

*Tohoqua Community  
Development District*

*Agenda*

*November 1, 2017*

# AGENDA

# *Tohoqua*

## *Community Development District*

---

135 W. Central Blvd., Suite 320, Orlando, Florida 32801  
Phone: 407-841-5524 – Fax: 407-839-1526

October 25, 2017

**Board of Supervisors  
Tohoqua Community  
Development District**

Dear Board Members:

The regular meeting of the Board of Supervisors of Tohoqua Community Development District will be held **Wednesday, November 1, 2017 at 9:00 AM at the West Osceola Branch Library, 305 Campus Street, Kissimmee, Florida.** Following is the advance agenda for the meeting:

### **Landowners' Meeting**

1. Determination of Number of Voting Units Represented
2. Call to Order
3. Election of a Chairman for the Purpose of Conducting the Landowners' Meeting
4. Nominations for the Position of Supervisor
5. Casting of Ballots
6. Ballot Tabulation
7. Landowner's Questions and Comments
8. Adjournment

### **Board of Supervisors Meeting**

1. Roll Call
2. Public Comment Period
3. Organizational Matters
  - A. Administration of Oaths of Office to Newly Elected Board Members
  - B. Consideration of Resolution 2018-01 Canvassing and Certifying the Results of the Landowners' Election
  - C. Election of Officers
  - D. Consideration of Resolution 2018-02 Electing Officers
4. Approval of Minutes of the September 25, 2017 Meeting
5. Public Hearings
  - A. Fiscal Year 2017 & 2018 Budgets
    - i. Consideration of Resolution 2018-03 Adopting the Fiscal Year 2017 Budget and Relating to the Annual Appropriations
    - ii. Consideration of Resolution 2018-04 Adopting the Fiscal Year 2018 Budget and Relating to the Annual Appropriations
  - B. Rule Adoption
    - i. Consideration of Resolution 2018-05 Adopting the District's Rules of Procedure
  - C. Uniform Method of Collection

- i. Consideration of Resolution 2018-06 Expressing the District's Intent to Utilize the Uniform Method of Collection
  - D. Assessment Hearing
    - i. Consideration of Engineer's Report
    - ii. Consideration of Master Assessment Methodology Report
    - iii. Public Comment & Testimony
    - iv. Consideration of Resolution 2018-07 Levying Assessments
- 6. Ranking of Proposals for District Engineering Services and Selection of District Engineer
- 7. Consideration of Resolution 2018-08 Ratifying the Execution of the Interlocal Agreement with Osceola County
- 8. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
    - i. Consideration of Funding Request #1
- 9. Other Business
- 10. Supervisors Requests
- 11. Adjournment

Immediately preceding the Board of Supervisors meeting will be a Landowners' meeting of the Tohoqua CDD.

The second order of business is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items.

The third order of business is Organizational Matters. Section A is the administration of the Oaths of Office to the newly elected Board members. No back-up material is available. Section B is the consideration of Resolution 2018-01 canvassing and certifying the results of the landowners' election. A copy of the Resolution is enclosed for your review. Section C is the election of officers and Section D is the consideration of Resolution 2018-02 electing officers. A copy of the Resolution is enclosed for your review.

The fourth order of business is the approval of the minutes of the September 25, 2017 meeting. The minutes are enclosed for your review.

The fifth order of business opens the Public Hearings. Section A is the public hearing to adopt the Fiscal Year 2017 & 2018 budgets. Sub-Section 1 is the consideration of Resolution 2018-03 adopting the Fiscal Year 2017 budget and relating to the annual appropriations. Sub-Section 2 is the consideration of Resolution 2018-04 adopting the Fiscal Year 2018 budget and relating to the annual appropriations. Copies of the Resolutions and proposed budgets are enclosed for your review. Section B is the public hearing to adopt the District's Rules of Procedure. Sub-Section 1 is the consideration of Resolution 2018-05 adopting the Rules of Procedure. A copy of the Resolution and proposed rules are enclosed for your review. Section C is the public hearing on the Uniform Method of Collection. Sub-Section 1 is the consideration of Resolution 2018-06 expressing the District's intent to utilize the uniform method of collection. A copy of the Resolution is enclosed for your review. Section D is the public hearing to levy assessments. Sub-Section 1 is the consideration of Engineer's Report and Sub-Section 2 is the consideration of



Master Assessment Methodology Report. Both reports are enclosed for your review. Sub-Section 3 is the public comment and testimony and Sub-Section 4 is the consideration of Resolution 2018-07 levying assessments. A copy of the Resolution is enclosed for your review.

The sixth order of business is the ranking of proposals for District Engineering Services and selection of a District Engineer. A copy of the proposal is enclosed for your review.

The seventh order of business is the consideration of Resolution 2018-08 ratifying the execution of the Interlocal Agreement with Osceola County. A copy of the Resolution and agreement are enclosed for your review.

The eighth order of business is the Staff Reports. Section C is the District Manager's Report. Section 1 is the consideration of Funding Request #1. A copy of the funding request and supporting documentation is enclosed for your review.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,



George S. Flint  
District Manager

CC: Jan A. Carpenter, District Counsel  
Eric Warren, Interim District Engineer  
Mike Williams, Bond Counsel  
Brett Sealy, Underwriter  
Darrin Mossing, GMS

Enclosures

## SECTION III

B

## RESOLUTION 2018-01

### A RESOLUTION CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS' ELECTION OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES

WHEREAS, pursuant to Section 190.006(2), Florida Statute, a landowners' meeting is required to be held within 90 days of the District's creation and every two years following the creation of a Community Development District for the purpose of electing five (5) supervisors for the District; and

WHEREAS, following proper notice of once a week for 2 consecutive weeks in a newspaper of general circulation in the area of the District, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election, such landowners meeting was held on November 1, 2017, at which the below-recited persons were duly elected by virtue of the votes cast in their respective favor; and

WHEREAS, the Board of Supervisors by means of this Resolution desire to canvas the votes and declare and certify the results of said election;

### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT:

1. The following persons are found, certified, and declared to have been duly elected as Supervisors of and for the District, having been elected by the votes cast in their favor as follows:

<u>Supervisor</u>	<u># of Votes</u>	<u>Terms</u>
_____	_____	4 Year Term
_____	_____	4 Year Term
_____	_____	2 Year Term
_____	_____	2 Year Term
_____	_____	2 Year Term

2. The terms of office shall commence immediately upon the adoption of this Resolution:

Adopted this 1<sup>st</sup> day of November, 2017.

---

Secretary/ Assistant Secretary

---

Chairman/Vice Chairman

D

**RESOLUTION 2018-02**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
ELECTING THE OFFICERS OF THE DISTRICT AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Tohoqua Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors of the District (“Board”) desires to elect the Officers of the District.

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

**Section 1.** \_\_\_\_\_ is elected Chairperson.

**Section 2.** \_\_\_\_\_ is elected Vice-Chairperson.

**Section 3.** \_\_\_\_\_ is elected Secretary.

**Section 4.** \_\_\_\_\_ is elected Assistant Secretary.  
\_\_\_\_\_ is elected Assistant Secretary.  
\_\_\_\_\_ is elected Assistant Secretary.  
\_\_\_\_\_ is elected Assistant Secretary.

**Section 5.** \_\_\_\_\_ is elected Treasurer.

**Section 6.** \_\_\_\_\_ is elected Assistant Treasurer.

**Section 7.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of November, 2017.

**ATTEST:**

**TOHOQUA COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairperson/Vice-Chairperson

# MINUTES



MINUTES OF MEETING  
TOHOQUA  
COMMUNITY DEVELOPMENT DISTRICT

The Organizational Meeting of the Board of Supervisors of the Tohoqua Community Development District was held on Monday, September 25, 2017 at 9:30 a.m. at the Hart Memorial Central Library, Lillie Room, 211 E. Dakin Avenue, Kissimmee, FL.

Present and constituting a quorum were:

Andre Vidrine	Chairman
Marcus Hooker	Vice Chairman
Keith Trace	Assistant Secretary
James Dowd	Assistant Secretary

Also present were:

George Flint	District Manager
Jan Carpenter	District Counsel
Eric Warren	Interim District Engineer
Jo Thacker	Developer's Counsel
Bob Secrist	Developer (by phone)
Brett Sealy	MBS Capital Markets
Justin Rowan	MBS Capital Markets
Darrin Mossing, Jr.	GMS

**FIRST ORDER OF BUSINESS**

**Introduction**

**A. Call to Order**

Mr. Flint called the meeting to order at 9:30 a.m. and called the roll.

**B. Public Comment Period**

Mr. Flint: We only have members of the Board and Staff present, so there's no public comment.

**C. Oath of Office**

Mr. Flint: Five Board Members are named in the Creating Ordinance. Four members are in attendance.

*Mr. Flint, a Notary Public of the State of Florida and duly authorized, administered the Oath of Office to Mr. Vidrine, Mr. Trace, Mr. Dowd and Mr. Hooker.*

Mr. Flint: I will notarize the Oaths. Keith is on a current Board, so he doesn't need to complete the information behind the Oath of Office. The first item behind the Oath is an information sheet. Next is the Form 1, Statement of Financial Interests, which is a Financial Disclosure Form that the State of Florida requires all public officials to file annually, within 30 days of today, with the Supervisor of Elections in the County that you live in. I suggest that you either hand deliver it and get it date stamped, or send it by certified mail. The Commission on Ethics can fine you up to \$25 per day if you don't file Form 1 within 30 days.

Ms. Carpenter: There is an annual update every July, and they will fine you if you don't update it on time.

Mr. Hooker: Do you send one out to remind us?

Mr. Flint: Yes. After the initial filing, the Supervisor of Elections will mail it to you in early June. Its due by July 1<sup>st</sup> and they give you a grace period. We also track it on a Commission on Ethics website to see if you are filing it. We will remind you periodically. There's also Form 1F. You don't have to do anything with that now, but when you leave the Board, it must be filed within 60 days of leaving the Board. We will mail it to you at that time. As a Board Member, you are entitled to receive \$200 per meeting, up to \$4,800 a year. We will address that later in the meeting. If you choose to accept compensation, the paperwork was included. There is some general information on the Sunshine Law and Ethics for Public Officials. Jan's office is going to provide additional information.

Ms. Carpenter: We will provide you with more information than you probably want to know. According to the Sunshine Law, Board Members may not speak together on any item that could come before the Board. The purpose is that all meetings are before the Sunshine and must be advertised. That's very important, because it's easy to forget. That's one of the reasons why, when we send emails, we try to remind everyone not to reply to all, because if you are talking about something that could come before the Board and you reply to all, you could be talking to other Board Members and giving them information about Board business. Reply to the sender in most cases. All documents related to the CDD are public documents. Any personal notes that you keep routinely should be in separate files, so if someone makes a public records request, you can provide them with those documents, without having to go through your business files. You don't have to keep your Board agenda packages. Some Board Members don't take notes and will just hand them back to George at the end of the meeting, because they don't have anything

they want to keep. It's a reminder to keep everything separate, because you are subject to turning over your documents if anyone should ask. Regarding ethics, you can't receive anything related to your duties. There are actual specifics and we will send you an outline. Should anyone ask you to purchase something, especially anyone who works for the developer, be very cautious because sometimes you are wearing your developer hat and forgetting about your CDD hat. If you have any questions, you can ask your own counsel or ask us or George, at any time. We will send you detailed information. These meetings are all recorded, so there is a verbatim record. There will also be minutes, which is usually a summary. Just remember that everything you say is being recorded and the public can have that recording, at any time, under the Sunshine Law.

Mr. Hooker: Is the official record held by George?

Ms. Carpenter: Yes.

Mr. Flint: Right.

Ms. Carpenter: We have to find somewhere in Osceola County to retain the records.

Mr. Flint: We have an office in St. Cloud.

Ms. Carpenter: Perfect.

## **SECOND ORDER OF BUSINESS**

### **Organizational Matters**

#### **A. Confirmation of Notice of Meeting**

Mr. Flint: This meeting was advertised in the Orlando Sentinel. The Affidavit of Publication was included in your agenda package.

#### **B. Information on Community Development Districts and Public Official Responsibilities and Florida Statutes Chapter 190**

Mr. Flint: There is some general information on CDDs. As Jan indicated, she will be providing additional information.

#### **C. Election of Officers**

Mr. Flint: The initial Board Members are designated in the Creating Ordinance. There will need to be a Landowner's Election. Currently, with the existing members, we need to designate officers, so we provided some resolutions to do that.

##### **1. Election of Chairman – Resolution 2017-01**

Mr. Flint: Resolution 2017-01 designates a Chairman. The Chairman and Vice Chairman have to be Board Members. Are there any nominations for Chairman?

Mr. Hooker: I nominate Andre.

Mr. Dowd: I second the nomination.

On MOTION by Mr. Hooker, seconded by Mr. Dowd, with all in favor, Resolution 2017-01 Electing Andre Vidrine as Chairman, as nominated, was adopted.

## **2. Election of Vice Chairman – Resolution 2017-02**

Mr. Flint: Next is Resolution 2017-02 designating the Vice Chairman. The Vice Chairman needs to be a Board Member. Are there any nominations for Vice Chairman?

Mr. Vidrine: I nominate Marcus Hooker.

Mr. Dowd: I second the nomination.

On MOTION by Mr. Hooker, seconded by Mr. Vidrine, with all in favor, Resolution 2017-02 Electing Marcus Hooker as Vice Chairman, as nominated, was adopted.

## **3. Election of Secretary – Resolution 2017-03**

Mr. Flint: Next is Resolution 2017-03 designating the Secretary. Typically, the District Manager serves as Secretary, although it's not a requirement. Are there any nominations for Secretary?

Mr. Trace: I nominate George Flint as Secretary.

Mr. Dowd: I second the nomination.

On MOTION by Mr. Trace, seconded by Mr. Dowd, with all in favor, Resolution 2017-03 Electing George Flint as Secretary, as nominated, was adopted.

## **4. Election of Treasurer – Resolution 2017-04**

Mr. Flint: Typically, the District Accountant would serve as Treasurer, but it's not a requirement. Ariel Lovera is the District Treasurer.

Mr. Trace: I nominate Ariel Lovera.

Mr. Hooker: I second the nomination.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, Resolution 2017-04 Electing Ariel Lovera as Treasurer, as nominated, was adopted.

**5. Election of Assistant Treasurer – Resolution 2017-05**

Mr. Flint: There is no requirement for an Assistant Treasurer.

**6. Election of Assistant Secretary(ies) – Resolution 2017-06**

Mr. Flint: Typically, Board Members that are not Chairman and Vice Chairman, are designated as Assistant Secretaries, for purposes of attesting the Chairman and Vice Chairman's signature.

Mr. Hooker: I nominate Jim Dowd, Walter Beekman and Keith Trace as Assistant Secretaries.

Mr. Dowd: I second the nomination.

On MOTION by Mr. Hooker, seconded by Mr. Dowd, with all in favor, Resolution 2017-06 Electing the remaining Board Members as Assistant Secretary(ies), as nominated, was adopted.

**THIRD ORDER OF BUSINESS**

**Retention of District Staff**

**A. Consideration of Contract for District Management Services**

Mr. Flint: In your agenda package, you have a proposed Agreement between the District and Governmental Management Services (GMS) in Central Florida. It describes the scope of work and the fees associated with those services. We serve as District Manager for approximately 15 Districts across the State of Florida, and have many in the Central Florida area.

Ms. Carpenter: This is the same form of contract that is used in other Districts.

Mr. Flint: Jan and Keith are familiar with our contract.

Ms. Carpenter: There is a 60-day termination provision, which is standard in the industry.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, retaining Governmental Management Services – Central Florida, LLC as the District Manager and approving the District Management Services contract, was approved.

**B. Consideration of Appointment of District Counsel**

Mr. Flint: You will see a proposed Engagement Letter with Latham, Shuker, Eden & Beaudine, LLP. Jan Carpenter is here representing the firm.

Ms. Carpenter: We represent a number of Districts in Central Florida, as well as some on the west coast of Florida. We work with public entities, governments primarily. We are experienced in CDD work and helped with the formation.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, retaining Latham, Shuker, Eden & Beaudine, LLP as District Counsel and approving their proposed Engagement Letter, was approved.

**C. Selection of Registered Agent and Office – Resolution 2017-07**

Mr. Flint: The Board needs to designate a Registered Agent and office. Typically, District Counsel serves as the Registered Agent for the District. This is for purposes of communication from the State of Florida in the event that there is a lawsuit.

Ms. Carpenter: We act as Registered Agent in most of our Districts. It is easier for us, particularly when there are foreclosures, because we can get the service immediately and handle any responses.

Mr. Flint: If you are comfortable with District Counsel serving as Registered Agent, a motion to adopt Resolution 2017-07, designating Jan Carpenter with Latham, Shuker, Eden & Beaudine, LLP., and their office at 111 N. Magnolia Avenue, Suite 1400, Orlando, Florida, would be in order.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2017-07, Designating Jan Carpenter as Registered Agent and the offices of Latham, Shuker, Eden & Beaudine, LLP, 111 N. Magnolia Avenue, Suite 1400, Orlando, Florida as the Registered Office, was adopted.

**D. Request Authorization to Issue RFQ for Engineering Services**

Mr. Flint: Under the Florida Statutes, the District falls under the Consultants Competitive Negotiation Act (CCNA). Anything over \$25,000 must be bid. We ask that the Board authorize us to issue a Request for Qualifications (RFQ) for District engineering services.

Later on, you will be considering the appointment of a District Engineer, so that during the period that we are bidding out engineering services, you will have designated an interim District Engineer. The form of the notice is included in your agenda package, as well as the selection criteria proposed to evaluate any responses. We will run a notice in the newspaper, the responses will come back, and will be included in a future agenda package, which the Board will review and rank.

Ms. Carpenter: As you will see, it's a qualifications proposal, and you are ranking based on the qualifications that are listed, such as performance, experience, etc.

Mr. Trace: What is the date?

Mr. Flint: It depends on the monthly meeting dates. We typically advertise 30 days in advance of it being due.

On MOTION by Mr. Trace, seconded by Mr. Dowd, with all in favor, authorization for Staff to advertise the Request for Qualifications for District engineering services, was approved.

#### **FOURTH ORDER OF BUSINESS**

#### **Designation of Meetings and Hearing Dates**

##### **A. Designation of Regular Monthly Meeting Date, Time and Location**

Mr. Flint: The Board is required to approve an annual meeting notice. We suggest, initially, that you designate a date and time each month to meet. If a date is not needed for a Board meeting, we can cancel it. We need enough time because of the lead time on some of the public hearings.

Ms. Carpenter: If you advertise once a month, its less expensive. You can do one advertisement and then cancel meetings you don't need. Special meetings must be advertised. It's easier for planning purposes to advertise one meeting schedule and cancel if you don't need them. You can always set another one if necessary. Are we looking at the first Friday of the month, or was this a one-time thing to get everyone here?

Mr. Flint: Because we have a number of public hearings that require 30 days' notice, I think we should push the date out. I'm looking at the second Monday in November, which is the 13<sup>th</sup>.

Mr. Vidrine: Are we deciding on permanent meetings?

Mr. Flint: Yes.

Mr. Vidrine: It think that it should be based on travel on Fridays and Mondays.

Mr. Flint: How does the first Wednesday look?

Mr. Vidrine: I prefer Wednesdays in the morning.

Ms. Carpenter: Between 9:00 a.m. and 9:30 a.m.

Mr. Vidrine: I prefer 9:00 a.m.

Mr. Flint: So it would be the first Wednesday of each month, at 9:00 a.m. The first meeting would be November 1, 2017. We would skip October. Do you want to meet here or the Celebration Library?

Mr. Vidrine: The Celebration Library.

Mr. Trace: Does it have to be downtown?

Mr. Flint: You have to meet in Osceola County. We have an accounting office, but don't have a space for Board meetings. Because the District Engineer and I are both in Orange County, we need to meet somewhere in Osceola County. Typically, the Celebration Library is the best option, until we get a Clubhouse or somewhere in the community where you can meet. Are we talking about 9:00 a.m. on the first Wednesday at the Celebration Library?

Mr. Trace: Yes.

Mr. Flint: We will advertise for an October meeting, but it's likely that we are not going to meet.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, designating the first Wednesday of each month, at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, as the regular meeting date, time and location, was approved.

**B. Designation of Landowner's Meeting Date, Time and Location**

Mr. Flint: My recommendation is that you hold the Landowner's Meeting at the November meeting, which would be November 1, 2017.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, designating November 1, 2017, at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, as the landowner's meeting date, time and location, was approved.



**C. Designation of Date of Public Hearing to Adopt Rules of Procedure in accordance with Section 120.54, Florida Statutes**

**1. Consideration of Resolution 2017-08 Setting a Public Hearing to Consider the Proposed Rules of the District**

Mr. Flint: We provided a sample set of rules in your agenda package. This governs the purchasing requirements that the District must follow, guidelines on the Board officers, etc. it primarily follows the Florida Statutes.

Ms. Carpenter: There are administrative proceedings that forbid issues. It provides more detailed information for the District.

Mr. Flint: There are two notices that must be advertised 28 and 29 days prior to November 1, 2017. If the Board is amenable, I recommend that the Board designate November 1, 2017 for the public hearing.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, Resolution 2017-08, Setting a Public Hearing for November 1, 2017 at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, to Consider the Proposed Rules of the District, was adopted.

**D. Designation of Dates of Public Hearing on the Budget for Fiscal Year 2017**

**1. Consideration of Resolution 2017-09 Setting the Public Hearing and Approving the Proposed Fiscal Year 2017 Budget**

Mr. Flint: Next are the budget hearings to adopt the Fiscal Year 2017 budget. We actually have five days left in this current fiscal year, so we have to go through this process. Then you have the Fiscal Year 2018, which starts on October 1, 2017. Resolution 2017-09 designates the date, time and place for the public hearing and attaches Exhibit A, which is the Proposed Budget. There are two columns with the same exhibit that is attached to Resolution 2017-10. The first column is pro-rated for one month and \$8,003 is budgeted for 2017. It contemplates a developer contribution, so to the extent that expenses are not incurred, they don't need to be funded. Under the Developer Funding Agreement, we would submit actual expenses to the developer to be funded. My recommendation would be that you designate November 1, 2017 as your budget hearing for the Fiscal Year 2017 budget.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, Resolution 2017-09, Setting a Public Hearing for November 1, 2017, at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, to Approve the Proposed Fiscal Year 2017 Budget, was adopted.

