

***Towne Park
Community Development District***

Agenda

September 2, 2025

AGENDA

Towne Park

Community Development District

219 East Livingston Street, Orlando, Florida 32801

Phone: 407-841-5524 – Fax: 407-839-1526

August 26, 2025

Board of Supervisors Towne Park Community Development District

Dear Board Members:

The regular meeting of the Board of Supervisors of **Towne Park Community Development District** will be held **Tuesday, September 2, 2025, at 4:00 PM** at the **Towne Park Amenity Center #1, 3883 White Ibis Road, Lakeland, FL 33811.**

Those members of the public wishing to attend the meeting can do so using the information below:

Zoom Video Link: <https://us06web.zoom.us/j/82093856101>

Meeting ID: 820 9385 6101

Zoom Call-In Information: 1 305 224 1968

Following is the advance agenda for the meeting:

Board of Supervisors Meeting

1. Roll Call
2. Public Comment Period
3. Approval of Minutes of the August 5, 2025, Board of Supervisors Meeting
4. Consideration of Resolution 2025-06 Setting the Date, Time and Location of Public Hearing to Adopt Amended Rules of Procedure
5. Consideration of Easement Variance Application- 5438 Keaton Springs Drive
6. Consideration of Proposal for Dolostone Mailbox Area Improvements
7. Staff Reports
 - A. Attorney
 - B. Engineer
 - i. Status Update on Medulla Stormwater Repair
 - C. Field Manager's Report
 - i. Consideration of Proposal for Plant Landscaping at Amenity 2
 - ii. Consideration of Proposal for Tree Replacements at Ponds
 - iii. Consideration of Proposal for Trimming on Spruce Creek Dr.
 - iv. Consideration of Proposal for Benches at Ponds
 - v. Ratification of Irrigation Repair and Controller Relocation
 - D. District Manager's Report
 - i. Approval of Amenity Policy Clarification Regarding Access Card Issuance
 - ii. Review of Amenity Privileges Suspension
 - iii. Approval of Check Register
 - iv. Balance Sheet & Income Statement
8. Supervisors Requests
9. Adjournment

MINUTES

**MINUTES OF MEETING
TOWNE PARK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Towne Park Community Development District was held Tuesday, **August 5, 2025**, at 6:00 p.m. at the Towne Park Amenity Center #1, 3883 White Ibis Road, Lakeland, Florida, and by Zoom.

Present and constituting a quorum:

Greg Jones
Jennifer Tidwell *by Zoom*
Tom Zimmerman
Roger Runyon
Zabrina Sides

Chairman
Vice Chairperson
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Tricia Adams
Meredith Hammock *by Zoom*
Patrick Collins
Alan Rayl
Allen Bailey

District Manager, GMS
District Counsel, Kilinski Van Wyk
District Counsel, Kilinski Van Wyk
District Engineer, Rayl Engineering
Field Services Manager, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order at 6:00 p.m. and called the roll. Five Board Members were in attendance, and a quorum was established.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams opened the public comment period. There being no comments, the next item followed.

THIRD ORDER OF BUSINESS**Approval of Minutes of the May 6, 2025
Board of Supervisors Meeting**

Ms. Adams presented the minutes of the May 6, 2025, Board of Supervisors and Audit Committee meeting. The draft meeting minutes have been reviewed by District Manager as well as by District Counsel. The Board had no changes to the minutes.

On MOTION by Mr. Runyon, seconded by Mr. Zimmerman, with all in favor, the Minutes of the May 6, 2025 Board of Supervisors & Audit Committee Meetings, were approved.

FOURTH ORDER OF BUSINESS**Public Hearing**

Ms. Adams asked for a motion to open both public hearings.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, Opening the Public Hearing, was approved.

A. Consideration of Resolution 2025-04 Adopting the Fiscal Year 2026 Approved Budget and Appropriating Funds

Ms. Adams stated Resolution 2025-04 is on page 16 of the agenda package. This resolution memorializes that at least 60 days prior to today's date and prior to June 15, the Board approved a proposed budget. The proposed budget has been provided to Polk County and the City of Lakeland. The public hearing has been noticed in accordance with Florida statutes. The resolution also memorializes that the proposed budget has been posted on the CDD website. Approval of this resolution will adopt your 2026 budget and provide for appropriations for the general fund, debt service fund and the capital reserve fund. Attached to the resolution is the proposed budget. Since the time the budget had been reviewed by the Board, some of the actuals have been updated. There is not a proposed assessment increase.

Ms. Adams opened the public comment period. She noted there are no public comments regarding the budget and asked for a motion to close the public hearings.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, Closing the Public Hearing, was approved.

Ms. Adams asked for a motion to approve Resolution 2025-04.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, Resolution 2025-04 Adopting the Fiscal Year 2026 Approved Budget and Appropriating Funds, was approved.

B. Consideration of Resolution 2025-05 Imposing Special Assessments and Certifying an Assessment Roll

Ms. Adams presented Resolution 2025-05 imposing special assessments and certifying an assessment roll and asked for a motion to approve.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, Resolution 2025-05 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

Resident Orville Anderson (5442 Keaton Springs Rd.) stated someone did some work to the dead trees from the hurricane but the work still isn't completed. There are still dead fallen trees there. There is a hole caused by the lawn mower so when rain falls it pools and creates a lot of mud. Sometimes they don't cut that area because they have gotten stuck or sunken into the ground in that back area. Mr. Bailey will review the area.

FIFTH ORDER OF BUSINESS

**Consideration of Easement Variance –
5438 Keaton Springs Drive**

Mr. Collins stated staff has not rendered a decision on this easement yet. Mr. Rayl noted this is a request for a rear yard fence in an area that the District has a 20 ft wide easement for a swale that runs along the northern boundary. It is on the lots along the northern side of Keaton Springs Dr. and allows stormwater to flow east to the stormwater pond at the northeast corner of Keaton Springs. Approval was not recommended due to it obstructing access in the easement. A Board member noted the resident will need HOA approval on the type of fence first. This matter is deferred until property owner provides the style of fence that the HOA will approve. Ms. Hammock would like to have something in writing from the HOA detailing what they have approved.

SIXTH ORDER OF BUSINESS**Consideration of Temporary Construction
Access for Pool Construction at 5247
White Egret Lane**

Mr. Collins stated the District cannot grant access to the 20 ft. platted drainage easement located on private property for pool construction because the easement is for purposes of accessing and maintaining drainage improvements in those easements. The Board can approve access to the actual CDD tracts. The Board would be approving the preparation of a construction access agreement that only provides for access on CDD property. It has all of the protections for the District. They would be approving a temporary access agreement for pool construction and clarification if they want to include a damage deposit.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, the Temporary Construction Access for Pool Construction at 5247 White Egret Lane, was approved with \$5K or \$1K deposit.

SEVENTH ORDER OF BUSINESS**Consideration of Easement Agreement
with the City of Lakeland**

Ms. Adams stated there is an outline of project with the documents prepared by the City of Lakeland on page 75 of the agenda package. The proposed purchase price is \$4K for the easement, \$4K for professional review and \$1K incentive. They propose to compensate Towne Park CDD \$9K for the privilege of having a perpetual easement. There is a diagram on page 83 of the agenda. The CDD will want District counsel and the District Engineer to fully review the proposed form of agreement and can revise protect the District. The approval would be conditioned the final form of the easement agreement being approved by District Counsel and the Chairman of the Board.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, the Easement Agreement with the City of Lakeland, was approved with final form of agreement to be approved by Chair.

EIGHTH ORDER OF BUSINESS**Presentation of Fiscal Year 2024 Financial
Audit Report**

Ms. Adams stated the District is required to undergo an annual independent audit of all the District's financial records and have that filed with the state of Florida by June 30th. McDirmit

Davis is the District's auditor. The letter to management and the Board of Supervisors is on page 111-113. There were no findings. It is a clean audit.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, Accepting the Fiscal Year 2024 Financial Audit Report, was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Collins stated round two of ethics training will be on September 24th at 5:30 p.m.

B. Engineer

i. Presentation of Annual Engineer's Report

Ms. Adams stated on page 117 is the letter of annual review from Rayl Engineering. She asked for a motion to accept the Annual Engineer's Report.

On MOTION by Mr. Jones, seconded by Mr. Runyon, with all in favor, the Annual Engineer's Report, was approved.

Mr. Rayl thanked Supervisor Zimmerman for providing the photos of some of the recent work done on repairs from the last round of storms.

C. Field Manager's Report

Mr. Bailey reviewed the Field Managers Report on page 119 of the agenda package.

i. Consideration of 2025/2026 Agreement Renewals

a. Prince and Sons, Inc.

Ms. Adams presented the proposed fees for Prince & Sons on page 128 of the agenda. If the Board approves these terms, the agreement will be renewed for another year. It represents a 3% increase from the current service agreement.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, up to 2 Year Renewal with Prince and Sons, Inc., was approved.

b. Resort Pool Services

Ms. Adams stated this proposal represents a 3% proposed cost increase. The total amount would be \$45,114.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, One Year Service Agreement with Resort Pool Services, was approved.

c. Aquatic Weed Management, Inc.

Ms. Adams noted Aquatic Weed Management is proposing to continue services with no cost increase. Any discussion?

On MOTION by Ms. Sides, seconded by Mr. Zimmerman, with all in favor, Aquatic Weed Management Proposal, was approved.

d. Landscape Workshop

Ms. Adams noted there are separate letters on page 134 & 135 for the two amenity centers for pest control. They are asking for a 5% increase.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, the Landscape Workshop Amenity Centers Pest Control, was approved.

ii. Consideration of Proposal for Tree Removal on Dolostone Dr.

Mr. Bailey reviewed a proposal to cut up and remove the tree on Dolostone Dr. for \$3,675.75.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, the Proposal for Tree Removal on Dolostone Dr., was approved.

iii. Ratification of Playground Repair Agreement

Mr. Bailey stated this is ratification for repairs done at the playground. Ms. Adams asked for a motion to ratify to protect the actions of the Chair.

On MOTION by Ms. Sides, seconded by Mr. Jones, with all in favor, the Playground Repair Agreement, was ratified.

Mr. Runyon asked for two signs to be put up about no fishing in the cul-de-sacs because a lot of people are fishing. Ms. Sides asked about mailbox improvements on Dolostone. She asked to revisit the palm trees and landscape improvements for the front entrance of the neighborhood.

D. District Manager's Report

i. Approval of the Check Register

Ms. Adams presented the check register from August 26th through July 18th, 2025 totaling \$392,515.40. Immediately following is a detailed run summary.

On MOTION by Mr. Jones, seconded by Mr. Runyon, with all in favor, the Check Register, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams stated the unaudited financials through the end of June are included in the agenda package.

iii. Approval of Fiscal Year 2026 Meeting Schedule

Ms. Adams stated the meeting schedule is on page 175 of the agenda package. The same format has been followed with regular 4:00 pm meetings and four 6:00 p.m. evenings throughout the fiscal year.

On MOTION by Ms. Sides, seconded by Mr. Jones, with all in favor, the Fiscal Year 2026 Meeting Schedule, was approved.

iv. Goals and Objectives

a. Adoption of Fiscal Year 2026 Goals & Objectives

Ms. Adams stated the 2026 goals & objectives are in the same form of the current goals & objectives. She asked for any discussion.

On MOTION by Mr. Jones, seconded by Ms. Sides, with all in favor, Adoption of Fiscal Year 2026 Goals & Objectives, was approved.

**b. Presentation of Fiscal Year 2025 Goals & Objectives
Authorizing Chair to Execute**

Ms. Adams asked for a motion to authorize the Chair to execute the final form of recording for your current goals and objectives. They are required to report on how well those goals & objectives were met and report on the District website by December 1, 2025.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, Accepting the Fiscal Year 2025 Goals & Objectives – Authorizing Chair to Execute, were approved.

TENTH ORDER OF BUSINESS

Supervisors Requests

There being no comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

Adjournment

Ms. Adams adjourned the meeting.

On MOTION by Mr. Jones, seconded by Mr. Zimmerman, with all in favor, the meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairman

SECTION IV



MEMORANDUM

To: Board of Supervisors; District Staff

From: Kilinski | Van Wyk PLLC

Date: September 1, 2025

Re: Updated Provisions of the District's Rules of Procedure

Please find attached to this memorandum an updated version of the previously adopted Rules of Procedure ("Rules"). Revisions were made to maintain consistency between the Rules and current Florida law, including statutory changes adopted in the 2025 Legislative Session, as well as to facilitate greater efficiency in the operation of the District. An explanation of each material change to the Rules is provided below. Minor formatting or proofreading changes are not summarized. Should you have any questions regarding the revisions to the Rules, please do not hesitate to contact your KVV attorney.

Business Hours

Language was added to Rules 1.0(3) and 3.11(1)(d) to clarify that the normal business hours of the District are 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Public Meetings, Hearings, and Workshops

Language was added to Rule 1.3(1)(d) to provide an earlier deadline for individuals to request accommodations for meeting participation. An individual requiring special accommodations to participate in the meeting, hearing, or workshop must contact the office of the District Manager at least three (3) business days prior to the scheduled meeting, hearing, or workshop.

Language was added to Rule 1.3(3) to provide examples of what may constitute "good cause" to amend a meeting agenda.

Language was added to Rule 1.3(6) to require that the notice for an emergency meeting include the specific reasons for the emergency meeting.

Notice of Rule Development

Rule 2.0(2) was revised to reflect the recent legislative change requiring the Notice of Rule Development to be published at least seven (7) days prior to the notice of rulemaking and thirty-five (35) days prior to the public hearing on the proposed rule. Rule 2.0(2) was also revised to require the Notice of Rule Development to include the following: (1) the grant of rulemaking authority for the proposed rule and the law being implemented; and (2) the proposed rule number.



Notices of Rulemaking

Rule 2.0(3) was also revised to reflect the recent legislative changes requiring the Notice of Rulemaking to include the following: (1) the proposed rule number; (2) the name, email address, and telephone number of the staff member who may be contacted regarding the intended action; and (3) the website where the statement of estimated regulatory costs may be viewed in its entirety, if applicable.

Rule 2.0(3) was further revised to require any material proposed to be incorporated by reference be available for inspection and copying by the public at the time of publication of the Notice of Rulemaking and to permit the Notice of Rulemaking to be delivered electronically to all persons named in the proposed rule or who have requested advance notice of rulemaking.

Petitions to Initiate Rulemaking

Rule 2.0(5) was revised to require the District's Board of Supervisors to initiate rulemaking proceedings within thirty (30) calendar days of receiving a petition to initiate rulemaking proceedings, in accordance with Florida Statutes.

Emergency Rule Adoption

Rule 2.0(8) was amended to permit the District's Board of Supervisors to adopt an emergency rule if it is necessitated by immediate danger to the public health, safety, or welfare, or if the Legislature authorizes the Board of Supervisors to adopt emergency rules. Notice of the emergency rules must include the Board of Supervisors' findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority.

Rule Variances

Rule 2.0(12)(a) was amended to include safety-related concerns as an example of a "substantial hardship" which could justify a rule variance.

Competitive Purchases

Rule 3.0(3) was revised to incorporate the recent legislative change that prohibits the District from penalizing a bidder for performing a larger volume of construction work for the District or rewarding a bidder for performing a smaller volume of construction work for the District on a public works project as defined in Section 255.0992, *Florida Statutes*. A public works project is defined as "an activity that is paid for with any local or state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision." A public works project does not include the provision of goods, services, or work incidental to the public works project, such as security services, janitorial services, landscape services, maintenance services, or any other services that do not require a construction contracting license or involve supplying or carrying construction materials for a public works project.



Auditor Selection Committee Notices

Rule 3.2(6) was revised to require seven (7) days' notice of Auditor Selection Committee meetings, in accordance with Florida Law regarding meeting notices.

Purchase of Insurance

Rule 3.3(2)(g) was amended to remove "geographic location" from the list of evaluation criteria for the purchase of insurance.

Construction Contract Bids

Rule 3.5(2)(e) was amended to clarify that mistakes in arithmetic extension of pricing may be corrected by the Board provided such corrections do not result in a material change to the bid amount or create an unfair advantage.

Emergency Construction Service Purchases

Rule 3.5(5) was amended to clarify the circumstances under which the District may undertake an emergency purchase of construction services.

Bid Protests

Rules 3.11(4) and (5) were amended to provide additional details regarding the required procedures for bid protests.

Facsimile Notices, Generally

Changes were made throughout the Rules to remove facsimile as a method of notice and to add electronic mail as an acceptable method of notice where permitted by law.

RESOLUTION 2025-06

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF TOWNE PARK
COMMUNITY DEVELOPMENT DISTRICT TO DESIGNATE THE DATE,
TIME AND PLACE OF A PUBLIC HEARING AND AUTHORIZATION TO
PUBLISH NOTICE OF SUCH HEARING FOR THE PURPOSE OF
ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, Towne Park Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Lakeland, Polk County, Florida; and

WHEREAS, the Board of Supervisors of the District (the “Board”) is authorized by Section 190.011(5), *Florida Statutes*, to adopt rules and orders pursuant to Chapter 120, *Florida Statutes*; and

WHEREAS, the Board previously adopted *Amended and Restated Rules of Procedure*, effective May 14, 2020, to govern the operation and administration of the District and now wishes to set a public hearing to consider amendments thereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF TOWNE PARK COMMUNITY DEVELOPMENT
DISTRICT:**

SECTION 1. A Public Hearing will be held to adopt the District’s Amended and Restated Rules of Procedure on _____, **2025, at 4:00 p.m. at Towne Park Amenity Center #1, 3883 White Ibis Road, Lakeland, Florida 33811.**

SECTION 2. The District Secretary is directed to publish notice of the hearing in accordance with Section 120.54, *Florida Statutes*.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 2nd day of September 2025.

