annual compliance statements; and
- H. work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I. such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), Florida Statutes, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, Florida Statutes, and the General Records Schedules established by the Division. However, the District hereby extends the minimum retention guidelines contained in the General Records Schedules so that the District will retain all public records relating to District business until the Board of Supervisors amends the Records Retention Policy to address the disposition of the same. To the extent the above statute, rules, or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment does not permit the disposition of District records without further action of the Board. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 5. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed. Furthermore, upon its passage this resolution supersedes any Records Retention Policy previously adopted by the District.

PASSED AND ADOPTED this 20 day of May, 20 10.

ATTEST:

MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT


Print Name: _____
Secretary/Assistant Secretary


Chairperson, Board of Supervisors

RESOLUTION 2022-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT AMENDING RESOLUTION 2010-04 PROVIDING FOR THE APPOINTMENT OF RECORDS MANAGEMENT LIAISON OFFICER, THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER, AND ADOPTING A RECORDS RETENTION POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Moody River Estates Community Development District ("District") is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated in Lee County, Florida; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, the District previously adopted Resolution 2010-04, providing for, among other things, the duties of a Records Management Liaison Officer; and

WHEREAS, the District's Board of Supervisors and Counsel find that it is in the best interests of the District to adopt by resolution an amendment to Resolution 2010-04 to clarify the District's intent regarding the duties of the Records Management Liaison Officer identified in Section 2.E. of Resolution 2010-04; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. Section 2.E. of Resolution 2010-04 is hereby amended to state as follows:

E. develop records management procedures consistent with the Records Retention Policy defined below, as amended;

SECTION 2. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT**

Print Name: _____
Secretary/Assistant Secretary

Chairman

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

12

Gianna Denofrio

From: Chuck Adams
Sent: Thursday, September 16, 2021 9:52 AM
To: Susan Garling
Cc: Cleo Adams; John Teckorius; RG; Julie Canoura; Edward Pike; Chris Jenner
Subject: RE: 12600 Blue Banyan Court
Attachments: _ags_39cd1f67fc3544828950bbab1a9e7c93.pdf; plat inst2006000170545.pdf

See attached aerial from www.leepa.org

Using the measurement tool, there is approximately 15' between the edge of the beach/fire pit feature and the lakes edge. Also, I note from the plat (page 5 lot 111) that our 20 LME across the back of this lot is on an angle and as a result the LME is rather significantly tapered from north to south across this property due to the way the lake tract was conveyed. In short, there appears to be an encroachment into the CDDs LME of approx.. 5' which has not created issues with the CDDs access for routine maintenance. The CDD could consider allowing the encroachment to continue via a consent to use of easement agreement in which both parties acknowledge encroachment exist and the resident indemnifies the CDD from any liability or responsibility should the CDD ever have to remove or disrupt the residents improvements within the LME in order to use the LME to properly operate, maintain or reconstruct it's storm water facilities. Of course the CDD could also simply require the homeowner to remove their encroachment. I guess it begs the question, has this exterior improvement been approved by the HOA? If not, it is probably appropriate for the HOA to take the lead and if allowing an after the fact application be made then we/HOA can address the need to remedy the encroachment as a part of the application process.

BOARD MEMBERS TO ENSURE COMPLIANCE WITH THE SUNSHINE LAW, SHOULD YOU DESIRE TO RESPOND TO THIS EMAIL DO NOT USE REPLY ALL OR INCLUDE ANOTHER CDD BOARD MEMBER AS A RECIPIENT TO YOUR REPLY.

Chesley 'Chuck' Adams
Director of Operations
Wrathell, Hunt and Associates, LLC
(239) 464-7114 ©

FRAUD ALERT ---- DUE TO INCREASED INCIDENTS OF WIRE FRAUD, IF YOU RECEIVE WIRE INSTRUCTIONS FROM OUR OFFICE DO NOT SEND A WIRE.

From: Susan Garling <skgarling1@gmail.com>
Sent: Thursday, September 16, 2021 9:09 AM
To: Chuck Adams <adamsc@whhassociates.com>
Cc: Cleo Adams <crismond@whhassociates.com>; John Teckorius <JTeckorius@comcast.net>; RG <Geltner@comcast.net>; Julie Canoura <realtorjulie@icloud.com>; Edward Pike <moodyrivercdd@gcex.co.uk>; Chris Jenner <cjenner00@yahoo.com>
Subject: Re: 12600 Blue Banyan Court

To All:

One more apology necessary - the address I provided is incorrect. The correct address in question is 3300 Banyan Hollow Loop.

GeoView Map



September 16, 2021

Air Photos: 2021 Hi-Res (4 inch)



Hospital Locations



Library Locations

School Locations



School Locations



CCC_Parks

--- County Boundary

Major Roads Medium

I - 75

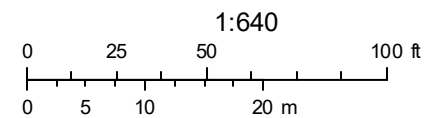
US 41

Other Highways

Other Roads



Parcels Near



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

MOODY RIVER ESTATES UNIT FIVE

A SUBDIVISION LYING IN SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NO. 2006000170545

SHEET 1 OF 6 SHEETS

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT COLONIAL HOMES INC. OWNER OF THE HEREON DESCRIBED LANDS HAS CAUSED THIS PLAT OF "MOODY RIVER ESTATES UNIT FIVE", A SUBDIVISION LOCATED IN SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, TO BE MADE AND HEREBY DEDICATES AND RESERVES AS FOLLOWS:

1) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY ASSOCIATION, INC.: TRACT 'A' AS A PRIVATE ROAD RIGHT OF WAY FOR THE PURPOSES OF INGRESS AND EGRESS, SUBJECT TO EASEMENTS SET FORTH HEREIN.

2) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, IT'S SUCCESSORS AND OR IT'S ASSIGNS: AN ACCESS EASEMENT (A.E.) ACROSS, OVER, AND UNDER TRACT 'A' FOR THE PURPOSES OF INGRESS, EGRESS, AND ACCESS TO THE WATER MANAGEMENT FACILITIES FOR INSTALLATION, REPAIR, AND MAINTENANCE.

3) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY ASSOCIATION, INC.: TRACTS 'B','F','H','J','K' AND 'L' AS OPEN SPACE FOR THE PURPOSES OF OPEN SPACE, SUBJECT TO EASEMENTS SET FORTH HEREIN.

4) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, IT'S SUCCESSORS AND OR IT'S ASSIGNS: A COMMUNITY DEVELOPMENT DISTRICT EASEMENT (C.D.D.E.) ACROSS, OVER, AND UNDER TRACTS 'B','H', AND 'J' FOR THE PURPOSES OF ACCESS, INSTALLATION, MAINTENANCE, AND REPAIR OF THE LANDSCAPING AND WATER MANAGEMENT FACILITIES.

5) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, IT'S SUCCESSORS AND OR IT'S ASSIGNS: A NON-EXCLUSIVE DRAINAGE EASEMENTS (D.E.) AS SET FORTH HEREIN, TOGETHER WITH A DRAINAGE EASEMENT ACROSS, OVER, AND UNDER TRACTS 'A','D','E','G', AND 'I', FOR THE PURPOSES OF ACCESS, INSTALLATION, MAINTENANCE AND REPAIR OF THE DRAINAGE FACILITIES.

6) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, IT'S SUCCESSORS AND OR IT'S ASSIGNS: TRACTS 'C','D','E','G' AND 'I' FOR THE PURPOSES OF WATER MANAGEMENT, SUBJECT TO EASEMENTS SET FORTH HEREIN.

7) DEDICATES TO THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, IT'S SUCCESSORS AND OR IT'S ASSIGNS: THE LAKE MAINTENANCE EASEMENTS (L.M.E.) AS SET FORTH HEREIN, TOGETHER WITH A LAKE MAINTENANCE EASEMENT ACROSS, OVER AND UNDER TRACTS 'C','D','E','G','I' AND 'L', FOR THE PURPOSES OF ACCESS, INSTALLATION, MAINTENANCE, AND REPAIR OF THE WATER MANAGEMENT FACILITIES.

8) DEDICATES TO LICENSED PUBLIC AND PRIVATE UTILITIES AND THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT, IT'S SUCCESSORS AND OR IT'S ASSIGNS: ALL PUBLIC UTILITY EASEMENTS (P.U.E.) AS SET FORTH HEREIN, TOGETHER WITH A PUBLIC UTILITY EASEMENT ON, OVER AND ACROSS TRACT 'A', FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THEIR FACILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, SEWER, CABLE TELEVISION SERVICES, TELEPHONE, GAS, ELECTRIC OR OTHER PUBLIC UTILITY PURPOSES. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, THE CABLE TELEVISION COMPANY WILL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

9) DEDICATES TO LEE COUNTY UTILITIES: THE NON-EXCLUSIVE LEE COUNTY UTILITY EASEMENT (L.C.U.E.) AS SET FORTH HEREIN, FOR THE PURPOSES OF ACCESS, INSTALLATION, MAINTENANCE AND REPAIR OF THEIR UTILITIES.

10) DEDICATES TO THE LEE COUNTY SCHOOL DISTRICT: THE INGRESS AND EGRESS EASEMENT (I.E.E.) ACROSS, OVER AND UNDER TRACT 'K' FOR THE PURPOSES OF INGRESS AND EGRESS.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THIS PLAT TO BE MADE AND EXECUTED THIS 7th DAY OF April, 2006.

Rachel Flaherty
WITNESS
Rachel Flaherty
PRINT NAME

Beth Wright
WITNESS
Beth Wright
PRINT NAME

COLONIAL HOMES INC.
A FLORIDA CORPORATION

BY: Alan S. Farrior
ALAN S. FARRIOR
PRESIDENT

ACKNOWLEDGMENT

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 7th DAY OF April, 2006 BY ALAN S. FARRIOR, PRESIDENT OF COLONIAL HOMES INC. ON BEHALF OF THE COMPANY. HE EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED AS SUCH PRESIDENT FOR THE USES AND PURPOSES THEREIN MENTIONED AND THAT SAID DEDICATION IS THE ACT AND DEED OF SAID COMPANY.

HE IS PERSONALLY KNOWN TO ME

Tracy Harlow
NOTARY PUBLIC - STATE OF Alabama
Tracy Harlow
PRINTED NAME

N.A.
COMMISSION NUMBER
4-17-08
COMMISSION EXPIRES

For Seal
See below

COMMUNITY DEVELOPMENT DISTRICT'S ACCEPTANCE

THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT HEREBY ACCEPTS THE DEDICATION AND ACKNOWLEDGES RESPONSIBILITY FOR MAINTENANCE OF THE INFRASTRUCTURE ASSOCIATED WITH THE DEDICATION.

Fred Weidig
PRINT NAME
SECRETARY
(SEAL)

MOODY RIVER ESTATES COMMUNITY
DEVELOPMENT DISTRICT

BY: Anthony I. Persichilli
ANTHONY I. PERSICILLI
CHAIRMAN OF THE BOARD

4-12-06
DATE OF ACCEPTANCE

ACKNOWLEDGMENT

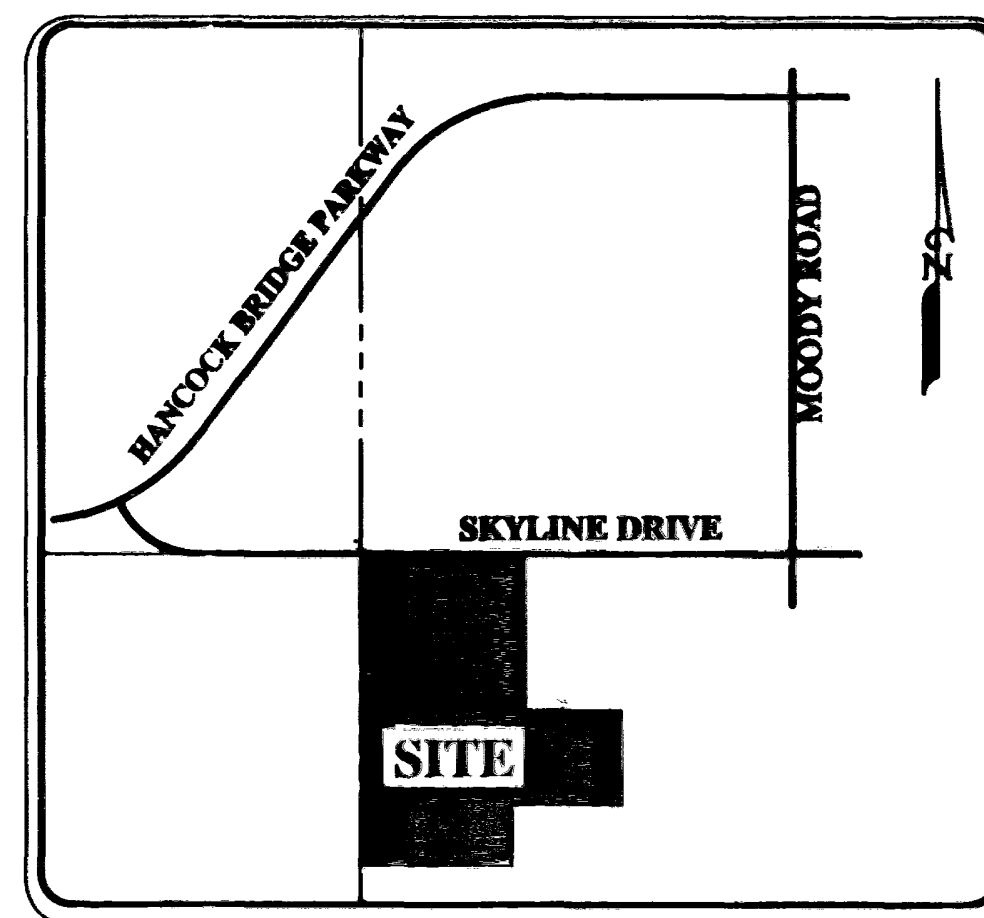
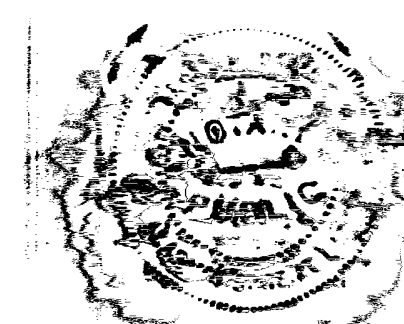
THE FOREGOING COMMUNITY DEVELOPMENT DISTRICT ACCEPTANCE WAS ACKNOWLEDGED BEFORE ME THIS 12 DAY OF April, 2006, BY ANTHONY I. PERSICILLI, CHAIRMAN OF THE BOARD OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT.