**2. Consideration of Resolution 2017-10 Setting the Public Hearing and Approving the Proposed Fiscal Year 2018 Budget**

Mr. Flint: This Resolution approves the proposed budget and sets the date, place and time for the Fiscal Year 2018 budget, which is attached as Exhibit A. We recommend that you set the public hearing for November 1, 2017.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, Resolution 2017-10, Setting a Public Hearing for November 1, 2017, at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, to Approve the Proposed Fiscal Year 2018 Budget, was adopted.

**3. Approval of the Fiscal Year 2016-2017 & 2017-2018 Developer Funding Agreement**

Mr. Flint: In lieu of the District imposing assessments to fund the District's operations, we recommend that the District enter into a Funding Agreement with the developer for the remaining period of 2017 and Fiscal Year 2018. The budget for 2017 and 2018 would be attached as exhibits. Jan, do you have any comments?

Ms. Carpenter: This is a typical way of funding, without having to put a lien on the property for the operation and maintenance (O&M) assessments. We sent a copy to Developer's Counsel, who has seen these in every District. It is an upfront way of funding the budget, and it is only what is expended that is collected.

Mr. Trace: There are portions of property that belong to Tohoqua Development. I just want to make sure that's contemplated in here.

Ms. Carpenter: Which entity will be responsible for funding?

Mr. Trace: They are funding the initial contribution, which is \$100,000. When is that due?

Mr. Flint: It's over the course of the year. As expenses come in, we submit Funding Requests to the developer. To the extent that you change ownership, at some point during the

year, you can amend the Funding Agreement. We have other Districts with multiple parties and a percentage allocation of the obligation could be in that agreement.

Mr. Trace: So it is amendable during the year.

Ms. Carpenter: It's amendable, or they can go to the developer and then you have your own agreement of how you want to apportion it.

Mr. Flint: You can either have a third-party agreement between the two entities; Tohoqua Development and Neptune Road Investments, or we can amend this and add the other entity to this agreement and have a percentage proration. We would send out two Funding Requests, splitting the cost.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, the Fiscal Year 2016-2017 and 2017-2018 Developer Funding Agreements, were approved.

Ms. Carpenter: It says it is assignable.

**E. Designation of Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes**

Mr. Flint: Next is the designation of a public hearing date for expressing the District's intent to use the uniform collection method. Chapter 197 governs the District's ability to use the Tax Bill to collect assessments. We are not imposing assessments at this point, but we will be when we issue bonds in future years. The O&M will be placed on the Tax Bill. We would like to have this hearing early on, so we don't have to worry about going through it later. It requires four consecutive notices in the newspaper, and we recommend November 1, 2017 for the hearing.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, designating the Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes for November 1, 2017, at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, was approved.

**FIFTH ORDER OF BUSINESS**

**Other Organizational Matters**

**A. Selection of District Depository**

Mr. Flint: We need to select the bank where the District's bank account will be held. It doesn't have anything to do with where any bond funds would be held. Initially, these Funding Requests would be submitted to the developer and deposited into an account and then paid out of that account. We recommend that you designate SunTrust as the District's depository. We have 90% of our accounts with SunTrust. They understand what CDDs are. In the past, we tried to use other banks, but either they are not public depositories, or there are other reasons it hasn't worked out.

Ms. Carpenter: It's a statutory requirement. Governments use public depositories that have to meet certain qualifications.

Mr. Flint: If the Board is okay with SunTrust, I would ask for a motion to designate SunTrust as the District depository.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, selecting SunTrust Bank as the District's Depository, was approved.

**B. Authorization of Bank Account Signatories**

Mr. Flint: Typically the Secretary, Treasurer and Treasurer sign all checks. You could also designate the Chairman to sign checks. We need a motion designating the Secretary and Treasurer as the signers. You could also add the Chairman as a signer for the SunTrust accounts, paying the District's operating expenses.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, authorizing the Secretary, Treasurer and Chairman as bank account signatories, was approved.

**C. Consideration of Resolution 2017-11 Relating to Defense of Board Members**

Mr. Flint: In this Resolution, The District has a duty to defend the Board Members in their capacity as a Board Member. Jan, do you want to report on that?

Ms. Carpenter: Sure. The Board Members, within their scope of their duties as a Board Member, could get named to a lawsuit. This Resolution authorizes the District to help defend that lawsuit. The District will have insurance to cover that expense.

Mr. Flint: With the first Funding Request, we will ask for funds to bind the liability policy, which also includes public officials' liability insurance. That will cover the Board's defense.

Ms. Carpenter: You are acting within the scope of the Board Members duties, not anything that's the homeowner's responsibility, or outside that scope. This seems like an easy one to take action on.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, Resolution 2017-11, Relating to Defense of Board Members, was adopted.

Ms. Carpenter: This also provides that if you ever receive any summons, or there is an indication of any problems, you would notify the District Manager as soon as possible.

**D. Consideration of Resolution 2017-12 Approving and Ratifying District Counsel Recording in the Property Records of Osceola County the "Notice of Establishment" in accordance with Chapter 190.0485, Florida Statutes**

Mr. Flint: There is a requirement to record the Notice of Establishment.

Ms. Carpenter: It must be recorded within 30 days of the District's establishment. Since we generally don't have a meeting that quickly, we filed it as the petitioner's attorney. This Resolution is asking the Board to ratify the action to file the Resolution.

Mr. Flint: This is a statutory requirement, so anytime anyone purchases property, within the boundaries of the District and the title work, the Notice of Establishment will come up. Theoretically, the person would be aware that they are purchasing property within a CDD.

Ms. Carpenter: The notice includes the legal description from the Establishing Ordinance, which is good, because we want everyone to know that it is in the CDD, so there are no questions later.

On MOTION by Mr. Vidrine, seconded by Mr. Dowd, with all in favor, Resolution 2017-12 Approving and Ratifying District Counsel Recording in the Property Records of Osceola County the "Notice of Establishment" in accordance with Chapter 190.0485, Florida Statutes, was adopted.

**E. Consideration of Resolution 2017-13 Adopting Investment Guidelines**

Mr. Flint: We are recommending the Alternative Investment Guidelines for the investment of public funds, which is in Section 218.415(17) Florida Statutes. It basically says that the District will invest in the Local Government Surplus Trust Fund, which is an investment pool operated by the State Board of Administration, or other Interlocal investment pool, authorized by Section 163.01. It includes SEC money market funds of the highest credit quality, interest bearing CDs, saving accounts and qualified depositories or direct obligations of the Treasury. They are conservative investments. Typically, the District's primary goal is maintaining the principal. The second would be liquidity and the third would be rate of returns. These investments are not going to generate a lot of interest earnings, but they are very conservative in liquid, meaning that the funds are available.

Ms. Carpenter: This is a statutory requirement, in the event that a government doesn't have a Financial Advisor, these are the alternatives that you can select.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2017-13 Adopting the Investment Guidelines, was adopted.

**F. Consideration of Resolution 2017-14 Authorizing Execution of Public Depositor Report**

Mr. Flint: There is a requirement that the Public Depository Report be filed and this Resolution authorizes the report to be filed.

On MOTION by Mr. Vidrine, seconded by Mr. Dowd, with all in favor, Resolution 2017-14 Authorizing Execution of the Public Depositor Report, was adopted.

**G. Consideration of Resolution 2017-15 Designating a Policy for Public Comment**

Mr. Flint: Several years ago, the legislature changed the guidelines or requirements for public input at Board Meetings. We made it a practice that the Board adopt this policy for public comments, so it's clear that we are complying with those requirements. The main tenant is that the public be offered an opportunity to provide comment before the Board takes any action. Previously, you may have had a general audience comment at the beginning of a meeting. You

may have had an item added during the course of the meeting. Now, if you do that, you have to make sure that you take public comment before you vote on it, because it wasn't on the original agenda. What we recommend, according to the procedures in the policy, is that you take an initial public comment period, at the beginning on anything on the agenda. The public would be given an opportunity to speak for a maximum of three minutes, and that the Chairman of the presenting officer, could extend or reduce that. Do you have anything else, Jan?

Ms. Carpenter: Yes. It meets the statutory requirements. It also includes some of the more typical requirements of keeping comments to three minutes and who can do things in public decorum, so when you get residents, you already have it in place, such as for a public hearing.

Mr. Trace: Is that three minutes a standard?

Mr. Flint: That's standard, but the Chairman can change it.

Ms. Carpenter: If you have a lot of people, you can reduce the time to two minutes. These are for general comments.

Mr. Flint: We also inserted a public decorum section in here, which hopefully we won't have to worry about for a while, but later on, in the life of the CDD, it may come into play. It lays out the decorum that the public should follow and how they should act in the meeting, when they are providing comment and the recourse if they do not follow that policy. Usually, at that point, we will print this policy on the back of the agenda, so when people get a copy of the agenda, they also get a copy of the Public Decorum Policy.

On MOTION by Mr. Trace, seconded by Mr. Dowd, with all in favor, Resolution 2017-15 Designating a Policy for Public Comment was adopted.

#### **H. Consideration of Resolution 2017-16 Adopting a Travel and Reimbursement Policy**

Mr. Flint: This is a housekeeping policy. It would not apply to consultants you have contracts with that would otherwise address travel and per diem policies. This is typically used with Board Members. If a Board Member has to travel to attend meetings, this provides reimbursement for mileage.

On MOTION by Mr. Vidrine, seconded by Mr. Trace, with all in favor, Resolution 2017-16 Adopting a Travel and Reimbursement Policy, was adopted.

**I. Consideration of Resolution 2017-17 Adopting a Records Retention Policy**

Mr. Flint: The District has some options. There is a State Records Retention Policy that the District could follow. For mature Districts, we recommend a Retention Policy that allows you to destroy records, after a certain period of time. We will extend some of those categories of records, because of outstanding bond issues; however, in new Districts like this, our recommendation would be that your Record Retention Policy include that you retain all of your records. That is what this policy is recommending. Later on, that can be amended, so you have a schedule to be able to destroy records, if you chose to do that.

Mr. Trace: Do they have a policy for digital records?

Mr. Flint: Not yet. There are some requirements that you can't get around with digital; therefore, you must have hard copies.

Mr. Trace: Where are those records retained?

Mr. Flint: We keep some in our office and some are offsite at Iron Mountain. We bare the cost of that, as part of our agreement with you, because we are the Records Retention Officer. To the extent that it's not in our office, we will archive the records at Iron Mountain. Are there any questions? If not, we need a motion to adopt Resolution 2017-17.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2017-17 Adopting a Records Retention Policy, as stated above, was adopted.

**J. Consideration of Compensation to Board Members**

Mr. Flint: As Board Members, under Chapter 190, you are entitled to receive \$200 a meeting, up to \$4,800 a year. Sometimes the Developer representatives on Boards will choose to waive that compensation. At this point, we want each Supervisor to state on the record, whether they accept or waive compensation.

Mr. Vidrine: I accept.

Mr. Dowd: I accept.

Mr. Hooker: I accept.



Mr. Trace: I waive it.

Mr. Flint: We will find out what the fifth Board Member's preference is at the next meeting.

**K. Selection of District Records Office Within Osceola County**

Mr. Flint: Our accounting office is located in St. Cloud. The address is 1412 S. Narcoossee Road, St. Cloud, Florida 34771. We need a motion to designate this office as the District's local records office.

On MOTION by Mr. Trace, seconded by Mr. Dowd, with all in favor, selecting GMS-CF, 1412 S. Narcoossee Road, St. Cloud, Florida, as the District Records Office within Osceola County, was approved.

**SIXTH ORDER OF BUSINESS**

**Capital Improvements**

**A. Appointment of Financing Team**

**1. Bond Counsel**

Mr. Flint: Mike Williams with Akerman, LLP provided a proposed Engagement Letter.

Ms. Carpenter: A number of us worked with Mike. He has participated in a lot of CDD bond financings over years in the community.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, appointing Mike Williams of Akerman, LLP as Bond Counsel, was approved.

**2. Interim Engineer**

Mr. Flint: While the District is going through the process of issuing the RFQ under the CCNA requirements, we recommend that you appoint an Interim District Engineer. We prepared an Agreement with Poulos & Bennett, as the Interim District Engineer. Their rate schedule is attached to the Agreement, as Schedule A.

On MOTION by Mr. Trace, seconded by Mr. Dowd, with all in favor, appointing Poulos & Bennett as the Interim District Engineer, was approved.

### **3. Underwriter**

Mr. Flint: Next is the appointment of an Underwriter, for the purpose of the District issuing bonds. You have a proposed Agreement from MBS Capital Markets. Justin Rowan and Brett Sealy are here with MBS.

Mr. Sealy: I am a Managing Partner with MBS Capital Markets. My firm specializes in Special Tax District finance, specifically here in Florida. In the last five years, we have underwritten more than \$2 billion in bonds in 200 separate transactions. We have underwritten bonds for a number of Central Florida CDDs. Within your agenda package, there was an agreement, which had slight modifications based upon guidance from District Counsel. Essentially, our fee structure is completely contingent. In essence, we don't get paid unless we deliver. The fee proposal is 2% of the principal amount of bonds to be issued. The changes that Jan requested, was to clarify that my firm serves in the capacity of an Underwriter, not as a Municipal Advisor. We provided the required MSRBG-17 disclosure language, which is part of that contract. Jan also asked us to provide for a termination of 30 days upon written notice, rather than the previous standard of 90 days.

Ms. Carpenter: I believe those were the changes. Those two guidelines were based on SEC guidelines that came out a couple of years ago, and we thought that it was best to have those agreements, to match the underwriting guidelines of how an Engagement Letter should be.

Mr. Flint: The hard copy that I distributed is the latest version.

Ms. Carpenter: There were minor comments.

Mr. Sealy: I am certainly happy to answer any questions regarding our experience or our fee structure or any of the provisions within the agreement.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, appointing MBS Capital Markets as the Underwriter, was approved.

### **4. Assessment Administrator**

Mr. Flint: Those responsibilities were delineated in the District Management Agreement with GMS. No further action was necessary.

### **5. Trustee**

Mr. Flint: You received an Engagement Letter from U.S. Bank, proposing to provide Trustee services.

On MOTION by Mr. Trace, seconded by Mr. Dowd, with all in favor, appointing U.S. Bank as Trustee, was approved.

**B. Consideration of Resolution 2017-18 Authorizing Staff to Commence Work Related to a Special Assessment Bond Issuance**

Ms. Carpenter: This Resolution authorizes staff to begin work on a special assessment bond issue. That is to get things started and in motion, before there's an actual resolution to issue the bonds. Attached to the Resolution, is a Bond Issue Funding Agreement for Neptune Road Investments, whereby the developer agrees to pay the cost of the professionals.

Mr. Trace: Is this also assignable to an individual?

Ms. Carpenter: There's nothing prohibiting it. I think it says in there that its assignable. If not, we can amend it. Counsel for the developer reviewed it, but if you need to assign it, we can certainly do that, or do a division, if necessary.

Ms. Thacker: Section 3 says "Developer and its related entities". I think we are comfortable.

On MOTION by Mr. Trace, seconded by Mr. Vidrine, with all in favor, Resolution 2017-17 Authorizing Staff to Commence Work Related to a Special Assessment Bond Issuance, was adopted.

**SEVENTH ORDER OF BUSINESS**

**Financing Matters**

**A. Consideration of Engineer's Report**

Mr. Flint: Eric, do you have an updated Engineer's Report?

Mr. Warren: Yes.

Ms. Carpenter: While Eric is distributing the updated report, the next Resolution is 2017-19, where the District declares that it's going to place assessments on the property. The procedure is that the District declares the assessments, and in that Resolution, it adopts the Engineer's Report that lays out the project to be funded by the District. It also adopts the Master Assessment Methodology, which explains how the assessments will be allocated to the various parcels. Once that Resolution is adopted, the District adopts the second Resolution setting a

public hearing and Board to act as a “Board of Equalization”, where you look at the project and the assessments and make a determination. At that hearing, which will be held in a month or so from now, you will be levying assessments on the property. It’s a two-part process. The first part today is to adopt Resolution 2017-19, which includes the Engineer’s Report and the Assessment Methodology. Eric will explain what the Engineer’s Report includes, the projects and the District’s intent to construct.

Mr. Warren: The report that you have, summarizes the description of the public improvements that may be constructed by the District. The improvements are tallied into a cost opinion, which is the last page of the report, Exhibit 13. All of these improvements are public improvements, which include the streets, drainage system, reclaimed water and sewer system. One item that is specifically excluded from this report is Prosperity Parkway. That construction is subject to a Developer’s Agreement with the County for impact fee credits or mobility fee credits. That is specifically excluded from these costs.

Mr. Flint: It also includes the amenity side and landscaping.

Mr. Warren: That is correct. It includes the hardscape and landscaping.

Mr. Vidrine: What about the school site? I don’t see any mention of it, but I imagine that there’s a Reimbursement Agreement with the School District.

Ms. Thacker: For impact fee credits?

Ms. Thacker: Its pad ready.

Mr. Vidrine: If its pad ready, then those improvements would not be a part of the District.

Mr. Flint: The total of those estimated costs, as well as soft costs, and a 10% contingency is \$71,870,000.

Mr. Warren: Correct.

Mr. Flint: Are there any questions from the Board on the Engineer’s Report?

Ms. Thacker: Yes. On the concept plan, is that the District boundary? I’m not sure what this is showing.

Mr. Warren: This is straight out of the actual approved concept plan with the County.

Ms. Thacker: So there are phases, not the District’s boundary?

Mr. Warren: Correct.

Ms. Thacker: In Section 2, under “Government Actions”, there’s an application to annex into the City of St. Cloud, but we are not showing that anywhere.

Mr. Flint: We can have it approved in substantial form, subject to the inclusion of some of those comments.

Ms. Carpenter: The Resolution adopts the report as amended by the Board. We can add that we delegate authority to one individual to finalize it, or we can adopt it with the changes.

Mr. Flint: You are scheduling the public hearing. We will be sending a copy of this report with the mailed notice, but some of these changes can be incorporated and approved at the public hearing. This isn’t the last time that we will consider the report.

Mr. Warren: I will add a sentence or two referencing the potential annexation.

Ms. Carpenter: There may be some number tweaking as well, to make sure that the Methodology matches the report.

Mr. Sealy: We had been working with representatives of the developer to come up with the current development program. When the Board starts to review the Master Assessment Methodology, there are some different proposed densities within the Assessment Methodology, which are not reflected in the Engineer’s Report, so there will need to be some coordination.

Ms. Thacker: Are we going to discuss the Assessment Methodology at all today?

Mr. Flint: Yes.

Ms. Carpenter: When the Board adopts the Resolution, they will adopt the Master Engineer’s Report with the change regarding St. Cloud. It can be amended at the public hearing. You can give George a final report to include in the publication. Any other tweaking that needs to be done on the Assessment Methodology or the proposed plans, can be done at the public hearing.

Mr. Flint: There’s no action on the report.

## **B. Consideration of Assessment Methodology**

Mr. Flint: I provided the latest version, dated September 25, 2017. If you refer to Page 9, Table 1, is the proposed development program. It includes commercial, hotel, apartments, townhouses, multi-family and a variety of single-family homes, ranging from 32-foot lots to 70-foot lots. There is a total of 3,867 units and a total of 2,685 ERUs, based on the factors that were indicated in the table. Table 2 is the Capital Improvement Plan (CIP). These numbers should tie up to the numbers in the Engineer’s Report that Eric just presented. It totals \$72,578,800.

Ms. Carpenter: It should be \$71,870,000.

Mr. Flint: I will adjust the contingency, or whatever adjustments are needed to tie into the Engineer's Report. These reports, up until Friday, were being amended. You may have to do some work to marry them up. Table 3 has the bond sizing. We are taking the Construction Plan that was discussed by the District Engineer, and included one year's maximum annual debt service, as a Debt Service Reserve. We are including 24 months of capitalized interest, Underwriter's discount of 2% and estimated cost of issuance (COI) of \$1,000,000. It contemplates multiple bond issues and contingency to a par amount of \$94,500,000. With the Master Methodology, we are taking every cost that could possibly be financed, and assuming the worst-case scenario, as far as the ceiling, for purposes of going through the assessment process. When we actually price the bonds, we will develop a Supplemental Engineer's Report and Supplemental Methodology, that will tie into the actual bond issue. There will be multiple issues. For purposes of this exercise, we assumed an interest rate of 6%. Table 4 takes the Development Plan and the CIP, and allocates those improvement costs to the product type. Again, this is if we funded every potential eligible project. You will see the total improvement cost per unit on the far-right column. Table 5 allocates the par debt to each product type. You will see in Table 5, that we will take that CIP and gross it up for the bond issuance costs, and allocate that par amount. That will give you the amount per product type. Table 6 reflects the gross annual debt assessment per unit. Again, we don't believe that we are going to be issuing debt to the extent you would have a \$3,860 debt assessment on your 70-foot lot. What we are doing here is a Master Assessment Methodology that allows you to go up to that amount, based on the target Debt Service Assessment amounts. When we go out and price the bonds, that number is going to come down to the target amount. It will be reflected in the supplemental report. Table 7 is the Preliminary Assessment Roll that reflects one landowner. The legal description will be attached as Exhibit A. Are there any questions on the Assessment Methodology Report?

Ms. Thacker: I just wanted to talk about the units and how the 50-foot lot is equal to one and adjusted from there. I would like to know the thinking behind that.

Mr. Flint: The 50-foot lot, other than the multi-family, is the predominant single-family product. You can see that there are 384 50-foot lots. Whether you start with a 50-foot lot as one or with another product type as one, you are going to scale up and down from there. It's not

necessarily going to have a material impact on the ERU factor for each product. We typically will select the predominant single-family product type as one ERU, and then you would go up, as those lot sizes increase and then you will go down from there, for multi-family and small product types.