ATTEST:

**TOWNE PARK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Proposed Amended and Restated Rules of Procedure

Exhibit A:

Proposed Amended and Restated Rules of Procedure

**AMENDED AND RESTATED RULES OF PROCEDURE
TOWNE PARK COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF _____, 2025

TABLE OF CONTENTS

<u>Rule 1.0</u>	<u>General.....</u>	<u>2</u>
<u>Rule 1.1</u>	<u>Board of Supervisors; Officers and Voting.</u>	<u>3</u>
<u>Rule 1.2</u>	<u>District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.</u>	<u>7</u>
<u>Rule 1.3</u>	<u>Public Meetings, Hearings, and Workshops.</u>	<u>10</u>
<u>Rule 1.4</u>	<u>Internal Controls to Prevent Fraud, Waste and Abuse.....</u>	<u>15</u>
<u>Rule 2.0</u>	<u>Rulemaking Proceedings.</u>	<u>16</u>
<u>Rule 3.0</u>	<u>Competitive Purchase.</u>	<u>22</u>
<u>Rule 3.1</u>	<u>Procedure Under the Consultants' Competitive Negotiations Act.....</u>	<u>27</u>
<u>Rule 3.2</u>	<u>Procedure Regarding Auditor Selection.</u>	<u>31</u>
<u>Rule 3.3</u>	<u>Purchase of Insurance.</u>	<u>35</u>
<u>Rule 3.4</u>	<u>Pre-qualification.....</u>	<u>37</u>
<u>Rule 3.5</u>	<u>Construction Contracts, Not Design-Build.</u>	<u>43</u>
<u>Rule 3.6</u>	<u>Construction Contracts, Design-Build.</u>	<u>47</u>
<u>Rule 3.7</u>	<u>Payment and Performance Bonds.</u>	<u>52</u>
<u>Rule 3.8</u>	<u>Goods, Supplies, and Materials.</u>	<u>53</u>
<u>Rule 3.9</u>	<u>Maintenance Services.</u>	<u>57</u>
<u>Rule 3.10</u>	<u>Contractual Services.</u>	<u>60</u>
<u>Rule 3.11</u>	<u>Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.....</u>	<u>61</u>
<u>Rule 4.0</u>	<u>Effective Date.</u>	<u>64</u>

Rule 1.0 General.

- (1) The Towne Park Community Development District (“District”) was created pursuant to the provisions of Chapter 190 of the Florida Statutes, and was established to provide for the ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (“Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of these Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) Unless specifically permitted by a written agreement with the District, the District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours, which are 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.
- (4) A Rule of the District shall be effective upon adoption by affirmative vote of the District Board. After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law. In the event that a Rule conflicts with Florida law and its application has not been suspended by the District, such Rule should be interpreted in the manner that best effectuates the intent of the Rule while also complying with Florida law. If the intent of the Rule absolutely cannot be effectuated while complying with Florida law, the Rule shall be automatically suspended.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

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Rule 1.1 Board of Supervisors; Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (“Board”) shall consist of five (5) members. Members of the Board (“Supervisors”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected or appointed by the Board to elector seats must be citizens of the United States of America, residents of the State of Florida and of the District and registered to vote with the Supervisor of Elections of the county in which the District is located and for those elected, shall also be qualified to run by the Supervisor of Elections. The Board shall exercise the powers granted to the District under Florida law.
- (a) Supervisors shall hold office for the term specified by Section 190.006 of the Florida Statutes. If, during the term of office, any Board member(s) vacates their office, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the term(s). If three or more vacancies exist at the same time, a quorum, as defined herein, shall not be required to appoint replacement Board members.
- (b) Three (3) members of the Board shall constitute a quorum for the purposes of conducting business, exercising powers and all other purposes. A Board member shall be counted toward the quorum if physically present at the meeting, regardless of whether such Board member is prohibited from, or abstains from, participating in discussion or voting on a particular item.
- (c) Action taken by the Board shall be upon a majority vote of the members present, unless otherwise provided in the Rules or required by law. Subject to Rule 1.3(10), a Board member participating in the Board meeting by teleconference or videoconference shall be entitled to vote and take all other action as though physically present.
- (d) Unless otherwise provided for by an act of the Board, any one Board member may attend a mediation session on behalf of the Board. Any agreement resulting from such mediation session must be approved pursuant to subsection (1)(c) of this Rule.
- (2) Officers. At the first Board meeting held after each election where the newly elected members take office, the Board shall select a Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, and Treasurer.
- (a) The Chairperson must be a member of the Board. If the Chairperson resigns from that office or ceases to be a member of the Board, the Board shall select a Chairperson. The Chairperson serves at the pleasure of the Board. The Chairperson shall be authorized to execute resolutions and contracts on the District’s behalf. The Chairperson shall convene and conduct all meetings of the Board. In the event the Chairperson is unable to attend a

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meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

- (b) The Vice-Chairperson shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. The Vice-Chairperson has the authority to execute resolutions and contracts on the District's behalf in the absence of the Chairperson. If the Vice-Chairperson resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairperson. The Vice-Chairperson serves at the pleasure of the Board.
- (c) The Secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. An employee of the District Manager may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (d) The Treasurer need not be a member of the Board but must be a resident of the State of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3) of the Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (e) In the event that both the Chairperson and Vice-Chairperson are absent from a Board meeting and a quorum is present, the Board may designate one of its members or a member of District staff to convene and conduct the meeting. In such circumstances, any of the Board members present are authorized to execute agreements, resolutions, and other documents approved by the Board at such meeting. In the event that the Chairperson and Vice-Chairperson are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.
- (f) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing documents on behalf of the District.

- (g) The Chairperson, Vice-Chairperson, and any other person authorized by District Resolution may sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board.
- (3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, review of bids, proposals, and qualifications, contract negotiations, personnel matters, and budget preparation. Florida Open Meetings Laws apply to such Committees.
- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accordance with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
- (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The Board member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board

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member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.
- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

Rule 1.2 District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.

- (1) District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:
- (a) Agenda packages for prior twenty-four (24) months and next meeting;
 - (b) Official minutes of meetings, including adopted resolutions of the Board;
 - (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
 - (d) Adopted engineer's reports;
 - (e) Adopted assessment methodologies/reports;
 - (f) Adopted disclosure of public financing;
 - (g) Limited Offering Memorandum for each financing undertaken by the District;
 - (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
 - (i) District policies and rules;
 - (j) Fiscal year end audits; and
 - (k) Adopted budget for the current fiscal year.

The District Manager shall ensure that each District records office contains the documents required by Florida law.

- (2) Public Records. District public records include, but are not limited to, 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 in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules

is appointed as the District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature and volume of the public records to be inspected or copied. The charge may include the labor costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word "extensive" shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce the requested records. After the request has been fulfilled, additional payments or credits may be

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due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.

- (5) Records Retention. The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.
- (6) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- (7) Financial Disclosure Coordination. Unless specifically designated by Board resolution otherwise, the Secretary shall serve as the Financial Disclosure Coordinator ("Coordinator") for the District as required by the Florida Commission on Ethics ("Commission"). The Coordinator shall create, maintain and update a list of the names, e-mail addresses, physical addresses, and names of the agency of, and the office or position held by, all Supervisors and other persons required by Florida law to file a statement of financial interest due to their affiliation with the District ("Reporting Individual"). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person's name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person's e-mail address.

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Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.31446(3), 112.3145(8)(a)1., 119.07, 119.0701, 190.006, Fla. Stat.

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days' public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week, and shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:

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- (a) The date, time and place of the meeting, hearing or workshop;
- (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
- (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
- (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least three (3) business days before the meeting/hearing/workshop by contacting the District Manager at (407) 841-5524. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
- (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

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- (f) The following or substantially similar language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”

The date, time, and place of each meeting, hearing, or workshop of the Board shall additionally be posted on the District’s website at least seven (7) days before each meeting, hearing, or workshop.

- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules has been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
- (3) Agenda. The District Manager, under the guidance of District Counsel and the Chairperson or Vice-Chairperson, shall prepare an agenda of the meeting/hearing/workshop. The agenda and any meeting materials available in an electronic format, excluding any confidential and any confidential and exempt information, shall be available to the public at least seven days before the meeting/hearing/workshop, except in an emergency. Meeting materials shall be defined as, and limited to, the agenda, meeting minutes, resolutions, and agreements of the District that District staff deems necessary for Board approval. (“Meeting Materials”). Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into Meeting Materials. For good cause, which includes but is not limited to emergency situations, time-sensitive matters, or newly discovered information essential for Board consideration, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

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The District may, but is not required to, use the following format, or similar format, in preparing its agenda for its regular meetings:

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business
- Staff reports
 - (a) District Counsel
 - (b) District Engineer
 - (c) District Manager
 - 1. Financial Report

2. Approval of Expenditures
Supervisor's requests and comments
Public comment
Adjournment

- (4) Minutes. The Secretary shall be responsible for preparing and keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting. The Secretary may work with other staff members in preparing draft minutes for the Board's consideration.
- (5) Special Requests. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office. Such persons shall furnish a mailing address in writing and shall be required to pre-pay the cost of the copying and postage.
- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, including the specific reasons for the emergency meeting. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a three (3) minutes per person, unless extended or reduced by the Chairperson based on the number of speakers and meeting agenda and other reasonable factors reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section 190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the

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funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.

- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.
- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist. Extraordinary circumstances may include, but are not limited to, illness, family emergencies, or other significant schedule conflicts which prevent in-person meeting attendance.
- (11) Board Authorization. The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, an opportunity for final board discussion and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.
- (12) Continuances. Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
 - (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
 - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
 - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.

- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.
- (14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, *Florida Statutes*, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.069(2)(a)16, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

- (1) Internal Controls. The District shall establish and maintain internal controls designed to:
- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), *Florida Statutes*; and
 - (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
 - (c) Support economical and efficient operations; and
 - (d) Ensure reliability of financial records and reports; and
 - (e) Safeguard assets.
- (2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 218.33(3), Fla. Stat.

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least seven (7) days before the notice of rulemaking described in Section 2.0(3), infra., and at least thirty-five (35) days prior to the public hearing on the proposed rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the grant of rulemaking authority for the proposed rule and law being implemented, include the proposed rule number, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, including: a short, plain explanation of the purpose and effect of the proposed action, the proposed rule number (if applicable), a reference to the specific rulemaking authority pursuant to which the rule is adopted, a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific, and the name, e-mail address, and telephone number of the staff member who may be contacted regarding the intended action. The notice shall include a summary of the District’s statement of estimated regulatory costs and the website address where the complete statement of estimated regulatory costs may be viewed, if such a

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statement has been prepared, pursuant to Section 120.541(2), *Florida Statutes*, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

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(b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule and any material proposed to be incorporated by reference shall be available for inspection and copying by the public at the time of the publication of notice.

(c) The notice shall be mailed, delivered electronically to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to publication of the notice, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.

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(4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.

(5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than thirty (30) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.

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- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
- (a) The text of the proposed rule, or any amendment or repeal of any existing rules;
 - (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
 - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
 - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that it is necessitated by immediate danger to the public health, safety, or welfare which requires immediate action, or if the Legislature authorizes the Board to adopt emergency rules. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of the emergency rules together with the Board's findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule provided that such procedure protects the public interest and complies with applicable law and these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may

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be published in a newspaper of general circulation in the county in which the District is located.

- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:

- (a) The texts of the proposed rule and the adopted rule;
- (b) All notices given for a proposed rule;
- (c) Any statement of estimated regulatory costs for the rule;
- (d) A written summary of hearings, if any, on the proposed rule;
- (e) All written comments received by the District and responses to those written comments; and
- (f) All notices and findings pertaining to an emergency rule.

- (11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within ten (10) days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other qualified person as a hearing officer who shall conduct a hearing within thirty (30) days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within thirty (30) days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.

- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
 - (i) Administer oaths and affirmations;
 - (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;
 - (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
 - (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) Variances and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
- (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, safety-related, or other significant type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
 - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District’s Rule. Each petition shall specify:
 - (i) The rule from which a variance or waiver is requested;
 - (ii) The type of action requested;

- (iii) The specific facts that would justify a waiver or variance for the petitioner; and
 - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
- (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner's written request, to process the petition.
- (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

Specific Authority: §§ 190.011(5), 190.011(15), 190.035, Fla. Stat.

Law Implemented: §§ 120.54, 190.011(5), 190.035(2), Fla. Stat.

Rule 3.0 Competitive Purchase.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Board Authorization. Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3) Definitions.
 - (a) “Competitive Solicitation” means a formal, advertised procurement process, other than an Invitation to Bid, Request for Proposals, or Invitation to Negotiate, approved by the Board to purchase commodities and/or services which affords vendors fair treatment in the competition for award of a District purchase contract.
 - (b) “Continuing Contract” means a contract for Professional Services entered into in accordance with Section 287.055 of the Florida Statutes, between the District and a firm, whereby the firm provides Professional Services to the District for projects in which the costs do not exceed two million dollars (\$2,000,000), for a study activity when the fee for such Professional Services to the District does not exceed two hundred thousand dollars (\$200,000), or for work of a specified nature as outlined in the contract with the District, with no time limitation except that the contract must provide a termination clause (for example, a contract for general District engineering services). Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another.
 - (c) “Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual Services do not include auditing services, Maintenance Services, or Professional Services as defined in Section 287.055(2)(a) of the Florida Statutes, and these Rules. Contractual Services also do not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes, and Rules 3.5 or 3.6.
 - (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.

- (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:
- (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where

the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

- (i) “Invitation to Bid” is a written or electronically posted solicitation for sealed bids with the title, date, and hour of the public bid opening designated specifically and defining the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.
- (j) “Invitation to Negotiate” means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
- (k) “Negotiate” means to conduct legitimate, arm’s length discussions and conferences to reach an agreement on a term or price.
- (l) “Professional Services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.
- (m) “Proposal (or Reply or Response) Most Advantageous to the District” means, as determined in the sole discretion of the Board, the proposal, reply, or response that is:
 - (i) Submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements, who has the integrity and reliability to assure good faith performance;
 - (ii) The most responsive to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation as determined by the Board; and
 - (iii) For a cost to the District deemed by the Board to be reasonable.
- (n) “Purchase” means acquisition by sale, rent, lease, lease/purchase, or installment sale. It does not include transfer, sale, or exchange of goods, supplies, or materials between the District and any federal, state, regional or local governmental entity or political subdivision of the State of Florida.

- (o) “Request for Proposals” or “RFP” is a written or electronically posted solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.
- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
 - (i) The ability and adequacy of the professional personnel employed by the entity/individual;
 - (ii) The past performance of the entity/individual for the District and in other professional employment;
 - (iii) The willingness of the entity/individual to meet time and budget requirements;
 - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
 - (v) The recent, current, and projected workloads of the entity/individual;
 - (vi) The volume of work previously awarded to the entity/individual, provided that for a public works project as defined in Section 255.0992, Florida Statutes, the District may not penalize a bidder for performing a larger volume of construction work for the District or reward a bidder for performing a smaller volume of construction work for the District;

(vii) Whether the cost components of the bid or proposal are appropriately balanced; and

(viii) Whether the entity/individual is a certified minority business enterprise as defined in Section 287.0943, *Florida Statutes*.

(q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.0992, 255.20, 287.055, Fla. Stat.

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

- (1) Scope. The following procedures are adopted for the selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, for the negotiation of such contracts, and to provide for protest of actions of the Board under this Rule. As used in this Rule, "Project" means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FIVE, or for a planning study activity when the fee for Professional Services is estimated by the District to exceed the threshold amount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) Qualifying Procedures. In order to be eligible to provide Professional Services to the District, a consultant must, at the time of receipt of the firm's qualification submittal:
 - (a) Hold all required applicable state professional licenses in good standing;
 - (b) Hold all required applicable federal licenses in good standing, if any;
 - (c) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the consultant is a corporation; and
 - (d) Meet any qualification requirements set forth in the District's Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District. In addition, evidence of compliance must be submitted any time requested by the District.

- (3) Public Announcement. Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when Professional Services are required for a Project or a Continuing Contract by publishing a notice providing a general description of the Project, or the nature of the Continuing Contract, and the method for interested consultants to apply for consideration. The notice shall appear in at least one (1) newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least fourteen (14) days for submittal of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. These consultants are encouraged to submit annually statements of qualifications and performance data. The District shall make reasonable efforts to provide copies of any notices to such consultants, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process. The Board has the right to reject any and all

qualifications, and such reservation shall be included in the published notice. Consultants not receiving a contract award shall not be entitled to recover from the District any costs of qualification package preparation or submittal.

(4) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described in section (3) of this Rule regarding qualifications and performance ability, as well as any statements of qualifications on file. The Board shall conduct discussions with, and may require public presentation by consultants regarding their qualifications, approach to the Project, and ability to furnish the required services. The Board shall then select and list the consultants, in order of preference, deemed to be the most highly capable and qualified to perform the required Professional Services, after considering these and other appropriate criteria:
 - (i) The ability and adequacy of the professional personnel employed by each consultant;
 - (ii) Whether a consultant is a certified minority business enterprise;
 - (iii) Each consultant's past performance;
 - (iv) The willingness of each consultant to meet time and budget requirements;
 - (v) The geographic location of each consultant's headquarters, office and personnel in relation to the project;
 - (vi) The recent, current, and projected workloads of each consultant; and
 - (vii) The volume of work previously awarded to each consultant by the District.
- (b) Nothing in these Rules shall prevent the District from evaluating and eventually selecting a consultant if less than three (3) Responsive qualification packages, including packages indicating a desire not to provide Professional Services on a given Project, are received.
- (c) If the selection process is administered by any person or committee other than the full Board, the selection made will be presented to the full Board with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.
- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants

by United States Mail, hand delivery, electronic mail, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

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(5) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.
- (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
- (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
- (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

(6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.

- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, 287.055, Fla. Stat.

Rule 3.2 Procedure Regarding Auditor Selection.