HE IS PERSONALLY KNOWN TO ME

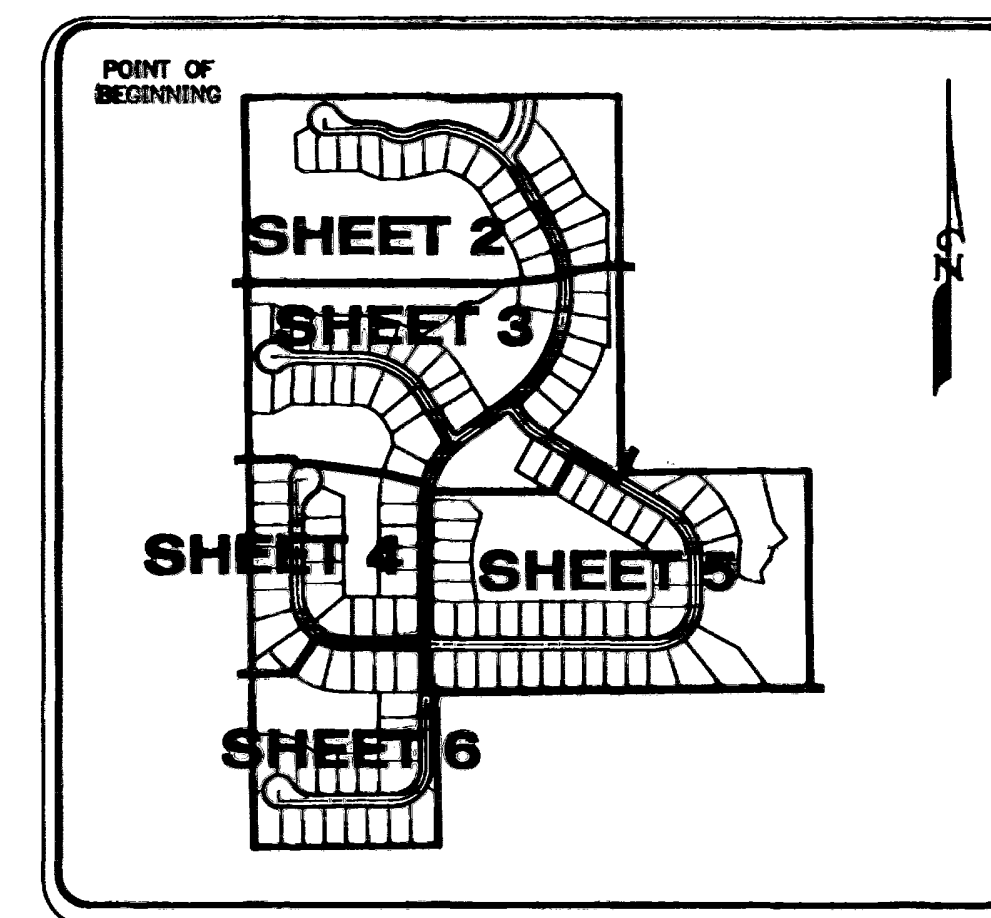
Miranda C. Campos
NOTARY PUBLIC - STATE OF FL
Miranda C. Campos
PRINTED NAME

DD179221
COMMISSION NUMBER
1/22/07
COMMISSION EXPIRES

Notary Public
Commission #DD179221
Expires: Jan 22, 2007
Atlantic Bonding Co., Inc.



LOCATION MAP
(NOT TO SCALE)



KEY MAP
(NOT TO SCALE)

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED UNDER AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

LEGAL DESCRIPTION:

DESCRIPTION: A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE ALONG THE WEST BOUNDARY OF SAID NORTHWEST ONE-QUARTER OF SECTION 15, S.00°43'36"E. 25.00 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SKYLINE DRIVE AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE N.89°24'14"E. 650.45 FEET; THENCE S.00°43'36"E. 5.00 FEET; THENCE N.89°24'14"E. 670.89 FEET; THENCE S.00°27'38"E. 1320.40 FEET; THENCE N.89°24'14"E. 660.00 FEET TO A POINT ON THE WEST LINE OF SKYLINE WOODS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 66 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE S.00°27'38"E. 756.82 FEET TO A POINT ON THE NORTH LINE OF BUTTWOOD HARBOR ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44, PAGE 86 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF BUTTWOOD HARBOR FOR THE FOLLOWING THREE (3) COURSES: 1) S.89°21'35"W. 1321.24 FEET; 2) S.00°43'36"E. 536.89 FEET; 3) S.89°22'01"W. 650.45 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 15; THENCE ALONG SAID WEST BOUNDARY N.00°43'36"W. 2620.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 82.372 ACRES, MORE OR LESS.

SURVEYORS NOTES:

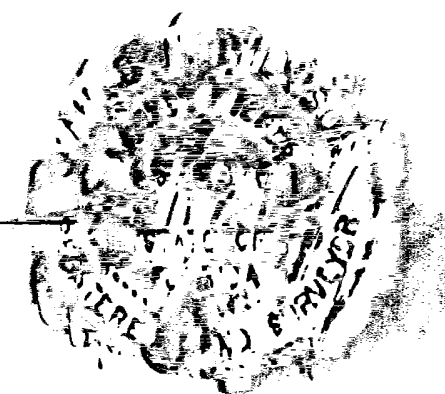
1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AS N.00°43'38"E.
2. ALL CURVES SHOWN HEREON ARE CIRCULAR CURVES.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
4. UNLESS OTHERWISE NOTED, ALL PRM'S ARE SET 4"x4" CONCRETE MONUMENTS WITH A BRASS DISK "PRM-HEIGHT & ASSOC. INC. LB 148"
5. ALL LOT LINES ARE RADIAL UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF "MOODY RIVER ESTATES UNIT FIVE", WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

HEIDT & ASSOCIATES, INC.
3800 COLONIAL BOULEVARD
SUITE 200
FORT MYERS, FLORIDA 33912
LICENSED BUSINESS # 148

James N. Wilkison
JAMES N. WILKISON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. LS4876



4/11/06
DATE:

NOTICE

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 29th DAY OF March, 2006.

Admiral A. Hall
CHAIRMAN OF THE BOARD
PRINTED NAME

John J. Fredyma
JOHN J. FREDYMA
ASSISTANT COUNTY ATTORNEY

Mary Gibbs
MARY GIBBS
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

Charlie Green
CHARLIE GREEN
CLERK OF COURT

Peter J. Eckenrode
PETER J. ECKENRODE
DIRECTOR, DIVISION OF DEVELOPMENT SERVICES



REVIEW BY THE DESIGNATED COUNTY P.S.M. DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 177, PART 1.

Michael L. Harmon
MICHAEL L. HARMON
DESIGNATED COUNTY P.S.M.

CLERK OF COURT CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF "MOODY RIVER ESTATES UNIT FIVE", A SUBDIVISION LYING IN SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT: 3:51 P.M., THIS 26th DAY OF April, 2006, 2006, AND DULY RECORDED AS INSTRUMENT NUMBER 2006000170545 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Charlie Green
CHARLIE GREEN
CLERK OF THE CIRCUIT COURT IN AND
FOR LEE COUNTY, FLORIDA



THIS INSTRUMENT PREPARED BY JAMES N. WILKISON, P.S.M.

HEIDT & ASSOCIATES, Inc.
Tampa ♦ Fort Myers

CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

Fort Myers Office
3800 Colonial Blvd. # 200
Fort Myers, Florida 33912
Phone: 239-462-7275
FAX: 239-462-2103

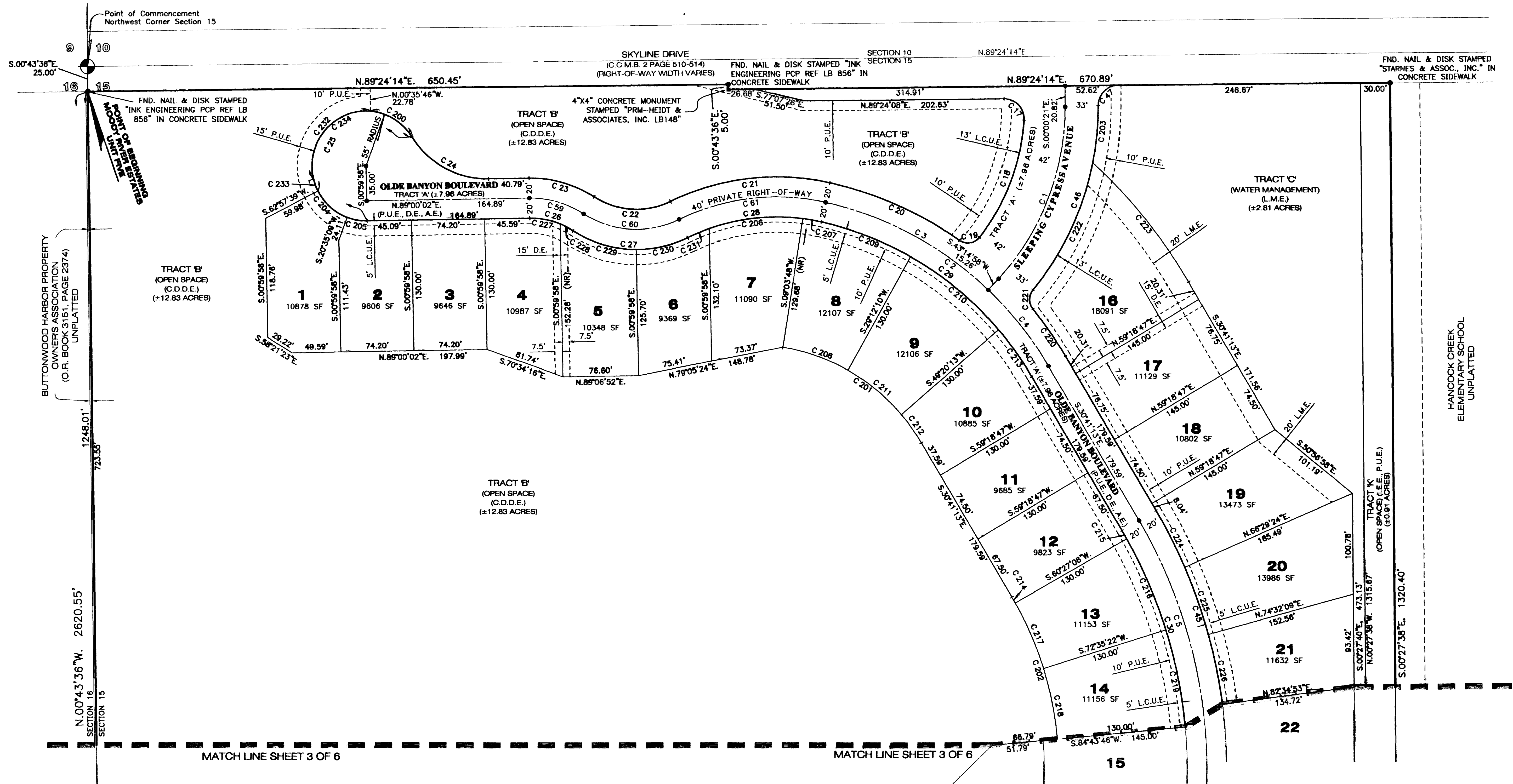
MOODY RIVER ESTATES UNIT FIVE

A SUBDIVISION OF A PORTION OF
SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

INSTRUMENT #: 2006000170545

SHEET 2 OF 6 SHEETS

100 50 0 50 100
SCALE: 1" = 50'



CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	250.00	43°15'19"	188.74	184.29	S.21°37'18"W.
2	350.00	46°55'51"	286.68	278.74	S.54°09'10"E.
3	350.00	30°52'03"	188.56	186.29	N.62°11'04"W.
4	350.00	16°03'49"	98.13	97.81	S.38°43'08"E.
5	490.00	86°02'05"	735.78	668.58	S.12°19'49"W.
17	20.00	94°11'19"	32.88	29.30	S.43°30'13"E.
18	208.50	35°04'17"	127.62	125.64	S.21°07'35"W.
19	15.00	86°03'19"	22.53	20.47	S.81°41'23"W.
20	370.00	22°20'08"	144.24	143.32	S.66°27'01"E.
21	250.00	37°53'49"	165.36	162.36	S.83°26'00"W.
22	80.00	57°54'13"	80.85	77.45	N.86°33'48"W.
23	120.00	33°23'17"	69.93	68.94	N.74°18'20"W.
24	90.00	58°51'09"	92.45	88.43	N.61°34'24"W.
25	55.00	238°51'09"	229.28	95.81	S.28°25'36"W.
26	80.00	33°23'17"	46.82	45.96	S.74°18'20"E.
27	120.00	57°54'13"	121.27	116.18	S.86°33'48"E.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
28	210.00	37°53'49"	136.90	136.38	N.83°26'00"E.
29	330.00	46°55'52"	270.30	262.81	S.54°09'09"E.
30	470.00	86°02'05"	705.75	641.29	S.12°19'49"W.
45	510.00	80°08'16"	713.32	656.58	N.08°22'55"E.
46	283.53	40°18'55"	199.50	195.41	N.19°52'41"E.
47	20.00	87°28'10"	30.53	27.65	N.43°43'44"E.
58	1000.00	04°18'03"	75.06	75.05	S.01°25'26"W.
59	100.00	33°23'17"	58.27	57.45	N.74°18'20"W.
60	100.00	57°54'13"	101.06	96.81	S.86°33'48"E.
61	230.00	37°53'49"	152.13	149.37	N.83°26'00"E.
200	55.00	53°13'59"	51.10	49.28	N.58°45'49"W.
201	200.00	50°14'58"	175.40	169.84	S.55°48'42"E.
202	340.00	25°25'00"	150.82	149.59	S.17°58'44"E.
203	283.53	11°40'06"	57.74	57.64	N.05°33'20"E.
204	55.00	42°22'30"	40.88	39.76	S.48°13'56"E.
205	55.00	21°35'08"	20.72	20.60	S.80°12'24"E.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
206	210.00	26°13'33"	96.12	95.29	N.84°03'18"E.
207	210.00	05°12'50"	18.11	18.10	S.80°13'30"E.
208	200.00	20°08'21"	70.30	69.94	N.70°52'01"W.
209	330.00	16°49'15"	96.88	96.53	N.69°12'28"W.
210	330.00	20°08'03"	115.96	115.37	S.50°43'49"E.
211	200.00	20°08'03"	70.28	69.92	N.50°43'49"W.
212	200.00	09°58'34"	34.82	34.78	N.35°40'30"W.
213	330.00	09°58'34"	57.46	57.39	S.35°40'30"E.
214	340.00	01°08'21"	6.76	6.76	N.30°07'03"W.
215	470.00	01°08'21"	9.35	9.35	S.30°07'03"E.
216	470.00	12°08'14"	98.56	98.38	S.23°28'45"E.
217	340.00	12°08'14"	72.02	71.89	N.23°28'45"W.
218	340.00	12°08'24"	72.04	71.91	N.11°20'26"W.
219	470.00	12°08'24"	99.59	99.40	S.11°20'26"E.
220	370.00	06°53'49"	57.45	57.40	N.35°08'08"W.
221	15.00	79°37'14"	20.84	19.21	N.00°13'35"E.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
222	283.50	28°38'59"	141.76	140.29	N.25°42'42"E.
223	515.00	17°05'21"	153.61	153.04	S.38°13'54"E.
224	510.00	07°10'37"	63.88	63.84	N.27°05'55"W.
225	510.00	08°02'45"	71.62	71.56	N.19°29'14"W.
226	510.00	08°02'45"	71.62	71.56	N.11°26'29"W.
227	80.00	22°46'15"	31.84	31.63	S.79°35'51"E.
228	80.00	10°35'03"	14.78	14.76	S.62°54'12"E.
229	120.00	32°12'57"	67.47	66.59	S.73°43'10"E.
230	120.00	25°41'16"	53.80	53.35	N.77°19'44"E.
231	210.00	06°27'28"	23.67	23.65	N.67°42'49"E.
232	55.00	108°39'38"	104.31	89.36	S.40°17'23"W.
233	55.00	12°59'54"	12.48	12.45	S.20°32'24"E.
234	55.00	174°53'32"	167.88	109.89	N.60°24'25"E.