Ms. Carpenter: It's a typical way of allocating benefit, because the thought is the bigger the lot, the bigger the house. There will be more use of the stormwater systems right away. That's traditional in the CDD. I believed that the developer talked at length on how to allocate and adjust the various product types. The purpose is to declare the assessments at this level. The Board can make any changes during the month and adopt them at the public hearing next month. If you go back and say, "We think we should change the 50-foot lot for a different benefit or all single-family lots should have the same benefit for certain reasons and why the benefit isn't as typical as other places", that can be done over the next couple of weeks. We will have the final report in the agenda for the public hearing.

Mr. Flint: Are there any other questions on the Assessment Methodology? Not hearing any, we have two resolutions.

**C. Consideration of Resolution 2017-19 Declaring Special Assessments and Approval of Assessment Methodology**

**D. Consideration of Resolution 2017-20 Setting Public Hearing for Special Assessments**

Ms. Carpenter: Resolution 2017-19 is the first step in setting assessments on the property, which is to declare the assessments. The second Resolution sets the public hearing. At that public hearing, the Board will hear public comment and make an actual determination to set the assessments. Resolution 2017-19 goes through the statutory requirements and adopts the Master Engineer's Report, with the addition of the St. Cloud reference. That report may be amended after a time, by the Board. Any additional changes can be made and should be ready for the agenda for the public hearing, so the Board can adopt the revised report, as necessary. The report basically describes the general nature of the CIP, and advises the Engineer's office or GMS that they need more information. The estimated cost of the CIP from that report is \$71,870,000. In Line 6, the assessments will defray approximately \$94,500,000 for the CIP, which includes financing costs, capitalized interest and debt service reserve. The Board would then adopt the Master Assessment Report, as described today, with the slight change in the numbers, to make sure that the CIP matches the \$71,870,000. They will change the contingency

to account for the difference. It sets forth the Preliminary Assessment Roll, which has the proposed assessments. The Board will then adopt a subsequent resolution to set a hearing and the District Manager will publish as necessary.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, Resolution 2017-19 Declaring Special Assessments and Approving the Assessment Methodology, as amended, was adopted.

Ms. Carpenter: The next Resolution is 2017-20, which recites the prior resolution and sets the public hearing. Do we have time to advertise it for November 1, 2017?

Mr. Flint: Yes.

Ms. Carpenter: This Resolution will be published as required in the newspaper. Written notice will also be sent to the landowner of record at the time of the transaction. If you have a separate transaction that occurred recently, provide that information to GMS. Otherwise, I will pull what is shown on the public record, which would be the Tax Collector's Roll. Any changes that need to be made to the report, should be made prior to the time that the agenda goes out, so the public can see the final Engineer's Report and Assessment Methodology.

Mr. Flint: Are there any questions on the Resolution? If not, we need a motion to adopt it.

On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, Resolution 2017-20 Setting the Public Hearing for Special Assessments for November 1, 2017, at 9:00 a.m., at the Celebration Library, 305 Campus Street, Celebration, Florida, was adopted.

#### **E. Consideration of Acquisition Agreement**

Mr. Williams: This Acquisition Agreement is one that some of you have seen before. It's something that we will amend and restate at the time of the bond closing. The Acquisition Agreement cites that the developer may build, construct or begin certain parts of infrastructure. The District will accept that infrastructure, and this lays out the process for doing that. It also shows the intent to begin a bond issue with the developer. Bond Counsel would like to have this agreement signed as early as possible, to show that intent in the public record for the acquisition of the work product by the District that the developer may have already undertaken for the public improvements. Developer Counsel has seen this.



On MOTION by Mr. Vidrine, seconded by Mr. Hooker, with all in favor, the Acquisition Agreement with Neptune Road Investments, LLC, was approved.

- **Consideration of Resolution 2017-21 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings**

Ms. Carpenter: I have one item to add. I did not see that there was a resolution for beginning the validation process. Bond Counsel generally prepares this Resolution. We did not include that in the authorizing of Staff to begin working on the bonds, so we looked to the Board, to adopt a resolution authorizing Staff to begin the validation process, which is required by Florida Statutes. Chapter 75 requires that a court process be filed against the State. It basically asks the court to make a determination that the CDD was properly formed, and that the bond issue was a valid bond issue. It adds some protection to the bond issue. We request that the Board authorize Staff to proceed in filing that complaint against the State and go through that process. Mike Williams, as Bond Counsel generally handles that.

Mr. Vidrine: Does the annexation process to the City affect any of that?

Ms. Carpenter: No. It will be filed in Osceola County court.

Mr. Vidrine: So the City doesn't have to be bothered.

Ms. Carpenter: It doesn't matter whether it is the City or County. It's the same court jurisdiction.

Mr. Flint: Are we going to be validating assessments as well?

Ms. Carpenter: Yes. That's one of the reasons we started as quickly as possible. If we can have the Assessment Methodology finalized and have the assessment hearing, we will probably amend it, or add to the record that the assessments have been validated, should anyone contest down the road. It's an extra area of protection. We try to do that if we can.

On MOTION by Mr. Vidrine, seconded by Mr. Dowd, with all in favor, Resolution 2017-21 Authorizing the Issuance of Bonds in the amount of \$94,500,000 and Authorizing the Commencement of Validation Proceedings, was adopted.

## **EIGHTH ORDER OF BUSINESS**

### **Other Business**

**A. Staff Reports**

**i. Attorney**

There not being any, the next item followed.

**ii. Manager**

There not being any, the next item followed.

**B. Supervisors Requests**

There not being any, the next item followed.

**C. Approval of Funding Request No. 1**

Mr. Flint: There is an initial funding request. This allows the District to open the bank account, purchase bond insurance for Fiscal Year 2018 and pay for a significant amount of legal advertising. In the future, you will get specific invoices that will be attached to the funding request. The amount of the request is \$15,665.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, Funding Request No. 1 in the amount of \$15,665 was approved.

Ms. Carpenter: Just for the record, no members of the public were present. For the Validation Resolution, we did not have to get public comment, because no one showed up, but it wasn't on the agenda, so we should've made a point of saying that.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Mr. Flint: If there's nothing further, we need a motion to adjourn.

On MOTION by Mr. Trace, seconded by Mr. Hooker, with all in favor, the meeting was adjourned.

---

Secretary / Assistant Secretary

---

Chairman / Vice Chairman

## SECTION V

A

1

1

## **RESOLUTION 2018-03**

### **THE ANNUAL APPROPRIATION RESOLUTION OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017**

**WHEREAS**, the District Manager has submitted to the Board of Supervisors (the "Board") a proposed budget for the current budget year along with an explanatory and complete financial plan for each fund of the Tohoqua Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

**WHEREAS**, prior to the adoption of the proposed annual budget (the "Proposed Budget"), the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

**WHEREAS**, the Board set November 1, 2017, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

**WHEREAS**, the District Manager posted the Proposed Budget on the District's website at least two days before the public hearing; and

**WHEREAS**, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1<sup>st</sup> of each year, the District Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

**WHEREAS**, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

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

#### **Section 1. Budget**

- a. That the Board of Supervisors has reviewed the District Manager's Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. That the District Manager's Proposed Budget, attached hereto as Exhibit "A," as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Year 2016 and/or revised projections for Fiscal Year 2017.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Tohoqua Community Development District for the Fiscal Year Ending September 30, 2017," as adopted by the Board of Supervisors on November 1, 2017.
- d. The final adopted budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption.

## **Section 2. Appropriations**

There is hereby appropriated out of the revenues of the Tohoqua Community Development District, for the fiscal year beginning October 1, 2016, and ending September 30, 2017, the sum of \$\_\_\_\_\_ from the General Fund, to be funded by a Developer Funding Agreement, raised by the levy of assessments, or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year.

## **Section 3. Supplemental Appropriations**

Pursuant to Section 189.016, Florida Statutes, the following provisions govern amendments to the budget(s) for any particular fund(s) listed above:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016 of the Florida Statutes, among other applicable laws.

Introduced, considered favorably, and adopted this 1<sup>st</sup> day of November, 2017.

ATTEST:

**TOHOQUA COMMUNITY  
DEVELOPMENT DISTRICT**

---

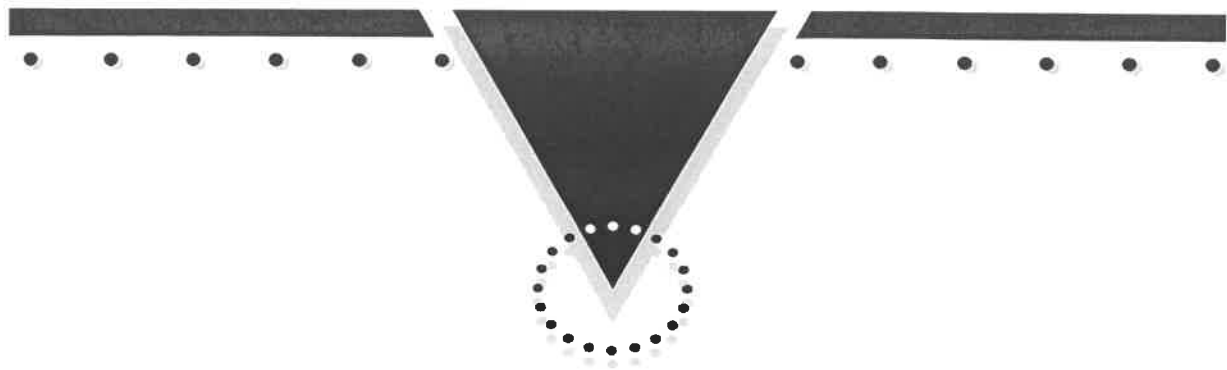
Secretary/Assistant Secretary

---

Chairperson, Board of Supervisors

**Exhibit A:** Fiscal Year 2016/2017 Budget





# **Tohoqua Community Development District**

**Proposed Budget  
FY 2017-2018**



# Table of Contents

1	<u>General Fund</u>
2-3	<u>General Fund Narrative</u>

# Tohoqua

## Community Development District

<u>Description</u>	<u>Proposed Budget FY2017 <sup>(1)</sup></u>	<u>Proposed Budget FY2018</u>
<b><u>Revenues</u></b>		
Developer Contributions	\$7,788	\$98,199
<b><i>Total Revenues</i></b>	<b><u>\$7,788</u></b>	<b><u>\$98,199</u></b>
<b><u>Expenditures</u></b>		
<b><i>Administrative</i></b>		
Supervisor Fees	\$800	\$9,600
FICA Expense	\$61	\$734
Engineering	\$1,000	\$12,000
Attorney	\$2,083	\$25,000
Management Fees	\$2,917	\$35,000
<sup>(2)</sup> Information Technology	\$0	\$1,100
Telephone	\$25	\$300
Postage	\$83	\$1,000
Insurance	\$0	\$5,665
Printing & Binding	\$83	\$1,000
Legal Advertising	\$500	\$5,000
Other Current Charges	\$83	\$1,000
Office Supplies	\$52	\$625
Dues, Licenses & Subscriptions	\$100	\$175
<b><i>Total Expenditures</i></b>	<b><u>\$7,788</u></b>	<b><u>\$98,199</u></b>
<b>Excess Revenues/(Expenditures)</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<sup>(1)</sup> FY17 Budget is prorated for 1 month (September 2017).

<sup>(2)</sup> FY18 Budget amount includes a one-time \$500 website creation fee.

**Tohoqua**  
**Community Development District**  
GENERAL FUND BUDGET

**REVENUES:**

*Developer Contributions*

The District will enter into a Funding Agreement with the Developer to Fund the General Fund expenditures for the Fiscal Year.

---

**EXPENDITURES:**

**Administrative:**

*Supervisor Fees*

Chapter 190, Florida Statutes, allows for each Board member to receive \$200 per meeting, not to exceed \$4,800 per year paid to each Supervisor for the time devoted to District business and meetings.

*FICA Expense*

Represents the Employer's share of Social Security and Medicare taxes withheld from Board of Supervisor checks.

*Engineering*

The District's engineer will be providing general engineering services to the District, e.g. attendance and preparation for monthly board meetings, review invoices and various projects as directed by the Board of Supervisors and the District Manager.

*Attorney*

The District's legal counsel will be providing general legal services to the District, e.g. attendance and preparation for monthly meetings, preparation for Board meetings, preparation and review of agreements, resolutions, and other research as directed by the Board of Supervisors and the District Manager.

*Management Fees*

The District receives Management, Accounting and Administrative services as part of a Management Agreement with Governmental Management Services-Central Florida, LLC. The services include but are not limited to, recording and transcription of board meetings, administrative services, budget preparation, all financial reports, annual audits, etc.

**Tohoqua**  
**Community Development District**  
GENERAL FUND BUDGET

Information Technology

Represents costs related to District's accounting and information systems, District's website creation and maintenance, electronic compliance with Florida Statutes and other electronic data requirements.

Telephone

Telephone and fax machine.

Postage

Mailing of agenda packages, overnight deliveries, correspondence, etc.

Insurance

The District's general liability, public officials liability and property insurance coverages.

Printing & Binding

Printing and Binding agenda packages for board meetings, printing of computerized checks, stationary, envelopes etc.

Legal Advertising

The District is required to advertise various notices for monthly Board meetings, public hearings, etc in a newspaper of general circulation.

Other Current Charges

Bank charges and any other miscellaneous expenses incurred during the year.

Office Supplies

Miscellaneous office supplies.

Dues, Licenses & Subscriptions

The District is required to pay an annual fee to the Florida Department of Economic Opportunity for \$175. This is the only expense under this category for the District.

1

---

2

## **RESOLUTION 2018-04**

### **THE ANNUAL APPROPRIATION RESOLUTION OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018**

**WHEREAS**, the District Manager has submitted to the Board of Supervisors (the "Board") a proposed budget for the current budget year along with an explanatory and complete financial plan for each fund of the Tohoqua Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

**WHEREAS**, prior to the adoption of the proposed annual budget (the "Proposed Budget"), the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

**WHEREAS**, the Board set November 1, 2017, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

**WHEREAS**, the District Manager posted the Proposed Budget on the District's website at least two days before the public hearing; and

**WHEREAS**, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1<sup>st</sup> of each year, the District Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

**WHEREAS**, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

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

#### **Section 1. Budget**

- a. That the Board of Supervisors has reviewed the District Manager's Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. That the District Manager's Proposed Budget, attached hereto as Exhibit "A," as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Year 2017 and/or revised projections for Fiscal Year 2018.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Tohoqua Community Development District for the Fiscal Year Ending September 30, 2018," as adopted by the Board of Supervisors on November 1, 2017.
- d. The final adopted budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption.

## **Section 2. Appropriations**

There is hereby appropriated out of the revenues of the Tohoqua Community Development District, for the fiscal year beginning October 1, 2017, and ending September 30, 2018, the sum of \$\_\_\_\_\_ from the General Fund, to be funded by a Developer Funding Agreement, raised by the levy of assessments, or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year.

## **Section 3. Supplemental Appropriations**

Pursuant to Section 189.016, Florida Statutes, the following provisions govern amendments to the budget(s) for any particular fund(s) listed above:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.



The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016 of the Florida Statutes, among other applicable laws.

Introduced, considered favorably, and adopted this 1<sup>st</sup> day of November, 2017.

ATTEST:

**TOHOQUA COMMUNITY  
DEVELOPMENT DISTRICT**

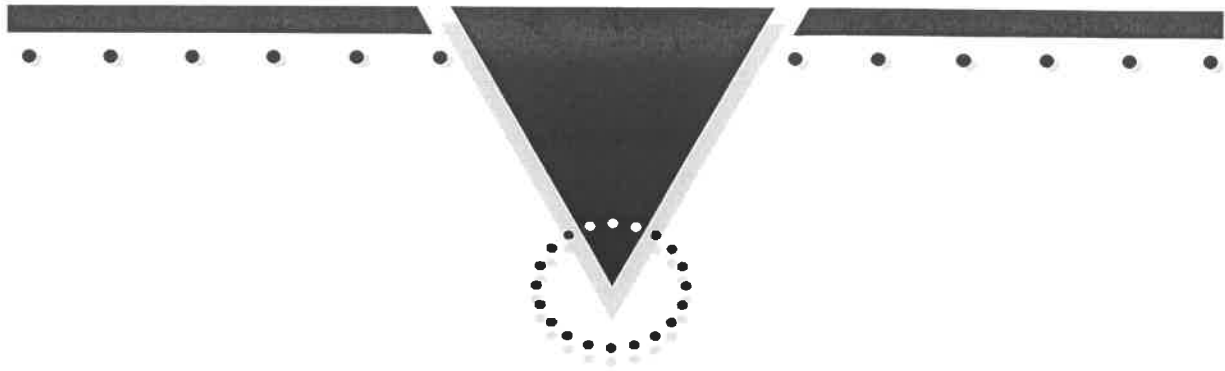
---

Secretary/Assistant Secretary

---

Chairperson, Board of Supervisors

**Exhibit A:** Fiscal Year 2017/2018 Budget



# **Tohoqua Community Development District**

**Proposed Budget  
FY 2017-2018**



# Table of Contents

1	<u>General Fund</u>
2-3	<u>General Fund Narrative</u>

# Tohoqua

## Community Development District

<u>Description</u>	<u>Proposed Budget FY2017 <sup>(1)</sup></u>	<u>Proposed Budget FY2018</u>
<b><u>Revenues</u></b>		
Developer Contributions	\$7,788	\$98,199
<b><i>Total Revenues</i></b>	<b><u>\$7,788</u></b>	<b><u>\$98,199</u></b>
<b><u>Expenditures</u></b>		
<b><i>Administrative</i></b>		
Supervisor Fees	\$800	\$9,600
FICA Expense	\$61	\$734
Engineering	\$1,000	\$12,000
Attorney	\$2,083	\$25,000
Management Fees	\$2,917	\$35,000
<sup>(2)</sup> Information Technology	\$0	\$1,100
Telephone	\$25	\$300
Postage	\$83	\$1,000
Insurance	\$0	\$5,665
Printing & Binding	\$83	\$1,000
Legal Advertising	\$500	\$5,000
Other Current Charges	\$83	\$1,000
Office Supplies	\$52	\$625
Dues, Licenses & Subscriptions	\$100	\$175
<b><i>Total Expenditures</i></b>	<b><u>\$7,788</u></b>	<b><u>\$98,199</u></b>
<b><i>Excess Revenues/(Expenditures)</i></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<sup>(1)</sup> FY17 Budget is prorated for 1 month (September 2017).

<sup>(2)</sup> FY18 Budget amount includes a one-time \$500 website creation fee.

**Tohoqua**  
**Community Development District**  
GENERAL FUND BUDGET

**REVENUES:**

*Developer Contributions*

The District will enter into a Funding Agreement with the Developer to Fund the General Fund expenditures for the Fiscal Year.

---

**EXPENDITURES:**

**Administrative:**

*Supervisor Fees*

Chapter 190, Florida Statutes, allows for each Board member to receive \$200 per meeting, not to exceed \$4,800 per year paid to each Supervisor for the time devoted to District business and meetings.

*FICA Expense*

Represents the Employer's share of Social Security and Medicare taxes withheld from Board of Supervisor checks.

*Engineering*

The District's engineer will be providing general engineering services to the District, e.g. attendance and preparation for monthly board meetings, review invoices and various projects as directed by the Board of Supervisors and the District Manager.

*Attorney*

The District's legal counsel will be providing general legal services to the District, e.g. attendance and preparation for monthly meetings, preparation for Board meetings, preparation and review of agreements, resolutions, and other research as directed by the Board of Supervisors and the District Manager.

*Management Fees*

The District receives Management, Accounting and Administrative services as part of a Management Agreement with Governmental Management Services-Central Florida, LLC. The services include but are not limited to, recording and transcription of board meetings, administrative services, budget preparation, all financial reports, annual audits, etc.

**Tohoqua**  
**Community Development District**  
GENERAL FUND BUDGET

Information Technology

Represents costs related to District's accounting and information systems, District's website creation and maintenance, electronic compliance with Florida Statutes and other electronic data requirements.

Telephone

Telephone and fax machine.

Postage

Mailing of agenda packages, overnight deliveries, correspondence, etc.

Insurance

The District's general liability, public officials liability and property insurance coverages.

Printing & Binding

Printing and Binding agenda packages for board meetings, printing of computerized checks, stationary, envelopes etc.

Legal Advertising

The District is required to advertise various notices for monthly Board meetings, public hearings, etc in a newspaper of general circulation.

Other Current Charges

Bank charges and any other miscellaneous expenses incurred during the year.

Office Supplies

Miscellaneous office supplies.

Dues, Licenses & Subscriptions

The District is required to pay an annual fee to the Florida Department of Economic Opportunity for \$175. This is the only expense under this category for the District.



B

1

1



**RESOLUTION 2018-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE TOHOQUA COMMUNITY DEVELOPMENT  
DISTRICT ADOPTING RULES OF PROCEDURE;  
PROVIDING A SEVERABILITY CLAUSE; AND  
PROVIDING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Rules of Procedure attached hereto as **Exhibit A** for immediate use and application, and to replace those Rules of Procedure previously adopted by the District; and

**WHEREAS**, the Board of Supervisors has complied with applicable Florida law concerning rule development and adoption.

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

**SECTION 1.** The attached Rules of Procedure are hereby adopted. These Rules of Procedure shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*, and shall replace and supersede any previously adopted Rules of Procedure.

**SECTION 2.** This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of November, 2017.

ATTEST:

**TOHOQUA COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

**Exhibit A:** Rules of Procedure

**RULES OF PROCEDURE  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
1.0 General.....	2
1.1 Board of Supervisors; Officers and Voting .....	3
1.2 District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements.....	7
1.3 Public Meetings, Hearings, and Workshops .....	10
2.0 Rulemaking Proceedings .....	15
3.0 Competitive Purchase .....	21
3.1 Procedure Under The Consultants' Competitive Negotiation Act .....	26
3.2 Procedure Regarding Auditor Selection .....	30
3.3 Purchase of Insurance .....	34
3.4 Pre-qualification.....	36
3.5 Construction Contracts, Not Design-Build .....	39
3.6 Construction Contracts, Design-Build .....	43
3.7 Payment and Performance Bonds. ....	48
3.8 Goods, Supplies, and Materials .....	49
3.9 Maintenance Services .....	53
3.10 Contractual Services .....	56
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.....	57
4.0 Effective Date .....	60

**Rule 1.0      General.**

- (1) The Tohoqua Community Development District (the “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 (the “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.
- (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.