In order to comply with the requirements of Section 218.391 of the Florida Statutes, the following procedures are outlined for selection of firms or individuals to provide Auditing Services and for the negotiation of such contracts. For audits required under Chapter 190 of the Florida Statutes but not meeting the thresholds of Chapter 218 of the Florida Statutes, the District need not follow these procedures but may proceed with the selection of a firm or individual to provide Auditing Services and for the negotiation of such contracts in the manner the Board determines is in the best interests of the District.

(1) Definitions.

- (a) "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b) "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.

(2) Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.

(3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

- (a) Minimum Qualifications. In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:

- (i) Hold all required applicable state professional licenses in good standing;
- (ii) Hold all required applicable federal licenses in good standing, if any;
- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation; and
- (iv) Meet any pre-qualification requirements established by the Committee and set forth in the RFP or other specifications.

If requested in the RFP or other specifications, evidence of compliance with the minimum qualifications as established by the Committee must be submitted with the proposal.

- (b) Evaluation Criteria. The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:
 - (i) Ability of personnel;
 - (ii) Experience;
 - (iii) Ability to furnish the required services; and
 - (iv) Such other factors as may be determined by the Committee to be applicable to its particular requirements.

The Committee may also choose to consider compensation as a factor. If the Committee establishes compensation as one of the factors, compensation shall not be the sole or predominant factor used to evaluate proposals.

- (4) Public Announcement. After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.
- (5) Request for Proposals. The Committee shall provide interested firms with a Request for Proposals ("RFP"). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee determines is necessary for the firm to prepare a proposal. The RFP shall state the time and

place for submitting proposals.

- (6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed at least seven (7) days in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.

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(7) Board Selection of Auditor.

- (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
- (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
- (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

- (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.
- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:
- (a) A provision specifying the services to be provided and fees or other compensation for such services;
 - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
 - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, electronic mail, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

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Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 119.0701, 218.33, 218.391, Fla. Stat.

Rule 3.3 Purchase of Insurance.

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- (1) Scope. The purchases of life, health, accident, hospitalization, legal expense, or annuity insurance, or all of any kinds of such insurance for the officers and employees of the District, and for health, accident, hospitalization, and legal expenses upon a group insurance plan by the District, shall be governed by this Rule. This Rule does not apply to the purchase of any other type of insurance by the District, including but not limited to liability insurance, property insurance, and directors and officers insurance. Nothing in this Rule shall require the District to purchase insurance.
- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
 - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
 - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
 - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
 - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
 - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
 - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
 - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, relevant business presence and capability to service the District's needs, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be

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awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.

- (h) Notice of the intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of insurance under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

- (1) Scope. In its discretion, the District may undertake a pre-qualification process in accordance with this Rule for vendors to provide construction services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Procedure. When the District seeks to pre-qualify vendors, the following procedures shall apply:
 - (a) The Board shall cause to be prepared a Request for Qualifications.
 - (b) For construction services exceeding the thresholds described in Section 255.20 of the Florida Statutes, the Board must advertise the proposed ~~prequalification~~ criteria and procedures and allow at least seven (7) ~~days~~' notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
 - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
 - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~to persons who provide their name and address to the District Manager for inclusion on the list.~~ However, failure of a person to receive the notice shall not invalidate any pre-qualification determination or contract awarded in accordance with these Rules and shall not be a basis for a protest of any pre-qualification determination or contract award.
 - (e) If the District has pre-qualified vendors for a particular category of purchase, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies or responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

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- (f) In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:
- (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Request for Qualifications.

Evidence of compliance with these Rules must be submitted with the qualifications if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the qualifications.

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.
- (i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.
- (j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, ~~or overnight delivery service~~. The notice shall

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include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

(a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:

- i. One of the circumstances specified under Section 337.16(2), *Florida Statutes*, has occurred.
- ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
- iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
- iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
- v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
- vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
- vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status

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shall remain suspended, revoked, or denied until the documents are furnished.

- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
- ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
- x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
- xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
- xii. The vendor or affiliate(s) has been convicted of a contract crime.
 - 1. The term “contract crime” means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
 - 2. The term “convicted” or “conviction” means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

xiii. Any other circumstance constituting “good cause” under Section 337.16(2), Florida Statutes, exists.

- (b) The pre-qualified status of a contractor found delinquent under Section 337.16(1), Florida Statutes, shall be denied, suspended, or revoked. A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor’s bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or

revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within ten (10) days after the receipt of the notice of intent, the hearing shall be held within thirty (30) days after receipt by the District of the request for the hearing. The decision shall be issued in writing within fifteen (15) business days after the hearing.

- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) If a contractor's pre-qualified status is revoked, suspended, or denied and the contractor receives an additional period of revocation, suspension, or denial of its pre-qualified status, the time periods will run consecutively.
- (f) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

- i. Impacts on project schedule, cost, or quality of work;
- ii. Unsafe conditions allowed to exist;
- iii. Complaints from the public;
- iv. Delay or interference with the bidding process;
- v. The potential for repetition;
- vi. Integrity of the public contracting process;
- vii. Effect on the health, safety, and welfare of the public.

(g) The District shall deny or revoke the pre-qualified status of any contractor and its affiliates for a period of 36 months when it is determined by the District that the contractor has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court. Any such contractor shall not act as a prime contractor, material supplier, subcontractor, or consultant on any District contract or project during the period of denial or revocation.

(4) Reapplication and Reinstatement

(a) A contractor whose qualification to bid has been revoked or denied because of contract crime may, at any time after revocation or denial, file a petition for

reapplication or reinstatement. However, a contractor may not petition for reapplication or reinstatement for a period of 24 months after revocation or denial for a subsequent conviction occurring within 10 years of a previous denial or revocation for contract crime.

(b) If the petition for reapplication or reinstatement is denied, the contractor cannot petition for a subsequent hearing for a period of nine months following the date of the final order of revocation or denial.

(c) If the petition for reapplication or reinstatement is granted, the contractor must file a current Application for Qualification with the Contracts Administration Office. Reinstatement shall not be effective until issuance of a Certificate of Qualification.

(5) Emergency Suspension and Revocation

(a) The District may summarily issue an emergency suspension of a contractor's qualification to bid if it finds that imminent danger exists to the public health, safety, or welfare.

(b) The written notice of emergency suspension shall state the specific facts and reasons for finding an imminent danger to the public health, safety, or welfare exists.

(c) The District, within 10 days of the emergency suspension, shall initiate formal suspension or revocation proceedings in compliance with Rule 3.4(3), except the 10-day notice requirement shall not be construed to prevent a hearing at the earliest time practicable upon request of the aggrieved party.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.0525, 255.20, Fla. Stat.; §§ 14-22.012, 14-22.0121, 14-22.014, Fla. Admin. Code.

Rule 3.5 Construction Contracts, Not Design-Build.

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, electronic mail, hand delivery, or overnight delivery service.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

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- (d) If the District has pre-qualified providers of construction services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses to Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations.
- (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the bidder is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Any contractor that has been found guilty by a court of competent jurisdiction of any violation of federal labor or employment tax laws regarding subjects including but not limited to, reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past five (5) years ~~shall be deemed ineligible~~ by the District to submit a bid, response, or proposal for a District project.

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Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response, if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids,

proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board, provided such corrections do not result in a material change to the bid amount or create an unfair advantage. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
- (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, electronic mail, hand delivery, ~~or~~ overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the

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bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.

- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules, only when there exists an immediate and serious need for construction services that cannot be met through normal procurement methods and the lack of such services would seriously threaten: (i) the District's ability to perform essential services; (ii) the preservation or protection of property or improvements; or (iii) the health, safety, or welfare of any person. The fact that an Emergency Purchase has occurred or is necessary, along with a detailed description of the basis for the emergency determination, shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board

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that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.6 Construction Contracts, Design-Build.

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:
- (2) Procedure.
 - (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
 - (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
 - (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
 - (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
 - (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards

and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:

1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~to~~ persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
 - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
 - b. Hold all required applicable federal licenses in good standing, if any;
 - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;
 - d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

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Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past five (5) years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the proposal if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the proposal.

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if the proposals are too high, or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.

7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, electronic mail, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.

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- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.
- (5) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.7 Payment and Performance Bonds.

- (1) Scope. This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.
- (2) Required Bond. Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.
- (3) Discretionary Bond. At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~to persons who provide their name and address to the District~~ Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of goods, supplies, and materials, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

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- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

Any firm or individual whose principal place of business is outside the State of Florida must also submit a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that foreign state to business entities whose principal places of business are in that foreign state, in the letting of any or all public contracts. Failure to submit such a written opinion or submission of a false or misleading written opinion may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and this Rule. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid, after taking into account the preferences provided for in this subsection, submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be accepted. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which does not grant a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsible and Responsive Bidder whose principal place of business is in the State of

Florida shall be awarded a preference of five percent, (5%). If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsible and Responsive Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

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To assure full understanding of the responsiveness to the solicitation requirements contained in an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.

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- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.
- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.053, 190.033, 287.017, 287.084, Fla. Stat.

Rule 3.9 Maintenance Services.

- (1) Scope. All contracts for maintenance of any District facility or project shall be set under the terms of this Rule if the cost exceeds the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR. A contract involving goods, supplies, and materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of maintenance services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~to~~ persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of maintenance services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, and responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

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- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be

entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.

- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
 - (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
 - (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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Specific Authority: §§ 190.011(5), 190.011(15), 190.033, Fla. Stat.
Law Implemented: §§ 119.0701, 190.033, 287.017, Fla. Stat.

Rule 3.10 Contractual Services.

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.
- (2) Contracts; Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

Rule 3.11 Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.

The resolution of any protests with respect to proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9 shall be in accordance with this Rule.

(1) Filing.

- (a) With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's intended decision. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (b) Except for those situations covered by subsection (1)(a) of this Rule, any firm or person who is affected adversely by a District's ranking or intended award under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9 and desires to contest the District's ranking or intended award, shall file with the District a written notice of protest within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (c) If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3,

3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours, which are 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via certified mail, hand delivery, or email with delivery confirmation to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other qualified person as a hearing officer to conduct the hearing. The hearing officer may:
 - (a) Administer oaths and affirmations;
 - (b) Rule upon offers of proof and receive relevant evidence;
 - (c) Regulate the course of the hearing, including any pre-hearing matters;

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(d) Enter orders; and

(e) Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) calendar days from receipt of the recommended order in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) days after the filing of the recommended order.

(5) Intervenors. Other substantially affected persons may join the proceedings as intervenors by filing a motion to intervene within 10 calendar days of the initial protest filing, on terms that shall not unduly delay the proceedings.

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(6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.

(7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 190.033, Fla. Stat.

Rule 4.0 Effective Date.

These Rules shall be effective [DATE], except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

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SECTION V

From: Sukhadevsingh Virdee <virdee1212@gmail.com>
Sent: Wednesday, August 6, 2025 10:54 AM
To: Eric Moscow <Eric@primehoa.com>
Subject: Reg :: Request for HOA picket fence approval - 5438 Keaton Springs Dr

Hi Eric,

Hope you are doing great !!

Following our recent CDD meeting, I would like to check whether HOA permits any type of picket fence options to address 20 FT drainage easement issues raised by CDD on the entire Keaton Springs Dr.

As discussed, the CDD required HOA approval for any proposed fence whether picket, slated or railing fence in order to move forward with our easement variance application.

Kindly advise below attached several examples of picket fences that I have shared with CDD. Could you please advise which styles, if any, are permitted under the HOA guidelines ?

Thank you so much for your time and I look forward to your guidance.



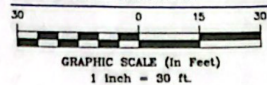
My Address - 5438 Keaton Springs Dr, Lakeland, FL - 33811

Legal Description:
Lot 9, Block 9, Riverstone
Phase 1, according to the
map or plat thereof, as
recorded in Plat Book 174,
Page(s) 37 through 50,
inclusive, of the Public
Records of Polk County,

POND
EDGE OF WATER±
TOWNE PARK ESTATES PHASE 2A,
(P.B. 163, PG. 47)
TRACT "E"

SKETCH OF SURVEY

TYPE OF SURVEY: BOUNDARY



Florida.

Property Address:
5438 Keaton Springs Drive
Lakeland, Florida 33811

L-1
S89°38'18"W 50.00' (P.)
S89°50'13"W 50.05' (M.)
C.O.=CLEAN OUT
E.B.=ELECTRIC BOX

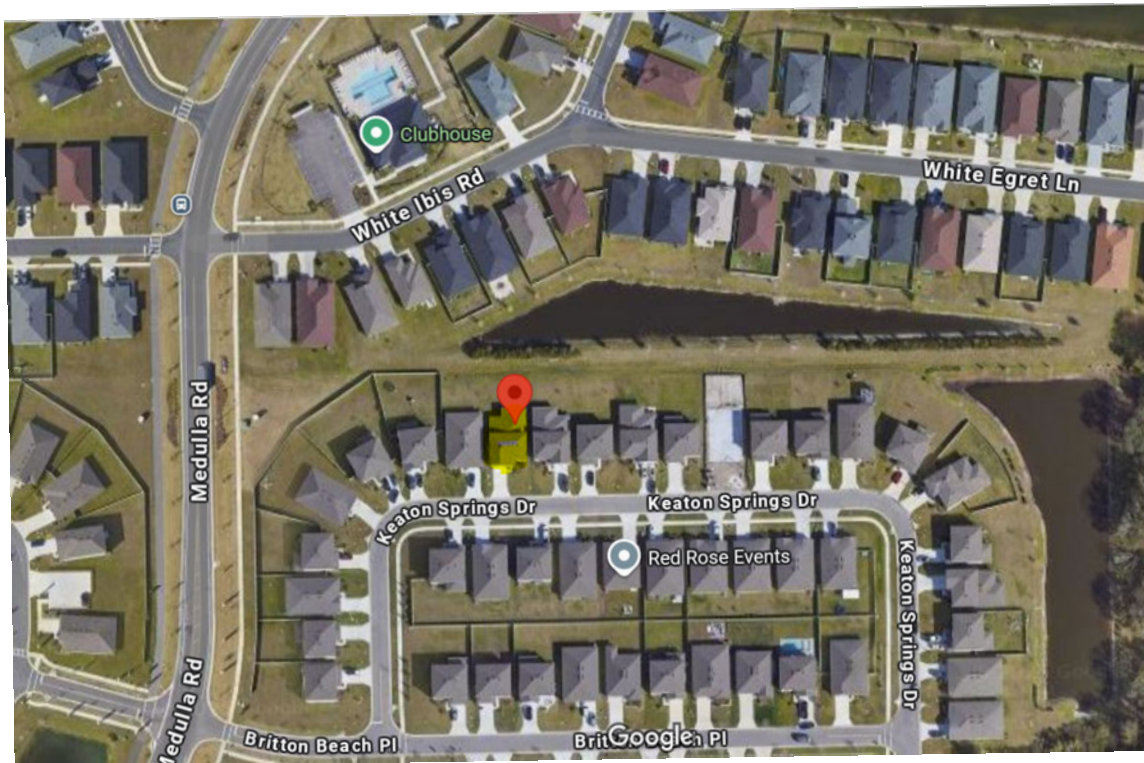
GENERAL NOTES

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 2) UNDERGROUND FEATURES, SUCH AS IMPROVEMENTS, ENCROACHMENTS, FOUNDATIONS OR UTILITIES, IF EXISTENT, WERE NOT LOCATED AS A PART OF THIS SURVEY.
- 3) BUILDING TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES. THE DIMENSIONS OF BUILDINGS AS SHOWN HEREON DO NOT INCLUDE AN EAVE OVERHANG UNLESS NOTED.
- 4) NO IDENTIFICATION IS GIVEN ON PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- 5) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 6) BEARINGS SHOWN HEREON ARE REFERENCED TO THE LINE NOTED B.R.

LEGEND & ABBREVIATIONS

A/C	AIR CONDITIONER	N	NORTH
B.R.	BEARING REFERENCE	N&D	NAT & DISC
C	CALCULATED	N&V	N&V DISC
C.M.	CONCRETE MONUMENT	O.H.L.	OVERHEAD LINES
C.O.C.	CONCRETE	O.R.B.	OFFICIAL RECORDS BOOK
C.A.L.C.	CALCULATED	P	PLAT
C.A.T.V.	CABLE TELEVISION RISER	P.B.	PLAT BOOK
F.B.	FERROUS BEARING	P.C.	POINT OF CURVATURE

S.W.	SEWER WALK
S.F.C.	SECTION
T.E.L.	TELEPHONE FACILITIES
T.O.B.	TOP OF BANK
T.A.	TRANSFORMER
T.Y.P.	TYPICAL
U.E.	UTILITY EASEMENT
W	WEST



On Fri, Aug 8, 2025 at 1:47 PM Eric Moscow <Eric@primehoa.com> wrote:

The CDD has control over that drainage area and want homeowners to sign an agreement and get approved. They do permit some 6' tall aluminum picket style fencing in other communities with that signed agreement. I copied the stipulations from another community (*below*). At the end of the day, the HOA can approve look and property line placement, but the CDD does have a say in the matter.

