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MEMORANDUM

To: Harmony Community Development District Board of Supervisors
From: Young Qualls, PA
Date: November 12, 2019
Re: CDD Public Records Retention & Website Requirements

At last month's regular scheduled District Board meeting, the Board had a healthy discussion concerning the Harmony CDD Website. The Board adopted a new policy concerning how long records would be available on the Website. Considering this new policy, we have drafted this memo as a helpful guide as to what items must be included on the website and for how long. Community Development District websites and public records retention must comply with Chapters 119 and 189, Florida Statutes ("FS"). The District may keep records longer than required, but not for a shorter time period. Below is a brief summary of actions the District must take regarding its website and public records retention thereon.

Public Records

Public records are to be retained for the minimum length of time by category under the retention schedules listed by the Division of Library and Information Services of the Department of State which can be accessed at <https://dos.myflorida.com/media/698312/gsl-sl-2017-final.pdf>. Per Chapter 119, FS, insofar as practicable, a custodian of public records shall keep records in damage proof repositories in such an arrangement as to be easily accessible for convenient use.¹ Furthermore, custodians of public records shall permit records to be inspected by anyone desiring to do so, at any reasonable time, under reasonable conditions, and under supervision.²

Website Requirements

Chapter 189, FS, applies generally to Districts and has several requirements for District websites:

Non-permanent retention pursuant §189.016³

- The tentative budget must be posted on the special district's official website at least 2 days before the budget hearing and must remain on the website for at least 45 days.
- The final adopted budget must be posted on the special district's official website within 30 days after adoption and must remain on the website for at least 2 years.

¹ Fla. Stat. § 119.021

² Fla. Stat § 119.07

³ Fla. Stat § 189.016

- If the governing body of a special district amends the budget pursuant to 189.016(6)(c), the adopted amendment must be posted on the official website of the special district within 5 days after adoption and must remain on the website for at least 2 years.

Permanent retention pursuant §189.069⁴

- Each independent special district shall maintain a separate website and shall post the following information, at a minimum, on the district's official website:
 - The full legal name of the special district.
 - The public purpose of the special district.
 - The name, official address, official e-mail address, and, if applicable, term and appointing authority for each member of the governing body of the special district.
 - The fiscal year of the special district.
 - The full text of the special district's charter, the date of establishment, the establishing entity, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established. Community development districts may reference chapter 190 as the uniform charter but must include information relating to any grant of special powers.
 - The mailing address, e-mail address, telephone number, and website uniform resource locator of the special district.
 - A description of the boundaries or service area of, and the services provided by, the special district.
 - A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge. For purposes of this subparagraph, charges do not include patient charges by a hospital or other health care provider.
 - The primary contact information for the special district for purposes of communication from the department.
 - A code of ethics adopted by the special district, if applicable, and a hyperlink to generally applicable ethics provisions.
 - The budget of the special district and any amendments thereto.
 - The final, complete audit report for the most recent completed fiscal year and audit reports required by law or authorized by the governing body of the special district.
 - A listing of its regularly scheduled public meetings as required by s. 189.015(1).
 - The public facilities report, if applicable.
 - The link to the Department of Financial Services' website as set forth in s. 218.32(1)(g).
 - The agenda at least 7 days before each meeting or workshop, along with any meeting materials available in an electronic format, excluding confidential and exempt

⁴ Fla. Stat. § 189.069

information. The information must remain on the website for at least 1 year after the event.

It is advised that the District strictly comply with statute requirements for the District website. Should the agenda and/or meeting materials not get posted at least seven days in advance of the meeting, it appears that the meeting can still be held, and the items considered. The Attorney General has opined that a board may consider something excluded from the agenda, as long as the public is given the opportunity to be comment before action is taken theretofore. Again, it is advised that the District strictly comply with statutory provisions and post last-minute on the District website as soon as they are available. Should you have any questions about any of the items mentioned herein, please do not hesitate to contact us.