**Rule 1.1      Board of Supervisors; Officers and Voting.**

- (1) Board of Supervisors. The Board of Supervisors of the District (the “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 by resident electors must be citizens of the United States of America, residents of the State of Florida and of the District, registered to vote with the Supervisor of Elections of the county in which the District is located, and qualified. 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 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 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 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.
- (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 accord 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 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 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 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.**

- (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 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 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 an individual who is qualified to perform the labor. 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 the 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. After the request has been fulfilled, additional payments or credits may be due.
- (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.

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

**Law Implemented:** §§ 119.0701, 190.006, 119.07, 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, but no more than thirty (30) 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. Each Notice shall state, as applicable:
  - (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 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 forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at Governmental Management Services-Central Florida, LLC, 135 W. Central Boulevard, Suite 320, Orlando, Florida 32801 or (407) 841-5524. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office."
  - (e) The following 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."

- (f) The following 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.”
- (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 a notice and an agenda of the meeting/hearing/workshop. The notice and agenda shall be available to the public at least seventy-two (72) hours before the meeting/hearing/workshop except in an emergency. For good cause, the agenda may be changed after it is first made available for distribution. 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.

The District may, but is not required to, use the following 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, 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, if it has one. 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 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 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.

- (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. 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, 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 attorneys 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.

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

**Law Implemented:** §§ 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0114, 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 twenty-nine (29) 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 specific legal authority for the proposed rule, 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, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the 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.

- (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 shall be available for inspection and copying by the public at the time of the publication of notice.
  - (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, 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. Notice will then be mailed to all persons whom, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its proceedings.
- (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 substantial interest in the rulemaking. Not later than sixty (60) 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.

- (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 immediate danger to the public health, safety, or welfare exists which requires immediate action. 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 emergency rules 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 as long as it protects the public interest as determined by the District and otherwise complies with 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 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 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 person as a hearing officer who shall conduct a hearing within 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 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, or other 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 sixty (60) 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:** §§ 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 one million dollars (\$1,000,000), for a study activity when the fee for such Professional Services to the District does not exceed fifty thousand dollars (\$50,000), 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 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 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 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;
  - (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.

- (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, 255.20, 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 federal licenses in good standing, if any;
  - (b) Hold all required applicable state professional licenses in good standing;
  - (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. Consultants who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail. 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) 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, facsimile, 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.

(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.

(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 audit selection committee appointed by the Board as described in section (2) of this Rule.

(2)    Establishment of Audit Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an audit 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 should include at least three individuals, some or all of whom may also serve as members of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board.

(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 federal licenses in good standing, if any;
  - (ii)   Hold all required applicable state professional licenses in good standing;
  - (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) Understanding of scope of work;
  - (iv) Ability to furnish the required services; and
  - (v) 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 for a reasonable time 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.

(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.
- (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 July 1 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. No contract shall continue, or allow the contract to be renewed, for a period of more than three years from the date of its execution. 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, facsimile, 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.

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

**Law Implemented:** §§ 119.0701, 218.391, Fla. Stat.

**Rule 3.3      Purchase of Insurance.**

- (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. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail.
  - (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, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be 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 pre-qualification 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, hand delivery, or facsimile, 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.

- (f) In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:
  - (i) Hold the 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, hand delivery, facsimile, 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 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.

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

**Law Implemented:** §§ 190.033, 255.0525, 255.20, Fla. Stat.

**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, hand delivery, facsimile, 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, hand delivery, or facsimile, 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 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 the 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 any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 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 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. 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, hand delivery, facsimile, 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 bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of construction services, which steps may include 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. The fact that an Emergency Purchase has occurred or is necessary 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 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 3.6      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, hand delivery, or facsimile, 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.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 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 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) proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no proposals are received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of design-build services, which steps may include 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, facsimile, 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. Failing accord with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third most qualified firm. 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.
- (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, hand delivery, or facsimile, 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 the 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 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 (5) percent. 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.

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, hand delivery, facsimile, 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) 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 take whatever steps reasonably necessary in order to proceed with the procurement of goods, supplies, and materials, which steps may include a

direct purchase of the goods, supplies, and materials without further competitive selection processes.

- (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 period that may not exceed three (3) years or the term of the original contract, whichever period is longer.
- (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, hand delivery, or facsimile, 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 the 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 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, hand delivery, facsimile, 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 take whatever steps reasonably necessary in order to proceed with the procurement of maintenance services, which steps may include 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 period that may not exceed three (3) years or the term of the original contract, whichever period is longer.
- (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.

**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 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, the Board may require any person who files a notice of protest to post a protest bond in the amount equal to 1% of the anticipated contract amount

that is the subject of the protest. 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.
- (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 facsimile, United States Mail, or hand delivery 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 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;
  - (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) days 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 on appropriate terms which shall not unduly delay the proceedings.
- (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, 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 \_\_\_\_\_, 2017, 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.



1

## **RESOLUTION 2018-06**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND ENFORCING NON AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED BY THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Tohoqua Community Development District ("District") was established pursuant to the provisions of Chapter 190, *Florida Statutes*, which authorizes the District to levy certain assessments that include benefit and maintenance assessments, and further authorizes the District to levy special assessments pursuant to Chapters 170 and 197, *Florida Statutes*, for the acquisition, maintenance, construction, or reconstruction of assessable improvements authorized by Chapter 190, *Florida Statutes*; and

**WHEREAS**, the above referenced assessments are non-ad valorem in nature and, therefore, may be levied and collected under the provisions of Section 197.3632, *Florida Statutes*, in which the State of Florida has provided a uniform method for the levying, collecting, and enforcing such non-ad valorem assessments ("Uniform Method"); and

**WHEREAS**, pursuant to Section 197.3632, *Florida Statutes*, the District has caused notice of a public hearing to be advertised weekly in a newspaper of general circulation within Osceola County for four (4) consecutive weeks prior to such hearing; and

**WHEREAS**, the District has held a public hearing pursuant to Section 197.3632, *Florida Statutes*, and received testimony from the public and landowners regarding the use of the Uniform Method; and

**WHEREAS**, the District desires to use Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, for special assessments, including benefit and maintenance assessments, over the lands described in **Exhibit A**.

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

**SECTION 1.** The Tohoqua Development District, upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its intent to use the Uniform Method of collecting assessments imposed by the District as provided in



Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments which may be collected annually pursuant to the provisions of Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District's use of the Uniform Method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the Uniform Method for that year is in the best interests of the District.

**SECTION 2.** This Resolution shall become effective upon its passage and the District's Secretary is authorized and directed to provide the Property Appraiser and Tax Collector of Osceola County and the Department of Revenue of the State of Florida with a copy of this Resolution.

**SECTION 3.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 4.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of November, 2017.

ATTEST:

**TOHOQUA COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

\_\_\_\_\_  
Print Name

**Exhibit A:**    Legal Description

**Exhibit A**  
**Legal Description of District Boundaries**

A portion of Sections 5 and 6, Township 26 South, Range 30 East, Osceola County, Florida, being more particularly described as follows:

BEGIN at the northeast corner of said Section 6; thence run S 00°04'08" W, along the east line thereof, a distance of 97.87 feet to a point on the northwesterly extension of the southerly line of Block 2, TOLIGA MANOR - UNIT C, according to the plat thereof, as recorded in Plat Book 1, Page 193, Public Records of Osceola County, Florida; thence run S 60°36'31" E, along said northwesterly extension, a distance of 241.93 feet to a point on the easterly right-of-way line of Coolidge Street; thence run S 29°18'33" W, along said easterly right-of-way line, a distance of 20.00 feet to a point on the centerline of Sunnyside Avenue; thence run S 60°36'31" E, along said centerline, a distance of 350.00 feet to a point on the southerly extension of the easterly line of that unnamed 30.00 foot wide right-of-way, as shown and described on Osceola County Right of Way Map of Neptune Road, Partin Settlement Road Pt Station 30+26.07 to U.S. 192 Pt Station 240+34.44, dated 09-26-08; thence run S 29°18'33" W, along said southerly extension, a distance of 20.00 feet to a point on the southerly right-of-way line of the aforesaid Sunnyside Avenue; thence run S 60°36'31" E, along said southerly right-of-way line, a distance of 200.00 feet to the northwest corner of Block 17, Lot 12; thence run S 29°18'33" W, a distance of 540.00 feet to the northwest corner of Block 32, Lot 12; thence run S 60°36'31" E, a distance of 250.00 feet to the northwest corner of Block 32, Lot 17; thence run S 29°18'33" W, a distance of 115.00 feet to the southwest corner of Block 32, Lot 17; thence run S 60°36'31" E, a distance of 210.00 feet to the southeast corner of Block 31, Lot 1; thence run N 29°18'33" E, a distance of 155.00 feet to the southeast corner of Block 22, Lot 36; thence run N 60°36'31" W, a distance of 50.00 feet to the southwest corner of Block 22, Lot 36; thence run N 29°18'33" E, along the easterly right-of-way line of Broadway Street, a distance of 540.00 feet to the southwest corner of Block 4, Lot 15; thence, departing said easterly right-of-way line, run S 60°36'33" E, a distance of 100.00 feet to the southeast corner of Block 4, Lot 14; thence run N 29°18'33" E, a distance of 105.00 feet to the northeast corner of Block 4, Lot 14; thence run S 60°36'33" E, a distance of 100.00 feet to a point on the northeast corner of Block 4, Lot 12; thence run N 29°18'33" E, a distance of 244.41 feet to a point on the southerly right-of-way line of Neptune Road, as described and recorded on the aforesaid Osceola County Right of Way Map of Neptune Road; thence run S 60°29'11" E, along said southerly right-of-way line, distance of 1,400.00 feet to a point on the northerly extension of the easterly line of Block 6, Lot 26, TOLIGA MANOR - UNIT B, according to the plat thereof, as recorded in Plat Book 1, Page 139, Public Records of Osceola County, Florida; thence run S 29°18'33" W, along said easterly line and the northerly and southerly extensions thereof, a distance of 886.50 feet to the southwest corner of Block 23, Lot 23; thence run S 60°36'31" E, a distance of 250.00 feet to the southeast corner of Block 23, Lot 13; said corner being a point on the westerly right-of-way line of Sheridan Road; thence run N 29°18'33" E, along said westerly right-of-way line, a distance of 854.13 feet to a point on the southerly right-of-way line of Florida's Turnpike per Florida State Turnpike Authority Right-of-Way Map Station 4443+03.50 to 4565+45.63; thence along said right-of-way line the following two (2) courses and distances; run S 52°49'37" E, a distance of 216.15 feet; thence S 60°36'44" E, a distance of 495.96 feet to a point on

the westerly right-of-way line of Florida's Turnpike, as described and recorded in Official Records Book 105, Page 344, Public Records of Osceola County, Florida; thence run S 15°32'59" E, a distance of 1805.72 feet to a point on the westerly top of bank of Canal C-31 (St. Cloud Canal); as described and recorded in Official Records Book 9, Page 343, and Official Records Book 9, Page 341, Public Records of Osceola County, Florida; thence southwesterly, along said top of bank, the following five (5) courses and distances: run S 25°31'53" W, a distance of 334.68 feet; thence run S 23°34'04" W, a distance of 865.57 feet; thence run S 23°50'38" W, a distance of 794.97 feet; thence run S 24°51'50" W, a distance of 1331.58 feet; thence run S 23°26'55" W, a distance of 1189.73 feet to a point on the northerly line of those lands as described and recorded in Official Records Book 4060, Page 2811, Public Records Of Osceola County, Florida; thence northwesterly, along said northerly line, the following courses and distances: run N 62°20'43" W, a distance of 256.34 feet; thence run S 31°11'37" W, a distance of 158.29 feet; thence run N 65°43'23" W, a distance of 914.70 feet; thence run N 06°23'45" W, a distance of 351.42 feet; thence run N 45°19'08" W, a distance of 440.97 feet; thence run N 59°00'10" W, a distance of 1,405.01 feet; thence run S 31°50'10" W, a distance of 243.26 feet; thence run N 74°16'13" W, a distance of 532.22 feet; thence run N 53°06'08" W, a distance of 1,460.89 feet; thence run N 73°37'49" W, a distance of 231.95 feet to a point on the easterly right-of-way line of Macy Island Road, as described and recorded in Road Map Book 1, Page 82, Public Records of Osceola County, Florida; thence northerly, along said easterly right-of-way line, the following seven (7) courses and distances: run N 35°31'35" E, a distance of 515.08 feet; thence run N 06°05'21" W, a distance of 34.53 feet; thence run N 15°46'35" W, a distance of 23.72 feet; thence run N 22°50'05" W, a distance of 445.10 feet to a point of curvature of a curve, concave easterly, having a radius of 465.00 feet and a central angle of 20°07'42"; thence run northerly, along the arc of said curve, a distance of 16336 feet to the point of tangency thereof; thence run N 02°42'23" W, a distance of 1491.08 feet; thence run N 02°49'51" W, a distance of 1683.85 feet to a point on the westerly extension of the south line of the North 710 feet of Block 25, Lots 6, 7 and 8, THE FLORIDA DRAINED LAND COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book "B", Pages 65 and 66, Public Records of Osceola County, Florida; thence run S 89°45'36" E, along said south line and the westerly extension thereof, a distance of 1,096.16 feet to a point on the west line of Block 25, Lot 5; thence run N 00°05'18" E, along said west line, a distance of 730.00 feet to a point on the north line of the Northeast 114 of said Section 6; thence run S 89°45'36" E, along said north line, a distance of 1,650.82 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

Block 28, Lot 23, and Block 73, Lot 25, TOLIGA MANOR - UNIT A, according to the plat thereof, as recorded in Plat Book 1, Page 129; Block 6, Lot 10, and Block 15, Lots 1, 2, 35 and 36, and Block 29, Lots 25 and 26, TOLIGA MANOR - UNIT B, according to the plat thereof, as recorded in Plat Book 1, Page 139; Block 31, Lot 3, TOLIGA MANOR - UNIT C, according to the plat thereof, as recorded in Plat Book 1, Page 193, all being of the Public Records of Osceola County, Florida.

Containing a total of 783.96 acres, more or less.

D

1

1

# Tohoqua Community Development District ENGINEER'S REPORT

**Prepared For**

Tohoqua Community Development District

**Date**

September 25, 2017

**POULOS & BENNETT**

2602 East Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | [www.poulosandbennett.com](http://www.poulosandbennett.com)  
FBPE Certificate of Authorization No. 2856

# Tohoqua

## Community Development District

### ENGINEER'S REPORT FOR CAPITAL IMPROVEMENTS

### Osceola County, Florida

**Prepared For:**

Tohoqua Community Development District

**Date:**

September 25, 2017



2602 East Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | Fax: 407.487.2594 | [www.poulosandbennett.com](http://www.poulosandbennett.com)  
FBPE Certificate of Authorization No. 28567

## TABLE OF CONTENTS

<b><i>Section 1</i></b>	<b><i>Introduction</i></b> 1.1 Background 1.2 Location & General Description 1.3 District Purpose and Scope 1.4 Description of Land Use
<b><i>Section 2</i></b>	<b><i>Government Actions</i></b>
<b><i>Section 3</i></b>	<b><i>Infrastructure Benefit</i></b>
<b><i>Section 4</i></b>	<b><i>Capital Improvement Plan</i></b>
<b><i>Section 5</i></b>	<b><i>Description of Capital Improvement Plan</i></b> 5.1 Roadway Improvements 5.2 Stormwater Management 5.3 100-Year Floodplain 5.4 Master Infrastructure 5.4.1 Primary Roadways 5.4.2 Potable Water Distribution System 5.4.3 Reclaimed Water Distribution System 5.4.4 Wastewater System 5.4.5 Parks, Landscape and Hardscape 5.4.6 Amenity Area 5.5 Professional and Inspection Fees
<b><i>Section 6</i></b>	<b><i>Ownership &amp; Maintenance</i></b>
<b><i>Section 7</i></b>	<b><i>Roadway Rights-of-Way, Stormwater Management Ponds &amp; Other Open Spaces</i></b>
<b><i>Section 8</i></b>	<b><i>Estimate of Probable Capital Improvement Costs</i></b>
<b><i>Section 9</i></b>	<b><i>Conclusions and Summary Opinion</i></b>



Tohoqua Community Development District  
Engineer's Report for Capital Improvements

Exhibits

<i>Exhibit 1</i>	<i>Vicinity Map</i>
<i>Exhibit 2</i>	<i>Location Map</i>
<i>Exhibit 3</i>	<i>District Boundary Map and Legal Description</i>
<i>Exhibit 4</i>	<i>Proposed Public and Private Uses Within the CDD</i>
<i>Exhibit 5</i>	<i>Concept Plan</i>
<i>Exhibit 6</i>	<i>Post-Development Basin Map</i>
<i>Exhibit 7</i>	<i>FEMA 100-Year Floodplain</i>
<i>Exhibit 8</i>	<i>Existing Utilities Infrastructure</i>
<i>Exhibit 9</i>	<i>Offsite Utilities Infrastructure</i>
<i>Exhibit 10</i>	<i>Potable Water Distribution System Map</i>
<i>Exhibit 11</i>	<i>Reclaimed Water Distribution System Map</i>
<i>Exhibit 12</i>	<i>Wastewater System Map</i>
<i>Exhibit 13</i>	<i>Estimate of Probable Capital Improvement Costs</i>

# Tohoqua Community Development District Engineer's Report for Capital Improvements

## ***Section 1 Introduction***

### ***1.1. Background***

The Engineer's Report for Capital Improvements (the "Report") for the Tohoqua Community Development District (the "District") has been prepared to assist with financing and construction of the capital improvements contemplated to be constructed, acquired and/or installed within the District or outside of the District (the "Capital Improvement Plan") pursuant to requirements of Osceola County and the City of St. Cloud, Florida.

Capital Improvements reflected in the Report represent the current Capital Improvement Plan for the District. Many of the necessary regulatory approvals have been obtained for the Development (hereinafter defined). The remaining permits necessary to complete the Development are expected to be obtained during the normal design and permitting processes. To the best of our knowledge and believe it is our opinion that the balance of the required permits are obtainable as needed. For reference, a permit matrix for the Development is included herein. The implementation of any improvements discussed in this plan requires the final approval by many regulatory and permitting agencies as outlined in Section 2 below. This report, therefore, may be amended from time to time.

Cost Estimates contained in this report have been prepared based on the best available information at this time. The actual costs of construction, final engineering design, planning, approvals and permitting may vary from the cost estimates presented.

### ***1.2. Location and General Description***

The overall Tohoqua CDD is a 784 acre tract currently located in unincorporated Osceola County, Florida. More specifically, the parcel is located within a portion of Sections 5 and 6, Township 26 South, Range 30 East lying south of Neptune Road, west of the Florida Turnpike, and east of the permitted Toho Preserve development. Please refer to Vicinity Map Exhibit 1 and Location Map Exhibit 2. The proposed project is a multiphase development to include approximately 2,216 single family homes, 1,004 multi-family units, 480,100 square feet of commercial/office space, 200 hotel rooms, a K-8 school site and a high school site. Zoning for the Development was approved by Osceola County on February 3, 2016. A more detailed breakdown of the proposed development program as provided by the Developer is as follows:

Commercial/Office Space	480,100 square feet
Hotel	200 Rooms
Apartments	750 Units
Townhouses	512 Units
Duplex/Garden	439 Units
32' Single Family	185 Units
40' Single Family	314 Units
45' Single Family	306 Units
50' Single Family	384 Units
55' Single Family	128 Units
65' Single Family	85 Units
70' Single Family	84 Units

## Tohoqua Community Development District Engineer's Report for Capital Improvements

It should be noted that the property is in the process of annexing into the City of St. Cloud, and once annexed, future revisions to the entitlements will be processed through the City of St. Cloud.

The District Boundary and Legal Description are included as Exhibit 3.

### ***1.3. District Purpose and Scope***

The District was established for the purpose of financing, acquiring or constructing, maintaining and operating a portion of the public infrastructure necessary for community development within the District. The purpose of this report is to provide a description of the public infrastructure improvements that may be financed by the District. The District may finance, acquire and/or, construct, operate, and maintain certain public infrastructure improvements that are needed to serve the Development. A portion of the infrastructure improvements will be financed with the proceeds of bonds issued by the District.

The proposed public infrastructure improvements, as outlined herein, are necessary for the development of the District as required by the applicable independent unit of local government.

### ***1.4. Description of Land Use***

The lands within the District encompass approximately 784 acres. Based on the current MXD Zoning for the property, the development program currently consists of 2,216 single family homes, 1,004 multi-family units, 480,100 square feet of commercial/office space, 200 hotel rooms, a K-8 school site and a high school site. The approved land uses within the District include the following areas. Exhibit 4 provides the location of the development uses below. Exhibit 5 shows the current land use.

<b>Proposed Development</b>	<b>Approximate Acres</b>
Private	322.6
Schools	66.0
Stormwater	132.4
Amenities, Parks and Open Space	36.8
Roads Alleys & Utility Tracts	183.3
Conservation	42.9
Total Acres	784.0

## ***Section 2 Government Actions***

The following are the permitting agencies that will have jurisdiction for approval of construction within the District. Depending on the location and scope of each phase of project design, the individual permits that need to be obtained will need to be evaluated and not all of the permits listed below will necessarily apply to every

## **Tohoqua Community Development District Engineer's Report for Capital Improvements**

sub-phase within the District. The property is currently located in unincorporated Osceola County and within the City of St. Cloud utility service area. The property is currently in the process and annexing into the City of St. Cloud.