Any fencing over Drainage and Access for Maintenance Easements or Drainage Access Easement must have CDD approval (retroactive or current) and a recorded agreement between the homeowner and CDD. Additionally:

- *Solid panel tan vinyl fences shall be allowed along property lines provided they maintain a minimum 12" clearance from the swale flow line to the bottom of the fence*
- *The 12" clearance shall be maintained for fences that transect or divide (run down the middle) of drainage swales as well.*
- *Fences that cross drainage swales shall not follow the slope of the swale but maintain the grade at the edge of the swale.*
- *Homeowners shall have the option of installing black aluminum fencing with open railings (minimum picket spacing of 4") that extend to the bottom/flow line of swales. This type of fence allows for the flow of water through the swale while also providing safety for children and pets.*
- *As part of these recommendations, rear yard drainage swales should be inspected yearly by the CDD maintenance entity and/or Engineering staff to ensure fences are not impeding flow of stormwater within drainage swales. CDD and/or Engineering shall make recommendations on the removal or repair of fences that may be impeding flow based on these inspections.*
- *All fences must have at least a 10' setback from the front corner of home.*
- *Double gates or gates wider than 6' will not be permitted.*



Eric J. Moscow, LCAM

Senior Community Manager

375 Avenue A. S.E.

Winter Haven, FL 33880

Please include your property address when emailing



TOWNE PARK COMMUNITY DEVELOPMENT DISTRICT
Easement Variance Policy

Effective: April 2, 2024

1. **Scope.** This policy applies to requests to construct/install improvements within easements held by the Towne Park Community Development District ("District"). No improvements, including fences, pavers, landscaping, etc., may be constructed or installed within District easements without approval from the District. This policy is intended to prevent damage which may be caused by unauthorized obstruction of District easements.
2. **Request Procedures.** Individuals who wish to construct or install improvements within a District easement must (a) submit an application form to the District Manager or his or her designee, and (b) pay a **\$75** fee to offset the costs of processing the request. The application must be signed by the owner(s) of the property. Please note that fences and other improvements may not be permissible in certain easement areas due to underground improvements, access and maintenance requirements, or other factors in the District's discretion.
3. **Approval.** If approved, the owner(s) of the property must execute an agreement in a form acceptable to the District, which shall be recorded in the Public Records of Polk County, Florida. The District Manager shall have authority to approve applications. There shall be no requirement to bring the application before the Board of Supervisors ("Board") for approval, unless extraordinary circumstances warrant Board consideration. The District's approval of an application constitutes approval from the District only. The requestor is responsible for obtaining any other necessary approvals, permits and authorizations for the project, including but not limited to approvals from an HOA, county, municipality, or any other entity having an interest in the project or property utilized.
4. **Denial.** The District reserves the right to deny any request that, in its sole discretion, poses an undue risk of damage to District property or improvements; unduly limits the District's rights to use the easement for its stated purpose; poses an undue risk to the health, safety, or welfare of District residents, guests, staff, and invitees; and/or is otherwise incompatible with the nature of the easement in question. If a request is denied, the requestor may appeal the denial at the next meeting of the Board that is at least ten (10) days from the notice of denial. The Board's decision upon appeal shall be final.
5. **Encroachment Without Approval.** If improvements are constructed or installed within a District easement without approval, the District reserves the right to take all available legal action against the person or entity engaging in such unauthorized use.
6. **Severability.** The invalidity or unenforceability of any one or more provisions of these policies shall not affect the validity or enforceability of the remaining provisions, or any part of the policies not held to be invalid or unenforceable.
7. **Sovereign Immunity.** Nothing herein shall constitute or be construed as a waiver of the District's sovereign immunity or limitations on liability contained in Section 768.28, *Florida Statutes*, or other statutes or law.

TOWNE PARK COMMUNITY DEVELOPMENT DISTRICT
Easement Variance Request

Name of Owner: SUKHADEV SINGH J. VIRDEE
Address: 5438 KEATON SPRINGS DR. LAKE LAND, FL- 33811
Telephone: 737-781-3295 Email: VIRDEE1212@GMAIL.COM

Description of proposed improvement (please attach a detailed survey sketch showing the proposed location of the improvement): SEE ATTACHED DOCUMENT.

Proposed installation commencement date: 06/30/2025

Acknowledgements (please initial by each):

SSV I acknowledge that any approval is only for the improvement(s) as specified in this request, and that if my plans change, I must file a new variance request.

SSV I acknowledge that approval of this variance request is approval from the Towne Park Community Development District only, and that I am responsible for obtaining any other necessary approvals, including but not limited to approvals from any HOA, County, or any other entity having an interest in the property, as applicable.

SSV I acknowledge that if this variance request is approved, I will be required to execute a Variance Agreement, which will be recorded in the official records of Polk County, Florida. No improvements may be installed until the Variance Agreement is executed and recorded.

SSV I acknowledge that this variance request must be made by the legal owner of the property. I certify that I am the legal owner of the property.


Owner's Signature

SUKHADEV SINGH J. VIRDEE
Print Name

Date 06/18/2025

Please submit this completed form to the District Manager by email at tadanis@gniscfl.com, or by mail at c/o Governmental Management Services, 219 E. Livingston St., Orlando, FL 32801.

PRIVACY NOTICE: Under Florida's Public Records Law, Chapter 119, Florida Statutes, the information you submit on this form may become part of a public record. This means that, if a citizen makes a public records request, we may be required to disclose the information you submit to us. Under certain circumstances, we may only be required to disclose part of the information submitted to us. If you believe that your records may qualify for an exemption under Chapter 119, *Florida Statutes*, please notify the District Manager.

Easement Variance Request

Description of Proposed Improvement:

My name is Sukhadevsingh Virdee and I reside at 5438 Keaton Springs Drive.

My family and I purchased this property in November of 2022. At the time it was purchased, the property was fenced, and we presumed that it was not in violation of any legal restriction. We were never notified by the seller, the HOA, or the Towne Park Community Development District ("District") that the fence was in violation of the subject Easement. I understand that it was my responsibility as a purchaser to identify any restrictions on the property I was purchasing, but I did the best I could and relied on professionals assisting me with this purchase.

We have since learned of the Easement and its purpose. My family and I are grateful for the District and intend to comply with all laws and live in harmony with our neighbors, the HOA and the District. After being notified that our fence was in violation of the Easement, we removed the fence with the hope of finding another solution to maximize our enjoyment of the land we purchased. We were very upset about losing the use of this much of our property. Losing the use of the rear 20 feet in our back yard significantly impacts the value of what we purchased.

Pursuant to TPCDD's Easement Variance Policy, we are seeking a variance to allow us to place a fence along our rear boundary line that will not damage or obstruct the Easement. We understand and appreciate the purpose of the Easement and intend to install a fence that will not interfere with the intended purpose of the Easement. In the spirit of compromise, we are proposing various types of fences that can be installed in various manners to:

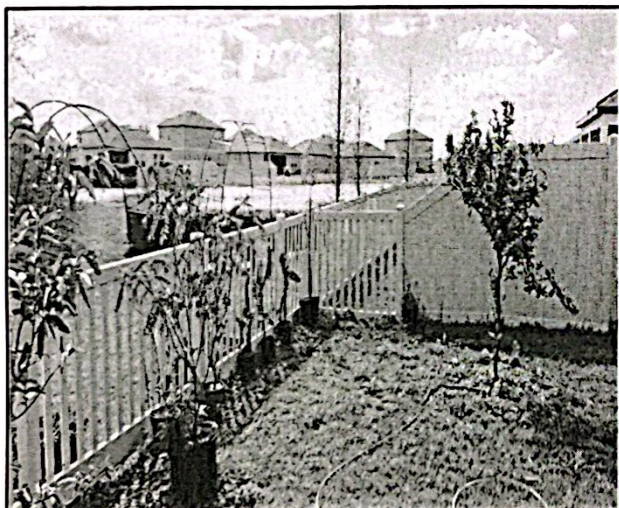
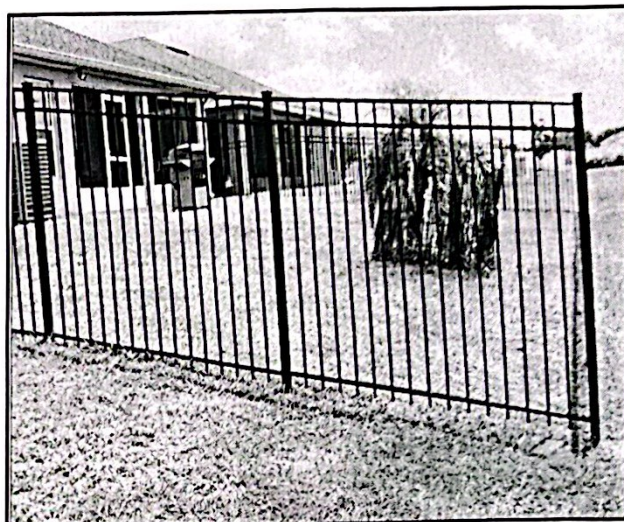
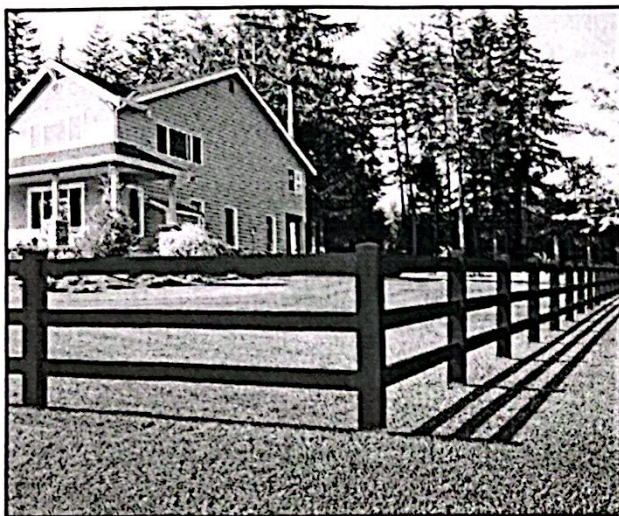
- Avoid damaging the District's Easement.
- Avoid unduly limiting the District's use or access to the Easement.
- Avoid posing any risk to the health, safety, or welfare of the District's residents, guests, staff, or invitees.
- Avoid obstructing the flow of storm water.

If approved, we will obtain all necessary approvals, permits, and authorization for our fence project, including but not limited to approvals from the HOA, the county, municipality, or any other regulatory agency.

I understand the District has the authority to approve or deny a variance request in its sole discretion. In the spirit of compromise, I am presenting multiple options of fences and methods of installation for the District to consider. I am proposing any of the following fences:

1. An open style aluminum rail/picket fence.
2. An open style vinyl rail/picket fence.

The following are some images that illustrate the various fence types I am proposing:



I am also proposing to install gates, the size of which the District may choose, on the side portions of my back yard to permit unfettered access to the District for any valid District purpose.

Finally, I am willing to have any of the proposed fences so that the base of the fence is elevated off the ground to further ensure the unobstructed flow of storm water. I will defer to the District as to the height of the elevation of the fence.

When the District approved the fence for the Tillis family, we were given hope that we might be able to erect our fence once again. I conferred with a civil engineer regarding the various fences I have proposed and believe that any of those fences, properly installed, will not interfere with the District's Easement as detailed above.

Any of the proposed fences will not interfere with the intended purpose of the Easement and allow my family to maximize the enjoyment of our entire property, provide security for my children and pets, and preserve the value of my property.

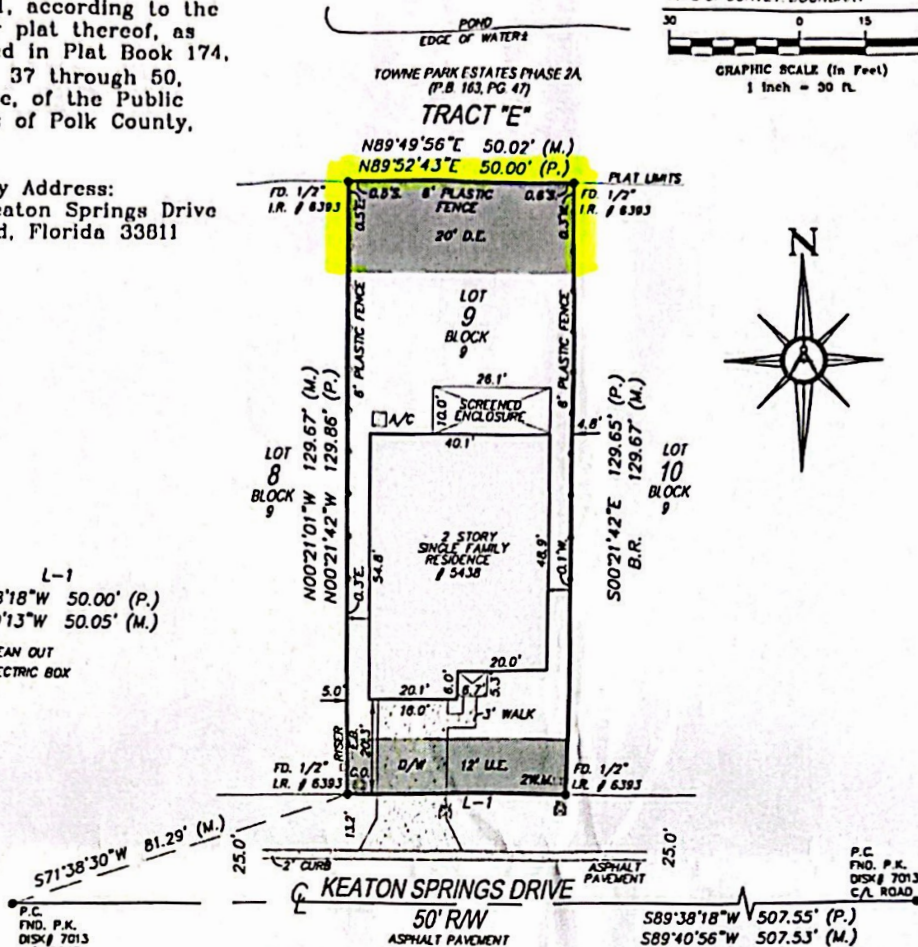
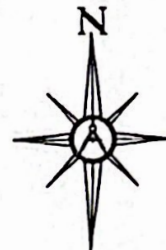
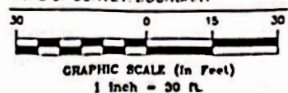
Finally, my request is to install any of the proposed fences on the boundary line of my back yard; however, I am willing to compromise on the exact location in a manner that permits us to fence in as much of our property as possible.

Thank you in advance for your consideration.

Property Address:
5438 Keaton Springs Drive
Lakeland, Florida 33811

L-1
S89°38'18"W 50.00' (P.)
S89°50'13"W 50.05' (M.)
C.O.-CLEAN OUT
E.B.-ELECTRIC BOX

TYPE OF SURVEY BOUNDARY



GENERAL NOTES

1. ALL DESCRIPTIONS PROVIDED BY OTHERS
2. LAND SURROUNDING FEATURES SUCH AS IMPROVEMENTS, ENCROACHMENTS, FOUNDATIONS OR UTILITIES IF EXISTENT, WERE NOT LOCATED AS PART OF THIS SURVEY
3. BUILDING'S FRONTAGE TO THE FACE OF THE R/W AND ARE NOT TO BE USED TO
4. NO CONTRACT OR BIDDING WAS THE DIMENSIONS OF BUILDINGS AS SHOWN HEREON
DO NOT USE FOR ANY OTHER PURPOSES, LINE IS NOTED
5. NO IDENTIFICATION SHOWN ON PROPERTY CAN BE USED AS BASIS OF OTHER WORK SHOWN
6. DIMENSIONS SHOWN ON PLAT AND MATURED PRIOR TO THIS PLAT, SHOWN
7. IF BARRING SHOWN HEREON ARE NOT REFLECTED TO THE LINE AND NO
8. THE SURVEY IS EXPECTED INFORMATION FOR THE USE OF THE TITLE
9. THIS SURVEY IS PREPARED FOR THE PURPOSES OF USE AND BENEFIT OF THE PARTIES
10. BEING HEREON, LIABILITY TO OTHER PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED
11. THIS DRAWING MAY NOT BE SCALE OR TO ELECTRONIC TRANSFER OR COPY
12. THIS SURVEY DOES NOT REFLECT OR DETERMINE PROPERTY OWNERSHIP OR BOUNDARY
OR FENCES IF ANY, WHICH ARE NOT DETERMINED AS A PART OF THIS SURVEY
13. THE SURVEY IS OBTAINED OR BEING OBTAINED TO SHOW THE LOCATION OR
EXISTENCE OF ANY PLANT OR JURISDICTION ARE THERE MAY BE A PART WITHIN
THE SURVEY, WHICH MAY BE CONSIDERED JURISDICTION BY
VARIOUS AGENCIES
14. THIS SURVEY IS VALID IN ACCORDANCE WITH § 42-124 FOR A PERIOD OF 30 DAYS
FROM THE DATE OF CERTIFICATION
15. THIS SURVEY IS INTENDED FOR MORTGAGE OR REFERENCE PURPOSES ONLY AND IS
EXCLUSIVELY FOR THIS SURVEY BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT
TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE
WRITTEN CONSENT OF THE ATTESTING SURVEYOR
16. THERE IS NO NOT A REASONABLE TITLE SURVEY, NO EXAMINATION OF TITLE HAS
MADE BY THE SURVEYOR
17. THE PLATS MAY NOT BE SUBJECT TO DECLARATIONS, MODIFICATIONS, RESCINDATIONS,
REPEALING, REVOCATIONS OR ANY OTHER LEGAL ACTIONS OR ACTIONS ON THE PLAT

LEGEND & ABBREVIATIONS

AC	AIR CONDITION	N	NORTH
AR	ARMED REFERENCE	NAD	NAD 83 DATE
C	CALCULATED	NR	NO RECORD
CM	CONCRETE MORTARMENT	OML	OVERHEAD LINES
CONF	CONFIDENTIAL	ORR	OFFICIAL RECORDS ROOM
CA	CALIBRATED		
CAV	CABLE TELEVISION CARRIER	PH	PLAT BOOK
CB	CABLE BARRING	PC	POINT OF CLIMBING
CH	CHORD	PCC	POINT OF COMPOUND CLIMBING
CO	CORNER	PCP	PERMANENT CONTROL POINT
D	DESCRIPTION OR DEDICATED	PL	PLATE
DE	DRAINAGE EASEMENT	PI	POINT OF INTERSECTION
E	ELEVATION	PK	PIEDMONT KANSAS
ELV	ELEVATION	POL	POINT ON LINE
E	EASE	PP	PROPERTY
EOP	EDGE OF PAVERMENT	PVC	PIVOT POINT OR CORNER
EW	EDGE OF WATER	POB	POINT OF BEGINNING
EP	ELECTRIC POWER	POC	POINT OF CLOSURE OR CORNER
ES	EASEMENT	PHC	POINT OF HATCH CORNER
ESMT	EASEMENT	PRM	PERMANENT REFERENCE MARK
FF	FINISHED FLOOR	PT	POINT OF TANGENCY
FD	FOUND	R	RADIUS
FP	FINISHED POINT	RACM	RADIUS
L	ALIGNED	RACF	RADIUS POINT
LA	ARCH LENGTH	RF	RIGHT OF WAY
M	FIELD MEASURED	S	SOUTH
ME	MAINTENANCE EASEMENT		
NAD 1983	NORTH AMERICAN 1983 DATUM 1983		
NAD 1983	NATIONAL GEODESIC SURVEY DATUM 1983		
NAD 83	NORTH AMERICAN 1983 DATUM 1983		
NAD 83	NORTH AMERICAN 1983 DATUM 1983		
NAD 83	NORTH AMERICAN 1983 DATUM 1983		

[illegible]

CERTIFIED TO:

Sukhadevsingh J. Virdee and
Gurleen Kaur;
Fidelity National Title of
Florida, Inc.;
Fidelity National Title Insurance
Company;
United Wholesale Mortgage, LLC,
its successors and/or assigns

FLOOD ZONE

(FOR INFORMATIONAL PURPOSES ONLY)

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "X",
PER FIRM COMMUNITY & PANEL NUMBER 120287-0460 G. LAST REVISION DATE 12/22/2018

THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF
THE ABOVE INFORMATION. IT IS SUGGESTED THAT A FLOOD ZONE DETERMINATION
BE VERIFIED FROM THE COUNTY IN WHICH THE SUBJECT PROPERTY LIES

THIS SURVEY SKETCH IS COPYRIGHTED MATERIAL. ©

Section 23, Township 29 South, Range 17 East			
Drawn By: AV		Survey Number: 22-4081	
4			
3			
2			
1			00-00-2022
NO	REVISIONS	BY	DATE

Prepared By
LakeRidge Surveying & Mapping, LLC
17316 DEER ISLAND ROAD
DEER ISLAND, FL 32778
CERTIFICATE OF AUTHORIZATION L87723

PHONE 407-385-3161
407-385-3182
FAX 1-866-841-8789

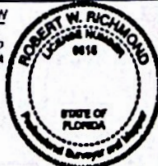
SURVEYOR'S CERTIFICATION

I, THE UNDERSIGNED REGISTERED SURVEYOR, FILE BY CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND ACCURATE PRESENTATION OF THE INFORMATION SHOWN HEREON.