THIS INSTRUMENT PREPARED BY JAMES N. WILSON, P.S.M.

HEIDT & ASSOCIATES, Inc.
Tampa ♦ Fort Myers

CIVIL ENGINEERING
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3800 Colonial Blvd. # 200
Fort Myers, Florida 33912
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FAX: 239-482-2103

LEGEND:

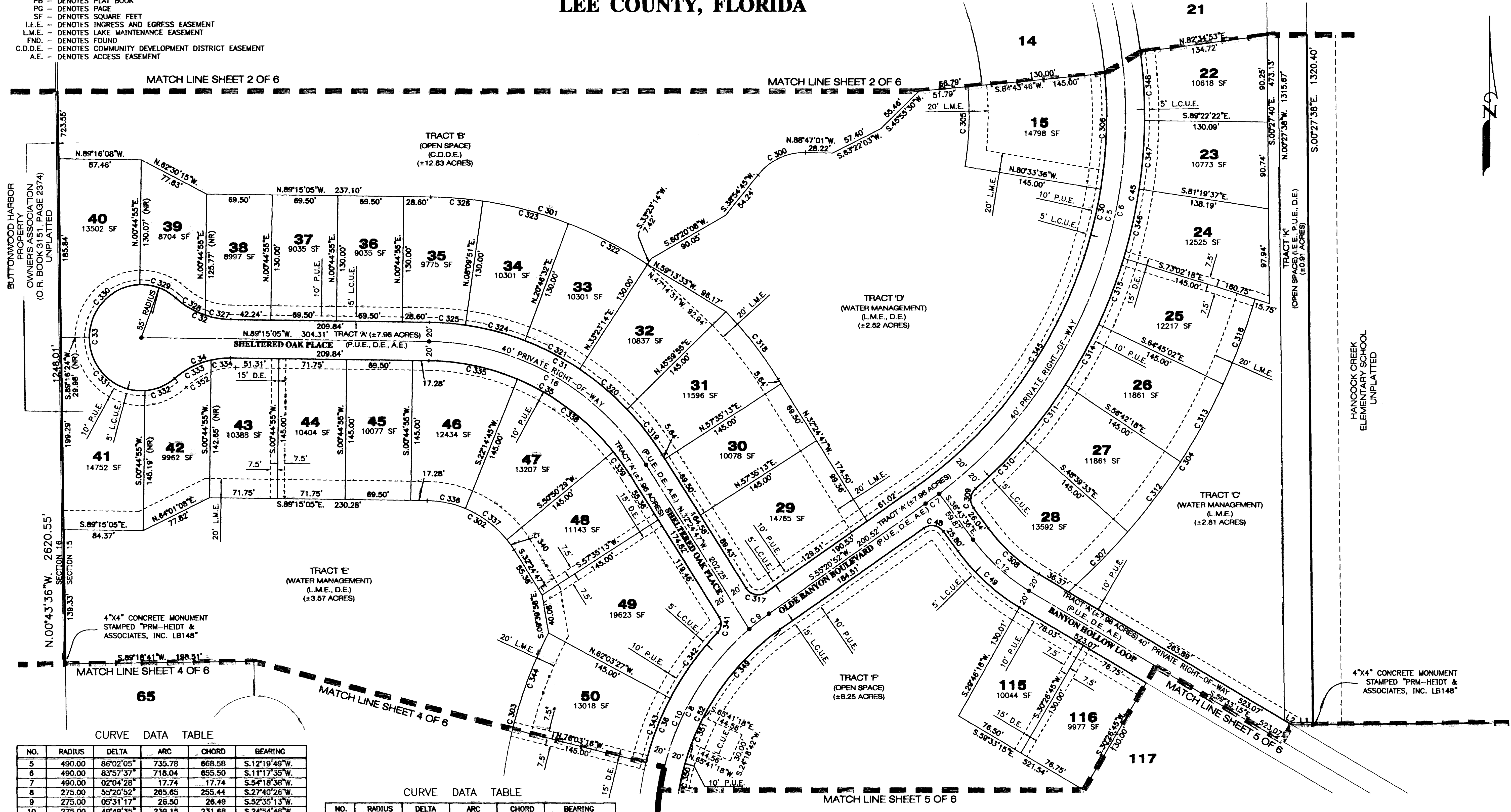
- - DENOTES PERMANENT REFERENCE MONUMENT-FND. 4"x4" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "STARNES" UNLESS OTHERWISE NOTED
- - DENOTES PERMANENT CONTROL POINT/NAIL AND DISK STAMPED
- - DENOTES OFFICIAL RECORD BOOK AND PAGE
- O.R. - DENOTES OFFICIAL RECORD BOOK AND PAGE
- P.U.E. - DENOTES PUBLIC UTILITY EASEMENT
- D.E. - DENOTES DRAINAGE EASEMENT
- L.C.U.E. - DENOTES LEE COUNTY UTILITY EASEMENT
- NR - DENOTES NON-RADIAL LINE
- PB - DENOTES PLAT BOOK
- PG - DENOTES PAGE
- SF - DENOTES SQUARE FEET
- L.E.E. - DENOTES INGRESS AND EGRESS EASEMENT
- L.M.E. - DENOTES LAKE MAINTENANCE EASEMENT
- FND - DENOTES FOUND
- C.D.D.E. - DENOTES COMMUNITY DEVELOPMENT DISTRICT EASEMENT
- A.E. - DENOTES ACCESS EASEMENT

MOODY RIVER ESTATES UNIT FIVE

A SUBDIVISION OF A PORTION OF SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

INSTRUMENT #: 2006000170545
SHEET 3 OF 6 SHEETS

100 50 0 50 100
SCALE: 1" = 50'



CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
5	490.00	86°02'05"	735.78	668.58	S.12°19'49"W.
6	490.00	83°57'37"	718.04	655.50	S.11°17'35"W.
7	490.00	02°04'28"	17.74	17.74	S.54°18'38"W.
8	275.00	55°20'52"	265.65	255.44	S.27°40'26"W.
9	275.00	05°31'17"	26.50	26.49	S.52°35'13"W.
10	275.00	49°49'35"	239.15	231.68	S.24°54'48"W.
12	200.00	22°48'38"	79.68	79.16	S.48°08'26"E.
16	275.00	56°50'18"	272.80	261.76	N.60°49'56"W.
30	470.00	86°02'05"	705.75	641.29	S.12°19'49"W.
31	295.00	56°50'18"	292.65	280.79	N.60°49'56"W.
32	90.00	40°39'26"	63.86	62.53	N.68°55'22"W.
33	55.00	26°11'52"	250.84	83.45	S.00°44'55"W.
34	90.00	40°39'26"	63.86	62.53	N.70°25'12"E.
35	255.00	56°50'18"	252.96	242.72	S.60°49'56"E.
36	295.00	44°25'29"	228.73	223.04	S.22°12'45"W.
45	510.00	80°08'16"	713.32	656.58	N.09°22'55"E.
48	15.00	87°55'32"	23.02	20.83	S.80°41'22"E.
49	220.00	22°49'38"	87.65	87.07	S.48°08'26"E.
52	255.00	55°20'52"	246.33	236.86	S.27°40'26"W.
300	63.00	52°18'15"	57.51	55.54	S.65°03'52"W.
301	425.00	32°38'19"	242.10	238.84	N.72°55'56"W.
302	110.00	56°50'18"	109.12	104.70	S.60°49'56"E.
303	440.00	27°56'33"	214.58	212.46	S.13°58'17"W.
304	655.00	32°05'28"	366.86	362.08	S.33°00'25"W.
305	325.00	14°42'38"	83.44	83.21	S.02°05'05"W.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
306	470.00	14°42'38"	120.67	120.34	S.02°05'05"W.
307	655.00	07°42'42"	88.16	88.09	S.45°11'48"W.
308	180.00	22°49'39"	71.71	71.24	N.48°08'26"W.
309	15.00	86°10'39"	22.56	20.49	N.06°21'43"E.
310	510.00	08°06'36"	72.19	72.13	N.45°23'45"E.
311	510.00	08°02'45"	71.62	71.56	N.37°19'05"E.
312	655.00	08°02'45"	91.98	91.90	S.37°19'05"W.
313	655.00	08°02'45"	91.98	91.90	S.29°16'20"W.
314	510.00	08°02'45"	71.62	71.56	N.29°16'20"E.
315	510.00	08°17'16"	73.77	73.71	N.21°06'20"E.
316	655.00	08°17'16"	94.75	94.66	S.21°06'20"W.
317	15.00	92°14'21"	24.15	21.62	N.78°31'57"W.
318	440.00	11°35'18"	88.99	88.84	S.38°12'26"E.
319	295.00	11°35'18"	59.67	59.56	N.38°12'26"W.
320	295.00	12°36'41"	64.93	64.80	N.50°18'26"W.
321	295.00	12°36'41"	64.93	64.80	N.62°55'07"W.
322	425.00	12°36'41"	93.55	93.36	S.62°55'07"E.
323	425.00	12°36'41"	93.55	93.36	S.75°31'48"E.
324	295.00	12°36'41"	64.93	64.80	N.75°31'48"W.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
325	295.00	07°24'56"	38.18	38.15	N.85°32'37"W.
326	425.00	07°24'56"	55.01	54.97	S.85°32'37"E.
327	90.00	17°37'58"	27.70	27.59	N.80°26'06"W.
328	90.00	23°01'27"	36.17	35.92	N.60°06'23"W.
329	55.00	43°02'39"	41.32	40.35	N.70°06'59"W.
330	55.00	87°36'47"	64.10	76.14	S.44°33'18"W.
331	55.00	94°43'32"	90.93	80.92	S.46°36'51"E.
332	55.00	35°55'54"	34.49	33.93	N.68°03'26"E.
333	90.00	27°31'46"	43.24	42.83	N.63°51'22"E.
334	90.00	13°07'40"	20.62	20.58	N.84°11'05"E.
335	255.00	21°28'50"	95.68	95.12	S.78°30'10"E.
336	110.00	21°28'50"	41.27	41.03	N.78°30'10"W.
337	110.00	28°35'44"	54.90	54.33	N.53°27'23"W.
338	255.00	28°35'44"	127.27	125.95	S.53°27'23"E.
339	255.00	06°44'44"	30.02	30.00	S.35°47'09"E.
340	110.00	06°44'44"	12.95	12.94	S.35°47'09"E.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
341	13.00	76°50'16"	17.43	16.16	S.06°00'21"W.
342	295.00	16°28'56"	84.86	84.57	S.36°11'01"W.
343	295.00	13°59'50"	72.07	71.89	S.20°56'38"W.
344	440.00	13°59'50"	107.49	107.22	N.20°56'38"E.
345	470.00	45°54'28"	376.58	366.59	N.32°23'38"E.
346	510.00	08°17'19"	73.78	73.71	N.12°49'02"E.
347	510.00	08°02'45"	71.62	71.56	N.04°39'00"E.
348	510.00	08°02'45"	71.62	71.56	N.03°23'44"W.
349	255.00	27°39'50"	123.12	121.93	S.41°30'57"W.
350	255.00	17°57'51"	79.95	79.62	N.11°57'26"E.
351	255.00	06°44'40"	30.02	30.00	N.24°18'42"E.
352	75.00	43°36'10"	57.08	55.71	N.68°56'50"E.

LINE DATA TABLE

NO.	BEARING	DISTANCE
L1	S.89°32'22"W.	22.22
L2	N.59°33'15"W.	9.07

THIS INSTRUMENT PREPARED BY JAMES N. WILKINSON, P.S.M.