### Permitting Agencies & Permits Required

1. Osceola County (while located in unincorporated Osceola County)
  - a. Preliminary Subdivision Plan
  - b. Mass Grading (optional)
  - c. Site Development Plan
  - d. Final Plat
2. South Florida Water Management District (SFWMD)
  - a. Environmental Resource Permit
    - i. Mass Grading/Master Stormwater Construction
    - ii. Final Engineering for Onsite and Offsite Improvements
  - b. Water Use Permit (Dewatering)
    - i. Mass Grading/Master Storm
    - ii. Final Engineering for Onsite and Offsite Improvements
    - iii.
3. City of St. Cloud
  - a. Final Engineering Construction Plans for Water, Sewer, and Reclaimed Water Systems
  - b. Concept Plan Revisions (upon annexation)
  - c. Preliminary Subdivision Plan (upon annexation)
  - d. Final Construction Plans for Streets and Drainage (upon annexation)
  - e. Final Plat (upon annexation)
4. Florida Department of Environmental Protection (FDEP)
  - a. Water Distribution System
  - b. Sanitary Sewer Collection and Transmission System
  - c. National Pollutant Discharge Elimination System (NPDES)
5. Federal Emergency Management Agency
  - a. Letter of Map Revision
6. Army Corp of Engineers
  - a. Dredge and Fill Permit
  - b. Canal Crossing Permit
7. Florida Fish and Wildlife Conservation Commission (FWC)
8. State of Florida Department of Transportation
  - a. Utility Permit
  - b. Drainage Connection Permit

### ***Section 3      Infrastructure Benefit***

The District will fund, and in certain cases maintain and operate public infrastructure yielding two types of public benefits. These benefits include:

- Project wide public benefits
- Incidental public benefits

## **Tohoqua Community Development District Engineer's Report for Capital Improvements**

The project wide public benefits are provided by infrastructure improvements that serve all lands in the District. These public infrastructure improvements include construction of the master stormwater management system, the sanitary sewer, potable water, and reclaimed water mains, roadway network, offsite roadway and utility improvements, perimeter landscape and irrigation improvements within the District boundary. However some incidental public benefits include those benefits received by the general public who do not necessarily reside on land owned or within the District.

The proposed capital improvements identified in this report are intended to provide specific benefit to the assessable real property within the boundaries of the District. As much of the property is currently undeveloped, the construction and maintenance of the proposed infrastructure improvements are necessary and will benefit the property for the intended use. The District can construct any portion or all of the proposed infrastructure. In addition, the District can acquire, own, operate and/or maintain infrastructure not dedicated to the County or City. The Developer or other party/parties will construct and fund the infrastructure outside of the District and/or not funded by the District.

### ***Section 4 Capital Improvement Plan***

The District capital improvements will connect and interact with the adjacent offsite roads, stormwater management systems, potable water, reclaimed water, and sewer systems. The proposed infrastructure improvements addressed by this Report include elements internal and external to the District. The elements include the master stormwater management and drainage systems, roadway improvements, landscaping, street lighting, pavement markings and signage, as well as potable water main, reclaimed water main and sewer extensions required to provide utility service to the District. Detailed descriptions of the proposed capital improvements are provided in the following sections and Exhibits 4, 6 and 9 through 12. Exhibit 13, details the Cost Opinion for the District's capital improvement plan.

The Improvement Plan will be constructed and financed in logical segments, as property within the District is developed by the Developer. The District anticipates issuing multiple series of bonds to fund all or a portion of the Capital Improvement Plan.

### ***Section 5 Description of Capital Improvement Plan***

#### ***5.1 Roadway Improvements***

As indicated above, the District may fund roadway construction internal to the District consisting of local roadways and alleys. The funding of Cross Prairie Parkway will be by the Developer under a Separate Reimbursement Agreement with Osceola County. The Developer will pay all costs associated with road (and related stormwater improvements) for which impact fee credits are payable pursuant to transportation or other development agreements. The costs for such improvements are not included on Exhibit 13. Exhibit 4, Public and Private Improvements, provides a graphical representation of the proposed roadway improvements. All such local roadways will be open to the public.

#### ***5.2 Stormwater Management***

As indicated above, the District may fund the construction of the master stormwater management system for the lands within the District. This system is made up of wet detention stormwater treatment ponds, control structures, spreader swales, inlets, manholes and storm pipes. The proposed ponds and outfall structures

## **Tohoqua Community Development District Engineer's Report for Capital Improvements**

have been designed to provide water quality treatment and attenuation in accordance with Osceola County and the South Florida Water Management District regulations. The stormwater management system has been designed to accommodate on-site runoff in addition to offsite flows which have historically entered the project site. Exhibit 6, Post-Development Basin Map provides a graphical representation of the currently proposed stormwater management system.

### ***5.3 100-Year Floodplain***

Pursuant to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) panels 12097C 0090G 12097G and 12097C 0255G both dated June 18, 2013, portions of the project site is located within the 100-year Flood Hazard Area (FHA), Zone AE or Zone A. Exhibit 7, FEMA 100-Year Floodplain details the floodplain limits relative to the District boundaries.

Any development within the mapped floodplain will require a Letter of Map Revision to be issued by FEMA to remove the development from the floodplain. In addition, the placement of fill within the floodplain is regulated by the SFWMD and Osceola County any filled areas below the floodplain may require mitigation in the form of compensating storage.

### ***5.4 Master Infrastructure***

#### ***5.4.1 Roadways***

Based on the current Concept Plan, the roadway improvements include approximately 96,000 linear feet of road and will define the major ingress and egress points throughout the Development. In addition to the roadways, the Concept Plan includes approximately 43,000 linear feet of public alleys. The roadways and alleys will also serve as locations for the placement of utility infrastructure needed to serve the development of the project, see Exhibit 4. In addition to the onsite roadways, offsite roadway intersection improvements to Neptune road, as required by the County to serve the project are included in the Master Infrastructure serving the District.

#### ***5.4.2 Potable Water Distribution System***

The District may fund the construction of the water distribution system within the District and those portions required to connect to existing or proposed offsite facilities. The potable water system will be conveyed to, and owned and maintained by the City of St. Cloud once it has been certified complete. The water mains within the District will be sized to provide water to residents of the District and will be required to be designed and constructed based on an approved Master Utility Plan (MUP). Exhibit 8 and 10, Potable Water Distribution System Map, provides a graphical representation of the contemplated water mains to be constructed within the District.

#### ***5.4.3 Reclaimed Water Distribution System***

The District may fund the construction of the reclaimed water distribution system within the District and those portions required to connect to existing or proposed offsite facilities. The reclaimed water system will be conveyed to, and owned and maintained by the City of St. Cloud once it has been certified complete by the District. The reclaimed water mains serving the District will be sized to provide reclaimed water to the lot boundaries and common areas within the District and will be required to be designed and constructed based on an approved MUP. Exhibits 8, 9 and 11, Reclaimed Water Distribution System Map, provide a

## **Tohoqua Community Development District Engineer's Report for Capital Improvements**

graphical representation of the existing and proposed offsite reclaimed water system and onsite system contemplated within the District.

### ***5.4.4 Wastewater System***

The District may fund the construction of the gravity sewer, force main, and lift station infrastructure within the District and those portions required to connect to existing or proposed offsite facilities. The wastewater system will be conveyed to, and owned and maintained by the City of St. Cloud once it has been certified complete by the District. The sewer collection mains, lift stations and force mains serving the District will be sized to provide wastewater service to the residents of the District, and will be required to be designed and constructed based on an approved MUP. Exhibits 8, 9 and 12, Wastewater System Map, provide a graphical representation of the proposed offsite wastewater system and onsite system contemplated within the District.

### ***5.4.5 Parks, Landscape & Hardscape***

The landscaping and irrigation of the primary roadways will provide the "first impression" of the Development. The District may fund Parks, landscape and hardscape construction and maintenance within roadways and common areas which may include perimeter landscape buffers, master signage, way finding signage, entry hardscape features, entry landscape, amenity area and park area features, landscape and hardscape, pedestrian/multi-purpose trails, and street trees. The District will own and maintain foregoing improvements.

### ***5.4.6 Amenity***

The Amenity site will provide the Tohoqua community park and recreation uses. The District may fund construction of the amenity area to include things such as, but not limited to: pool, restrooms, community building, tot lot, sports courts, picnic areas, landscape and hardscape features, pedestrian/multi-purpose trails, etc. The District will own and maintain foregoing improvements that are public use.

### ***5.5 Professional and Inspection Fees***

For the design, permitting and construction of the proposed District Capital Improvement Plan, professional services are required by various consultants. The consultants required are: civil engineer, geotechnical, planner, environmental, surveying, and landscape architect. During construction, the various permitting agencies will observe and inspect the project. Each of the agencies will charge an inspection fee to cover the costs associated with an inspector visiting the site to observe construction progress and confirm that the project is constructed in accordance with their respective approved plans, permits, rules, and regulations. The Professional Services and Inspections Fees are included as Soft Costs for the District Capital Improvement Plan.

**Tohoqua Community Development District  
Engineer's Report for Capital Improvements**

***Section 6 Ownership and Maintenance***

Proposed District Capital Improvements Plan	Ownership	Maintenance
Onsite Roadway & Alley Improvements	County/CDD	County/CDD
Offsite Roadway Improvements	County	County
Master Stormwater Management System	District	District
Potable Water Distribution System	City of St. Cloud	City of St. Cloud
Sanitary Sewer System	City of St. Cloud	City of St. Cloud
Reclaimed Water Distribution System	City of St. Cloud	City of St. Cloud
Parks, Landscaping, Irrigation and Signage	HOA/District	HOA/District
Amenity Site	HOA/District	HOA/District

***Section 7 Roadway Rights-of-Way, Stormwater Management Ponds and Other Open Spaces***

Real property interests for lands within the District needed for construction, operation, and maintenance of District facilities will be conveyed and/or dedicated by the owner thereof to the District or other Public entity at no cost.

***Section 8 Estimate of Probable Capital Improvement Costs***

The Estimate of Probable Capital Improvement Plan Costs is provided in Exhibit 13. Costs associated with construction of the improvements described in this report have been estimated based on the best available information. Other soft costs include portions of the surveying, design and engineering for the described work, regulatory permitting inspection fees and materials testing. In addition, a reasonable project contingency estimate has been included. Please note that the costs are preliminary in nature and subject to change based on final engineering, permitting, and changes in the Concept Plan and construction cost due to market fluctuation.

***Section 9 Conclusions and Summary Opinion***

The Capital Improvement Plan as described is necessary for the functional development of the property within the District as required by the applicable local governmental agencies. The planning and design of the infrastructure will be in accordance with current governmental regulatory requirements. The public infrastructure as described in this Report will serve its intended function provided the construction is in substantial compliance with the future design and permits which will be required by for the District by the various jurisdictional entities outlined earlier in this report. In addition to the annual non-ad valorem assessments to be levied and collected to pay debt service on the proposed bonds, the District will levy and collect an annual "Operating and Maintenance" assessment to be determined, assessed and levied by the District's Board of Supervisors upon the assessable real property within the District, for the purpose of defraying the cost and expenses of maintaining District-owned improvements.



**Tohoqua Community Development District  
Engineer's Report for Capital Improvements**

The construction costs for the District's Capital Improvement Plan in this report are based on the concept plans for the District as currently proposed. In our professional opinion, and to the best of our knowledge and belief, the costs provided herein for the District are reasonable to complete the construction of the infrastructure improvements described herein. All of the proposed infrastructure Capital Improvement Plan costs are public improvements or community facilities as set forth in sections 190.012(1) and (2) of the Florida Statutes.

The summary of probable infrastructure construction costs is only an opinion and not a guaranteed maximum price. Historical costs, actual bids and information from other professionals or contractors have been used in the preparation of this report. Contractors who have contributed in providing the cost data included in this report are reputable entities with experience in Central Florida.

The labor market, future costs of equipment and materials, increased regulatory actions and requirements, and the actual construction process are all beyond our control. Due to this inherent opportunity for fluctuation in cost, the total final cost may be more or less than this opinion.

**As District Engineer:**  
**Poulos & Bennett, LLC**



---

Eric E. Warren, PE  
State of Florida Professional Engineer No. 45423

## Exhibits



### Vicinity Map

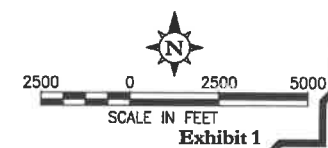
## Tohoqua CDD

September 15, 2017  
P & B Job No.: 12-044

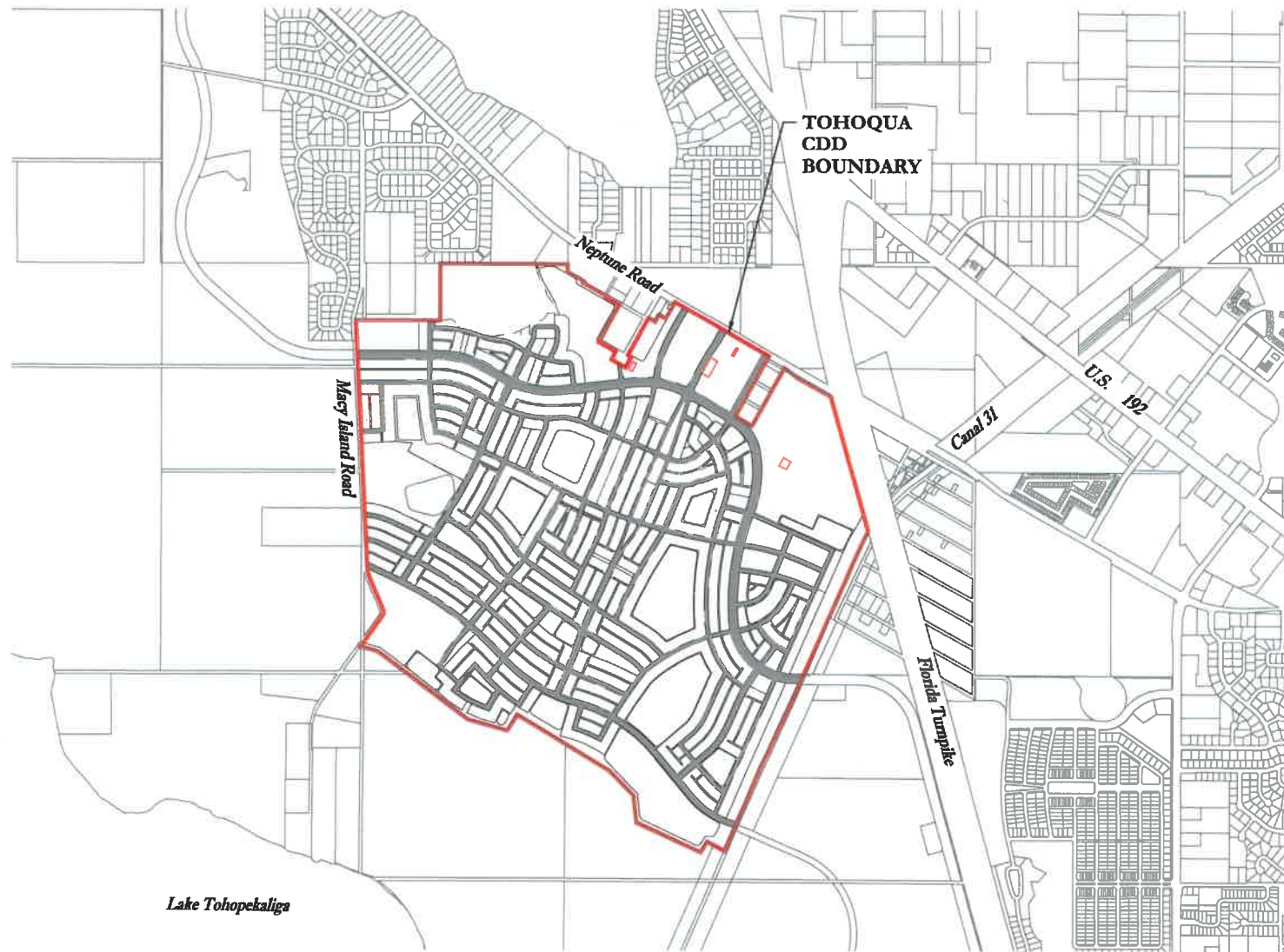
2602 E. Livingston St.  
Orlando, Florida 32803- 407.487.2594

**POULOS & BENNETT**

www.poulosandbennett.com  
Certificate of Authorization No. 28567



Z:\2012\12-044 TOHOOUA - SECRET\CAO\EXH A FIRST COPY\2017-09-13\2044 COO VICINITY MAP (304488)



Location Map

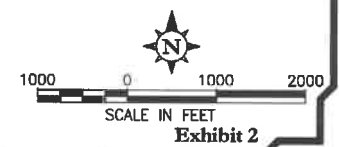
## Tohoqua CDD

September 15, 2017  
 P & B Job No.: 12-044

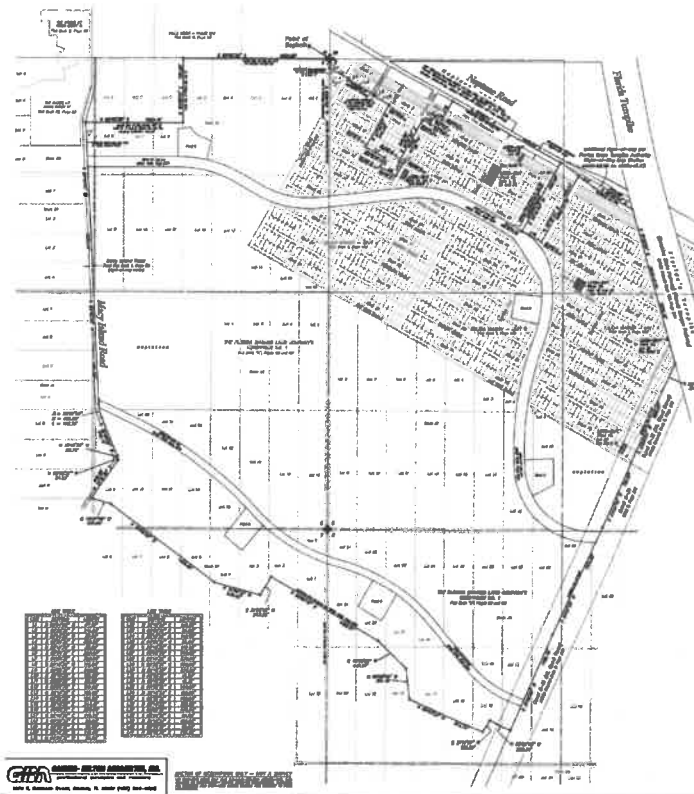
2602 E. Livingston St.  
 Orlando, Florida 32803-407,487,2594

**POULOS & BENNETT**

www.poulosandbennett.com  
 Certificate of Authorization No. 28567







#### Legal Description

A portion of Sections 5 and 6, Township 28 South, Range 30 East, Osceola County, Florida, being more particularly described as follows:

**BEGIN** at the northeast corner of said Section 5; thence run S 00°04'08" W, along the east line thereof, a distance of 97.87 feet to a point on the northwesterly extension of the southerly line of Block 2, TOLUCA MANOR - UNIT C, according to the plat thereof, as recorded in Plat Book 1, Page 193, Public Records of Osceola County, Florida; thence run S 60°38'31" E, along said northwesterly extension, a distance of 241.93 feet to a point on the southerly right-of-way line of Cordage Street; thence run S 29°18'33" W, along said southerly right-of-way line, a distance of 30.00 feet to a point on the centerline of Sunnyside Avenue; thence run S 60°38'31" E, along said centerline, a distance of 350.00 feet to a point on the southerly extension of the westerly line of that cornered 30.00 foot wide right-of-way, as shown and described on Osceola County Right of Way Map of Neptune Road, Part II Settlement Road PI Station 30+28.07 to U.S. 192 PI Station 240+34.44, dated 05-26-08; thence run S 29°18'33" W, along said southerly extension, a distance of 20.00 feet to a point on the southerly right-of-way line of the aforesaid Sunnyside Avenue; thence run S 60°38'31" E, along said southerly right-of-way line, a distance of 200.00 feet to the northwest corner of Block 17, Lot 12; thence run S 29°18'33" W, a distance of 940.00 feet to the northwest corner of Block 32, Lot 12; thence run S 60°38'31" E, a distance of 250.00 feet to the northeast corner of Block 32, Lot 17; thence run S 29°18'33" W, a distance of 115.00 feet to the southeast corner of Block 32, Lot 17; thence run S 60°38'31" E, a distance of 210.00 feet to the southeast corner of Block 31, Lot 1; thence run N 29°18'33" E, a distance of 183.00 feet to the southeast corner of Block 22, Lot 36; thence run N 60°38'31" W, a distance of 50.00 feet to the southwest corner of Block 22, Lot 36; thence run N 29°18'33" E, along the easterly right-of-way line of Broadway Street, a distance of 540.00 feet to the southeast corner of Block 4, Lot 15; thence, departing said southerly right-of-way line, run S 60°38'33" E, a distance of 105.00 feet to the southeast corner of Block 4, Lot 14; thence run N 29°18'33" E, a distance of 105.00 feet to the northeast corner of Block 4, Lot 14; thence run S 60°38'33" E, a distance of 100.00 feet to a point on the northeast corner of Block 4, Lot 12; thence run N 29°18'33" E, a distance of 244.41 feet to a point on the southerly right-of-way line of Neptune Road, as described and recorded on the aforesaid Osceola County Right of Way Map of Neptune Road; thence run S 60°29'11" E, along said southerly right-of-way line, a distance of 1,400.00 feet to a point on the northerly extension of the easterly line of Block 6, Lot 26, TOLUCA MANOR - UNIT B, according to the plat thereof, as recorded in Plat Book 1, Page 136, Public Records of Osceola County, Florida; thence run S 29°18'33" W, along said easterly line and the northerly and southerly extensions thereof, a distance of 888.50 feet to the southwest corner of Block 23, Lot 23; thence run S 60°38'31" E, a distance of 250.00 feet to the southeast corner of Block 23, Lot 13, said corner being a point on the westerly right-of-way line of Sheridan Road; thence run N 29°18'33" E, along said westerly right-of-way line, a distance of 854.13 feet to a point on the southerly right-of-way line of Florida's Turnpike per Florida State Turnpike Authority Right-of-Way Map Station 4443+03.50 to 4554+43.83; thence along said right-of-way line the following two (2) courses and distances: run S 02°48'37" E, a distance of 218.15 feet; thence S 60°38'44" E, a distance of 495.06 feet to a point on the westerly right-of-way line of Florida's Turnpike, as described and recorded in Official Records Book 105, Page 244, Public Records of Osceola County, Florida; thence run S 13°32'59" E, a distance of 1805.72 feet to a point on the westerly top of bank of Canal C-31 (St. Cloud Canal), as described and recorded in Official Records Book 9, Page 343, and Official Records Book 9, Page 341, Public Records of Osceola County, Florida; thence southerly, along said top of bank, the following five (5) courses and distances: run S 29°13'33" W, a distance of 334.68 feet; thence run S 23°34'04" W, a distance of 865.57 feet; thence run S 23°50'38" W, a distance of 794.97 feet; thence run S 24°51'50" W, a distance of 1331.50 feet; thence run S 23°26'55" W, a distance of 1189.73 feet to a point on the northerly line of those lands as described and recorded in Official Records Book 4062, Page 281, Public Records of Osceola County, Florida; thence northwesterly, along said northerly line, the following courses and distances: run N 62°20'43" W, a distance of 258.34 feet; thence run S 31°11'37" W, a distance of 158.26 feet; thence run N 65°43'23" W, a distance of 914.70 feet; thence run N 08°23'45" W, a distance of 351.42 feet; thence run N 45°19'06" W, a distance of 446.97 feet; thence run N 59°00'40" W, a distance of 1,405.01 feet; thence run S 31°50'10" W, a distance of 243.26 feet; thence run N 74°18'73" W, a distance of 532.22 feet; thence run N 53°56'05" W, a distance of 1,400.00 feet; thence run N 73°37'48" W, a distance of 231.85 feet to a point on the southerly right-of-way line of Bay Island Road, as described and recorded in Road Map Book 1, Page 62, Public Records of Osceola County, Florida; thence northerly, along said southerly right-of-way line, the following seven (7) courses and distances: run N 33°31'35" E, a distance of 515.08 feet; thence run N 06°05'21" W, a distance of 34.63 feet; thence run N 15°48'35" W, a distance of 23.72 feet; thence run N 22°50'05" W, a distance of 443.10 feet to a point of curvature of a curve, concave easterly, having a radius of 485.00 feet and a central angle of 20°07'42"; thence run northerly, along the arc of said curve, a distance of 183.36 feet to the point of tangency thereof; thence run N 02°42'23" W, a distance of 1491.08 feet; thence run N 02°40'51" W, a distance of 1833.85 feet to a point on the westerly extension of the south line of the North 710 feet of Block 25, Lots 6, 7 and 8, THE FLORIDA UNPAID LAND COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book "D", Pages 65 and 66, Public Records of Osceola County, Florida; thence run S 89°45'26" E, along said south line and the westerly extension thereof, a distance of 1,090.16 feet to a point on the west line of Block 25, Lot 5; thence run N 00°18'18" E, along said west line, a distance of 730.00 feet to a point on the north line of the Northeast 114 of said Section 6; thence run S 89°45'36" E, along said north line, a distance of 1,650.62 feet to the POINT OF BEGINNING.

