RESOLUTION 2025-04

A RESOLUTION OF THE IMMOKALEE WATER AND SEWER DISTRICT ESTABLISHING A POLICY FOR RESPONDING TO PUBLIC RECORDS REQUESTS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Immokalee Water and Sewer District ("District") is an independent special district created for the purpose of providing water and wastewater within its boundaries; and

WHEREAS, Section 8 of Section 3 of the District's charter found in Chapter 2022-258, Laws of Florida, ("Charter") provides that the District's Board of Commissioners ("Board") has the authority to make rules for its own governmental operations; and

WHEREAS, the Board wishes to establish a policy for responding to public records requests.

NOW, THEREFORE, BE IT RESOLVED by the IMMOKALEE WATER AND SEWER DISTRICT BOARD OF COMMISSIONERS that:

Section 1. Recitals. The above recitals are true and correct and are fully incorporated herein.

Section 2. Public Records Policy. The District is committed to the public's right to access records under Florida law. In accordance with Chapter 119, Florida Statutes ("F.S."), all District records, with the exception of exempt or confidential records, shall be open for personal inspection and copying by any person. This policy affirms the public's right to access District records and sets forth a consistent process for responding to public records requests. This policy also facilitates accessibility of information to the public and establishes fees to be assessed by the District to cover the costs of responding to public records requests.

Section 3. Public Records. The Public Records Act, Chapter 119, F.S., addresses the right to access, inspect, and copy existing public records. As defined in Section 119.011, F.S., 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.

All records kept by the District are public unless they are exempt by law from disclosure. Some examples of documents exempted from public records requests include, but are not limited to, trade secrets; proprietary confidential business information; security system

information and plans; building plans, blueprints, schematic drawings, and diagrams of government buildings and facilities; and social security numbers. Section 119.071, F.S., contains a list of general exemptions from inspection or copying of public records.

The Public Records Act does not require the District to analyze or create new records to accommodate a request for information. In addition, the District is required to provide a copy of the requested public record in the medium requested if it is maintained in that medium, it is generally not required to reformat its records to meet a requestor's particular needs. The District is also not obligated to provide records on a continuing or going-forward basis to a requestor.

Section 4. Records Custodian. The District's Records Custodian is its Payroll & Benefit Coordinator position, 1020 Sanitation Rd, Immokalee, FL 34142-4238, (239) 658-3630, and PublicRecords@immokaleewatersewer.com. The Records Custodian is charged with the responsibility of ensuring that the District's public records program meets the requirements of the Public Records Act.

Section 5. Submittal of Public Records Requests. Section 119.07, F.S., 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."

A public records request may be made to any District employee. However, a request made to the Records Custodian will ensure that the request is handled appropriately. Public records requests can be submitted directly to the Records Custodian at 1020 Sanitation Rd, Immokalee, FL 34142-4238, (239) 658-3630, or PublicRecords@immokaleewatersewer.com.

A public records request does not have to be submitted in writing and a requestor does not have to provide his/her identity or the reason for the public records request. This information is not required to make a request for public records.

No specific language is required to make a request for public records. However, the requestor must identify the records requested with sufficient clarity to allow the District to identify, retrieve, and review the records. If it is not clear what records are being requested, the District will contact the requestor for clarification and will assist the requestor with the request by informing the requestor of the manner in which the office keeps its public records.

The District cannot deny a public records request because the request is too broad or lacks specificity. Therefore, in the absence of a statutory exemption, the District must produce the records requested regardless of the number of documents involved.

When a public records request is received for e-mails or other records relating to a Board member or District employee, the Board member or District employee may be notified that such a request was received. This notice will not unreasonably delay responding to the public records request.

Section 6. Responding to Requests. The Records Custodian must acknowledge requests to inspect or copy records promptly, and respond to such requests in good faith, which includes making reasonable efforts to determine from other officers or employees within the District whether such records exist and, if so, the location at which the record can be accessed.

A. Acknowledgement. Upon receipt of a public records request, the District employee will forward the request to the Records Custodian within one (1) business day. Thereafter, the Records Custodian will acknowledge receipt to the requestor within one (1) business day.

B. Response Time. Public records must be made available for inspection promptly and within the "reasonable time" it takes to retrieve the record, review the record to determine if it contains any exempt information, and redact those portions of the record that are exempt. The length of time it takes the District to provide records varies somewhat depending upon the volume and nature of the request, but the District is committed to providing requested records as quickly and efficiently as possible.