HEIDT & ASSOCIATES, Inc.
Tampa ♦ Fort Myers

CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

Fort Myers Office
3800 Colonial Blvd. # 200
Fort Myers, Florida 33912
Phone: 239-482-7275
FAX: 239-482-2103

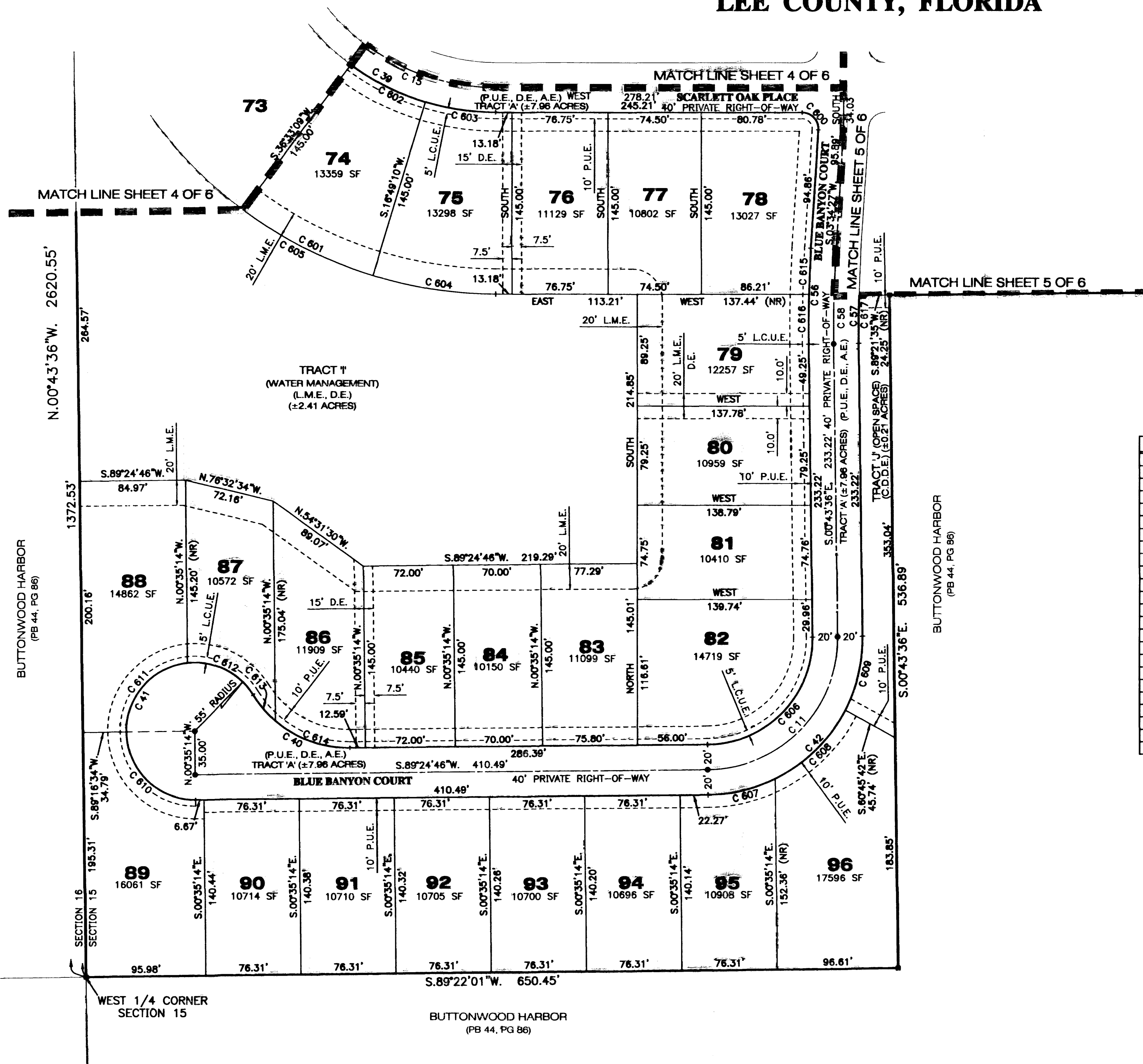
Fort Myers Office
3800 Colonial Blvd. # 200
Fort Myers, Florida 33912
Phone: 239-482-7275
FAX: 239-482-2103

MOODY RIVER ESTATES UNIT FIVE

A SUBDIVISION OF A PORTION OF
SECTION 15, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

INSTRUMENT #: 2006000170545
SHEET 6 OF 6 SHEETS

100 50 0 50 100
SCALE: 1" = 50'



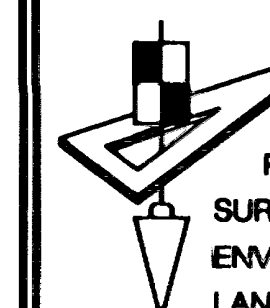
LEGEND:

- - DENOTES PERMANENT REFERENCE MONUMENT-FND. 4"x4" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "STARNES" UNLESS OTHERWISE NOTED
- - DENOTES PERMANENT CONTROL POINT/NAI AND DISK STAMPED "PCP--HEIDT AND ASSOCIATES, INC. LB148" UNLESS OTHERWISE NOTED
- O.R. - DENOTES OFFICIAL RECORD BOOK AND PAGE
- P.U.E. - DENOTES PUBLIC UTILITY EASEMENT
- D.E. - DENOTES DRAINAGE EASEMENT
- L.C.U.E. - DENOTES LEE COUNTY UTILITY EASEMENT
- NR - DENOTES NON-RADIAL LINE
- PB - DENOTES PLAT BOOK
- PG - DENOTES PAGE
- SF - DENOTES SQUARE FEET
- I.E.E. - DENOTES INGRESS AND EGRESS EASEMENT
- L.M.E. - DENOTES LAKE MAINTENANCE EASEMENT
- FND. - DENOTES FOUND
- C.D.D.E. - DENOTES COMMUNITY DEVELOPMENT DISTRICT EASEMENT
- A.E. - DENOTES ACCESS EASEMENT

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
11	105.00	90°08'22"	165.19	148.67	S.44°20'35"W.
40	90.00	58°51'08"	92.45	88.43	N.61°09'39"W.
41	55.00	238°51'08"	229.28	95.74	S.28°46'04"W.
42	125.00	90°08'22"	196.65	176.99	N.44°20'35"E.
56	1020.00	04°18'03"	76.57	76.55	S.01°25'26"W.
57	980.00	04°18'03"	73.56	73.55	N.01°25'26"E.
59	1000.00	04°18'03"	75.06	75.05	S.01°25'26"W.
601	340.00	18°43'58"	117.10	116.52	N.63°18'51"W.
602	195.00	18°43'58"	67.16	66.83	S.63°18'51"E.
603	195.00	16°49'10"	57.24	57.04	S.81°35'25"E.
604	340.00	16°49'10"	99.81	99.45	N.81°35'25"W.
605	340.00	56°17'08"	334.01	320.74	S.61°51'26"E.
606	85.00	90°08'22"	133.72	120.35	S.44°20'35"W.
607	125.00	25°36'47"	55.88	55.42	N.76°36'22"E.
608	125.00	36°32'00"	79.70	78.36	N.45°31'58"E.
609	125.00	27°59'34"	61.07	60.47	N.13°16'11"E.
610	55.00	89°51'48"	86.26	77.69	N.45°39'20"W.
611	55.00	84°35'46"	81.21	74.03	N.41°34'27"E.
612	55.00	84°23'36"	61.81	58.61	S.63°55'52"E.
613	90.00	17°32'48"	27.56	27.45	S.40°30'29"E.
614	90.00	41°18'21"	64.88	63.49	S.69°56'03"E.
615	1020.00	02°03'12"	36.56	36.55	S.02°32'51"W.
616	1020.00	02°14'51"	40.01	40.01	S.00°23'49"W.
617	980.00	02°14'51"	38.35	38.34	N.00°23'40"E.

THIS INSTRUMENT PREPARED BY JAMES N. WILKSON, P.S.M.



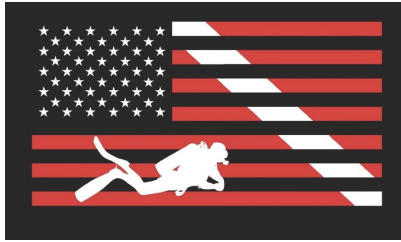
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MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

13



M.R.I. Inspection LLC
17891 Wetstone Rd.
N. Ft. Myers, FL. 33917
239-984-5241 Office
239-707-5034 Mike
239-236-1234 Fax

CGC 1507963



Name

Moody River Estates CDD
Wrathell, Hunt & Associates, LLC
9220 Bonita Beach Rd Suite 214
Bonita Springs, FL 34135

Proposal

Project

VAC Truck Services

Date

9/2/2021

Estimate #

2963

Description	Cost
<p>This Proposal is for the total cost to clean structures 1 - 3 - 8 - 7 - 6. We will utilize VAC truck, set plugs and dewater pipes and remove sand and debris. This price includes all labor, material, and equipment needed to complete this job.</p> <p>Any work completed outside the scope of this proposal may result in additional charges.</p> <p>The price to dump sand and material off site will be \$300.00 per load additional.</p>	8,500.00
<p>M.R.I UnderWater Specialists utilizes the federal E-Verify program in contracts with public employers as required by Florida State law, and acknowledge all the provisions of Florida Statute 448.095 are incorporated herein by reference and hereby certifies it will comply with the same.</p>	Total \$8,500.00

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Additional charges may occur if any changes are made during scope of work and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. All contractors are fully covered under general liability insurance. We will not be responsible for any unforeseen incidents, when we dewater any wet well system. Due to sink holes crevasses or breeches etc. in and around wet well. This proposal does not include replacing any landscaping(Grass,trees, shrubs.etc.) all Jobsites will be left clean.

Mike Radford
Authorized Signature _____

Mike Radford President

This proposal may be withdrawn if not accepted within 30 days.

Arreptaur of Proposal The Above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made within 30 days after invoiced. If not we will agree to pay a 10% late fee.

This proposal may be withdrawn if not accepted within thirty (30) days.

Signature_____

Date of acceptance_____

"EXHIBIT A"



M.R.I. Inspection LLC
17891 Wetstone Rd.
N. Ft. Myers, FL. 33917
239-984-5241 Office
239-707-5034 Mike
239-236-1234 Fax
CGC 1507963



Name

Moody River Estates CDD
Wrathell, Hunt & Associates, LLC
9220 Bonita Beach Rd Suite 214
Bonita Springs, FL 34135

Proposal

Project

Cleaning

Date

8/13/2021

Estimate #

2911

late 9 to 12

Description	Cost
<p>This proposal is for the total cost to clean structures 1 - 3 - 8 - 7 - 6. We will utilize divers to enter each structure to pump out and remove sediment to establish optimal flow. This price includes all labor, material, and equipment needed to complete this job.</p> <p>Any work completed outside the scope of this proposal may result in additional charges.</p> <p>MUST Be Removed and dumped off site (R.G./S.T.) 5-0</p> <p>M.R.I UnderWater Specialists utilizes the federal E-Verify program in contracts with public employers as required by Florida State law, and acknowledge all the provisions of Florida Statute 448.095 are incorporated herein by reference and hereby certifies it will comply with the same.</p>	<p>3,350.00</p> <p>OK N.T.E. GA</p> <p>Total \$3,350.00</p>

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Additional charges may occur if any changes are made during scope of work and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. All contractors are fully covered under general liability insurance. We will not be responsible for any unforeseen incidents, when we dewater any wet well system. Due to sink holes crevasses or breeches etc. in and around wet well. This proposal does not include replacing any landscaping(Grass,trees, shrubs.etc.) all Jobsites will be left clean.

Mike Radford

Authorized Signature _____

Mike Radford President

This proposal may be withdrawn if not accepted within 30 days.

Acceptance of Proposal The Above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made within 30 days after invoiced. If not we will agree to pay a 10% late fee.

This proposal may be withdrawn if not accepted within thirty (30) days.

Signature _____

Date of acceptance _____



M.R.I. Under Water Specialists, Inc.



17891 Wetstone Rd.
North Fort Myers, Fl. 33917
239-707-5034 cell
239-236-1234 fax

July 30, 2021

Re: Moody River Inspection

Please see The map for Structure Numbers.

Out Fall Structure on Lake #11 was clean

Mitered end #4 on Lake #11 was 10% Sand and Debris

Curb # 3 was 60% Sand & Debris

Curb #1 was 35% Sand & Debris

Mitered End # 2 on Lake #12 was 10% Sand & Debris

Found that this line has 25% Sand & Debris in pipe from #4 to #2

Pipe is 36" to 42" size Pipe

Mitered end # 8 on Lake #9 is 100% Blocked

Pipe Between #7 & 8 Was 40%

Curb # 7 was 70% Sand & Debris

Curb # 6 Was 60% Sand & Debris

Pipe under Road was 50% between #6 And #7

Mitered End # 5 Lake #12 was 10% Sand & Debris

Pipe is 36" to 30" size Pipe

Please know we did look at curbs located on Moody Rd and found sandbag and cinder block we did remove

Any Questions Please Give us a call

Thanks

Brenda



MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

18

DATE: September 24, 2021

TO: Chuck Adams, Manager
Moody River Estates Community Development District (CDD)

COPY: Cleo Crismond Adams

SUBJECT: Review of Facilities Maintenance Agreement (Agreement)

1. I am sending this to our CDD District Manager to let you know that I would like to add this to the Agenda for the Meeting set for October 19, 2021. However, I reserve the right to make amendments to this letter prior to the meeting, at the meeting, or, after the meeting.

2. On January 17, 2006 this Community Development District (CDD) entered into a Facilities Maintenance Agreement (Agreement) with the Moody River Estates Community Association, Inc. (HOA). Pursuant to the Agreement, the HOA is responsible for maintaining CDD facilities.

2. Our Declaration of Covenants, Conditions and Restrictions, as amended, describes in detail the creation, powers and duties of our CDD. Among those duties is the requirement to properly maintain the assets provided to the CDD by its owners as listed in the RECITALS, Section A. in the Agreement. In addition to that list, other assets include the monument signs, the lakes/ponds, the storm water system.

3. Many owners have raised questions to me and at various meetings of the HOA and CDD boards and Neighborhood Committees about the manner in which those assets have been and are being maintained. Much discussion has occurred regarding who is responsible for what maintenance, HOA or CDD, the scope of that maintenance, getting the maintenance properly and adequately budgeted, etc.

4. Regardless of whether the CDD pays or the HOA pays, the owners of property in Moody River Estates will have to pay for the maintenance of CDD assets located within Moody River Estates. So, regardless of who performs the maintenance, the costs must be paid by CDD/HOA owners living within Moody River Estates.