#### LESS AND EXCEPT THE FOLLOWING:

Block 26, Lot 23, and Block 73, Lot 23, TOLUCA MANOR - UNIT A, according to the plat thereof, as recorded in Plat Book 1, Page 129; Block 8, Lot 10, and Block 15, Lots 1, 2, 35 and 36, and Block 28, Lots 25 and 26, TOLUCA MANOR - UNIT B, according to the plat thereof, as recorded in Plat Book 1, Page 136; Block 31, Lot 3, TOLUCA MANOR - UNIT C, according to the plat thereof, as recorded in Plat Book 1, Page 193, of being of the Public Records of Osceola County, Florida.

Containing a total of 782.98 acres, more or less.

## District Boundary Map and Legal Description

# Tohoqua CDD

**POULOS & BENNETT**

2602 E. Livingston St.  
Orlando, Florida 32803-407.487.2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567

September 15, 2017  
P & B Job No.: 12-044

Z:\3112\12-044 TOHOQUA - SECRET\04\DXH & FDS\03\03\2017-09\12044 CDD BOUNDARY.DWG



TOHOQUA  
CDD  
BOUNDARY

# LEGEND

- CDD Boundary (784.0 Ac.)
- Private (322.6 Ac.)
- HOA/CDD Park Space (36.8 Ac.)
- CDD Stormwater Tracts (132.4 Ac.)
- Schools (66.0 Ac.)
- Conservation Area (42.9 Ac.)
- County/City Roads & Utilities (127.4 Ac.)
- County/City Alley's & Utilities (55.9 Ac.)

Note:  
Concept plan subject to revisions as  
approved by County or City

Proposed Public & Private Uses Within CDD

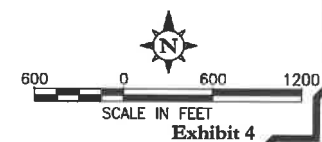
## Tohoqua CDD

**POULOS & BENNETT**

September 15, 2017  
P & B Job No.: 12-044

2602 E. Livingston St.  
Orlando, Florida 32803-407, 487.2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567





- PLACE TYPES**
- COMMUNITY CENTER (CC)
  - SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD 1 (NH1)
  - NEIGHBORHOOD 2 (NH2)
- OPEN SPACE DISTRICT**
- CONSERVATION AREA
  - RECREATION AREA
  - STORMWATER AREA
  - OPEN SPACE
  - NEIGHBORHOOD PARKS/SQUARES /CIVIC SPACES
  - NEIGHBORHOOD CENTER K-8 SCHOOL SITE
  - COMMUNITY CENTER HIGH SCHOOL SITE
- FRAMEWORK ROADS
  - POTENTIAL TRANSIT STOPS
  - STORM WATER DETENTION AREAS FOR DEDICATED PARWAYS (COUNTY ROADS) TO BE INTEGRATED WITHIN THE GENERAL STORM WATER MASTER PLAN
  - OUT PARCELS OWNED BY OTHERS
  - TOHO DISTRICT BOUNDARY

Note:  
Concept plan subject to revisions as  
approved by County or City

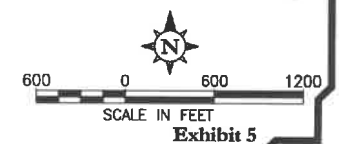


## Concept Plan Tohoqua CDD

**POULOS & BENNETT**

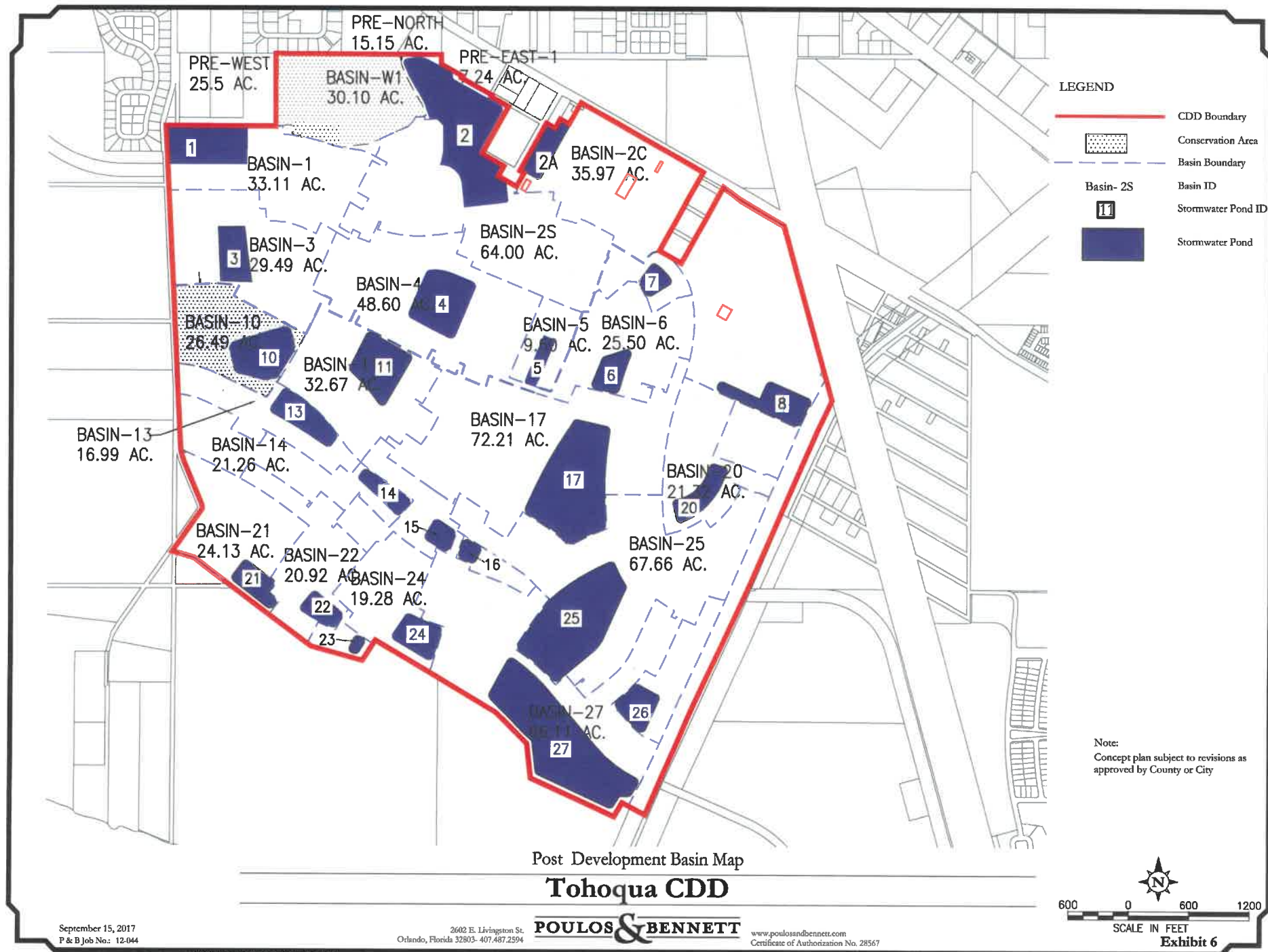
2602 E. Livingston St.  
Orlando, Florida 32803-407.487.2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567



September 15, 2017  
P & B Job No.: 12-044

Z:\2017\12-044 TOHOQUA - SCHEMATIC DESIGN & PRELIMINARY 2017-09\12044 CDD CONCEPT PLAN



Post Development Basin Map

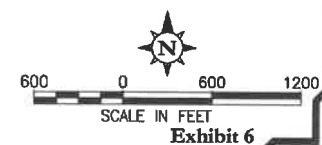
**Tohoqua CDD**

**POULOS & BENNETT**

September 15, 2017  
P & B Job No.: 12-044

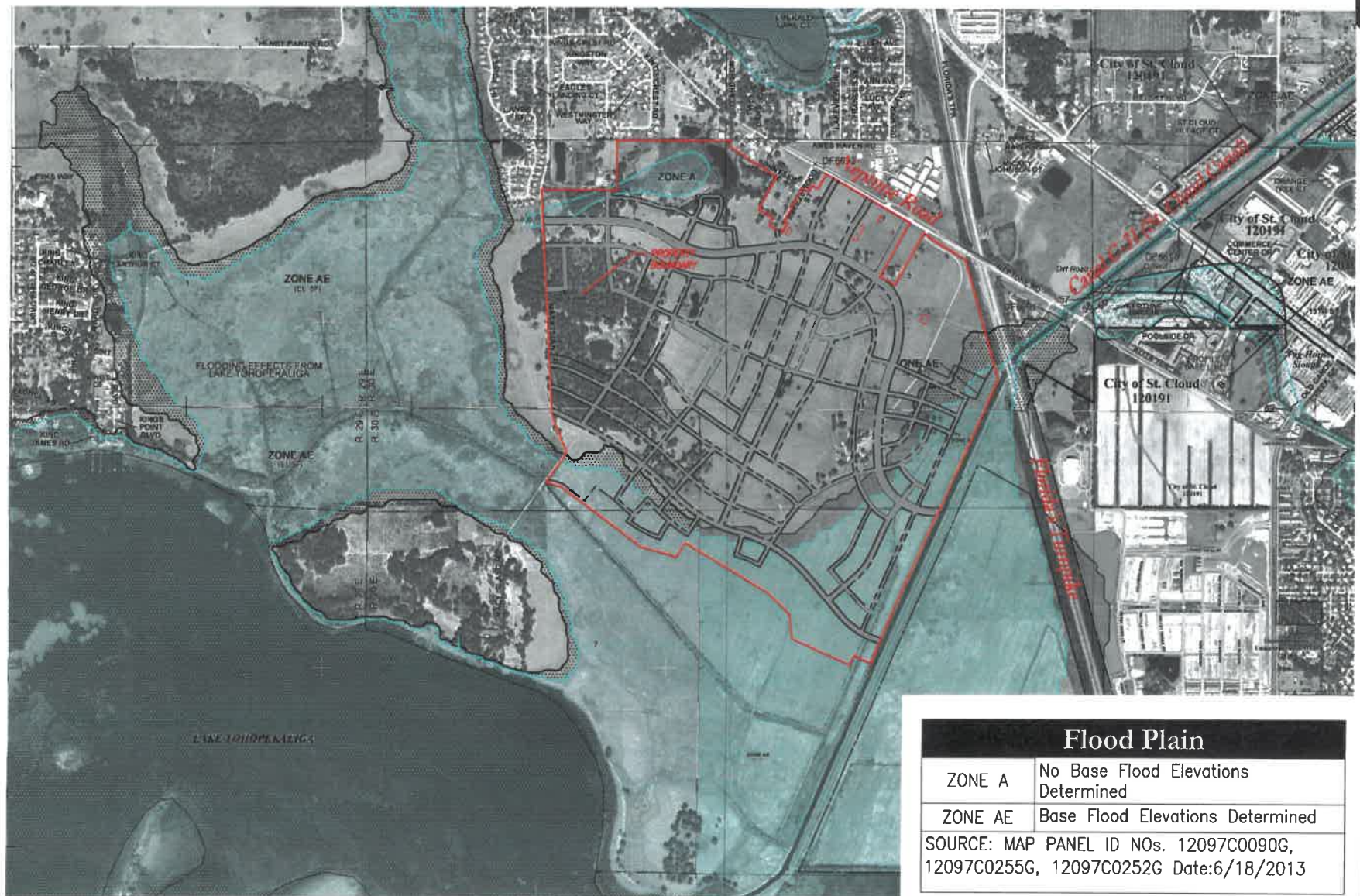
2602 E. Livingston St.  
Orlando, Florida 32803-407.487.2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567



2/2012/12-044 TOHOQUA - SECTORS/04/001 & 10/2012/2017-001/2014 CDD POST DEV DRAINAGE BASIN MAP EXHIBIT



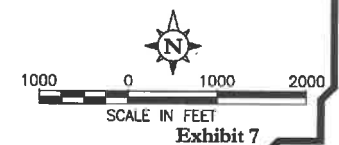


# 100 - Year Floodplain Tohoqua CDD

**POULOS & BENNETT**

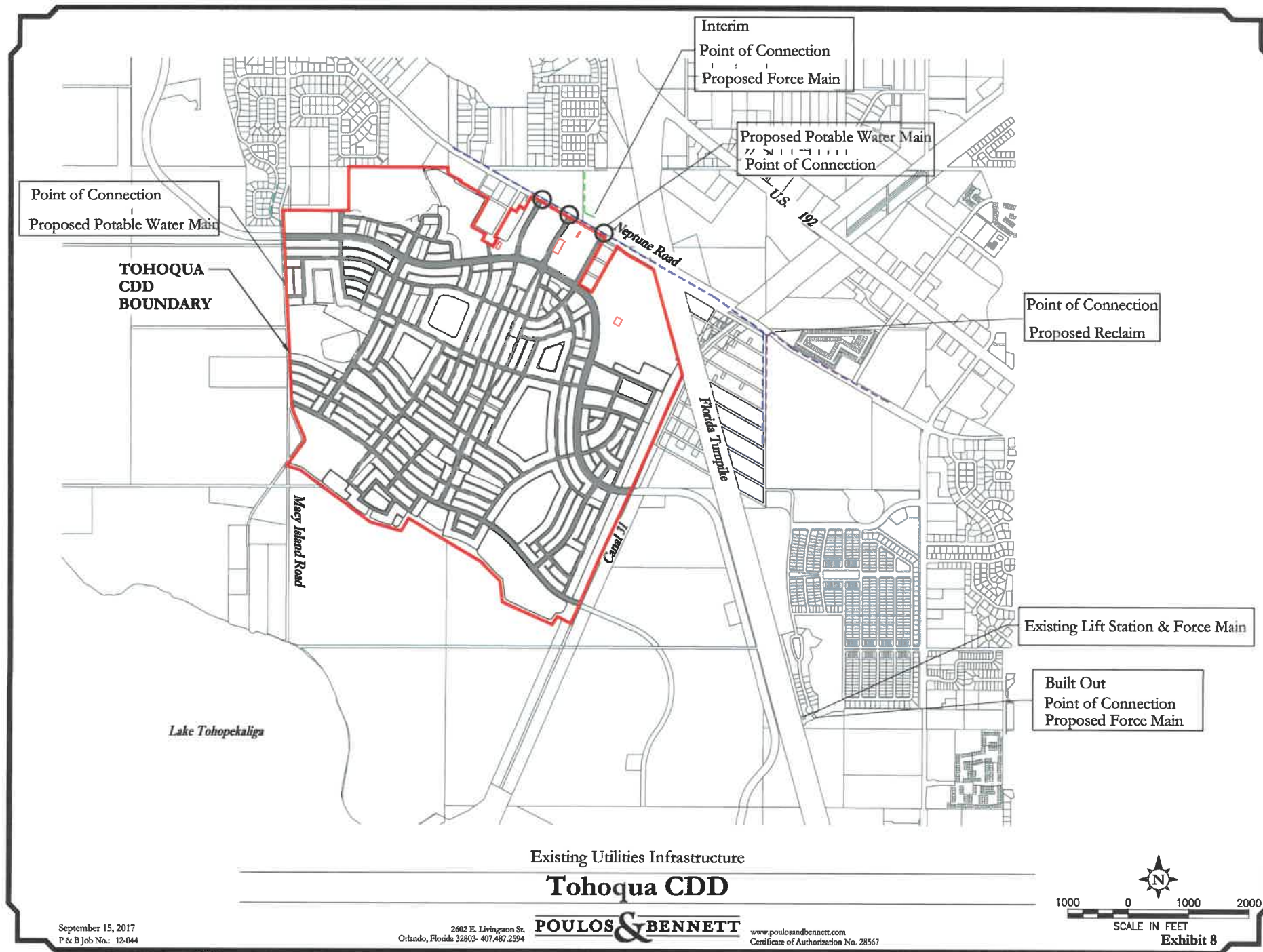
2602 E. Livingston St.  
Orlando, Florida 32803-407,487,2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567



September 15, 2017  
P & B Job No.: 12-044

21/2012/12-044 TOHOQUA - SECRET/CDD/EN & FDS/2017-09/12044 CDD FINAL DRAFT



September 15, 2017  
P & B Job No.: 12-044

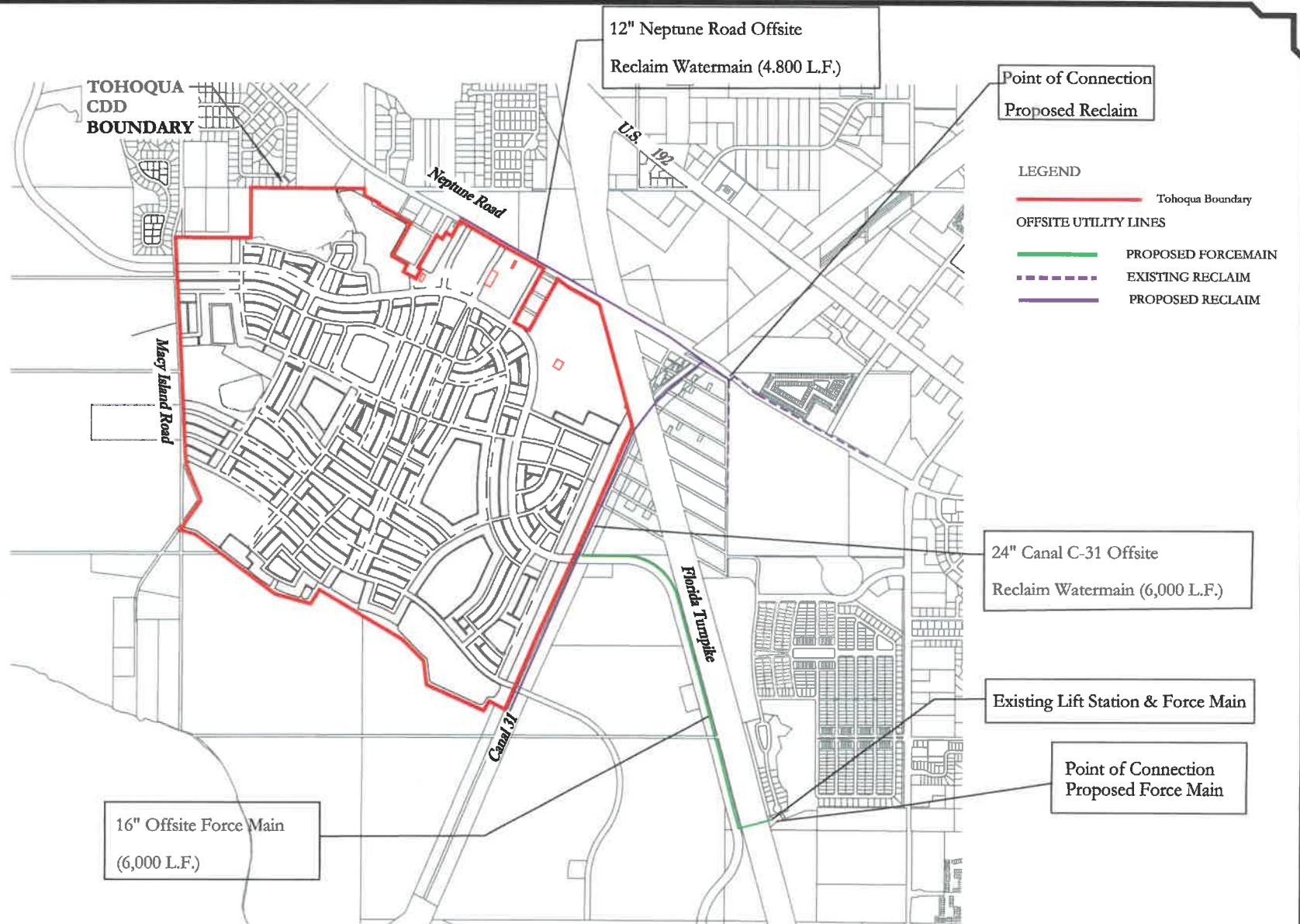
2602 E. Livingston St.  
Orlando, Florida 32803-407.487.2594