C. Reasonable Conditions. The District is authorized to produce public records for inspection and copying under reasonable conditions. Reasonable conditions are those conditions that allow the Records Custodian to protect public records from alteration, damage, or destruction, and to ensure that the right to view the public records is not restricted or circumvented.

D. Business Hours. Public records are to be available for inspection and copying during normal business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m., with the exception of holidays or office closures.

E. Denial or Redaction of Records. If the District asserts that an exemption applies to all or part of a public records request, it may redact that portion of the public record and produce the remainder for inspection and copying. The requestor must either be notified of the redaction, or the redaction shall be plainly visible. If a public records request is redacted or denied, the District must provide a reason for the redaction or denial in writing, which includes a citation to the statutory authority for the redaction or denial. Section 119.071, F.S., contains a list of general exemptions from inspection or copying of public records. Requests for documents that may contain

exempt information may be delayed until the records can be reviewed for compliance with Chapter 119, F.S., and redacted as necessary.

Section 7. Copying and Mailing Costs. The District is authorized by Section 119.07(4), F.S., to charge a fee for copying public records. The District's fee schedule is as follows:

Copies	Fee (per page)
Single-sided copies, up to 8 ½ by 14	$0.15
Double-sided copies, up to 8 ½ by 14	$0.20
Larger-size copies, maps, blueprints, duplicate audio tape (cassette), CD of electronic or audio public records; DVD of electronic or audio public records; reprints of color photographs	Actual cost of duplication
Certified Copies	$1.00, in addition to the cost of duplication
Postage and Packing	Actual cost
Staff time in excess of 15 minutes	Hourly rate of staff compiling request

The District accepts payment in the form of cash, cashier check, or money order, which shall be paid prior to the delivery of any materials. Cashier's checks or money orders shall be made payable to Immokalee Water and Sewer District.

For large public records requests (those requiring more than $50 in copy charges), the Records Custodian will require an advance deposit prior to beginning retrieval.

A special service charge will be imposed if the nature or volume of public records requested requires extensive use of information technology or resources and/or extensive clerical or supervisory assistance from District staff. A special service charge will be warranted if the nature or volume of the public records request requires more than fifteen (15) minutes of District resources. The rate charged for clerical or supervisory assistance will be based on the lowest paid full-time personnel capable of processing the request.

When all allowable fees/charges applicable to a large public records request can be calculated in advance, they will be calculated and provided to the requestor before investing significant resources in completing the request. If the requestor accepts the cost estimate and pays the fee, the public records request will be filled.

When actual costs and extensive use fees cannot be immediately determined due to the nature of the request, an estimated cost for producing the records will be provided to the requestor along with an explanation that the actual cost may vary but will not exceed the original estimate by more than 25%. If the requestor accepts the cost estimate, and pays

the estimated fee, the public records request will be filled. If the actual cost to produce the records is more than the estimate, the requestor will be required to pay the additional cost, not to exceed 25% of the estimate. If the actual cost is less than the estimate, the requestor will receive a refund of the difference.

No sales tax is charged for a public records request.

Section 8. Collection of Records. Once the public records request is completed and the fees have been paid, the requestor will be notified that the records are ready for collection. The Records Custodian will hold the records for up to ten (10) calendar days to give the requestor adequate time to pick up the records or make arrangement for the delivery of the records. ***If the copies of the requested records are not picked up within ten (10) calendar days following notification to the requestor, they will be destroyed, and the original documents will be returned to the files***.

Section 9. Managing Records. The District's records are subject to retention schedules. The District follows the General Records Schedules for State and Local Government Agencies established by the Florida Department of State, available at http://dos.myflorida.com/library-archives/records-management/general-records-schedules/.

Section 10. Notice of Records Custodian. So that it may invoke the protections provided in Section 119.12, F.S., in the event a civil action is filed to enforce the provisions of the Public Records Act, the District shall prominently post the contact information for its Records Custodian in all of its primary administrative buildings in which public records are routinely created, received, maintained, and requested, and also on the District's website.

Section 11. Public Records Procedure. The Board hereby delegates to the Executive Director the authority to adopt a public records procedure for use by District staff in accordance with this policy.

Section 12. Prior Resolution. This Resolution supersedes Resolution #00-04.

Section 13. Effective Date. This Resolution shall become effective immediately upon adoption.

Duly passed on this 30th day of April, 2025 by the Immokalee Water and Sewer District.

BOARD OF COMMISSIONERS

IMMOKALEE WATER AND SEWER DISTRICT

BY: _____
Joseph Brister, Chair

BY: _____
Bonnie Keen, Secretary