5. In order to decide whether or not the Agreement should be renewed under Section 4 of the Agreement or terminated under Section 5 of the Agreement, the CDD board should conduct a

thorough review of the performance by the HOA and CDD of the duties set forth in the Agreement, therefore, I propose the following be accomplished not later than May 31, 2022:

- a. pursuant to Section 6. of the Agreement, I ask the board to direct the CDD District Manager to arrange for the inspection of all HOA records with respect to expenses associated with performance of the Agreement
- b. pursuant to Section 7 of the Agreement, I ask the board to direct the CDD District Manager to arrange for the inspection of all HOA records with respect to insurance associated with performance of the Agreement to ensure compliance with the requirements of the Agreement
- c. pursuant to Sections 14 & 15 of the Agreement, I ask the board to direct the CDD manager with the advice of legal counsel to review the Agreement and the performance thereunder, to determine whether or not a default has occurred by the HOA of its responsibilities under the Agreement, and, if so, to advise as to what, if any action, should be taken by the CDD to enforce the Agreement..

6. Should legal counsel opine that there has been a default or a failure on the part of the HOA to reasonably perform the obligations under the Agreement, then I ask that the board direct the CDD District Manager to take all steps reasonably necessary to formally terminate the Agreement and then identify what maintenance should be performed, obtain quotations from qualified vendors to perform that maintenance and to incorporate the expenses of performing that maintenance into the next CDD annual budget.

7. I am not requesting that this action be taken because I don't agree with the necessity of this Agreement, but merely to insure that it is working as originally intended, and, if not, to improve it, or, have the CDD take back the responsibility to maintain CDD property and insure we maintain our owner's assets as required by our fiduciary duty to them.

Thank you!

Robert Geltner, Member
Board of Supervisors, Seat 3
Moody River Estates Community Development District (CDD)
12941 Turtle Cove Trail
North Fort Myers, FL 33903
239-464-2643
geltner@comcast.net

AVAILABLE ON 7 page Community Development District Facilities Maintenance
CDD WEBSITE: Agreement (Agreement)

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

22

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT (CDD)

DRAFT 5

PROPOSED RESOLUTION RELATED TO MOODY RIVER ESTATES EAST

July 25, 2021

PROPOSED RESOLUTION BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT (CDD) TO AUTHORIZE DISTRICT MANAGER TO ARRANGE FOR, MONITOR AND, MANAGE THE COMPLETION OF A FEASIBILITY STUDY NOT LATER THAN A DATE TO BE DETERMINED BY THE BOARD FOR THE ACQUISITION OF CERTAIN LANDS, WITH THE UNDERSTANDING THAT THE BOARD MAY OR MAY NOT TAKE ANY ACTION TO PURCHASE ANYTHING

WHEREAS the unit owners of Moody River Estates Community Development District (CDD) whose units are located in Moody River Estates Community Association, Inc. were promised by the developer and its successors a “waterfront community “ with a boat launch and waterfront park as part of the common area as set forth in the Declaration of Covenants, Conditions and Restrictions for Moody River Estates Community Association, Inc., Article 8.8 (OR Book ____ Page ____, 10-1-2004, Public Records Lee County, Florida), and in their sales presentations and marketing materials; and,

WHEREAS, the unit owners of Moody River Estates Community Development District would benefit from additional parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and,

WHEREAS, Article 2.2 of the Declaration of Covenants, Conditions and Restrictions for Moody River Estates sets for the SCOPE OF CDD (Community Development District) responsibility as follows:

“The CDD is empowered to plan, establish, acquire, construct, or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities, including, without limitation, roads, water and sewer, irrigation, water management, street lighting, **parks and facilities for indoor and outdoor recreation**, cultural and educational uses, and limited access assurances services.”
[Emphasis added.]; and,

WHEREAS Chapter 190.012(2) requires the District to obtain approval from the Board of County Commissioners of Lee County, Florida for the District to exercise its powers under Chapter 190.012(2); and,

WHEREAS, F.S. F.S. 190.012 provides Special Powers to the Board of Supervisors of Moody River Estates Community Development District, including, but not necessarily limited to the following:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, **subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein**, any or all of the following special powers relating to public improvements and community facilities authorized by this act:
(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:
(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d)1. District roads equal to or exceeding the applicable specifications of the county in which such district roads are located; roads and improvements to existing public roads that are owned by or conveyed to the local general-purpose government, the state, or the Federal Government; street lights; alleys; landscaping; hardscaping; and the undergrounding of electric utility lines. Districts may request the underground placement of utility lines by the local retail electric utility provider in accordance with the utility's tariff on file with the Public Service Commission and may finance the required contribution.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

(h) Any other project, facility, or service required by a development approval, interlocal agreement, zoning condition, or permit issued by a governmental authority with jurisdiction in the district.

(2) After the local general-purpose government within the jurisdiction of which a power specified in this subsection is to be exercised consents to the exercise of such power by the district, the district shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

(a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

(b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.

(c) School buildings and related structures and site improvements, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the district school board.

(d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district

follows the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property.

(e) Control and elimination of mosquitoes and other arthropods of public health importance.

(f) Waste collection and disposal.

(3) To adopt and enforce appropriate rules following the procedures of chapter 120, in connection with the provision of one or more services through its systems and facilities.

(4)(a) To adopt rules necessary for the district to enforce certain deed restrictions pertaining to the use and operation of real property within the district and outside the district pursuant to an interlocal agreement under chapter 163 if within another district or, if not within another district, with the consent of the county or municipality in which the deed restriction enforcement is proposed to occur. For the purpose of this subsection, the term "deed restrictions" means those covenants, conditions, restrictions, compliance mechanisms, and enforcement remedies contained in any applicable declarations of covenants and restrictions that govern the use and operation of real property and, for which covenants, conditions, and restrictions, there is no homeowners' association or property owner's association having respective enforcement powers unless, with respect to a homeowners' association whose board is under member control, the association and the district agree in writing to enforcement by the district. The district may adopt by rule all or certain portions of the deed restrictions that:

1. Relate to limitations, prohibitions, compliance mechanisms, or enforcement remedies that apply only to external appearances or uses and are deemed by the district to be generally beneficial for the district's landowners and for which enforcement by the district is appropriate, as determined by the district's board of supervisors; or

2. Are consistent with the requirements of a development order or regulatory agency permit.

(b) The board may vote to adopt such rules only when all of the following conditions exist:

1. The district was in existence on the effective date of this subsection, or is located within a development that consists of multiple developments of regional impact and a Florida Quality Development.

2. For residential districts, the majority of the board has been elected by qualified electors pursuant to the provisions of s. 190.006.

3. For residential districts, less than 25 percent of residential units are in a homeowners' association.

4. The declarant in any applicable declarations of covenants and restrictions has provided the board with a written agreement that such rules may be adopted. A memorandum of the agreement shall be recorded in the public records.

(c) Within 60 days after such rules take effect, the district shall record a notice of rule adoption stating generally what rules were adopted and where a copy of the rules may be obtained. Districts may impose fines for violations of such rules and enforce such rules and fines in circuit court through injunctive relief.

(d) The owners of property located outside the boundary of the district shall elect an advisor to the district board pursuant to paragraph (e). The sole responsibilities of the district board advisor are to review enforcement actions proposed by the district board against properties located outside the district and make recommendations relating to those proposed actions. Before the district board may enforce its rules against any owner of property located outside the district, the district board shall request the district board advisor to make a recommendation on the proposed enforcement action. The district board advisor must render a recommendation within 30 days after receiving a request from the district board or is deemed to have no objection to the district board's proposed decision or action.

(e)1. Whenever an interlocal agreement is entered into pursuant to paragraph (a), a district board advisor seat shall be created for one elected landowner whose property is within the jurisdiction of the governmental entity entering into the interlocal agreement but not within the boundaries of the district. The district board advisor shall be elected by landowners whose land is subject to enforcement by the district but whose land is not within the boundaries of the district. The district board advisor shall be elected for a 2-year term. The first election for a district board advisor shall be within 90 days after the effective date of the interlocal agreement between the district and the government entity.

2. The election of the district board advisor shall occur at a meeting of eligible landowners. The district shall publish notice of the meeting and election once a week for 2 consecutive weeks in a newspaper of general circulation in the area of the parties to the interlocal agreement. The notice must include instructions on how all landowners may participate in the election and how to obtain a proxy form. The last day of publication may not be less than 14 days or more than 28 days before the date of the election. The landowners, when assembled at the meeting, shall organize by electing a chair who shall conduct the meeting. The chair may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions.

3. At the meeting, each landowner is entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots may not be aggregated for purposes of determining the number of voting units held by a landowner or a landowner's proxy.

4. If a vacancy occurs in the district advisor seat, a special landowner election shall be held within 60 days after the vacancy using the notice, proxy, and acreage voting provisions of this subsection.

History.—s. 2, ch. 80-407; s. 51, ch. 83-217; s. 9, ch. 84-360; s. 47, ch. 89-169; s. 8, ch. 93-51; s. 39, ch. 99-378; s. 15, ch. 2000-317; s. 47, ch. 2000-364; s. 33, ch. 2004-345; s. 30, ch. 2004-353; s. 8, ch. 2007-160; s. 9, ch. 2009-142; s. 2, ch. 2016-94; s. 11, ch. 2018-158.; [Emphasis added.] and,

WHEREAS District counsel has been authorized by the District Board to seek approval from the Board of County Commissioners of Lee County, Florida for the District to exercise its powers under Chapter 190.012(2); and,

WHEREAS District counsel has opined that said approval from the county commission is likely to be approved; and,

WHEREAS, since 2007 the unit owners of Moody River Estates Community Development District located in Moody River Estates Community Association, Inc., notwithstanding the unambiguous language of Article 8.8 of the Declaration, have been denied or have had limited access to a boat launch and waterfront park due to the final judgment entered following continuing litigation involving Mood

Development and Meritage Homes, a successor Developer of Moody River Estates Community Association, Inc. from the original developer Colonial Homes, Inc.; and,

WHEREAS, neither Meritage Homes nor the second successor developer D.R. Horton, nor any homeowner elected board of directors, has taken reasonably appropriate action pursuant to their fiduciary duties, to protect the interests of unit owners during its period of management with respect to the ownership of the boat ramp by enforcing the contractual promises made by the developer to make the boat launch and waterfront park common elements; and,

WHEREAS, it was estimated that it would have been very expensive to pay legal fees for the complicated litigation involved in exercising the rights of the community to the boat ramp and waterfront park and there was some real legal uncertainty as to the ability to prevail if continuing litigation was pursued leading to the various boards of directors to fail to take action to enforce compliance with Article 8.8 of the Declaration and the promises made by the developers in their marketing; and,

WHEREAS F.S. 190.011(4) authorizes the Board of Supervisors of Moody River Estates Community Development District:

(4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.; and,

WHEREAS the various subsections of F.S. 190.011 authorize the Board of Supervisors of Moody River Estates Community Development District:

(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.

(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(10) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(11) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, over any property within the state, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of

easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(13) To assess and impose upon lands in the district ad valorem taxes as provided by this act.

(14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to this act and chapter 170. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of ss. 197.3631, 197.3632, and 197.3635, chapter 170, or chapter 173.

(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(16) To exercise such special powers as may be authorized by this act.; [Emphasis added.]; and,

WHEREAS Mood Development has previously offered to sell to Moody River Estates Community Association, Inc. (or its assignee or to Moody River Estates Community Development District) a certain tract of land east of Moody River Estates east of Moody Road consisting of less than 16 acres, as set forth in legal description which offer expired February 28, 2018, but which may be capable of being extended; and,

WHEREAS, we are in a relatively low interest rate market and the acquisition of land by use of tax exempt bonds would be a favorable means of acquiring the aforementioned land; and,

WHEREAS, the value of residential real estate associated with waterfront access generally sells at a premium in the marketplace;

THEREFORE, be it resolved that the Board of Supervisors hereby directs the District Manager to immediately retain whatever legal or other experts or consultants as may be necessary to perform a feasibility analysis as to the following:

1. for the purpose of obtaining from Lee County approval to exercise powers under Chapter 190 Florida Statutes that will permit the District to purchase land for recreational and other purposes;
2. for the purchase or acquisition by eminent domain (as authorized in F.S. 190.011(11)) by the CDD of Mood Development Land most recently being offered for \$4,500,000 subject to negotiation of price and terms;
3. for the purchase or acquisition by eminent domain (as authorized in F.S. 190.011(11)) by the CDD of the land west of Moody River Estates North situated west of the Dollar General Store;
4. for researching the best approach to obtain such land, that is, by purchase, donation, eminent domain, or, other means;
5. for researching and obtaining whatever consents may be necessary from any Federal, State, Regional or County governmental entities to accomplish such acquisitions;
6. for researching funding mechanisms, if purchase is contemplated, and best funding sources (e.g. bonds, mortgage, etc.);
7. recognizing that the property, if acquired, must be open to the public, for researching the utilization of the acquired parcels for revenue generating purposes with higher fees from the public and lesser fees, if any, from district residents, in the form of leases or user fees, for boat slip rentals, boat mooring rentals, storage of cars, boats, trucks, construction of swimming pool(s), tennis or pickleball

courts, marine & general store, restaurant or food service, and all other uses permitted in Chapter 190 F.S.

The District Manager shall further cause all CDD unit owners to be notified of this resolution within 14 days and to solicit positive and negative written responses to be received, organized and summarized by management in a report to the Board of Supervisors at a meeting to be scheduled not less than 60 days from the adoption of this Resolution.

Nothing in this resolution shall require the Board of Supervisors or the CDD to take specific actions other than to notify owners of the adoption of this resolution and reporting of responses, if any. The Board retains the option and right to continue to evaluate or to take no further actions.

Resolution Type: Special Number: _____

Pertaining to: Feasibility Study of Land Acquisition, etc.

Duly adopted at a meeting of the Board of Supervisors, Moody River Estates Community Development District held: _____

Motion by: _____ Seconded by : _____

		Seat	Term Expires	VOTE YES	VOTE NO	ABSTAIN	ABSENT
John Teckorius	Chair	4	Elected: 11/03/2020 Term Expires: 11/2024				
Robert Geltner	Vice Chair	3	Elected: 01/18/2018 Term Expires: 11/2024				
Chris Jenner	Assistant Secretary	1	Elected: 11/06/2018 Term Expires: 11/2022				
Edward Pike	Assistant Secretary	2	Elected: 05/20/2021 Term Expires: 11/2024				
Julie Canoura	Assistant Secretary	5	Elected: 05/20/2021 Term Expires: 11/2022				

ATTEST:

Secretary Date

FILE:
Book of Minutes- Year 2021
Book of Resolutions:

	Book Number	Page Number
Policy		
Administrative		
Special		
General		

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

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From: geltner@comcast.net <geltner@comcast.net>
Sent: Friday, August 27, 2021 12:36 PM
To: Cleo Adams <crismond@whhassociates.com>
Subject: RE: Issue at Lake Bank Behind 3111 Midship Drive

Cleo Adams:

This e-mail has me thinking.