**POULOS & BENNETT**

www.poulosandbennett.com  
Certificate of Authorization No. 28567

Z:\2012\12-044 TOHOQUA - SEWER\DWG\DWG & PDS\DWG\2017-09\12044 CDD UTILITY INFRASTRUCTURE MAP EXHIBIT





Offsite Utilities Infrastructure

**Tohoqua CDD**

**POULOS & BENNETT**

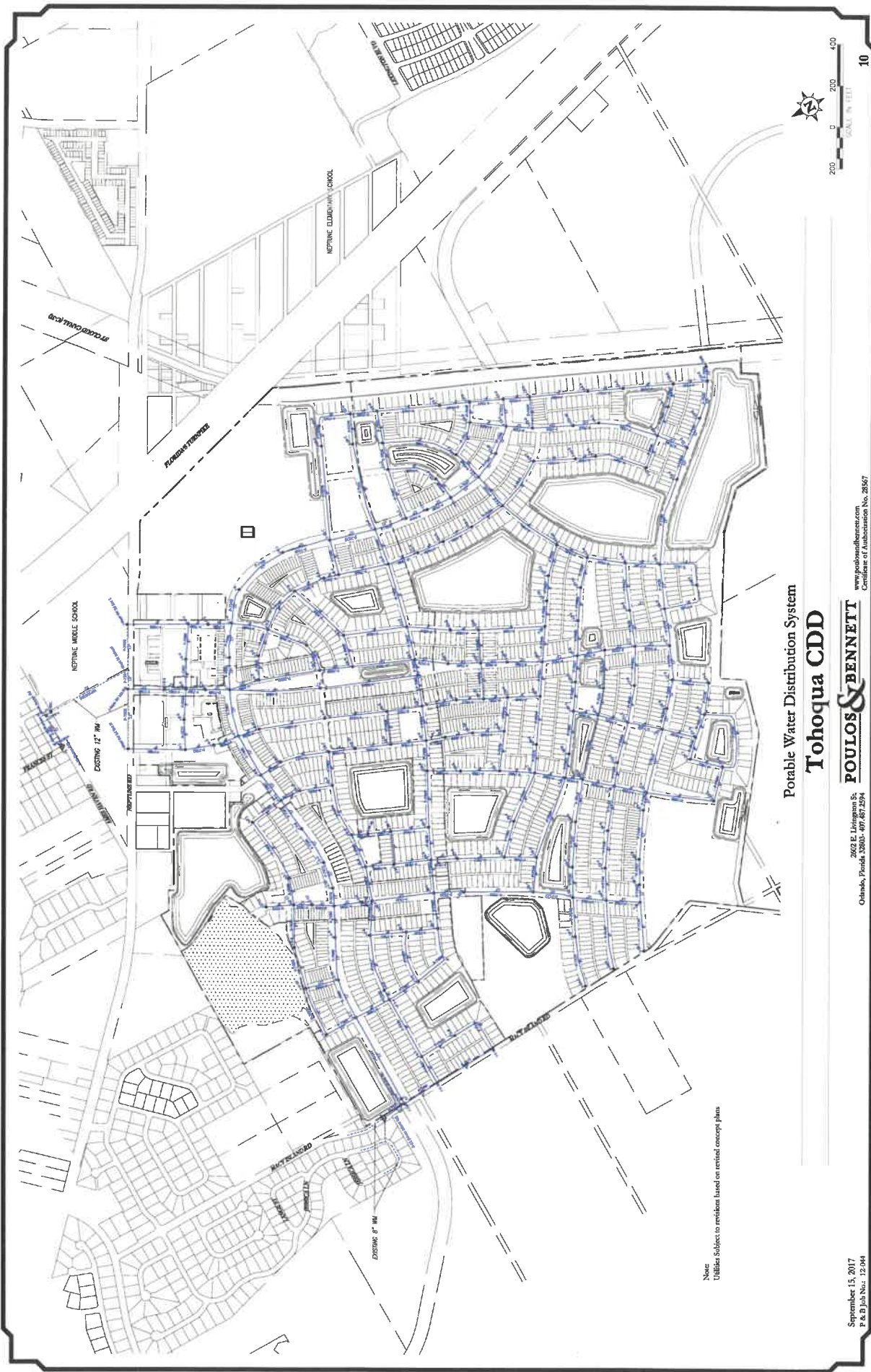
September 15, 2017  
P & B Job No.: 12-044

2602 E. Livingston St.  
Orlando, Florida 32803-407.487.2594

www.poulosandbennett.com  
Certificate of Authorization No. 28567

21\2012\12-044 TOHOQUA - SEWER\CA\VEN & P&B\CDD\2017-09\12044 CDD OFFSITE UTILITY INFRASTRUCTURE EXHIBIT

**Exhibit 9**



**Note**  
Utilities Subject to revisions based on revised concept plans

## Potable Water Distribution System

## Tohoqua CDD

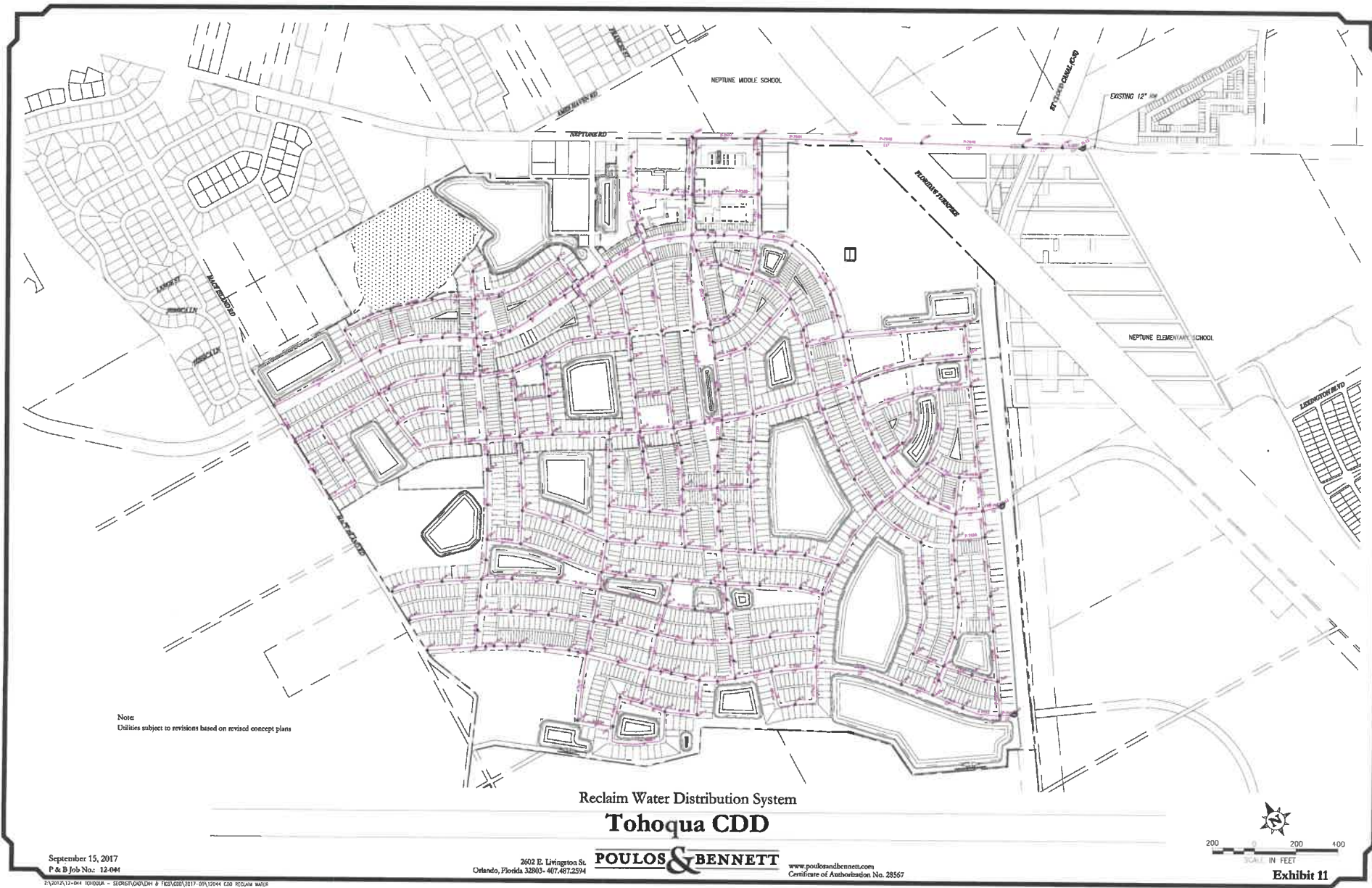
2612 E. Livingston St.  
Orlando, Florida 32803 • 407.487.2594

**POULOS & BENNETT**

www.poulosandbennett.com  
Certificate of Authorization No. 28367

September 15, 2017  
P & B Job No.: 12-044





Note:  
Utilities subject to revisions based on revised concept plans

Reclaim Water Distribution System  
**Tohoqua CDD**

**POULOS & BENNETT**

2602 E. Livingston St.  
Orlando, Florida 32803-4077/2594

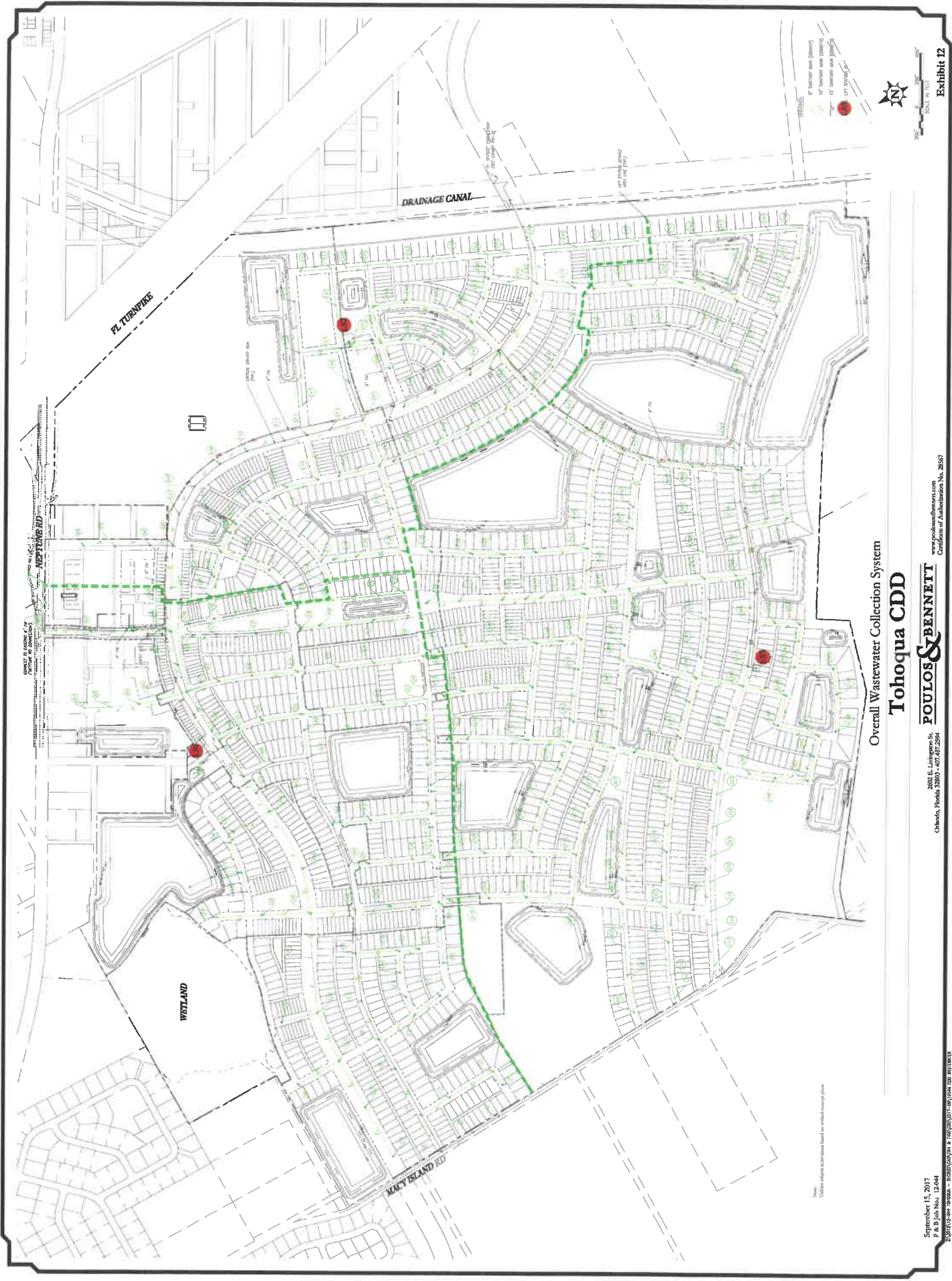
www.poulosandbennett.com  
Certificate of Authorization No. 28567

September 15, 2017  
P & B Job No.: 12-044

2/3/2012/12-044 10/000A - GEOTECHNICAL & FOUNDATION/12/044 CDD RECLAIM WATER



Exhibit 11



Overall Wastewater Collection System

Tohoqua CDD

**POULOS & BENNETT**

2605 E. Livingston St.  
Orem, UT 84057  
www.poulosandbennett.com  
Certificate of Authorization No. 28507

September 15, 2017  
P & B Job No. 12-044  
2017-12-01 Update - 2017-12-01 Update - 2017-12-01 Update

**EXHIBIT 13**  
**Tohoqua CDD**  
**Estimate of Probable Capital Improvement Costs**  
**September 25, 2017**

<b>Facility</b>	<b>Estimated Cost</b>
Roadways (Pavement and Drainage System)	\$24,624,000
Stormwater Ponds (Pond Excavation, Dewatering, Sod & Outfall Structures)	\$4,746,000
Potable Water Distribution (Pipes, Fittings, Valves, etc.)	\$4,129,000
Sanitary Sewer System (Lift Stations, Pipes, Fittings, Valves, Structures)	\$6,796,000
Reclaimed Water Distribution (Pipes, Fittings, Valves, etc.)	\$2,475,000
Amenity Site	\$3,500,000
Parks, Landscape and Hardscape	\$10,537,000
Offsite Improvements (Utilities, Paving, etc.)	\$1,313,000
<b>Subtotal</b>	<b>\$58,120,000</b>
<b>Professional Fees (10%)</b>	<b>\$5,812,000</b>
<b>Inspection, Survey &amp; Testing Fees</b>	<b>\$2,126,000</b>
<b>Subtotal</b>	<b>\$66,058,000</b>
<b>Contingency (10%)</b>	<b>\$5,812,000</b>
<b>Total</b>	<b>\$71,870,000</b>

Notes:

\* All costs and expenses for roadways (or portions of roadways) involving the grant of mobility credits by Osceola County shall be paid for by the Developer and are not included in this cost opinion. In no instance shall construction of a roadway (or portion of roadway) be funded by the CDD if mobility credits are to be granted to the Developer by the County.



1

---

2



**MASTER  
ASSESSMENT METHODOLOGY**

**FOR**

**TOHOQUA  
COMMUNITY DEVELOPMENT DISTRICT**

**Date: September 25, 2017**

**Prepared by**

**Governmental Management Services - Central Florida, LLC  
135 W. Central Blvd, Suite 320  
Orlando, FL 32801**

## Table of Contents

1.0 Introduction .....	3
1.1 Purpose .....	3
1.2 Background.....	3
1.3 Special Benefits and General Benefits .....	4
1.4 Requirements of a Valid Assessment Methodology .....	4
1.5 Special Benefits Exceed the Costs Allocated .....	5
2.0 Assessment Methodology .....	5
2.1 Overview .....	5
2.2 Allocation of Debt.....	6
2.3 Allocation of Benefit .....	6
2.4 Lienability Test: Special and Peculiar Benefit to the Property .....	7
2.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments.....	7
3.0 True-Up Mechanism.....	8
4.0 Assessment Roll .....	8
5.0 Appendix .....	9
Table 1: Development Program.....	9
Table 2: Capital Improvement Cost Estimates .....	10
Table 3: Bond Sizing.....	11
Table 4: Allocation of Improvement Costs .....	12
Table 5: Allocation of Total Par Debt to Each Product Type .....	13
Table 6: Par Debt and Annual Assessments .....	14
Table 7: Preliminary Assessment Roll.....	15

GMS-CF, LLC does not represent the Tohoqua Community Development District as a Municipal Advisor or Securities Broker nor is GMS-CF, LLC registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, GMS-CF, LLC does not provide the Tohoqua Community Development District with financial advisory services or offer investment advice in any form.

## **1.0 Introduction**

The Tohoqua Community Development District (the "District") is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes as amended. The District anticipates the issuance at this time of not to exceed \$94,500,000 of tax exempt bonds in one or more series (the "Bonds") for the purpose of financing certain infrastructure improvements ("Capital Improvement Plan") within the District more specifically described in the Engineer's Report revised and dated September 25, 2017 prepared by Poulos & Bennett, as may be amended and supplemented from time to time (the "Engineer's Report"). The District anticipates the construction of all or a portion of the Capital Improvement Plan that benefit property owners within the District.

### **1.1 Purpose**

This Master Assessment Methodology (the "Assessment Report") provides for an assessment methodology that allocates the debt to be incurred by the District to benefiting properties within the District. This Assessment Report allocates the debt to properties based on the special benefits each receives from the Capital Improvement Plan. This Assessment Report will be supplemented with one or more supplemental methodology reports to reflect the actual terms and conditions at the time of the issuance of each series of Bonds issued to finance all or a portion of the Capital Improvement Plan. This Assessment Report is designed to conform to the requirements of Chapters 190 and 170, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

The District intends to impose non ad valorem special assessments on the benefited lands within the District based on this Assessment Report. It is anticipated that all of the proposed special assessments will be collected through the Uniform Method of Collection described in Chapter 197.3632, Florida Statutes or any other legal means available to the District. It is not the intent of this Assessment Report to address any other assessments, if applicable, that may be levied by the District, a homeowner's association, or any other unit of government.

### **1.2 Background**

The District currently includes approximately 784 acres in Osceola County, Florida. The development program for the District currently envisions approximately 2,437 residential units, 750 apartment units, 480,100 square feet of commercial, and 200 hotel rooms. The proposed development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified or supplemented accordingly.

The improvements contemplated by the District in the Capital Improvement Plan will provide facilities that benefit certain property within the District. Specifically, the District will construct and/or acquire certain roadway facilities, stormwater facilities, potable water distribution facilities, sanitary sewer system facilities, reclaimed water distribution

facilities, amenity facilities, parks and recreation facilities, and offsite improvements. The acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

1. The District Engineer must first determine the public infrastructure improvements that may be provided by the District and the costs to implement the Capital Improvement Plan.
2. The District Engineer determines the assessable acres that benefit from the District's Capital Improvement Plan.
3. A calculation is made to determine the funding amounts necessary to acquire and/or construct the Capital Improvement Plan.
4. This amount is initially divided equally among the benefited properties on a prorated assessable acreage basis. Ultimately, as land is platted, this amount will be assigned to each of the benefited properties based on the number of platted units.

### **1.3 Special Benefits and General Benefits**

Improvements undertaken by the District create special and peculiar benefits to the property, different in kind and degree than general benefits, for properties within its borders as well as general benefits to the public at large.

However, as discussed within this Assessment Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits, which accrue to property within the District. The implementation of the Capital Improvement Plan enables properties within the boundaries of the District to be developed. Without the District's Capital Improvement Plan, there would be no infrastructure to support development of land within the District. Without these improvements, development of the property within the District would be prohibited by law.

There is no doubt that the general public and property owners outside the District will benefit from the provision of the Capital Improvement Plan. However, these benefits will be incidental for the purpose of the Capital Improvement Plan, which is designed solely to meet the needs of property within the District. Properties outside the District boundaries do not depend upon the District's Capital Improvement Plan. The property owners within the District are therefore receiving special benefits not received by those outside the District's boundaries.

### **1.4 Requirements of a Valid Assessment Methodology**

There are two requirements under Florida law for a valid special assessment:

- 1) The properties must receive a special benefit from the improvements being paid for.
- 2) The assessments must be fairly and reasonably allocated to the properties being assessed based on the special benefit such properties receive.

Florida law provides for a wide application of special assessments that meet these two characteristics of special assessments.

## **1.5 Special Benefits Exceed the Costs Allocated**

The special benefits provided to the property owners within the District will be greater than the costs associated with providing these benefits. The District Engineer estimates that the District's Capital Improvement Plan that is necessary to support full development of property will cost approximately \$71,870,000. The District's Underwriter projects that financing costs required to fund the Capital Improvement Plan costs, the cost of issuance of the Bonds, the funding of a debt service reserve account and capitalized interest, will be approximately \$94,500,000. Without the Capital Improvement Plan, the property within the District would not be able to be developed and occupied by future residents of the community.