LAST DATE OF FIELD SURVEY: 11-14-2022

Robert w
Richmond

ROBERT W. RICHMOND, Professional Land Surveyor & Mapper No. 6616, State of Florida



SECTION VI

Royal Concrete Solutions

64 Cactus Circle | Winter Haven, Florida 33880
+1 (863) 521-7556

RECIPIENT:

Towne Park CDD

219 East Livingston Street
Orlando, Florida 32801

Estimate #218	
Sent on	Mar 19, 2025
Total	\$8,700.00

Product/Service	Description	Qty.	Unit Price
Parallel Patking Space	Prep- •Grass Removal & Disposal •Ground Compaction •Forms Set & Graded at 4” Depth Finished Concrete- •3500 Psi Concrete Delivered •Standard Color •Broom Finish •Stress Joints •6” White Thermoplastic Striping Placement	1	\$8,700.00

Total	\$8,700.00
-------	------------

This estimate is valid for the next 30 days, after which values may be subject to change.

Signature: _____ Date: _____

SECTION VII

SECTION C

Towne Park CDD

Field Management Report



September 2nd 2025
Allen Bailey – Field Services Manager
GMS

Completed

Amenity Men's Restroom Divider



- ✚ The divider in the men's restroom of amenity two was pulled from the wall again.
- ✚ The divider has been resecured to the wall.

Amenity One Playground



- ✚ The amenity one playground has been repaired

Completed

Amenity Tow Flood Lights



- ✚ The amenity floodlight has been placed back up at the amenity

Debris Removed



- ✚ The debris left at the back of the district has been removed.

Complete

Depth Marker



✚ The amenity two pool depth marker has been replaced.

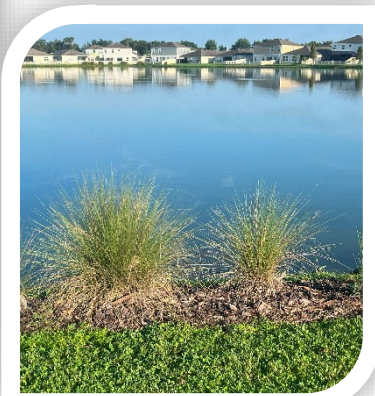
Review

Litoral Shelf Along the lake



✚ The Litoral Shelf is still showing healthy growth.

Pond Landscape



✚ The landscape around the ponds off of Medulla are showing healthy growth.

Conclusion

For any questions or comments regarding the above information, please contact me by phone at 407-460-4424, or by email at abailey@gmscfl.com. Thank you.

Respectfully,
Allen Bailey

SECTION 1



200 S. F. Street
Haines City, Florida 33844

Phone 863-422-5207 | Fax 863-422-1816

Polk County License # 214815

Date: August 8, 2025

SUBMITTED TO:

Allen Baily
6200 Lee Vista Blvd
Suit 300
Orlando fl. 332822
Phone: 1-407-560-4424
Email: abailley@gmscfl.com

Job Name / Location:

Town Park CDD
3883 White Egret Lane
Lakeland Fl. 33811

Landscape pool 2

	Qty	Unit	Unit Cost	TOTAL
Remove Dead and or Declining Cedars Blowed down past Hurricane	4	EA	\$250.00	\$1,000.00
Ixora(Front Entrance to Pool)	30	3 Gal.	\$20.00	\$600.00
Arbicolos(Front Entrance to Pool)	20	3 Gal.	\$20.00	\$400.00
Vibunrum odo(Pool pump Screening)	40	3 Gal.	\$20.00	\$800.00
Fire Bush(north side along sidewalk)	60	3 Gal.	\$20.00	\$1,200.00
Southern Red Cedars	4	30 Gal.	\$475.00	\$1,900.00
Ixora(Front mailbox along entrance)	30	3 Gal.	\$20.00	\$600.00
Drip Irrigation	600	Ft	\$1.25	\$750.00
			Total:	\$7,250.00

Mulch not included in this proposal will be mulch with Contractual Mulch

The customer agrees, that by signing this proposal, it shall become a legal and binding contract and shall supersede any previous agreements, discussed or implied. The customer further agrees to all terms and conditions set forth within and shall be responsible for any/all court and/or attorney fees incurred by Prince and Sons, Inc. required to obtain collection for any portion of money owed for material and/or work performed by Prince and Sons Inc.

Submitted by: Harold Simmons

Submitted Date: August 8, 2025

Accepted by: _____

Date Accepted: _____

SECTION 2



200 S. F. Street
Haines City, Florida 33844

Phone 863-422-5207 | Fax 863-422-1816

Polk County License # 214815

Date: August 8, 2025

SUBMITTED TO:

Allen Baily
6200 Lee Vista Blvd
Suit 300
Orlando fl. 332822
Phone: 1-407-560-4424
Email: abaily@gmscf.com

Job Name / Location:

Town Park CDD
3883 White Egret Lane
Lakeland Fl. 33811

Cypress tree replacements 7 ponds per map.

	Qty	Unit	Unit Cost	TOTAL
Bald Cypress with Lodge pole.	50	15 Gal.	\$375.00	\$18,750.00
			Total:	\$18,750.00

Installed at waters edge due to no irrigation in these areas.

The customer agrees, that by signing this proposal, it shall become a legal and binding contract and shall supersede any previous agreements, discussed or implied. The customer further agrees to all terms and conditions set forth within and shall be responsible for any/all court and/or attorney fees incurred by Prince and Sons, Inc. required to obtain collection for any portion of money owed for material and/or work performed by Prince and Sons Inc.

Submitted by: Harold Simmons

Submitted Date: August 8, 2025

Accepted by: _____

Date Accepted: _____



dulla Rd

Medulla Rd

Barred Owl Rd

John Crouthers P

Red Fern Ln

Lisbeth Santiago
Mercedes, RD - Dietitia...
Find a Dietitian
Nutritionist

Clubhouse

White Egret Ln

Towne Park Blvd

Peregrine Wy

White Ibis Rd

Peregrine Wy

Magno Embroidery

Britton Beach Pl

Boogies Moon treats

Blueberry Dr

Arlington River Dr

Medulla Rd

Myrtle Hill Dr W

Spring Lake Dr

ack
ork

SECTION 3



200 S. F. Street
Haines City, Florida 33844

Phone 863-422-5207 | Fax 863-422-1816

Polk County License # 214815

Date: August 8, 2025

SUBMITTED TO:

Allen Baily
6200 Lee Vista Blvd
Suit 300
Orlando fl. 332822
Phone: 1-407-560-4424
Email: abailley@gmscfi.com

Job Name / Location:

Town Park CDD
3883 White Egret Lane
Lakeland Fl. 33811

Cut back conservation area back homes Indian River Ct.

	Qty	Unit	Unit Cost	TOTAL
Trim back behind 10 homes	1	EA	\$4,000.00	\$4,000.00
			Total:	\$4,000.00

All Debris will be pulled back into conservation area. Due to Access for Removal.

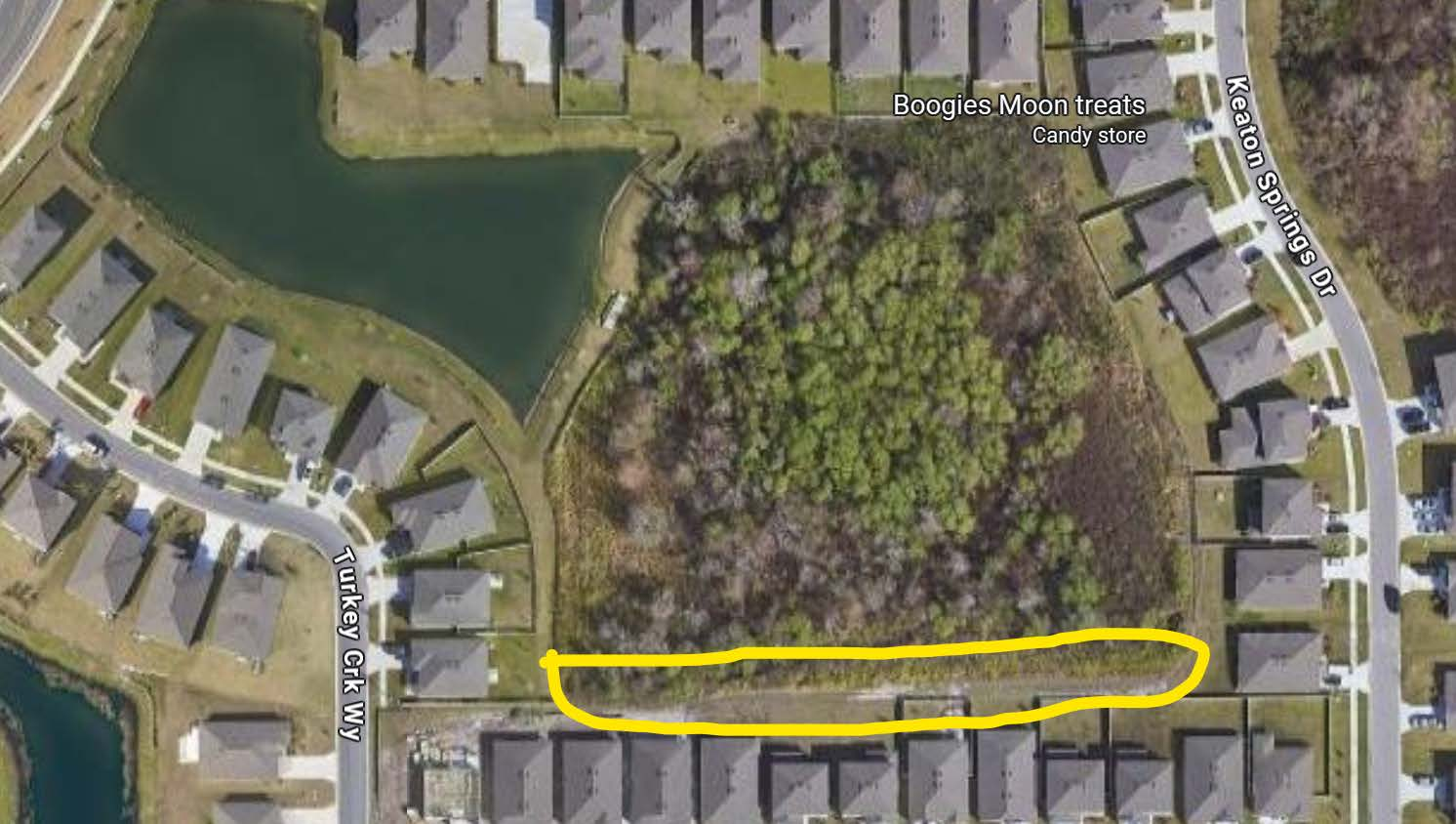
The customer agrees, that by signing this proposal, it shall become a legal and binding contract and shall supersede any previous agreements, discussed or implied. The customer further agrees to all terms and conditions set forth within and shall be responsible for any/all court and/or attorney fees incurred by Prince and Sons, Inc. required to obtain collection for any portion of money owed for material and/or work performed by Prince and Sons Inc.

Submitted by: Harold Simmons

Submitted Date: August 8, 2025

Accepted by: _____

Date Accepted: _____



Boogies Moon treats
Candy store

Keaton Springs Dr

Turkey Crk Wy

SECTION 4



Governmental
Management Services - CF

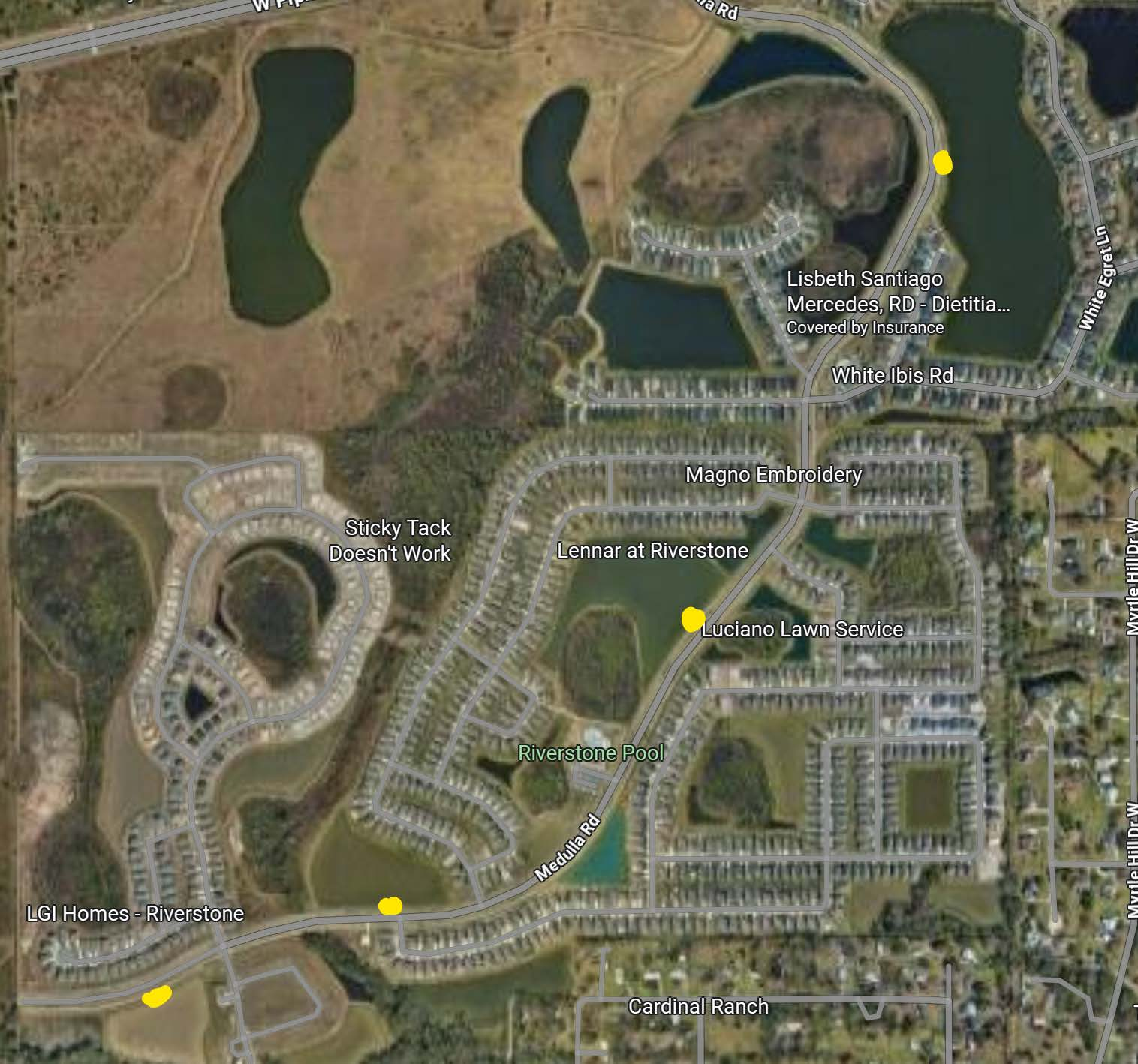
Maintenance Services
Phone: 407-201-1514
Email:
Abailey@gmscfl.com

Bill To/District Towne Park CDD	Prepared By: Governmental Management Services- CF, LLC 219 E. Livingston Street Orlando, FL 32801
Benches at Ponds	
Installation of 4 6' in-ground benches at ponds located on the attached map.	