Is the collection of rainwater from the roofs in Moody River Estates a good thing when it is diverted directly into our 21 lakes by downspouts and other piping directing the water into our stormwater management system?

Would collecting this water over the 25-30 year or more lifetime of these pipes be a net positive for our community?

Are other Florida Community Development Districts taking any actions to collect rainwater from roofs or other hardscapes directly into their stormwater management systems?

Is this something our management and board should be looking at?

Please add this as an Agenda item in October.

Thank you.

Bob

Robert Geltner
Supervisor, Seat 3
Moody River Estates Community Development District
geltner@comcast.net
239-464-2643

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

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**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
AUGUST 31, 2021**

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
AUGUST 31, 2021**

	Major Funds		Total Governmental Funds
	General	Debt Service Series 2017 A1 & A2	
ASSETS			
Cash - SunTrust	\$ 186,105	\$ -	\$ 186,105
Investments			
Revenue 2017A1 & A2	-	253,322	253,322
Reserve 2017A1*	-	271,941	271,941
Reserve 2017A2*	-	82,806	82,806
Reserve sub 2017A1 & A2*	-	103,735	103,735
COI	-	4,825	4,825
Prepayment 2017A2	-	676	676
Total assets	<u>\$ 186,105</u>	<u>\$ 717,305</u>	<u>\$ 903,410</u>
LIABILITIES AND FUND BALANCES			
Liabilities:	\$ -	\$ -	\$ -
Total liabilities	<u>-</u>	<u>-</u>	<u>-</u>
Fund Balances:			
Restricted for:			
Debt service	-	717,305	717,305
Unassigned	186,105	-	186,105
Total fund balances	<u>186,105</u>	<u>717,305</u>	<u>903,410</u>
Total liabilities and fund balances	<u>\$ 186,105</u>	<u>\$ 717,305</u>	<u>\$ 903,410</u>

*These Reserve Accounts are specifically for the noted Debt Service Funds and may not be used for any other purpose."

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED AUGUST 31, 2021**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 292,486	\$ 289,252	101%
Interest and miscellaneous	2	310	-	N/A
Total revenues	<u>2</u>	<u>292,796</u>	<u>289,252</u>	101%
EXPENDITURES				
Professional & admin				
Supervisor	-	1,292	6,459	20%
Management	3,733	41,068	44,802	92%
Accounting services	729	8,013	8,742	92%
Audit	3,800	5,800	5,800	100%
Assessment roll services	1,073	11,802	12,875	92%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	83	917	1,000	92%
Trustee	-	3,709	3,709	100%
Legal - general counsel	6,868	17,875	12,000	149%
Engineering	5,759	8,548	4,000	214%
Postage	965	2,787	1,250	223%
Telephone	42	458	500	92%
Insurance	-	6,503	6,500	100%
Printing & binding	92	1,008	1,100	92%
Legal advertising	3,135	4,839	1,200	403%
Other current charges	53	852	750	114%
Website	-	-	750	0%
ADA website compliance	210	210	210	100%
Annual district filing fee	-	175	175	100%
Total professional & admin	<u>26,542</u>	<u>115,856</u>	<u>113,022</u>	103%
Water management				
Other contractual	5,686	44,939	110,000	41%
Utilities	2,803	37,206	39,500	94%
Aquascaping	-	-	5,000	0%
Total water management	<u>8,489</u>	<u>82,145</u>	<u>154,500</u>	53%
Other fees and charges				
Property appraiser	-	777	844	92%
Tax collector	-	1,127	1,266	89%
Total other fees and charges	<u>-</u>	<u>1,904</u>	<u>2,110</u>	90%
Total expenditures	<u>35,031</u>	<u>199,905</u>	<u>269,632</u>	74%
Excess/(deficiency) of revenues over/(under) expenditures	(35,029)	92,891	19,620	
Fund balance - beginning	221,134	93,214	86,355	
Fund balance - ending	<u>\$ 186,105</u>	<u>\$ 186,105</u>	<u>\$ 105,975</u>	

**MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2017A-1 and 2017A-2
FOR THE PERIOD ENDED AUGUST 31, 2021**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 606,789	\$ 603,651	101%
Interest	2	43	-	N/A
Total revenues	<u>2</u>	<u>606,832</u>	<u>603,651</u>	101%
EXPENDITURES				
Principal	-	330,000	330,000	100%
Principal prepayment	-	5,000	-	N/A
Interest	-	278,200	278,300	100%
Total expenditures	<u>-</u>	<u>613,200</u>	<u>608,300</u>	N/A
Excess/(deficiency) of revenues over/(under) expenditures	2	(6,368)	(4,649)	
Fund balance - beginning	717,303	723,673	720,250	
Fund balance - ending	<u>\$ 717,305</u>	<u>\$ 717,305</u>	<u>\$ 715,601</u>	

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

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DRAFT
MINUTES OF MEETING
MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Moody River Estates Community Development District held Multiple Public Hearings and a Regular Meeting on August 19, 2021 at 1:00 p.m., at the Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903.

Present were:

John Teckorius	Chair
Robert Geltner	Vice Chair
Chris Jenner	Assistant Secretary
Edward Pike	Assistant Secretary
Julie Canoura (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Mike Eckert	District Counsel
Wes Kayne	District Engineer
Neil Mathes	Barraco & Associates
Carl Barraco	Barraco & Associates
Tony Grau (via phone)	Grau & Associates
Susan Garling	HOA President
Terri Silva	Resident/HOA Vice President Board
David Pride	Resident
Susan Martin	Resident
Rick Doran	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 1:00 p.m. Supervisors Teckorius, Geltner, Jenner and Pike were present, in person. Supervisor Canoura was attending via telephone.

Mr. Geltner reminded everyone that Board meetings and workshops are the only opportunity for Board Members to discuss CDD business or interact with each other. He informed homeowners that they would have two opportunities during the meeting to make comments and encouraged them to attend these meeting.

SECOND ORDER OF BUSINESS**Public Comments (3 minutes - agenda items)**

Resident David Pride asked for approval to plant a palm tree behind his residence to replace the 6' high weeds at the corner section of the preserve. The site plan location was identified. Mrs. Adams stated that, per the contract, evasive species are treated twice a year. She would issue a work order, as the next scheduled treatment would be in September. Regarding whether a tree can be planted, she would advise or present a proposal at the next meeting.

It was noted that the document behind Tab 9 was not on the agenda and was inadvertently placed in the agenda package.

Regarding the Ninth Order of Business, resident and HOA Board Vice President Terri Silva read and highlighted portions of the "Draft 5-Proposed Resolution related to Moody River Estates East July 25, 2021" handout Mr. Geltner prepared and expressed her opinion that certain language was incorrect and should be retracted. She asked if this was an official document.

THIRD ORDER OF BUSINESS**Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2020, Prepared by Grau & Associates**

Mr. Grau presented the Audited Financial Report for the Fiscal Year Ended September 30, 2020 and highlighted the pertinent information in the Report. There were no findings, recommendations or instances of noncompliance, it was an unmodified opinion, known as a clean audit.

Mr. Geltner posed questions regarding calculations, using unassigned fund balance for working capital and FDIC protection on mutual funds. Mr. Grau explained how his firm arrived at the amounts in the Financial Highlights section.

In response to requests, the Fiscal Year 2022 budget would have 25% above the unassigned funds designated as "working capital".

Board Members were to be provided with information on the percentage of return on investments over last year.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2021-07,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2020**

Mrs. Adams presented Resolution 2021-07. Mr. Geltner requested amending Resolution 2021-07 to change certain paragraphs and include verbiage he read and handed out during the meeting. The following changes would be made to Resolution 2021-07:

Item "2": Change number from "2" to "3"

Insert the following new Item:

"2. The purpose of this acceptance is solely to comply with all applicable laws and not to be interpreted as an acceptance of the outcome of the audit or as an opinion as to the effectiveness or accuracy of the independent auditor's report, or the reasonableness of the audit procedures used by the auditor, or the effectiveness of the internal controls utilized by the MRE CDD Manager, or the existence or non-existence of material weaknesses/deficiencies in the MRE CDD internal controls, or presence or absence of materials misstatements or compliance with any MRE CDD internal controls by MRE CDD management."

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, Resolution 2021-07, as amended, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

FIFTH ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2021/2022 Budget**

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2021-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

Mrs. Adams presented Resolution 2021-08.

Mr. Geltner asked about items in the Resolution and Mailed Notice. Mr. Adams stated that the Resolution provision in Section 3B is typical and allows the District Manager to implement an expenditure, if necessary, such as in emergency situations. The two Public Hearings referenced in the Mailed Notice would occur today, during the Fifth and Sixth Orders of Business.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Geltner and seconded by Mr. Pike, with all in favor, the Public Hearing was closed.

Mr. Geltner was having difficulty reconciling assessment revenues reflected in the proposed Fiscal Year 2022 budget, Mr. Adams stated that he would research and provide an answer at the next meeting.

Mr. Teckorius asked if it would be beneficial if the CDD accepts the East units stormwater system and, if so, would the CDD be able to raise rates on the 69 lots. Mr. Eckert discussed the Settlement Agreement. Since it is worth researching because their current system is different than in 2012 and including the maximum cap amounts in the next Mailed Notice, this would be included on the May 2022 agenda for approval during the Fiscal Year 2023 budget discussions.

The following change would be made to the Fiscal Year 2022 budget:

Page 1, "Other contractual": Breakdown the category by items and costs as defined on Page 4.

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, Resolution 2021-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2021/2022, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed/Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolution 2021-09, Making a Determination of Benefit and Imposition Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Geltner requested including language regarding the approved Resolution and debt assessment information in the Mailed Notice to Property Owners.

At the Board's direction, for inclusion on the May 2022 agenda for approval during the Fiscal Year 2023 budget discussions, Mr. Eckert would provide language explaining the 2017 Bond debt assessment for the next time assessments increase and Mailed Notices are needed. He stated that the Notices typically only include information required by Florida Statutes.

On MOTION by Mr. Geltner and seconded by Mr. Pike, with all in favor, the Public Hearing was opened.

Resident Susan Martin asked about the amount of the assessment increase and if it is associated with improving the community. As it was not, she asked if expenditures had to do with acquiring new property on the east side of Moody Road. Mr. Adams explained that the CDD allocated funding for a feasibility study. Ms. Martin asked the Board to clarify if they are thinking about purchasing the land and, if so, why.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, the Public Hearing was closed.

Mr. Eckert stated that the feasibility study would be discussed later in the meeting.

Mrs. Adams presented Resolution 2021-09.

The following change would be made to Resolution 2021-09:

Page 1, last WHEREAS clause: After “service”, insert “pursuant to Resolution 2021-08 adopted on August 19, 2021”

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, Resolution 2021-09 as amended, Making a Determination of Benefit and Imposition Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Staff Report - District Engineer: Barraco & Associates, Inc.

Mr. Kayne reported the following:

➤ Currently completing preparation of the Lake Bank Maintenance Limited Review Development Order (LDO) package in anticipation of submittal by the end of business tomorrow. The initial County review is expected to take three to four weeks. This is the first time doing this for a maintenance permit and relied on the original LDO plans for the lake bank sections and limits; he did not expect a lot of comments.

➤ Addresses were received for Moody North residences along the north and west that abut the canal and have potential encroachments and breaches on their swale or berm.

➤ A representative inspected the area on June 30, 2021 and found several conflicts between the permit plans and the rear garden conditions. The County and SFWMD permit plans were provided to Mr. Adams, along with concerns from the site observation that are non-compliant with the permit. The issues were mostly comprised of areas with the swale filled or different types of improvements, such as brick paver walkways, landscaping and some areas where the berm was re-graded slightly so it no longer captures repeat water on site, as the permit requires.

A Board Member was concerned about current real estate transactions, not notifying homeowners of these issues and the CDD's liability.

Mr. Teckorius wanted the violation letter to the homeowners to include Barraco and Associates' contact information. Mr. Kayne stated it would take about two or three weeks to inspect the entire community, by neighborhood, write all the observations and prepare reports and exhibits, depending on their current schedule, which is six to eight weeks out for certain items. Mrs. Adams confirmed that fund balance would be used to cover the costs.

Discussion ensued regarding the advantage of alerting the entire community that compliance issues were identified with the North and that the CDD is in the process of evaluating the South and Central areas, along with an HOA e-blast to homeowners indicating that the CDD is surveying the entire stormwater management system, swales and berms and violation notices may be forthcoming, which would require them to respond.

A Board Member asked if the CDD might be culpable in a lawsuit towards a real estate transaction that happens in North were the CDD has known about this issue but has not alerted the property owner or made disclosures to the purchaser. Mr. Eckert felt that the CDD is fine as long as it is taking reasonable action and coming up with an orderly way to address the issue. Ms. Canoura suggested notifying homeowners in violation whose homes are up for sale that they need to provide their Real Estate Agent a Property Disclosure Form.

A Board Member stated he wanted the District Engineer, not someone else's Engineer, doing the inspection, identifying solutions and notifying homeowners of non-compliance issues; he agreed that homeowners should complete a Non-Disclosure form and that the CDD should send community-wide notifications. Mr. Geltner felt that the CDD should pursue recovering pro-rated Engineering costs from homeowners who are in violation. Mr. Teckorius felt that the survey is for the benefit of the CDD, as its entire stormwater system has never been surveyed to ensure that the systems and lake banks are in order. He was in support of homeowners in violation being responsible for the repairs and notifying the CDD when the repairs are completed. The monuments will be inspected at another time.

HOA President Susan Garling suggested an HOA e-blast to the community informing homeowners that the District Engineer is inspecting the stormwater system and for the District Engineer to mail individual, friendly letters to homeowners who are in violation, with helpful information about how they should proceed to become compliant. She strongly suggested holding a Town Hall Meeting with the District Engineer presenting his report. She discussed

pieces within the Declaration that are going to affect and may impact those surrounding homeowners' property. Mr. Kayne would code those residences with significant impacts.

Mr. Eckert agreed with the suggestion of working with the HOA on an HOA e-blast to homeowners indicating that the District Engineer is inspecting the stormwater system community-wide and identifying non-compliance areas as well as potential solutions for specific issues. The Board consensus was for Mr. Eckert and Mr. Kayne to work on letters to homeowners with identified specific issues and send out within 10 days; certified receipt was not necessary at this time.

Mr. Kayne confirmed that the lots at Moody North, abutting the canal, were all inspected and documented. The \$6,500 for perimeter berm review, with exhibits, was approved at the last meeting and the \$5,000 lake bank review to do the observations, with exhibits, is to commence Spring of 2022 when water recedes and would include the lots that abut the lakes.

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, engaging Barraco & Associates to perform a survey of the District's entire Stormwater Management System at Moody River Estates Property, South, Central and North Lake 21, for \$6,500, with a not-to-exceed amount of \$10,000, was approved.

It was clarified that Ms. Garling and Mr. Eckert will work on the e-blast and Mr. Geltner was designated to review it before it is sent to the community; Mrs. Adams should be copied.

Mr. Teckorius asked for the District Engineer and WHA Staff to conduct semi-annual regular inspections of all CDD property and systems. He discussed his conversation with Anchor Marine representatives regarding permits and asked for Barraco & Associates to inspect and certify its work at Lakes 5 and 8, following CDD requirements. Mr. Eckert stated that Supervisors are elected officials of the CDD, not a government employee. Mrs. Adams confirmed that the contractor will not be paid until County Representatives approve the work. Mr. Kayne was asked to send copies of all Barraco & Associates' drawings of Lakes 1 through 21 that were sent to the South Florida Water Management District (SFWMD) to Mr. Teckorius and copy Mrs. Adams.

EIGHTH ORDER OF BUSINESS

Discussion: Storm Drainage System

A. Listing of Addresses Inspected for Encroachments into Storm Drainage System

B. Discussion: Sample Letter Regarding Swale Damage in CDD Easement

This item was presented in conjunction with the Seventh Order of Business.

NINTH ORDER OF BUSINESS

Consideration of MIA Firms to Perform
Real Estate Analysis/Feasibility Study

A. Greg Stuart, Stuart Urban Design

B. Kinsey Associates

C. LandQwest Commercial

Mr. Eckert stated Lee County charges a \$1,500 fee to process the Resolution granting recreational power to the CDD, which is needed if they want to build recreational trails in the forest preserves at Central, South or North.

Ms. Canoura asked for the reason to do this when the CDD does not own the property. She recommended all communication cease with the owner until Mr. Eckert engages a title company to determine what the person owns and plans to do with the boat slips, as instructed by the County Representative. Mr. Eckert explained the process. The Board needs to decide what would be done with the property and obtain an appraisal.

Mr. Geltner discussed various plans for the Moody East land and suggested sending a letter and the survey to all homeowners to educate them on the history of Moody River East. He prepared Draft #5 and provided notes of a phone call with a principal representative from Moody Development. He asked if confidential information could be redacted from the public record. Mr. Eckert replied no. Discussion ensued regarding receiving offers to purchase property, owner clarification that the property belonged to Moody East and contacting the owner threatening lawsuits.

Mr. Teckorius motioned to proceed with the \$1,500 expense. The motion failed for lack of second.

Mr. Geltner motioned for Mr. Eckert to obtain an appraisal and approve cost for recreation powers. There was no second.

Discussion ensued regarding the title search providing information, needing an appraisal to determine what is on the Development Order and 125 boat slips that may be in the Trust.

Mr. Geltner withdrew his motion for Mr. Eckert to obtain an appraisal.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with Mr. Geltner, Mr. Teckorius, Mr. Pike and Ms. Canoura, in favor, and Mr. Jenner dissenting, authorizing Mr. Eckert to send a letter to Mr. Madden to obtain information about selling property to the CDD, was approved. [Motion passed 4-1]

The meeting recessed and reconvened shortly thereafter.

TENTH ORDER OF BUSINESS

Continued Discussion: Signage for Conservation Areas

Mr. Willis was asked for downed signs in the preserve, near the basketball courts to be repaired. Mr. Teckorius stated he would send Mrs. Adams paperwork to determine if the CDD is still required to post "Caution do not feed the alligators" signs at all the lakes, as it was required to do prior to the CDD opening. Mrs. Adams stated this issue has been discussed at length and will be added to the next agenda; however, the insurance carrier advised that the CDD is not required to have signage.

This item was deferred to the next meeting.

ELEVENTH ORDER OF BUSINESS

Discussion: Drone Assistance for Waterways – Bill Holderby, Professional Drone Pilot

Ms. Canoura would invite Mr. Holderby to give a presentation at the next workshop. This item was deferred to the next meeting.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2021

Mr. Teckorius presented the Unaudited Financial Statements as of June 30, 2021. The Financials Highlight Report was distributed.

On MOTION by Mr. Teckorius and seconded by Mr. Geltner, with all in favor, the Unaudited Financial Statements as of June 30, 2021, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of June 17, 2021 Regular Meeting Minutes

Mr. Teckorius presented the June 17, 2021 Regular Meeting Minutes.

The following changes were made:

Line 84: Change "Ferrier" to "Farrior" and "Quality" to "Colonial"

Line 115: Insert "on" after "information"

Line 128: Delete "on"

Regarding Line 147, Mr. Adams to follow up on emailing Resolution 2008-05 to the Board, which provided that the Board has taken affirmative action by accepting transfer of the stormwater permit.

Line 191: Change "recreation fund" to "feasibility study"

Mrs. Adams stated that the District Engineer reviewed and made changes to the draft minutes before they were included in the agenda package.

Line 229: Change "firms" to firm's"

Line 233: Delete "Although" and insert "outflow" after "the"

Line 234: Insert "not" after "determined"

Regarding Line 338, it was noted that proposals from Southern State Fencing and Carter Fence were obtained to repair the fence.

Line 420: Change "Walker" to "Wachter"

Line 486: Change "Moody" to "Mood"

Line 298: Insert Mr. Teckorius' statement read into the minutes.

Line 508: Change "were doing" to "exist"

On MOTION by Mr. Geltner and seconded by Mr. Jenner, with all in favor, the August 19, 2021 Regular Meeting Minutes, as amended, were approved.

- Action Items**

Mr. Eckert submitted his list of completed action items to Mrs. Adams, in case he had to leave the meeting early.

Items 1, 64, 75, 81, 89, 92 and 94 were completed.

Item 74 was revised to clarify that a proposal was being obtained to determine what would be required to remove invasive fish from CDD lakes.

FOURTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: *Hopping Green & Sams, P.A.***

- **Consideration of Rate Increase**

This item was presented at the last meeting.

There was nothing further to report.

B. District Manager: *Wrathell, Hunt & Associates, LLC*

- **UPCOMING WORKSHOP/MEETING DATES:**

- A. October 7, 2021 Workshop**

- B. October 21, 2021 at 1:00 P.M.**

- **QUORUM CHECK**

The next workshop will be held October 7, 2021 at 11:00 a.m.

All Supervisors confirmed their in-person attendance at the October 21, 2021 regular meeting.

Mr. Geltner asked the Board to consider rescheduling the June 16, 2022 meeting to a later date, as he will be out of the country.

C. Operations Manager: *Wrathell, Hunt & Associates, LLC*

- **Monthly Status Report - Field Operations**

The Report was included for informational purposes.

Mrs. Adams reported the following:

➤ The Lake 5 lake bank restoration project was not yet completed due to high water levels.

➤ As a result of Mr. Geltner's street flooding observations, Mrs. Adams presented M.R.I. Inspection LLC (MRI) Estimate #2911 to clean out the interconnecting pipes that run between Lakes 9 through 12 that are identified as 100% blocked. While inspecting the CDD outfall structure, MRI removed the sand bags from Moody Road, which is a County road. The only time interconnecting pipes are inspected is when flooding issues arise.

On MOTION by Mr. Geltner and seconded by Mr. Teckorius, with all in favor, M.R.I. Inspection LLC Estimate #2911 to pump out and remove sediment at Interconnecting Pipes 1, 3, 8, 7 and 6 that run between Lakes 9 through 12, to establish optimal flow, in a not-to-exceed amount of \$3,350, was approved.

○ **Key Activity Dates**

The August 2021 Key Activity Dates Report was included for informational purposes.

FIFTEENTH ORDER OF BUSINESS

Public Comments (*non-agenda items*)

Resident Rick Doran reported the following information and asked the Board to address certain issues:

➤ Boat slips and borings: Charlie assured him that the Development Permit allowed for the 100 permitted boat slips and 20' to 25' floating docks that were transferred to another entity can be transferred back to the CDD.

➤ He believed that East Moody was never inspected by Engineers representing the membership after its construction or during assessment of the facilities, which led him to discuss designation of the operations and maintenance (O&M) of the storm drains.

➤ He offered to provide the Board with early communications between Attorneys, Grady and Madden, prior to its completion. Meritage's intention was to ensure all O&M operations were transferred to Moody River CDD. There was no further discussion with Attorney Madden when his letter succinctly stated that any modifications that were done to fulfill the Court Order for the drainage systems was that it is the responsibility of the homeowners and never the CDD. As a result, the modifications to O&M, insurance, permitting and boat ramps related to the facility that was built, is the obligation of the Moody River HOA.

➤ He hoped the Board would require Management to make available day-to-day operation reports and financial accounting records and statements, as they are engaged at the will of the Supervisors, which should alleviate Mr. Geltner's concerns. Mrs. Adams stated Management does not provide these types of reports to any of its clients.

➤ He expressed his personal unhappiness with how Management monitors the CDD's operations, as his email, photographs and timeline sent to the Chair and Mr. Adams was not distributed to the Board. When asked about Staff evaluations, Mr. Teckorius stated they were performed last year; he would provide a copy to Mr. Doran.

➤ He noted the District's 30 to 40 lake banks and the repair to Lake #2 collapsed and is now in worse condition. He asked if the Board received a field operations report about the collapse and failure of the system, which he believed was the same as the system the Board is now discussing putting in Lake #5.

Mr. Teckorius stated that the CDD put the HOA on notice that the CDD cannot monitor the lake banks due to the excessive growth of vegetation around the perimeter. He asked for correction of the June 17, 2021 meeting minutes to include his statement of putting the HOA on notice. He stated that he is aware of all the lake banks defects and continuous deterioration of the lakes, fencing and not mediating to the proper issuance and specification that were originally designed, which is why they are requesting the District Engineer request issuance of a LDO for all the lakes.

Ms. Canoura left the meeting at 4:42 p.m.

SIXTEENTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Pike had an issue with the Board receiving handouts at the last minute. The Board choose to establish a policy.

Mr. Jenner asked Mrs. Adams to instruct CDD contractors to notify John, with the HOA Management Company, on Friday morning before noon, when they plan to be on site the following week.

• Supervisor Teckorius

I. Correction of Membership Fees for Using CDD Amenities, Not Open to Public for Free

To clarify Ms. Canoura's statement and concerns about crowds when the boat ramp is installed, Mr. Teckorius stated that, although it may be open to the public, to enter, they will be required to pay a fee.

II. Discussed Possibility of Zoom Meetings for CDD. Are they Legal?

To clarify Ms. Canoura's question regarding if it is legal to hold CDD meetings via Zoom, Mr. Teckorius stated it was; however, he preferred not to, as it would require a volunteer to run and control the equipment and the audience. A Board Member thought it may be a good idea, in order to be more transparent. It was noted that resident Dave Herring ran Zoom meetings for the HOA.

476 A Board Member suggested having the workshop minutes transcribed. Ms. Garling
477 would ask the HOA to ask their Management Company if the audio workshop minutes can be
478 transcribed and if there is an additional charge for that service.

479

480 **SEVENTEENTH ORDER OF BUSINESS**

Adjournment

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482 There being no further business to discuss, the meeting adjourned.

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484 **On MOTION by Mr. Teckorius and seconded by Mr. Pike, with all in favor, the**
485 **meeting adjourned at 4:57 p.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

ACTION ITEMS

DATE ADDED		
53.	2.11.21	Per Mr. Teckorius, Management to forward an invoice to the HOA for reimbursement of venue rental costs incurred by the CDD for its meetings. 03.11.21 Mrs. Adams would notify board once payment is received. STATUS: ONGOING
60.	03.11.21	Staff to include as a discussion item on the next agenda, inviting the Fort Myers Fire Chief to a future Workshop. 05.20.21 Item Tabled. STATUS: ONGOING
70.	03.11.21	Supervisors to include as discussion item on a Future Workshop agenda, the pros and cons of purchasing property for accessing the Boat Launch at Waterfront Park. Future agenda. STATUS: ONGOING
74.	05.20.21	Mr. Adams to obtain proposal to determine what would be required to remove invasive fish from CDD lakes. STATUS: ONGOING
78.	05.20.21	Mr. Adams to make sure the Board receives copies of all letters and issues received and how issues are resolved. STATUS: ONGOING
90.	06.17.21	Mr. Adams to email the Board Resolution 2008-05 and minutes of the Board accepting transfer of the stormwater permit. 08.19.21 Mr. Adams to email before the next meeting. STATUS: COMPLETED (subsequent to 08.19.21 meeting)
91.	06.17.21	Mr. Kayne to present a cost estimate to the Board, after inspecting the 21 lakes. STATUS: ONGOING
93.	06.17.21	Mr. Eckert to draft letter to the HOA regarding mowing of grassy areas and send, subject to Chair review. STATUS: ONGOING
96.	06.17.21	Ms. Canoura to obtain proposal for drone services from Mr. Holderby containing the same scope of services as Barraco & Associates proposal. 08.19.21 Ms. Canoura to invite Mr. Holderby to make a presentation at the next Workshop. STATUS: ONGOING
98.	08.19.21	Mrs. Adams to to ensure treatment of invasive species at W-4 CE-9 will be completed during the next treatment in September, and obtain a proposal to determine if a palm tree can be planted to replace the 6' weeds at the corner section of the preserve. STATUS: ONGOING