Qty	Description	Unit Price	Line Total
20	Labor	\$50.00	\$1,000.00
2	Mobilization	\$65.00	\$130.00
	Equipment		\$35.00
	Materials		\$2,343.00
Total Due:			\$3,508.00

This Proposal is Valid for 30 days.

Client Signature: _____



Lisbeth Santiago
Mercedes, RD - Dietitia...
Covered by Insurance

White Ibis Rd

Magno Embroidery

Sticky Tack
Doesn't Work

Lennar at Riverstone

Luciano Lawn Service

Riverstone Pool

LGI Homes - Riverstone

Cardinal Ranch

SECTION 5



200 S. F. Street, Haines City, FL 33844
www.princelandservices.com

Phone 863-422-5207

State of Florida License # CGC1521568
Polk County License # 15453

Date: 8.01.25

SUBMITTED TO:
GMS 219 E. Livingston St Orlando, FL 32801 Attn: Allen Bailey Phone 407-460-4424 Email Abailey@gmscfl.com

Job Name / Location:
Towne Park CDD Riverstone Lakeland, FL 33811

We hereby submit an proposal to provide the material and labor for the scope of work:

The irrigation controller for the boulevard and large amenities is malfunctioning. After 2 hours of testing and consulting with Hunter Industries Help Line, it is undetermined exactly what caused the malfunction. There were ants on the inside. The motherboard, transformer and Power module are all testing out of spec. Replace with a new ACC2. Because of the ants, I am recommending removal of the pedestal and installing a wall mount controller on a 4' x 6" post in it's place. Getting the controller further from the ground.

DESCRIPTION	Qty	Unit Cost	TOTAL
ACC2 Controller	1	\$2,676.99	\$2,676.99
4" x 6" Pressure Treated Post	1	\$43.83	\$43.83
60 lb. bag of concrete	1	\$19.22	\$19.22
10 ft. of 1" Conduit	1	\$19.04	\$19.04
10 ft. of 1 1/4" Conduit	1	\$28.47	\$28.47
6" Concrete Blade	1	\$25.36	\$25.36
14 G 2-Wire Blue	40	\$1.54	\$61.60
12G 2 wire with Gound	20	\$2.32	\$46.40
Labor	15	\$65.00	\$975.00
Material and labor not to exceed			
TOTAL			\$3,895.91

EXCLUSIONS & SUBSTITUTIONS:

There will of course be some testing after installing the controller in case the was a lighting strike. If issues in the 2-wire path are found, an additional proposal will be submitted.

GENERAL TERMS:

- 1. Payment to be remitted within 30 days upon completion (no exceptions).
- 2. Prices good for 30 days - P&S reserves the right to re-bid after 30 days.

Prince and Sons, Inc. Authorized Signature:

Harold Simmons
Account Manager

James Smith
Irrigation Manager

Brian Huseman
Technician

Approved By:

DocuSigned by:

24C9A5CEFD03428...

SECTION D

SECTION 1

CURRENT ACCESS CARD VERBIAGE

agreement) and pay any applicable fee before he or she receives an Access Card. Such Renter shall receive an Access Card which shall expire at the end of the lease term and may be reactivated upon provision of proof of residency.

2. During the period when a Renter is designated as the beneficial user, the Resident shall not be entitled to use the Amenities.
3. Residents shall be responsible for all charges incurred by their Renters which remain unpaid after the customary billing and collection procedure established by the District. Resident owners are responsible for the department of their respective Renter.
4. Renters shall be subject to all Amenity Policies as the Board may adopt from time to time.

Access Cards. Facility Access Cards will be issued to each residential unit at the time they are closing upon property within the District. Proof of property ownership may be required annually. All Patrons must use their Access Card for entrance to the Amenities. Access Card should not be given out to non-residents. A maximum of two (2) Access Cards will be issued per residential unit.

All Patrons must use their Access Cards for entrance to the Amenity Facilities. Minors under fourteen (14) years of age must be accompanied by an adult eighteen (18) years and older at all times. Each residential unit will be authorized initial Access Cards free of charge after which a fee shall be charged for each additional Access Card in accordance with the Amenity Rates then in effect.

Patrons must scan their Access Cards in the card reader to gain access to the Amenities. This Access Card system provides a security and safety measure for Patrons and protects the Amenities from non-Patron entry. Under no circumstances, shall a Patron provide their Access Card to another person, whether Patron or non-Patron, to allow access to the Amenities.

Access Cards are the property of the District and are non-transferable except in accordance with the District's Amenity Policies. All lost or stolen cards must be reported immediately to District Staff. Fees shall apply to replace any lost or stolen cards.

SUGGESTED REVISION TO ACCESS CARD VERBIAGE

agreement) and pay any applicable fee before he or she receives an Access Card. Such Renter shall receive an Access Card which shall expire at the end of the lease term and may be reactivated upon provision of proof of residency.

2. During the period when a Renter is designated as the beneficial user, the Resident shall not be entitled to use the Amenities.
3. Residents shall be responsible for all charges incurred by their Renters which remain unpaid after the customary billing and collection procedure established by the District. Resident owners are responsible for the department of their respective Renter.
4. Renters shall be subject to all Amenity Policies as the Board may adopt from time to time.

Access Cards. Access cards will be issued to each Household upon registering for amenity access with the District after closing upon property within the District. Proof of property ownership may be required annually. All Patrons must use their Access Card for entrance to the Amenities. Access Card should not be given out to non-residents. A maximum of two (2) Access Cards will be issued per residential unit.

All Patrons must use their Access Cards for entrance to the Amenity Facilities. Minors under fourteen (14) years of age must be accompanied by an adult eighteen (18) years and older at all times. Each residential unit will be authorized initial Access Cards free of charge after which a fee shall be charged for each additional Access Card in accordance with the Amenity Rates then in effect.

Patrons must scan their Access Cards in the card reader to gain access to the Amenities. This Access Card system provides a security and safety measure for Patrons and protects the Amenities from non-Patron entry. Under no circumstances, shall a Patron provide their Access Card to another person, whether Patron or non-Patron, to allow access to the Amenities.

Access Cards are the property of the District and are non-transferable except in accordance with the District's Amenity Policies. All lost or stolen cards must be reported immediately to District Staff. Fees shall apply to replace any lost or stolen cards.

SECTION 2

Towne Park Community Development District
219 E. Livingston Street
Orlando, FL 32801
407-841-5524

April 29, 2025

Via USPS Mail, and Electronic Mail

Padilla Residence
3867 Sandhill Crane Drive
Lakeland, FL 33811
Hermespadilla36@gmail.com

Re: *Towne Park Community Development District – Amenity Policies Violation Warning Letter*

Dear Resident:

Towne Park Community Development District (“CDD”) Board of Supervisors has adopted Amenity Policies, which are designed to maintain a safe and pleasant atmosphere for residents to enjoy the amenities. The Amenity Policies are not meant to be intrusive, but are intended to ensure a good experience every time a resident uses the CDD’s amenities.

On April 19, 2025, members of your household obtained unauthorized access to the CDD’s amenities while the facility was closed. Pool hours are currently 8 AM to 8 PM Eastern Standard Time. These actions violated the Amenity Policies, and therefore, I want to bring the matter to your attention.

Please be aware that this behavior violates the following provisions of the CDD’s Amenity Policies:

- *Patrons must scan their Access Cards in the card reader to gain access to the Amenities. This Access Card system provides a security and safety measure for Patrons and protects the Amenities from non-Patron entry. Under no circumstances shall a Patron provide their Access Card to another person, whether Patron or non-Patron, to allow access to the Amenities, and under no circumstances shall a Patron intentionally leave doors, gates, or other entrance barriers open to allow entry by non-Patrons.*
- *Each Patron must scan in an Access Card in order to access the Amenities and must have his or her assigned Access Card in their possession and available for inspection upon District Staff’s request. Access Cards are only to be used by the Patron to whom they are issued. In the case of Guests, Guests must be accompanied by a Patron possessing a valid Access Card at all times.*
- *There is no trespassing or loitering allowed at the Amenities. Any individual violating this policy may be reported to the local authorities.*

Further violations of the CDD’s Amenity Policies could result in suspension and/or termination of amenity privileges.

We hope we can rely on you to abide by the Amenity Policies when using CDD’s amenities. Keeping the atmosphere safe and pleasant is an important priority at Towne Park. Should you have any questions or concerns, please do not hesitate to contact me by emailing me at tadams@gmscfl.com.

Sincerely,

Tricia Adams
District Manager
cc: Board of Supervisors
District Counsel

Towne Park Community Development District
219 E. Livingston Street
Orlando, FL 32801
407-841-5524

August 21, 2025

Via USPS Mail and Electronic Mail

Padilla Residence
3867 Sandhill Crane Drive
Lakeland, FL 33811
Hermespaddilla36@gmail.com

Re: *Towne Park Community Development District – Amenity Privileges Suspension for Amenity Policies Violation*

Dear Padilla Residence:

The purpose of this correspondence is to notify you of the Towne Park Community Development District's ("District") determination to suspend your amenity center privileges until the next regularly scheduled meeting of the District's Board of Supervisors ("Board") on September 2, 2025, during which the Board may vote to extend the suspension pursuant to the Policies. Your privileges are suspended for all recreational facilities owned and operated by the District, which include, but are not limited to, the pools located at 3883 White Ibis Road, Lakeland, Florida 33811, and 3334 Medulla Road, Lakeland, Florida 33811.

The Board has adopted the Towne Park Community Development District Amenity Policies and Rates, adopted April 12, 2018, as amended from time to time ("Policies"). These Policies are designed in order to maintain a safe and pleasant atmosphere for residents and their guests to enjoy the amenities. The Policies are not meant to be intrusive, but rather they are intended to ensure a good experience every time a resident or guest uses the District's amenities.

District staff, in accordance with the adopted Policies, are suspending your privileges as stated above as a result of violations outlined below.

On April 19, 2025, your household was issued a warning letter indicating that members of your household obtained unauthorized access to the District's amenities while the facility was closed. Pool hours are currently 8:00 A.M. to 8:00 P.M. Eastern Standard Time. Again, on August 1, 2025, members of your household were observed inside the facility after hours while the facility was closed. These actions violated the Policies, and therefore, I want to bring the matter to your attention.

Please be aware that the following provisions of the Policies have been violated. Further violations of the Policies could result in increased suspension and/or termination of amenity privileges.

- *Patrons must scan their Access Cards in the card reader to gain access to the Amenities. This Access Card system provides a security and safety measure for Patrons and protects the Amenities from non-Patron entry. Under no circumstances shall a Patron provide their Access Card to another person, whether Patron or non-Patron, to allow access to the Amenities, and under no circumstances shall a Patron intentionally leave doors, gates, or other entrance barriers open to allow entry by non-Patrons.*
- *There is no trespassing or loitering allowed at the Amenities. Any individual violating this policy may be reported to the local authorities.*

The amenity access cards registered to your property have been deactivated until at least the Board's next regularly scheduled meeting on September 2, 2025 at 4:00 P.M. at Towne Park Amenity Center #1, 3883 White Ibis Road, Lakeland, Florida 33811, at which time the Board will determine the appropriate duration of suspension in accordance with the provisions of the Policies. In determining whether to take additional action, the Board shall take into account the nature of the violation and any prior violations. The Board may determine what additional action, if any, will be taken or it may reserve its decision until a later date. In any event, the Board shall provide notice of its action to you if the Board decision differs from the suspension timeline stated above. You may attend the meeting to present any information or evidence to the Board, or otherwise address the Board concerning this matter. Should you have any questions concerning this matter, please contact my office at 407.841.5524 ext. 138 or TAdams@gmscfl.com.

Sincerely,

Tricia L. Adams
District Manager
cc: Board of Supervisors
District Counsel

SECTION 3

Towne Park Community Development District

Summary of Check Register

July 19, 2025 to August 22, 2025

Fund	Date	Check No.'s	Amount
General Fund			
	7/22/25	1091-1097	\$ 37,725.65
	7/29/25	1098	\$ 394.00
	8/5/25	1099-1100	\$ 648.51
	8/12/25	1101-1109	\$ 61,521.10
	8/19/25	1110-1112	\$ 7,530.37
		<u>General Fund Total</u>	<u>\$ 107,819.63</u>
<u>Supervisors - August 2025</u>			
	Roger D Runyon	50019	\$ 184.70
	Zabrina L Sides	50020	\$ 184.70
	Thomas D Zimmerman	50021	\$ 184.70
	Jennifer Tidwell	50022	\$ 184.70
	Roger D Runyon	50023	\$ 184.70
	Zabrina L Sides	50024	\$ 184.70
	Thomas D Zimmerman	50025	\$ 184.70
	Jennifer Tidwell	50026	\$ 184.70
		<u>Supervisor Total</u>	<u>\$ 1,477.60</u>
Total Amount			\$ 109,297.23

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	.....CHECK..... AMOUNT #
8/05/25	00064	8/05/25 08052025	202508 300-15500-10000	EQUIPMENT LEASE SEPT 25	*	278.51	
				WHFS LLC			278.51 001100
8/12/25	00107	7/25/25 20037	202507 320-53800-46400	POND MAINT JULY 25	*	5,500.00	
				AQUATIC WEED MANAGEMENT, INC.			5,500.00 001101
8/12/25	00077	7/12/25 81925	202507 330-53800-47000	CLEAN UP EVENT 7/12/25	*	150.00	
		7/20/25 81944	202508 330-53800-47000	CLEANING AUG 25	*	1,230.00	
		7/21/25 13089	202507 330-53800-47000	CLEANING SUPPLIES	*	222.13	
				E&A CLEANING CO			1,602.13 001102
8/12/25	00040	8/01/25 208	202508 320-53800-47500	FIELD MANAGMENT AUG 25	*	1,837.50	
		8/01/25 208	202508 320-53800-12000	REPLACEMENT LOCK	*	12.27	
		8/01/25 209	202508 310-51300-34000	MANAGEMENT FEES AUG 25	*	4,035.75	
		8/01/25 209	202508 310-51300-35200	WEBSITE ADMIN AUG 25	*	105.00	
		8/01/25 209	202508 310-51300-35100	INFORMATION TECH AUG 25	*	157.50	
		8/01/25 209	202508 310-51300-31300	DISSEMINATION SVC AUG 25	*	875.00	
		8/01/25 209	202508 330-57200-11000	AMENITY ACCESS AUG 25	*	787.50	
		8/01/25 209	202508 310-51300-51000	OFFICE SUPPLIES	*	1.41	
		8/01/25 209	202508 310-51300-42000	POSTAGE	*	31.89	
				GOVERNMENTAL MANAGEMENT SERVICES-CF			7,843.82 001103
8/12/25	00115	6/30/25 34	202506 320-53800-47500	REPLACE SIGN	*	474.72	
		6/30/25 35	202506 320-53800-47500	REPAIR DAMAGED FENCE	*	1,192.91	
		6/30/25 36	202506 320-53800-47500	SILTSTONE SWALE REPAIR	*	3,446.42	
		6/30/25 37	202506 320-53800-47500	MULTI REPAIRS	*	696.20	
		6/30/25 38	202506 320-53800-47500	REMOVED GRAFFITI	*	50.00	

TWPK TOWNE PARK CDD CWRIGHT

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	.....CHECK..... AMOUNT #
		6/30/25 39	202506 320-53800-47500		*	250.00	
		PICKED UP TRASH					
				GOVERNMENTAL MANAGEMENT SVC TAMPA			6,110.25 001104
8/12/25 00082		7/17/25 19092	202507 320-53800-47300		*	1,077.61	
		IRRIGATION REPAIRS					
		8/01/25 19384	202508 320-53800-46200		*	19,053.33	
		LANDSCAPE MAINT AUG 25					
				PRINCE & SONS INC.			20,130.94 001105
8/12/25 00076		8/07/25 RES 21-1	202507 310-51300-31100		*	2,649.30	
		ENGINEER SERVICES JULY 25					
				RAYL ENGINEERING & SURVEYING LLC			2,649.30 001106
8/12/25 00112		8/06/25 39276566	202508 330-53800-47500		*	1,019.90	
		REPAIR FLUSH VALVE					
				RED CAP PLUMBING AND AIR			1,019.90 001107
8/12/25 00071		8/01/25 28331	202508 330-53800-48000		*	3,625.00	
		POOL MAINT AUG 25					
		8/07/25 28537	202508 330-53800-47500		*	900.00	
		REPLACE BROKEN DEPTH MARK					
		8/07/25 28541	202508 330-53800-47500		*	395.00	
		REPLACED FAILED OUTLET					
				RESORT POOL SERVICES DBA			4,920.00 001108
8/12/25 00037		7/25/25 7834847	202507 310-51300-32300		*	2,006.85	
		TRUSTEE FEE FY25 SER2018					
		7/25/25 7834847A	202508 300-15500-10000		*	6,020.53	
		TRUSTEE FEES FY26 SER2018					
		7/25/25 7839372	202507 310-51300-32300		*	929.35	
		TRUSTEE FEES FY25 SER2016					
		7/25/25 7839372A	202508 300-15500-10000		*	2,788.03	
		TRUSTEE FEES FY26 SER2016					
				US BANK			11,744.76 001109
8/19/25 00102		7/31/25 00072485	202507 310-51300-48000		*	631.06	
		NOT BUDGET MTG 7/11/25					
		7/31/25 00072485	202507 310-51300-48000		*	270.24	
		NOT WORKSHOP MTG 7/11/25					
				GANNETT FLORIDA LOCALIQ			901.30 001110
8/19/25 00068		8/14/25 12951	202507 310-51300-31500		*	2,516.00	
		GENERAL COUNSEL JULY 25					
				KILINSKI VAN WYK PLLC			2,516.00 001111
				TWPK TOWNE PARK CDD CWRIGHT			