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

99. 08.19.21 Mr. Adams to revise Fiscal Year 2022 budget to have 25% above unassigned funds designated as “Working Capital”, Page 1 breakdown “Other contractual” into categories and costs consistent with the breakdown on Page 4 and provide the Board with information on the percentage of return on investments over the last year. **STATUS: ONGOING**
100. 08.19.21 Mr. Adams to amend Resolution 2021-07 to reassign Item numbers and insert Mr. Geltner’s language as Item 2. **STATUS: ONGOING**
101. 08.19.21 Mr. Adams to research and provide answers in reconciling assessment revenues in the proposed Fiscal Year 2022 budget, at the next meeting. **STATUS: ONGOING**
102. 08.19.21 Mr. Eckert to research whether it is beneficial to the District to accept the East Units stormwater system so the CDD can raise the rates on the 69 lots. **STATUS: ONGOING**
103. 08.19.21 **May 2022 Agenda.** Mr. Eckert to include for FY2023 budget discussions and approval maximum cap amounts and provide language explaining the 2017 bond debt assessment for the next Mailed Notice increase letter. **STATUS: ONGOING**
104. 08.19.21 Mr. Eckert to work with Ms. Garling and HOA on e-blast and Mr. Geltner to review e-blast and copy to Mrs. Adams before sending to homeowners informing them of the District inspecting the stormwater system, swale and berms for compliance. **STATUS: COMPLETED (subsequent to 08.19.21 meeting)**
105. 08.19.21 Mr. Eckert and Mr. Kayne to work on individual letters to homeowners already identified in violation and send to the residents within 10 days. **STATUS: COMPLETED (subsequent to 08.19.21 meeting)**
106. 08.19.21 Barraco & Associates to perform survey of the CDD’s entire stormwater management system, swale and berms and identify non-compliance. **STATUS: ONGOING**
107. 08.19.21 Mr. Kayne to review and certify Anchor Marine work on Lakes 5 and 8. **STATUS: ONGOING**
108. 08.19.21 Mr. Kayne and Mr. Adams to conduct semi-annual inspections of all CDD property. **STATUS: ONGOING**

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

- 109. 08.19.21** Mr. Kayne to send copies of all Barraco's drawing of Lakes 2 through 21 that were sent to the SFWMD to Mr. Teckorius and copy Mrs. Adams. **STATUS: ONGOING**
- 110. 08.19.21** Mr. Eckert to send letter to Mr. Madden regarding obtaining information on selling property to the CDD. **STATUS: ONGOING**
- 111. 08.19.21** Mr. Teckorius to send Mrs. Adams paperwork to determine if the CDD is required to post "Caution do not feed the alligators" signs at all the lakes and place on the next agenda. **STATUS: ONGOING**
- 112. 08.19.21** Mrs. Adams to revise Field Operations Report to indicate the Lake 5 lake bank restoration project was not yet completed due to high water levels. **STATUS: ONGOING**
- 113. 08.19.21** Mr. Teckorius to provide a copy of last year's Staff evaluations to Mr. Doran. **STATUS: ONGOING**
- 114. 08.19.21** Mrs. Adams to instruct CDD contractors to notify John, the HOA Management Company, Friday morning before noon, when they plan to be onsite the following week. **STATUS: COMPLETED (subsequent to 08.19.21 meeting)**
- 115. 08.19.21** The HOA to ask their Management Company if the audio Workshop minutes can be transcribed and if there is an additional charge for that service. **STATUS: ONGOING**

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

ONGOING ACTION ITEMS

DATE ADDED

- | | | |
|-----------|-----------------|--|
| 9. | 10.10.18 | Mrs. Adams tentatively scheduling littoral plantings at WL2-A for the end of November. TRANSFERRED TO ONGOING LIST 05.21.20 |
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MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

COMPLETED ITEMS

In Order of Date Moved to Completed

DATE ADDED		
2.	05.10.18	Per Mr. Geltner, District Counsel to research the feasibility of using solar energy to augment or replace electrical usage. As Of 01.10.19 District Counsel will continue to monitor/study. As Of 03.14.19 Now looking into including the use of batteries. STATUS: COMPLETED 02.11.21
45.	05.21.20	Management to include on the next in person agenda for discussion Mr. Geltner's proposed Resolution to add Staff Performance Review Policy to the Internal Controls Policy, STATUS: COMPLETED 02.11.21
48.	05.21.20	Management to include in the agenda at the next available in person meeting; discussing Mr. Geltner's Issues List e-mailed to Management and deferred at the last meeting. STATUS: COMPLETED 02.11.21
50.	08.20.20	Mrs. Adams to confirm the fountain lights at Lake #15 were repaired. STATUS: COMPLETED 02.11.21
51.	02.11.21	Mrs. Adams to forward eblast regarding the two CDD Board vacancies and include a submittal deadline to Ms. Silva. STATUS: COMPLETED 03.11.21
52.	02.11.21	Per Mr. Geltner, Staff to include adding workshops to the meeting schedule on the next agenda for Board consideration. STATUS: COMPLETED 03.11.21
54.	02.11.21	Mr. Adams to obtain a quote from an environmental Engineer for fuel load management in the conservation area and include fuel load debris as a discussion item on the next agenda. STATUS: COMPLETED 03.11.21
55.	02.11.21	Staff to include the need for new conservation area and wildlife signage on the next agenda. STATUS: COMPLETED 03.11.21
56.	02.11.21	Per Mr. Geltner, Staff to include the need to obtain a drone as a discussion item on the next agenda. STATUS: COMPLETED 03.11.21
5.	08.16.18	Board to monitor all project schedules provided by Mrs. Adams, such as the lake bank restoration 2019/2020 project schedule, fountain pumps and motor replacement schedule and aerator schedule. TRANSFERRED TO ONGOING LIST 05.09.19 STATUS: COMPLETED 03.11.21

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

65. **03.11.21** Mr. Kayne to inspect area of Turtle Cove Trail to confirm there is not berm breach. **05.20.21** Engineer confirmed there was no breach. **STATUS: COMPLETED 05.20.21**
66. **03.11.21** Mrs. Adams waiting on response from homeowner to address removal of palm fronds from Wetland #3 before billing homeowner for expense. **05.20.21** Contractor to inspect area for confirmation. **STATUS: COMPLETED 05.20.21**
67. **03.11.21** Mrs. Adams waiting on response from homeowners on Sandy Key Bend to address removal of crinum lily before billing homeowner for expense. **05.20.21** Contractor instructed to spray area to kill plant material. **STATUS: COMPLETED 05.20.21**
68. **03.11.21** Mrs. Adams to email Mr. Geltner the latest version of the Operations Report for him to review against his District Assets spreadsheet. **STATUS: COMPLETED 05.20.21**
69. **03.11.21** Ms. Smith to email the encroachment letters sent to the homeowners on Sandy Key Bend to Ms. Garnet Dasher, HOA **STATUS: COMPLETED 05.20.21**
49. **08.20.20** Mrs. Adams to coordinate SOLitude contacting Mr. Geltner regarding the dates when aeration and fountain technicians will be onsite to perform any type of repairs or inspections. **TRANSFERRED TO ONGOING 02.11.21 COMPLETED 05.20.21**
57. **03.11.21** Staff to email the four candidates requesting they reaffirm in writing their interest to hold a position on the Board and instruct them to attend the May meeting. **STATUS: COMPLETED 06.17.21**
58. **03.11.21** Mr. Kayne to update the map in the CDD Newsletter to include references to Moody East. **05.20.21** and Send map to Mrs. Adams to include in the newsletter for the HOA to e-blast to residents and send 7 plot maps and latest exhibits to send to the Board. **STATUS: COMPLETED 06.17.21**
59. **03.11.21** Mr. Adams to email a sample copy of the Preserve Fire Management Report to the Board. **STATUS: COMPLETED 06.17.21**
61. **03.11.21** Mr. Adams to revise and email the Board the latest version of the Facilities Maintenance Agreement, including Exhibit A. Mr. Kayne and Staff working together to update the map to include all CDD assets. **05.20.21** Mr. Kayne to send Mrs. Adams full size copies of map to mail to the Board and HOA President. **STATUS: COMPLETED 06.17.21**

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

62. **03.11.21** Mr. Kayne to obtain proposals for drone usage to provide aerials of the lakes to send to the Board. **05.20.21** include proposal with Task #83, cost to review 2019 HOA Transition Study. **STATUS: COMPLETED 06.17.21**
63. **03.11.21** Mrs. Adams would coordinate Management adding the Fiscal Year Date Range to the Unaudited Financial Statements. **05.20.21**, Also add FY date range to the proposed budgets and the Financial Highlights Report. Mrs. Adams to email the Arbitrage Agreement to the Board. Mr. Eckert to discuss the Agreement with Mr. Adams. **STATUS: COMPLETED 06.17.21**
71. **05.20.21** Ms. Canoura to coordinate with Mrs. Adams administering the Oath of Office before the next meeting. **STATUS: COMPLETED 06.17.21**
72. **05.20.21** Mr. Eckert to review Multifamily-East and Single Family-East Settlement Agreement. Board to provide Staff scope of services to include costs in proposed budget Mr. Eckert to work with Mr. Adams to determine how much is owed if the 204 Units were developed. **STATUS: COMPLETED 06.17.21**
73. **05.20.21** Mr. Kayne to review HOA 2019 Transition Study of the lakes and obtain from County, in writing, that a LDO was not required for lake bank maintenance projects. **STATUS: COMPLETED 06.17.21**
76. **05.20.21** Mrs. Adams to have Workshop dates added to the FY 2021/2022 Meeting Schedule and advertise accordingly and schedule Workshops in June and August 2021. **STATUS: COMPLETED 06.17.21**
77. **05.20.21** Mrs. Adams to obtain three quotes for bulk purchase of conservation area signs made of certain materials and to ask the HOA to store them; verbiage would be determined at the next meeting. **STATUS: COMPLETED 06.17.21**
79. **05.20.21** Mrs. Adams to coordinate moving the Engineer's Report to the beginning of every agenda and determine whether CDD meetings can be held via Zoom. **STATUS: COMPLETED 06.17.21**
80. **05.20.21** Mrs. Adams to confirm if Ms. Smith attended the last meeting and, if she did, updated the final version of the minutes. **STATUS: COMPLETED 06.17.21**
82. **05.20.21** Mr. Eckert to prepare Supervisor notebooks for newly appointed Supervisors and contact them individually. **STATUS: COMPLETED 06.17.21**

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

83. **05.20.21** Mr. Eckert and Mr. Kayne to email their list of assigned tasks to Mrs. Adams for her to email to the Board. **STATUS: COMPLETED 06.17.21**
84. **05.20.21** Mrs. Adams to obtain a proposal to repair fence around Lake #9. **STATUS: COMPLETED 06.17.21**
85. **05.20.21** Mrs. Adams to update the Key Activities Report to include the actual date of when the Financial Disclosure Statements are due and include deadline dates to file for candidacy for Supervisor position. **STATUS: COMPLETED 06.17.21**
86. **05.20.21** Mrs. Adams to contact SOLitude to see if the other three fountains were shut down. **STATUS: COMPLETED 06.17.21**
87. **05.20.21** Mr. Adams to find banks, other than SunTrust, that will reduce or eliminate the monthly service fees. **STATUS: COMPLETED 06.17.21**
88. **05.20.21** Mrs. Adams to confirm Accounting Department processed all Supervisor stipends for February and March 2021 meetings, as some Supervisors stated they did not received it. **STATUS: COMPLETED 06.17.21**
1. **01.18.18** Moving forward, any additional signs added to the conservation areas. It was requested to add the District's website address to those signs. **03.11.21** Mr. Kayne would send a CDD map in digital file indicating the total number of signs posted in the community to Mrs. Adams who in turn would send to the Board along with the total cost spent to date. **STATUS: COMPLETED 08.19.21**
64. **03.11.21** Mr. Eckert offered to discuss individually with Board Members, the matter of the CDD reconsidering a lawsuit against the Developer, outside of a meeting. **05.20.21** Mr. Eckert, Mr. Kayne and Mr. Adams to provide CDD related certification documents to the next meeting. Mr. Eckert to research if statute of limitations expired and contact the Chair to discuss history of a potential law suit and claims. **STATUS: COMPLETED 08.19.21 or Moot based on June 2021 Meeting.**
75. **05.20.21** Mr. Eckert to confirm Management's implementation of a Cloud-based file share program complies with County and Florida Statutes. **STATUS: COMPLETED 08.19.21**
81. **05.20.21** Mr. Eckert to research if a Resolution from the County exists granting the District the power to use CDD funds for recreation use. **STATUS: COMPLETED 08.19.21**

MOODY RIVER ESTATES CDD
August 19, 2021 Meeting for October 21, 2021 Meeting

89. **06.17.21** Mrs. Adams to provide Mr. Barraco a list of current lake bank projects, to prepare LDO's to submit to the County. **STATUS: COMPLETED 08.19.21**
92. **06.17.21** Mr. Eckert to provide Mr. Adams an opinion whether the East property was subject to cost-share feasibility study expenses. **STATUS: COMPLETED 08.19.21**
94. **06.17.21** Mr. Adams to provide the East Parcel Assessment spreadsheet to the firm doing the feasibility study. **STATUS: COMPLETED 08.19.21**
95. **06.17.21** Mr. Eckert to email new Supervisor's "Introduction to CDDs" and send physical copy of the Supervisors package. **STATUS: COMPELTED 08.19.21**
97. **06.17.21** Mrs. Aams to schedule workshop for August 5. **STATUS: COMPLETED 08.19.21**

MOODY RIVER ESTATES
COMMUNITY DEVELOPMENT DISTRICT

28B

MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING AND WORKSHOP SCHEDULE		
LOCATION		
<i>Clubhouse at Moody River Estates, 3050 Moody River Blvd., North Fort Myers, Florida 33903</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 7, 2021 CANCELED	Workshop	11:00 AM
October 21, 2021	Regular Meeting	1:00 PM
December 16, 2021	Workshop	11:00 AM
January 13, 2022	Regular Meeting	6:00 PM
February 24, 2022	Workshop	11:00 AM
March 10, 2022	Regular Meeting	6:00 PM
May 5, 2022	Workshop	11:00 AM
May 19, 2022	Regular Meeting	1:00 PM
June 2, 2022	Workshop	11:00 AM
June 16, 2022	Regular Meeting	1:00 PM
August 4, 2022	Workshop	11:00 AM
August 18, 2022	Public Hearing & Regular Meeting	1:00 PM