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	....CHECK..... AMOUNT #
8/19/25	00087	7/31/25 12244095	202507 330-53800-34500	SECURITY 7/4/25-7/10/25	*	1,273.54	
		7/31/25 12246305	202507 330-53800-34500	SECURITY 7/4/25-7/10/25	*	2,839.53	
SECURITAS SECURITY SERVICES							4,113.07 001112
TOTAL FOR BANK A						107,819.63	
TOTAL FOR REGISTER						107,819.63	

TWPK TOWNE PARK CDD CWRIGHT

SECTION 4

Towne Park
Community Development District

Unaudited Financial Reporting
July 31, 2025



Table of Contents

1	<u>Balance Sheet</u>
2-3	<u>General Fund</u>
4	<u>Series 2016 - 2A Debt Service Fund</u>
5	<u>Series 2018 - 2B Debt Service Fund</u>
6	<u>Series 2018 - 3A Debt Service Fund</u>
7	<u>Series 2019 - 3B Debt Service Fund</u>
8	<u>Series 2019 - 3C Debt Service Fund</u>
9	<u>Series 2020 - 3D Debt Service Fund</u>
10	<u>Capital Projects Fund - Series 2020 3D</u>
11	<u>Capital Reserve Fund</u>
12-13	<u>Month to Month</u>
14	<u>Assessment Receipt Schedule</u>

Towne Park
Community Development District
Combined Balance Sheet
July 31, 2025

	General Fund	Debt Service Fund	Capital Projects Fund	Capital Reserve Fund	Totals Governmental Funds
Assets:					
Cash:					
Operating Account	\$ 203,109	\$ -	\$ -	\$ -	\$ 203,109
Capital Reserve Account	\$ -	\$ -	\$ -	\$ 208,743	\$ 208,743
State Board Administration	\$ 468,521	\$ -	\$ -	\$ -	\$ 468,521
Investments:					
Series 2016 - 2A					
Reserve	\$ -	\$ 110,475	\$ -	\$ -	\$ 110,475
Revenue	\$ -	\$ 116,730	\$ -	\$ -	\$ 116,730
Prepayment	\$ -	\$ 655	\$ -	\$ -	\$ 655
Series 2018 - 2B					
Reserve	\$ -	\$ 60,400	\$ -	\$ -	\$ 60,400
Revenue	\$ -	\$ 124,192	\$ -	\$ -	\$ 124,192
Prepayment	\$ -	\$ 152	\$ -	\$ -	\$ 152
Series 2018 - 3A					
Reserve	\$ -	\$ 256,541	\$ -	\$ -	\$ 256,541
Revenue	\$ -	\$ 350,842	\$ -	\$ -	\$ 350,842
Prepayment	\$ -	\$ 152	\$ -	\$ -	\$ 152
Series 2019 - 3B					
Reserve	\$ -	\$ 167,922	\$ -	\$ -	\$ 167,922
Revenue	\$ -	\$ 201,505	\$ -	\$ -	\$ 201,505
Series 2019 - 3C					
Reserve	\$ -	\$ 112,688	\$ -	\$ -	\$ 112,688
Revenue	\$ -	\$ 112,639	\$ -	\$ -	\$ 112,639
Prepayment	\$ -	\$ 141	\$ -	\$ -	\$ 141
Series 2020 - 3D					
Reserve	\$ -	\$ 200,003	\$ -	\$ -	\$ 200,003
Revenue	\$ -	\$ 164,511	\$ -	\$ -	\$ 164,511
Construction	\$ -	\$ -	\$ 9,529	\$ -	\$ 9,529
Deposits	\$ 4,500	\$ -	\$ -	\$ -	\$ 4,500
Prepaid Expenses	\$ 2,299	\$ -	\$ -	\$ -	\$ 2,299
Total Assets	\$ 678,429	\$ 1,979,549	\$ 9,529	\$ 208,743	\$ 2,876,250
Liabilities:					
Accounts Payable	\$ 26,546	\$ -	\$ -	\$ -	\$ 26,546
Total Liabilities	\$ 26,546	\$ -	\$ -	\$ -	\$ 26,546
Fund Balance:					
Nonspendable:					
Deposits	\$ 4,500	\$ -	\$ -	\$ -	\$ 4,500
Prepaid Items	\$ 2,299	\$ -	\$ -	\$ -	\$ 2,299
Restricted for:					
Debt Service - Series 2016 - 2A	\$ -	\$ 227,861	\$ -	\$ -	\$ 227,861
Debt Service - Series 2018 - 2B	\$ -	\$ 184,744	\$ -	\$ -	\$ 184,744
Debt Service - Series 2018 - 3A	\$ -	\$ 607,535	\$ -	\$ -	\$ 607,535
Debt Service - Series 2019 - 3B	\$ -	\$ 369,427	\$ -	\$ -	\$ 369,427
Debt Service - Series 2019 - 3C	\$ -	\$ 225,468	\$ -	\$ -	\$ 225,468
Debt Service - Series 2020 - 3D	\$ -	\$ 364,514	\$ -	\$ -	\$ 364,514
Capital Projects	\$ -	\$ -	\$ 9,529	\$ -	\$ 9,529
Assigned for:					
Capital Reserves	\$ -	\$ -	\$ -	\$ 208,743	\$ 208,743
Unassigned	\$ 645,084	\$ -	\$ -	\$ -	\$ 645,084
Total Fund Balances	\$ 651,883	\$ 1,979,549	\$ 9,529	\$ 208,743	\$ 2,849,704
Total Liabilities & Fund Balance	\$ 678,429	\$ 1,979,549	\$ 9,529	\$ 208,743	\$ 2,876,250

Towne Park
Community Development District
General Fund

Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance

Revenues:

Assessments - Tax Roll	\$ 1,024,144	\$ 1,024,144	\$ 1,028,162	\$ 4,018
Interest Income - SBA	\$ -	\$ -	\$ 13,127	\$ 13,127
Other Income	\$ 8,000	\$ 8,000	\$ 55,402	\$ 47,402
Total Revenues	\$ 1,032,144	\$ 1,032,144	\$ 1,096,690	\$ 64,547

Expenditures:

General & Administrative:

Supervisor Fees	\$ 12,000	\$ 10,000	\$ 5,800	\$ 4,200
Employee FICA Expense	\$ -	\$ -	\$ 291	\$ (291)
Engineering Fees	\$ 15,000	\$ 15,000	\$ 22,801	\$ (7,801)
Attorney	\$ 40,000	\$ 33,333	\$ 33,420	\$ (87)
Annual Audit	\$ 4,100	\$ 4,100	\$ 4,100	\$ -
Assessment Roll Services	\$ 10,000	\$ 10,000	\$ 10,000	\$ -
Reamortization Schedules	\$ 625	\$ 625	\$ 100	\$ 525
Dissemination	\$ 10,500	\$ 8,750	\$ 8,750	\$ -
Trustee Fees	\$ 23,867	\$ 23,867	\$ 23,530	\$ 337
Management Fees	\$ 48,429	\$ 40,358	\$ 40,358	\$ -
Information Technology	\$ 1,890	\$ 1,575	\$ 1,575	\$ -
Website Maintenance	\$ 1,260	\$ 1,050	\$ 1,050	\$ -
Postage & Delivery	\$ 1,300	\$ 1,083	\$ 835	\$ 249
Insurance	\$ 7,558	\$ 7,558	\$ 7,032	\$ 526
Copies	\$ 250	\$ 208	\$ 164	\$ 44
Legal Advertising	\$ 3,500	\$ 2,917	\$ 1,908	\$ 1,008
Other Current Charges	\$ 4,000	\$ 3,333	\$ 428	\$ 2,905
Office Supplies	\$ 200	\$ 167	\$ 8	\$ 159
Dues, Licenses & Subscriptions	\$ 175	\$ 175	\$ 175	\$ -
Total General & Administrative	\$ 184,653	\$ 164,099	\$ 162,324	\$ 1,774

Towne Park
Community Development District
General Fund

Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
<u>Operations & Maintenance</u>				
Field Expenditures				
Property Insurance	\$ 34,628	\$ 34,628	\$ 30,421	\$ 4,207
Field Management	\$ 22,050	\$ 18,375	\$ 18,375	\$ -
Landscape Maintenance	\$ 263,665	\$ 219,721	\$ 190,533	\$ 29,188
Landscape Enhancements/Replacement	\$ 55,000	\$ 45,833	\$ 12,144	\$ 33,689
Pond Maintenance	\$ 48,000	\$ 48,000	\$ 55,000	\$ (7,000)
Electric	\$ 5,400	\$ 4,500	\$ 1,688	\$ 2,812
Water & Sewer	\$ 1,100	\$ 917	\$ 585	\$ 331
Irrigation Repairs	\$ 12,500	\$ 10,417	\$ 10,967	\$ (550)
General Repairs & Maintenance	\$ 20,000	\$ 20,000	\$ 30,783	\$ (10,783)
Contingency	\$ 17,500	\$ 17,500	\$ 67,195	\$ (49,695)
Subtotal Field Expenditures	\$ 479,842	\$ 419,890	\$ 417,692	\$ 2,198
Amenity Expenditures				
Electric	\$ 26,400	\$ 22,000	\$ 14,526	\$ 7,474
Water	\$ 8,400	\$ 7,000	\$ 7,503	\$ (503)
Internet & Phone	\$ 3,200	\$ 2,667	\$ 2,150	\$ 517
Playground & Equipment Lease	\$ 26,935	\$ 22,446	\$ 20,647	\$ 1,799
Pool Service Contract	\$ 43,800	\$ 36,500	\$ 27,950	\$ 8,550
Pool Furniture Repair & Replacement	\$ 6,000	\$ 5,000	\$ 2,380	\$ 2,620
Janitorial Services	\$ 22,500	\$ 18,750	\$ 15,809	\$ 2,941
Security Services	\$ 50,500	\$ 42,083	\$ 32,438	\$ 9,645
Pest Control	\$ 3,400	\$ 2,833	\$ 2,495	\$ 338
Amenity Access Management	\$ 9,450	\$ 7,875	\$ 7,875	\$ -
Amenity Repair & Maintenance	\$ 25,000	\$ 25,000	\$ 33,081	\$ (8,081)
Contingency	\$ 17,500	\$ 17,500	\$ 18,606	\$ (1,106)
Subtotal Amenity Expenditures	\$ 243,084	\$ 209,654	\$ 185,459	\$ 24,194
Total Operations & Maintenance	\$ 722,927	\$ 629,543	\$ 603,151	\$ 26,392
Total Expenditures	\$ 907,580	\$ 793,642	\$ 765,475	\$ 28,167
Excess (Deficiency) of Revenues over Expenditures	\$ 124,564		\$ 331,215	
<u>Other Financing Sources/(Uses):</u>				
Transfer In/(Out) - Capital Reserve	\$ (124,564)	\$ (124,564)	\$ (124,564)	\$ -
Total Other Financing Sources/(Uses)	\$ (124,564)	\$ (124,564)	\$ (124,564)	\$ -
Net Change in Fund Balance	\$ -		\$ 206,651	
Fund Balance - Beginning	\$ -		\$ 445,232	
Fund Balance - Ending	\$ -		\$ 651,883	

Towne Park
Community Development District
Debt Service Fund Series 2016 - 2A
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Assessments - Tax Roll	\$ 111,715	\$ 111,715	\$ 112,153	\$ 438
Assessments - Prepayment	\$ -	\$ -	\$ 7,850	\$ 7,850
Interest	\$ 5,405	\$ 7,834	\$ 7,834	\$ -
Total Revenues	\$ 117,119	\$ 119,549	\$ 127,837	\$ 8,288
Expenditures:				
Interest - 11/1	\$ 38,731	\$ 38,731	\$ 38,875	\$ (144)
Principal - 11/1	\$ 30,000	\$ 30,000	\$ 30,000	\$ -
Special Call - 2/1	\$ -	\$ -	\$ 10,000	\$ (10,000)
Interest - 5/1	\$ 37,981	\$ 37,981	\$ 37,694	\$ 288
Total Expenditures	\$ 106,713	\$ 106,713	\$ 116,569	\$ (9,856)
Excess (Deficiency) of Revenues over Expenditures	\$ 10,407		\$ 11,268	
Fund Balance - Beginning	\$ 101,726		\$ 216,593	
Fund Balance - Ending	\$ 112,133		\$ 227,861	

Towne Park
Community Development District
Debt Service Fund Series 2018 - 2B
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Assessments - Tax Roll	\$ 130,304	\$ 130,304	\$ 130,815	\$ 511
Interest	\$ 4,251	\$ 4,251	\$ 6,256	\$ 2,006
Total Revenues	\$ 134,554	\$ 134,554	\$ 137,071	\$ 2,517
Expenditures:				
Interest - 11/1	\$ 43,897	\$ 43,897	\$ 38,897	\$ 5,000
Principal - 5/1	\$ 30,000	\$ 30,000	\$ 30,000	\$ -
Interest - 5/1	\$ 43,897	\$ 43,897	\$ 48,897	\$ (5,000)
Total Expenditures	\$ 117,794	\$ 117,794	\$ 117,794	\$ -
Excess (Deficiency) of Revenues over Expenditures	\$ 16,761		\$ 19,277	
Fund Balance - Beginning	\$ 93,530		\$ 165,467	
Fund Balance - Ending	\$ 110,291		\$ 184,744	

Towne Park
Community Development District
Debt Service Fund Series 2018 - 3A
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Assessments - Tax Roll	\$ 525,011	\$ 525,011	\$ 527,070	\$ 2,059
Interest	\$ 15,356	\$ 15,356	\$ 21,387	\$ 6,032
Total Revenues	\$ 540,367	\$ 540,367	\$ 548,457	\$ 8,090
Expenditures:				
Interest - 11/1	\$ 188,575	\$ 188,575	\$ 188,575	\$ -
Principal - 5/1	\$ 135,000	\$ 135,000	\$ 135,000	\$ -
Interest - 5/1	\$ 188,575	\$ 188,575	\$ 188,575	\$ -
Total Expenditures	\$ 512,150	\$ 512,150	\$ 512,150	\$ -
Excess (Deficiency) of Revenues over Expenditures	\$ 28,217		\$ 36,307	
Fund Balance - Beginning	\$ 282,967		\$ 571,228	
Fund Balance - Ending	\$ 311,184		\$ 607,535	

Towne Park
Community Development District
Debt Service Fund Series 2019 - 3B
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Assessments - Tax Roll	\$ 335,844	\$ 335,844	\$ 337,161	\$ 1,317
Interest	\$ 9,909	\$ 9,909	\$ 13,434	\$ 3,524
Total Revenues	\$ 345,753	\$ 345,753	\$ 350,594	\$ 4,841
Expenditures:				
Interest - 11/1	\$ 113,572	\$ 113,572	\$ 113,572	\$ -
Principal - 5/1	\$ 110,000	\$ 110,000	\$ 110,000	\$ -
Interest - 5/1	\$ 113,572	\$ 113,572	\$ 113,572	\$ -
Total Expenditures	\$ 337,144	\$ 337,144	\$ 337,144	\$ -
Excess (Deficiency) of Revenues over Expenditures	\$ 8,609		\$ 13,451	
Fund Balance - Beginning	\$ 170,266		\$ 355,976	
Fund Balance - Ending	\$ 178,876		\$ 369,427	

Towne Park
Community Development District
Debt Service Fund Series 2019 - 3C
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Assessments - Tax Roll	\$ 225,524	\$ 225,524	\$ 226,409	\$ 884
Interest	\$ 6,086	\$ 6,086	\$ 8,272	\$ 2,186
Total Revenues	\$ 231,610	\$ 231,610	\$ 234,681	\$ 3,071
Expenditures:				
Interest - 11/1	\$ 75,784	\$ 75,784	\$ 75,784	\$ -
Principal - 5/1	\$ 75,000	\$ 75,000	\$ 75,000	\$ -
Interest - 5/1	\$ 75,784	\$ 75,784	\$ 75,784	\$ -
Total Expenditures	\$ 226,569	\$ 226,569	\$ 226,569	\$ -
Excess (Deficiency) of Revenues over Expenditures	\$ 5,042		\$ 8,112	
Fund Balance - Beginning	\$ 100,689		\$ 217,356	
Fund Balance - Ending	\$ 105,731		\$ 225,468	

Towne Park
Community Development District
Debt Service Fund Series 2020 - 3D
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Assessments - Tax Roll	\$ 399,925	\$ 399,925	\$ 401,494	\$ 1,568
Interest	\$ 10,422	\$ 10,422	\$ 13,728	\$ 3,306
Total Revenues	\$ 410,347	\$ 410,347	\$ 415,221	\$ 4,874
Expenditures:				
Interest - 11/1	\$ 124,528	\$ 124,528	\$ 124,528	\$ -
Principal - 5/1	\$ 150,000	\$ 150,000	\$ 150,000	\$ -
Interest - 5/1	\$ 124,528	\$ 124,528	\$ 124,528	\$ -
Total Expenditures	\$ 399,056	\$ 399,056	\$ 399,056	\$ -
Excess (Deficiency) of Revenues over Expenditures	\$ 11,291		\$ 16,165	
Other Financing Sources/(Uses):				
Transfer In/(Out)	\$ -	\$ -	\$ (6,881)	\$ (6,881)
Total Other Financing Sources/(Uses)	\$ -	\$ -	\$ (6,881)	\$ (6,881)
Net Change in Fund Balance	\$ 11,291		\$ 9,284	
Fund Balance - Beginning	\$ 150,553		\$ 355,230	
Fund Balance - Ending	\$ 161,844		\$ 364,514	

Towne Park
Community Development District
Capital Projects Fund Series 2020 3D
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
<u>Revenues</u>				
Interest	\$ -	\$ -	\$ 170	\$ 170
Total Revenues	\$ -	\$ -	\$ 170	\$ 170
<u>Expenditures:</u>				
Capital Outlay	\$ -	\$ -	\$ -	\$ -
Total Expenditures	\$ -	\$ -	\$ -	\$ -
Excess (Deficiency) of Revenues over Expenditures	\$ -	\$ -	\$ 170	\$ 170
<u>Other Financing Sources/(Uses)</u>				
Transfer In/(Out)	\$ -	\$ -	\$ 6,881	\$ 6,881
Total Other Financing Sources (Uses)	\$ -	\$ -	\$ 6,881	\$ 6,881
Net Change in Fund Balance	\$ -	\$ -	\$ 7,051	\$ -
Fund Balance - Beginning	\$ -	\$ -	\$ 2,478	\$ -
Fund Balance - Ending	\$ -	\$ -	\$ 9,529	\$ -

Towne Park
Community Development District
Capital Reserve Fund
Statement of Revenues, Expenditures, and Changes in Fund Balance
For The Period Ending July 31, 2025

	Adopted	Prorated Budget	Actual	
	Budget	Thru 07/31/25	Thru 07/31/25	Variance
Revenues:				
Interest	\$ -	\$ -	\$ 2,037	\$ -
Total Revenues	\$ -	\$ -	\$ 2,037	\$ -
Expenditures:				
Hydraulic Lift (Pool)	\$ 10,100	\$ -	\$ -	\$ -
Miscellaneous Expense	\$ -	\$ -	\$ 316	\$ (316)
Total Expenditures	\$ 10,100	\$ -	\$ 316	\$ (316)
Excess (Deficiency) of Revenues over Expenditures	\$ (10,100)		\$ 1,721	
Other Financing Sources/(Uses):				
Transfer In/(Out)	\$ 124,564	\$ 124,564	\$ 124,564	\$ -
Total Other Financing Sources/(Uses)	\$ 124,564	\$ 124,564	\$ 124,564	\$ -
Net Change in Fund Balance	\$ 114,464		\$ 126,285	
Fund Balance - Beginning	\$ 58,610		\$ 82,458	
Fund Balance - Ending	\$ 173,074		\$ 208,743	

Towne Park
Community Development District
Month to Month

	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Total
<u>Revenues:</u>													
Assessments - Tax Roll	\$ -	\$ 40,518	\$ 945,392	\$ 10,139	\$ 8,396	\$ 4,722	\$ 7,049	\$ 4,271	\$ 7,674	\$ -	\$ -	\$ -	\$ 1,028,162
Interest Income - SBA	\$ 643	\$ 604	\$ 605	\$ 591	\$ 532	\$ 899	\$ 2,430	\$ 2,519	\$ 2,268	\$ 2,036	\$ -	\$ -	\$ 13,127
Other Income	\$ 280	\$ 500	\$ 13,481	\$ 810	\$ 1,030	\$ 340	\$ 36,461	\$ 975	\$ 860	\$ 665	\$ -	\$ -	\$ 55,402
Total Revenues	\$ 923	\$ 41,622	\$ 959,478	\$ 11,540	\$ 9,957	\$ 5,961	\$ 45,940	\$ 7,765	\$ 10,802	\$ 2,701	\$ -	\$ -	\$ 1,096,690
<u>Expenditures:</u>													
<u>General & Administrative:</u>													
Supervisor Fees	\$ -	\$ 1,000	\$ 1,000	\$ -	\$ 800	\$ 1,000	\$ 1,400	\$ 600	\$ -	\$ -	\$ -	\$ -	\$ 5,800
Employee FICA Expense	\$ -	\$ -	\$ -	\$ -	\$ 61	\$ 77	\$ 107	\$ 46	\$ -	\$ -	\$ -	\$ -	\$ 291
Engineering Fees	\$ 375	\$ 2,020	\$ 5,021	\$ 4,437	\$ 2,604	\$ 1,770	\$ 1,030	\$ 2,207	\$ 688	\$ 2,649	\$ -	\$ -	\$ 22,801
Attorney	\$ 3,344	\$ 2,507	\$ 2,150	\$ 4,331	\$ 4,539	\$ 3,322	\$ 2,955	\$ 4,776	\$ 2,980	\$ 2,516	\$ -	\$ -	\$ 33,420
Annual Audit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,100	\$ -	\$ -	\$ -	\$ 4,100
Assessment Roll Services	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Reamortization Schedules	\$ -	\$ -	\$ -	\$ 100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100
Dissemination	\$ 875	\$ 875	\$ 875	\$ 875	\$ 875	\$ 875	\$ 875	\$ 875	\$ 875	\$ 875	\$ -	\$ -	\$ 8,750
Trustee Fees	\$ 14,533	\$ -	\$ -	\$ 6,061	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,936	\$ -	\$ -	\$ 23,530
Management Fees	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ 4,036	\$ -	\$ -	\$ 40,358
Information Technology	\$ 158	\$ 158	\$ 158	\$ 158	\$ 158	\$ 158	\$ 158	\$ 158	\$ 158	\$ 158	\$ -	\$ -	\$ 1,575
Website Maintenance	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ 105	\$ -	\$ -	\$ 1,050
Postage & Delivery	\$ 16	\$ 48	\$ 88	\$ 443	\$ 13	\$ 51	\$ 19	\$ 62	\$ 43	\$ 52	\$ -	\$ -	\$ 835
Insurance	\$ 7,032	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,032
Copies	\$ -	\$ 1	\$ 2	\$ 59	\$ 16	\$ 20	\$ 9	\$ 55	\$ 3	\$ -	\$ -	\$ -	\$ 164
Legal Advertising	\$ -	\$ -	\$ 361	\$ -	\$ -	\$ 337	\$ 309	\$ -	\$ -	\$ 901	\$ -	\$ -	\$ 1,908
Other Current Charges	\$ 45	\$ 42	\$ 42	\$ 41	\$ 44	\$ 45	\$ 45	\$ 45	\$ 45	\$ 35	\$ -	\$ -	\$ 428
Office Supplies	\$ 1	\$ 1	\$ 1	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1	\$ 2	\$ 1	\$ -	\$ -	\$ 8
Dues, Licenses & Subscriptions	\$ 175	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 175
Total General & Administrative	\$ 40,693	\$ 10,792	\$ 13,838	\$ 20,646	\$ 13,251	\$ 11,795	\$ 11,048	\$ 12,965	\$ 13,033	\$ 14,263	\$ -	\$ -	\$ 162,324

Towne Park
Community Development District
Month to Month

	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Total
<u>Operations & Maintenance</u>													
Field Expenditures													
Property Insurance	\$ 30,421	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	30,421
Field Management	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ 1,838	\$ -	\$ -	18,375
Landscape Maintenance	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ 19,053	\$ -	\$ -	190,533
Landscape Enhancements/Replacement	\$ -	\$ -	\$ 12,144	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	12,144
Pond Maintenance	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ -	\$ -	55,000
Electric	\$ 131	\$ 83	\$ 181	\$ 214	\$ 90	\$ 95	\$ 141	\$ 226	\$ 304	\$ 221	\$ -	\$ -	1,688
Water & Sewer	\$ 59	\$ 59	\$ 59	\$ 59	\$ 58	\$ 59	\$ 58	\$ 58	\$ 58	\$ 58	\$ -	\$ -	585
Irrigation Repairs	\$ 237	\$ 227	\$ 180	\$ 103	\$ 3,895	\$ 2,261	\$ 883	\$ 1,016	\$ 1,087	\$ 1,078	\$ -	\$ -	10,967
General Repairs & Maintenance	\$ 2,400	\$ -	\$ 1,046	\$ -	\$ -	\$ -	\$ 1,935	\$ 3,028	\$ 22,375	\$ -	\$ -	\$ -	30,783
Contingency	\$ 17,425	\$ 2,809	\$ -	\$ 21,474	\$ 22,474	\$ -	\$ -	\$ 3,013	\$ -	\$ -	\$ -	\$ -	67,195
Subtotal Field Expenditures	\$ 77,063	\$ 29,569	\$ 40,001	\$ 48,242	\$ 52,908	\$ 28,806	\$ 29,408	\$ 33,732	\$ 50,215	\$ 27,748	\$ -	\$ -	417,692
Amenity Expenditures													
Electric	\$ 2,082	\$ 697	\$ 2,096	\$ 1,474	\$ 632	\$ 1,358	\$ 2,091	\$ 665	\$ 1,408	\$ 2,022	\$ -	\$ -	14,526
Water	\$ 1,227	\$ -	\$ 1,186	\$ 619	\$ 204	\$ 644	\$ 1,185	\$ 296	\$ 847	\$ 1,295	\$ -	\$ -	7,503
Internet & Phone	\$ 210	\$ 210	\$ 210	\$ 210	\$ 210	\$ 220	\$ 220	\$ 220	\$ 220	\$ 220	\$ -	\$ -	2,150
Playground & Equipment Lease	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ 2,065	\$ -	\$ -	20,647
Pool Service Contract	\$ (6,125)	\$ 3,625	\$ 4,275	\$ 3,625	\$ 3,625	\$ 3,625	\$ 3,625	\$ 4,185	\$ 3,865	\$ 3,625	\$ -	\$ -	27,950
Pool Furniture Repair & Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,380	\$ -	\$ -	\$ -	\$ -	2,380
Janitorial Services	\$ 300	\$ 1,751	\$ 1,680	\$ 2,712	\$ 300	\$ 1,980	\$ 1,752	\$ 1,980	\$ 1,751	\$ 1,602	\$ -	\$ -	15,809
Security Services	\$ 2,307	\$ 4,911	\$ 2,469	\$ 2,523	\$ 2,093	\$ 4,300	\$ 2,523	\$ 4,541	\$ 2,658	\$ 4,113	\$ -	\$ -	32,438
Pest Control	\$ 305	\$ 370	\$ 360	\$ 240	\$ -	\$ 240	\$ 240	\$ 370	\$ -	\$ 370	\$ -	\$ -	2,495
Amenity Access Management	\$ 788	\$ 788	\$ 788	\$ 788	\$ 788	\$ 788	\$ 788	\$ 788	\$ 788	\$ 788	\$ -	\$ -	7,875
Amenity Repair & Maintenance	\$ 5,092	\$ 4,718	\$ 825	\$ 5,199	\$ 300	\$ 5,110	\$ 3,774	\$ 6,063	\$ 1,363	\$ 636	\$ -	\$ -	33,081
Contingency	\$ 10,000	\$ -	\$ -	\$ 3,310	\$ -	\$ 5,296	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	18,606
Subtotal Amenity Expenditures	\$ 18,250	\$ 19,135	\$ 15,953	\$ 22,765	\$ 10,216	\$ 25,626	\$ 18,263	\$ 23,552	\$ 14,964	\$ 16,735	\$ -	\$ -	185,459
Total Operations & Maintenance	\$ 95,313	\$ 48,704	\$ 55,954	\$ 71,006	\$ 63,124	\$ 54,432	\$ 47,671	\$ 57,284	\$ 65,179	\$ 44,483	\$ -	\$ -	603,151
Total Expenditures	\$ 136,006	\$ 59,496	\$ 69,792	\$ 91,652	\$ 76,375	\$ 66,228	\$ 58,718	\$ 70,249	\$ 78,212	\$ 58,747	\$ -	\$ -	765,475
Excess (Deficiency) of Revenues over Expenditures	\$ (135,083)	\$ (17,874)	\$ 889,686	\$ (80,112)	\$ (66,418)	\$ (60,267)	\$ (12,778)	\$ (62,484)	\$ (67,410)	\$ (56,046)	\$ -	\$ -	331,215
Other Financing Sources/Uses:													
Transfer In/(Out)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (124,564)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	(124,564)
Total Other Financing Sources/Uses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (124,564)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	(124,564)
Net Change in Fund Balance	\$ (135,083)	\$ (17,874)	\$ 889,686	\$ (80,112)	\$ (66,418)	\$ (184,831)	\$ (12,778)	\$ (62,484)	\$ (67,410)	\$ (56,046)	\$ -	\$ -	206,651

Towne Park
COMMUNITY DEVELOPMENT DISTRICT
Special Assessment Receipts
Fiscal Year 2025

Gross Assessments	\$ 1,101,231.50	\$ 120,123.23	\$ 140,111.40	\$ 564,528.08	\$ 361,122.13	\$ 242,499.36	\$ 430,027.32	\$ 2,959,643.02
Net Assessments	\$ 1,024,145.30	\$ 111,714.60	\$ 130,303.60	\$ 525,011.11	\$ 335,843.58	\$ 225,524.40	\$ 399,925.41	\$ 2,752,468.01

ON ROLL ASSESSMENTS

							37.21%	4.06%	4.73%	19.07%	12.20%	8.19%	14.53%	100.00%
Date	Distribution	Gross Amount	Discount/Penalty	Commission	Interest	Net Receipts	O&M Portion	2016 2-A Debt Service	Series 2018 2-B Service	Series 2018 3-A Service	Series 2019 3-B Service	Series 2019 3-C Service	Series 2020 3-D Service	Total
11/13/24	10/21-10/21/24	\$2,787.93	(\$146.36)	(\$52.83)	\$0.00	\$2,588.74	\$963.22	\$105.07	\$122.55	\$493.78	\$315.87	\$212.11	\$376.14	\$2,588.74
11/15/24	10/01-10/31/24	\$5,537.62	(\$221.51)	(\$106.32)	\$0.00	\$5,209.79	\$1,938.47	\$211.45	\$246.63	\$993.73	\$635.67	\$426.87	\$756.97	\$5,209.79
11/19/24	11/01-11/07/24	\$54,552.96	(\$2,182.10)	(\$1,047.42)	\$0.00	\$51,323.44	\$19,096.57	\$2,083.07	\$2,429.68	\$9,789.53	\$6,262.25	\$4,205.20	\$7,457.14	\$51,323.44
11/26/24	11/08-11/15/24	\$52,904.56	(\$2,116.04)	(\$1,015.77)	\$0.00	\$49,772.75	\$18,519.58	\$2,020.13	\$2,356.27	\$9,493.75	\$6,073.04	\$4,078.15	\$7,231.83	\$49,772.75
12/06/24	11/16-11/26/24	\$381,760.06	(\$15,270.31)	(\$7,329.80)	\$0.00	\$359,159.95	\$133,637.15	\$14,577.25	\$17,002.86	\$68,506.87	\$43,823.06	\$29,427.89	\$52,184.87	\$359,159.95
12/20/24	11/17-11/30/24	\$2,253,524.08	(\$90,299.45)	(\$43,264.49)	\$0.00	\$2,119,960.14	\$788,800.16	\$86,042.96	\$100,360.27	\$404,365.33	\$258,667.86	\$173,699.66	\$308,023.90	\$2,119,960.14
12/27/24	12/1-12/15/24	\$96,794.76	(\$3,641.85)	(\$1,863.06)	\$0.00	\$91,289.85	\$33,967.36	\$3,705.19	\$4,321.73	\$17,412.80	\$11,138.77	\$7,479.86	\$13,264.14	\$91,289.85
12/31/24	1% Admin Fee	(\$29,596.44)	\$0.00	\$0.00	\$0.00	(\$29,596.44)	(\$11,012.32)	(\$1,201.23)	(\$1,401.12)	(\$5,645.29)	(\$3,611.22)	(\$2,424.99)	(\$4,300.27)	(\$29,596.44)
01/10/25	12/16-12/31/24	\$28,666.02	(\$860.02)	(\$556.12)	\$0.00	\$27,249.88	\$10,139.20	\$1,105.99	\$1,290.03	\$5,197.70	\$3,324.91	\$2,232.73	\$3,959.32	\$27,249.88
02/03/25	10/1-12/31/24	\$0.00	\$0.00	\$0.00	\$4,182.60	\$4,182.60	\$1,556.27	\$169.76	\$198.01	\$797.80	\$510.34	\$342.70	\$607.72	\$4,182.60
02/10/25	1/1-1/31/25	\$19,160.15	(\$403.84)	(\$375.13)	\$0.00	\$18,381.18	\$6,839.31	\$746.04	\$870.18	\$3,506.06	\$2,242.79	\$1,506.07	\$2,670.73	\$18,381.18
03/07/25	2/1-2/28/25	\$13,074.12	(\$124.60)	(\$258.99)	\$0.00	\$12,690.53	\$4,721.93	\$515.07	\$600.78	\$2,420.62	\$1,548.44	\$1,039.80	\$1,843.89	\$12,690.53
04/11/25	03/01-03/31/25	\$19,246.08	\$0.00	(\$384.92)	\$0.00	\$18,861.16	\$7,017.91	\$765.52	\$892.90	\$3,597.61	\$2,301.35	\$1,545.40	\$2,740.47	\$18,861.16
04/30/25	0/1-03/31/25	\$0.00	\$0.00	\$0.00	\$83.90	\$83.90	\$31.22	\$3.41	\$3.97	\$16.00	\$10.24	\$6.87	\$12.19	\$83.90
05/09/25	4/1-4/30/25	\$11,713.08	\$0.00	(\$234.26)	\$0.00	\$11,478.82	\$4,271.07	\$465.90	\$543.41	\$2,189.49	\$1,400.59	\$940.52	\$1,667.84	\$11,478.82
06/13/25	5/1-5/31/25	\$8,791.52	\$0.00	(\$175.83)	\$0.00	\$8,615.69	\$3,205.75	\$349.69	\$407.87	\$1,643.37	\$1,051.25	\$705.93	\$1,251.83	\$8,615.69
06/23/25	6/2/25	\$12,254.98	\$0.00	(\$245.10)	\$0.00	\$12,009.88	\$4,468.67	\$487.45	\$568.56	\$2,290.79	\$1,465.39	\$984.03	\$1,744.99	\$12,009.88
TOTAL		\$ 2,931,171.48	\$ (115,266.08)	\$ (56,910.04)	\$ 4,266.50	\$ 2,763,261.86	\$ 1,028,161.52	\$ 112,152.72	\$ 130,814.58	\$ 527,069.94	\$ 337,160.60	\$ 226,408.80	\$ 401,493.70	\$ 2,763,261.86

100%	Net Percent Collected
\$ -	Balance Remaining to Collect