## **2.0 Assessment Methodology**

### **2.1 Overview**

The District anticipates issuing approximately \$94,500,000 in Bonds in one or more series to fund the District's entire Capital Improvement Plan, provide for capitalized interest, a debt service reserve account and pay cost of issuance. It is the purpose of this Assessment Report to allocate the \$94,500,000 in debt to the properties within the District benefiting from the Capital Improvement Plan. If it is anticipated that the District will issue less than the full cost to complete the Capital Improvement Plan, and this report will be supplemented to reflect actual bond terms.

Table 1 identifies the land uses as identified by the Developer within the District. The District has commissioned an Engineer's Report that includes estimated construction costs for the Capital Improvement Plan needed to support the development, which these construction costs are outlined in Table 2. The improvements needed to support the development are described in detail in the Engineer's Report and are estimated to cost \$71,870,000. Based on the estimated costs, the size of the bond issue under current market conditions needed to generate funds to pay for the Capital Improvement Plan and related costs was determined by the District's Underwriter to total approximately \$94,500,000. Table 3 shows the breakdown of the bond sizing.

## **2.2 Allocation of Debt**

Allocation of debt is a continuous process until the development plan is completed. Until the platting process occurs, the Capital Improvement Plan funded by District bonds benefits all acres within the District.

The initial assessments will be levied on an equal basis to all gross acreage within the District. A fair and reasonable methodology allocates the debt incurred by the District proportionately to the properties receiving the special benefits. At this point all of the lands within the District are benefiting from the improvements.

Once platting or the recording of a declaration of condominium of any portion of the District into individual lots or units ("Assigned Properties") has begun, the assessments will be levied to the Assigned Properties based on the benefits they receive, on a first platted, first assigned basis. The "Unassigned Properties" defined as property that has not been platted or subjected to a declaration of condominium, will continue to be assessed on a per acre basis. Eventually the development plan will be completed and the debt relating to the bonds will be allocated to the platted units within the District, which are the beneficiaries of the Capital Improvement Plan, as depicted in Table 5 and Table 6. If there are changes to development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Developer is required. The process is outlined in Section 3.0.

The assignment of debt in this Assessment Report sets forth the process by which debt is apportioned. As mentioned herein, this Assessment Report will be supplemented from time to time.

## **2.3 Allocation of Benefit**

The Capital Improvement Plan consists of roadway facilities, stormwater facilities, potable water distribution facilities, sanitary sewer system facilities, reclaimed water distribution facilities, amenity facilities, parks and recreation facilities, and offsite improvements and professional fees along with related incidental costs. There are currently twelve product types within the planned development. The single family home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of benefit to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits. Additionally, the Commercial, Hotel, and Apartment units have not been allocated any benefits based on the Amenity Center, as those product types are anticipated to have their own private amenities, and therefore receive no benefit from District amenity center.

## **2.4 Lienability Test: Special and Peculiar Benefit to the Property**

Construction and/or acquisition by the District of its proposed Capital Improvement Plan will provide several types of systems, facilities and services for its residents. These include roadway facilities, stormwater facilities, potable water distribution facilities, sanitary sewer system facilities, reclaimed water distribution facilities, amenity facilities, parks and recreation facilities, and offsite improvements. These improvements accrue in differing amounts and are somewhat dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

Once these determinations are made, they are reviewed in the light of the special benefits peculiar to the property, which flow to the properties as a result of their logical connection from the improvements in fact actually provided.

For the provision of the Capital Improvement Plan, the special and peculiar benefits are:

- 1) the added use of the property,
- 2) added enjoyment of the property, and
- 3) the probability of increased marketability and value of the property.

These special and peculiar benefits are real and ascertainable, but are not yet capable of being calculated as to value with mathematical certainty. However, each is more valuable than either the cost of, or the actual non-ad valorem special assessment levied for the improvement or the debt as allocated.

## **2.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments**

A reasonable estimate of the proportion of special and peculiar benefits received from the public improvements described in the Engineer's Report is delineated in Table 5 (expressed as Allocation of Par Debt per Product Type).

The determination has been made that the duty to pay the non-ad valorem special assessments is fairly and reasonably apportioned because the special and peculiar benefits to the property derived from the acquisition and/or construction of the Capital Improvement Plan have been apportioned to the property within the District according to reasonable estimates of the special and peculiar benefits provided consistent with the land use categories.

Accordingly, no acre or parcel of property within the boundaries of the District will have a lien for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property and therefore, the debt allocation

will not be increased more than the debt allocation set forth in this Assessment Report.

In accordance with the benefit allocation suggested for the product types in Table 4, a total debt per unit and an annual assessment per unit have been calculated for each product type (Table 6). These amounts represent the preliminary anticipated per unit debt allocation assuming all anticipated units are built and sold as planned, and the entire proposed Capital Improvement Plan is constructed.

### **3.0 True Up Mechanism**

Although the District does not process plats, declaration of condominiums, site plans or revisions thereto for the developer, it does have an important role to play during the course of platting and site planning. Whenever a plat, declaration of condominium or site plan is processed, the District must allocate a portion of its debt to the property according to this Assessment Report outlined herein. In addition, the District must also prevent any buildup of debt on Unassigned Properties. Otherwise, the land could be fully conveyed and/or platted without all of the debt being allocated. To preclude this, when platting for 25%, 50%, 75% and 100% of the units planned for platting has occurred, the District will determine the amount of anticipated assessment revenue that remains on the Unassigned Properties, taking into account the full development plan of the District. If the total anticipated assessment revenue to be generated from the Assigned and Unassigned Properties is greater than or equal to the maximum annual debt service then no debt reduction or true-up payment is required. In the case that the revenue generated is less than the required amount then a debt reduction or true-up payment by the landowner in the amount necessary to reduce the par amount of the outstanding bonds plus accrued interest to a level that will be supported by the new net annual debt service assessments will be required.

If a true-up payment is made less than 45 days prior to an interest payment date, the amount of accrued interest will be calculated to the next succeeding interest payment date.

### **4.0 Assessment Roll**

The District will initially distribute the liens across the property on a gross acreage basis. As Assigned Properties becomes known with certainty, the District will refine its allocation of debt from a per acre basis to a per unit basis as shown in Table 6. If the land use plan changes, then the District will update Table 6 to reflect the changes as part of the foregoing true-up process. As a result, the assessment liens are neither fixed nor are they determinable with certainty on any acre of land in the District prior to the time final Assigned Properties become known. The current assessment roll is attached as Table 7.



TABLE 1  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM  
MASTER ASSESSMENT METHODOLOGY

Land Use	Units	ERUs per Unit (1)	Total ERUs
Commercial (2)	480.1	0.50	240
Hotel	200	0.50	100
Apartments	750	0.50	375
Townhouse	512	0.60	307
MF - Duplex/Garden	439	0.60	263
SF - 32	185	0.65	120
SF - 40	314	0.80	251
SF - 45	306	0.90	275
SF - 50	384	1.00	384
SF - 55	128	1.10	141
SF - 65	85	1.30	111
SF - 70	84	1.40	118
<b>Total Units</b>	<b>3,867.1</b>		<b>2,685</b>

(1) Benefit is allocated on an ERU basis; based on density of planned development, with Single Family = 1 ERU

(2) Each 1,000 square feet considered .5 units

\* Unit mix is subject to change based on marketing and other factors

**TABLE 2**  
**TOHOQUA COMMUNITY DEVELOPMENT DISTRICT**  
**CAPITAL IMPROVEMENT PLAN COST ESTIMATES**  
**MASTER ASSESSMENT METHODOLOGY**

Capital Improvement Plan ("CIP") (1)	Cost Estimate
Roadways	\$24,624,000
Stormwater Ponds	\$4,746,000
Potable Water Distribution	\$4,129,000
Sanitary Sewer System	\$6,796,000
Reclaimed Water Distribution	\$2,475,000
Amenity Site	\$3,500,000
Parks, Recreational Facilities, and Landscaping	\$10,537,000
Offsite Improvements	\$1,313,000
Professional Fees	\$5,812,000
Inspection, Survey, and Testing	\$2,126,000
Contingencies	\$5,812,000
	<b>\$71,870,000</b>

(1) A detailed description of these improvements is provided in the revised Engineer's Report dated September 25, 2017.

**TABLE 3**  
**TOHOQUA COMMUNITY DEVELOPMENT DISTRICT**  
**BOND SIZING**  
**MASTER ASSESSMENT METHODOLOGY**

<b>Description</b>	<b>Total</b>
Construction Funds	\$ 71,870,000
Debt Service Reserve	\$ 6,756,349
Capitalized Interest	\$ 11,160,000
Underwriters Discount	\$ 1,860,000
Cost of Issuance	\$ 1,000,000
Contingency	\$ 1,853,651
<b>Par Amount*</b>	<b>\$ 94,500,000</b>

**Bond Assumptions:**

Interest Rate	6.00%
Amortization	30 years
Capitalized Interest	24 months
Debt Service Reserve	Max Annual
Underwriters Discount	2%

\* Par amount is subject to change based on the actual terms at the sale of the bonds

TABLE 4  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
ALLOCATION OF IMPROVEMENT COSTS  
MASTER ASSESSMENT METHODOLOGY

Land Use	No. of Units *	ERU Factor	Total ERUs	Improvements Costs		Improvements Costs Per Product Type (Amenity)	% of Amenity Improvement Costs	Total Improvements Costs Per Product Type	Total Improvement Cost %	Total Improvement Costs Per Unit
				Per Product Type (Non-Amenity)	% of Non-Amenity Improvement Costs					
Commercial**	480.1	0.50	240.05	\$ 6,111,648	8.94%	N/A	N/A	\$ 6,111,548	8.50%	12,730
Hotel**	200	0.50	100	\$ 2,545,989	3.72%	N/A	N/A	\$ 2,545,989	3.54%	12,730
Apartments**	750	0.50	375	\$ 9,547,460	13.96%	N/A	N/A	\$ 9,547,460	13.28%	12,730
Townhouse	512	0.60	307.2	\$ 7,821,280	11.44%	\$ 545,690	15.59%	\$ 8,366,969	11.64%	16,342
MF - Duplex/Garden	439	0.60	263.4	\$ 6,706,136	9.81%	\$ 467,886	13.37%	\$ 7,174,023	9.98%	16,342
SF - 32	185	0.65	120.25	\$ 3,061,552	4.48%	\$ 213,604	6.10%	\$ 3,275,157	4.56%	17,704
SF - 40	314	0.80	251.2	\$ 6,395,525	9.35%	\$ 446,215	12.75%	\$ 6,841,741	9.52%	21,789
SF - 45	306	0.90	275.4	\$ 7,011,655	10.26%	\$ 489,202	13.98%	\$ 7,500,857	10.44%	24,513
SF - 50	384	1.00	384	\$ 9,776,599	14.30%	\$ 682,112	19.49%	\$ 10,458,712	14.55%	27,236
SF - 55	128	1.10	140.8	\$ 3,584,753	5.24%	\$ 250,108	7.15%	\$ 3,834,861	5.34%	29,960
SF - 65	85	1.30	110.5	\$ 2,813,318	4.11%	\$ 196,285	5.61%	\$ 3,009,603	4.19%	35,407
SF - 70	84	1.40	117.6	\$ 2,994,084	4.38%	\$ 208,897	5.97%	\$ 3,202,981	4.46%	38,131
Totals	3,867.1		2,685	\$ 68,370,000	100.00%	\$ 3,500,000	100.00%	\$ 71,870,001	100.00%	

\* Unit mix is subject to change based on marketing and other f.

\*\* - These products types do not benefit from Amenity Center due to no usage and/or they have their own Private Amenity Facilities

TABLE 5  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
ALLOCATION OF TOTAL PAR DEBT TO EACH PRODUCT TYPE  
MASTER ASSESSMENT METHODOLOGY

Land Use	No. of Units *	Total Improvements		Total Improvement Cost %	Allocation of Par	
		Costs Per Product Type			Debt Per Product Type	Par Debt Per Unit
Commercial	480.1	\$ 6,111,648	8.50%	\$ 8,036,047	\$ 16,738	
Hotel	200	\$ 2,545,989	3.54%	\$ 3,347,655	\$ 16,738	
Apartments	750	\$ 9,547,460	13.28%	\$ 12,553,708	\$ 16,738	
Townhouse	512	\$ 8,366,969	11.64%	\$ 11,001,511	\$ 21,487	
MF - Duplex/Garden	439	\$ 7,174,023	9.98%	\$ 9,432,936	\$ 21,487	
SF - 32	185	\$ 3,275,157	4.56%	\$ 4,306,418	\$ 23,278	
SF - 40	314	\$ 6,841,741	9.52%	\$ 8,996,027	\$ 28,650	
SF - 45	306	\$ 7,500,857	10.44%	\$ 9,862,683	\$ 32,231	
SF - 50	384	\$ 10,458,712	14.55%	\$ 13,751,889	\$ 35,812	
SF - 55	128	\$ 3,834,861	5.34%	\$ 5,042,359	\$ 39,393	
SF - 65	85	\$ 3,009,603	4.19%	\$ 3,957,249	\$ 46,556	
SF - 70	84	\$ 3,202,981	4.46%	\$ 4,211,516	\$ 50,137	
Totals	3,867.1	\$ 71,870,001	100.00%	\$ 94,500,000		

\* Unit mix is subject to change based on marketing and other factors

TABLE 6  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
PAR DEBT AND ANNUAL ASSESSMENTS FOR EACH PRODUCT TYPE  
MASTER ASSESSMENT METHODOLOGY

Land Use	No. of Units *	Allocation of Par Debt Per Product Type	Total Par Debt Per Unit	Maximum Annual Debt Service	Net Annual Debt Assessment Per Unit	Gross Annual Debt Assessment Per Unit (1)
Commercial	480.1	\$ 8,036,047	\$ 16,738	\$ 574,543	\$ 1,197	\$ 1,269
Hotel	200	\$ 3,347,655	\$ 16,738	\$ 239,343	\$ 1,197	\$ 1,269
Apartments	750	\$ 12,553,708	\$ 16,738	\$ 897,537	\$ 1,197	\$ 1,269
Townhouse	512	\$ 11,001,511	\$ 21,487	\$ 786,561	\$ 1,536	\$ 1,628
MF - Duplex/Garden	439	\$ 9,432,936	\$ 21,487	\$ 674,415	\$ 1,536	\$ 1,628
SF - 32	185	\$ 4,306,418	\$ 23,278	\$ 307,891	\$ 1,664	\$ 1,764
SF - 40	314	\$ 8,996,027	\$ 28,650	\$ 643,178	\$ 2,048	\$ 2,171
SF - 45	306	\$ 9,862,683	\$ 32,231	\$ 705,140	\$ 2,304	\$ 2,443
SF - 50	384	\$ 13,751,889	\$ 35,812	\$ 983,202	\$ 2,560	\$ 2,714
SF - 55	128	\$ 5,042,359	\$ 39,393	\$ 360,507	\$ 2,816	\$ 2,985
SF - 65	85	\$ 3,957,249	\$ 46,556	\$ 282,927	\$ 3,329	\$ 3,528
SF - 70	84	\$ 4,211,516	\$ 50,137	\$ 301,106	\$ 3,585	\$ 3,800
Totals	3,867.1	\$ 94,500,000		\$ 6,756,349		

(1) This amount includes collection fees and early payment discounts when collected on the Osceola County Tax Bill

\* Unit mix is subject to change based on marketing and other factors

TABLE 7  
TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
PRELIMINARY ASSESSMENT ROLL  
MASTER ASSESSMENT METHODOLOGY

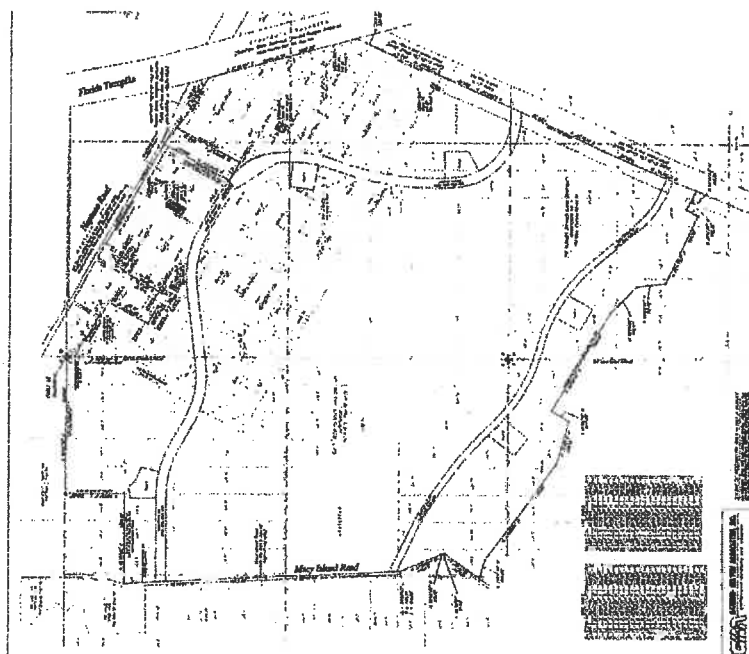
Owner	Property ID #'s*	Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
Neptune Road Investments, LLC	See Legal Description	784.00	\$120,536	\$ 94,500,000	\$ 6,756,349	\$ 7,187,605
Totals		784.00			\$ 6,756,349	\$ 7,187,605

(1) This amount includes 6% to cover collection fees and early payment discounts when collected utilizing the uniform method.

Annual Assessment Periods	30
Projected Bond Rate (%)	6.00%
Maximum Annual Debt Service	\$6,756,349

\* - See Metes and Bounds, attached as Exhibit A

Prepared by: Governmental Management Services - Central Florida, LLC



### Verfahren Beschreibung

[illegible]

FOR AND WITHOUT THE FOLLOWING:

[illegible]

## District Boundary Map and Legal Description

## Tohoqua CDD

**POULOS & BENNETT**

**POULOS & BENNETT**  
2602 E. Livingston St.  
Orlando, Florida 32803 407.427.1594  
www.poulosandbennett.com  
Certificate of Auctioneer No. 28367

September 15, 2017  
P & B Job No.: 17-044[illegible]

1000 0 1000 2000  
SCALE IN FEET

Exhibit 3





## RESOLUTION 2018-07

**A RESOLUTION AUTHORIZING AND CONFIRMING THE PROJECT; EQUALIZING, APPROVING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITED BY SUCH PROJECT TO PAY THE COSTS THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHOD PROVIDED FOR BY CHAPTERS 170, 190 AND 197, FLORIDA STATUTES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT REVENUE BONDS; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES; PROVIDING FOR RECORDING OF AN ASSESSMENT NOTICE; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:**

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to Chapters 170, 190 and 197, *Florida Statutes*.

### **SECTION 2. DISTRICT AUTHORITY AND PREVIOUS ACTIONS.**

A. The Tohoqua Community Development District ("**District**") is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes.

B. The District is authorized under Chapter 190, Florida Statutes, to construct roads, water management and control facilities, water and wastewater systems and other public infrastructure projects to serve lands within the District.

C. The District previously adopted its Engineer's Report dated September 25, 2017 ("**Engineer's Report**") describing the capital improvement program to be constructed and/or acquired by the District ("**Project**").

D. The District is authorized by Chapter 170, Florida Statutes, to levy special assessments to pay all, or any part of, the cost of the Project and to issue special assessment revenue bonds payable from such special assessments as provided in Chapters 190 and 170, Florida Statutes.

**SECTION 3. FINDINGS.** The District's Board of Supervisors ("**Board**") hereby finds and determines as follows:

A. It is necessary to the public safety and welfare, and to comply with applicable governmental requirements, that (i) the District provide the Project, the nature and location of which is described in the plans and specifications on file at the District Manager's office at 135 West Central Boulevard, Suite 320, Orlando, Florida 32801; (ii)

the cost of such Project be assessed against the lands specially benefited by such projects; and (iii) the District issue bonds to provide funds for such purposes, pending the receipt of such special assessments.

B. The provisions of said infrastructure projects, the levying of such special assessments and the sale and issuance of such bonds serves a proper, essential and valid public purpose.

C. In order to provide funds with which to pay the costs of the Project which are to be assessed against the benefited properties, pending the collection of such special assessments, it is necessary for the District to sell and issue its not-to-exceed \$94,500,000 Tohoqua Community Development District Special Assessment Revenue Bonds in one or more series ("**Bonds**").

D. In Resolution 2017-19, the Board determined to provide the Project and to defray the cost thereof by making special assessments on benefited property and expressed an intention to issue the Bonds to provide the funds needed for the Project prior to the collection of such special assessments. Resolution 2017-19 was adopted in compliance with the requirements of Section 170.03, Florida Statutes, and prior to the time the same was adopted, the requirements of Section 170.04, Florida Statutes had been complied with.

E. As directed by Resolution 2017-19, said resolution was published as required by Section 170.05, Florida Statutes, and a copy of the publisher's affidavit of publication is on file with the District Manager.

F. As directed by Resolution 2017-19, a preliminary assessment roll was prepared and filed with the Board as required by Section 170.06, Florida Statutes.

G. The Board, by Resolution 2017-19, previously approved its Master Assessment Methodology for 2017 Project for Tohoqua Community Development District, dated September 25, 2017 ("**Master Assessment Methodology**"), attached hereto and incorporated herein as **Exhibit A**.

H. The Board, by Resolution 2017-19, previously approved the Engineer's Report.

I. As required by Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution 2017-20 fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (i) the propriety and advisability of making the improvements, (ii) the cost thereof, (iii) the manner of payment therefor, and (iv) the amount thereof to be assessed against each parcel of specially benefited property and providing for the mailing and publication of notice of such public hearing.

J. Notice of such public hearing has been given by publication and by delivery as required by Section 170.07, Florida Statutes, and affidavits as to such publication and delivery are on file in the office of the Secretary of the Board.

K. At the time and place specified in the resolution and notice referred to in paragraph (I) above, the Board met as an Equalization Board, conducted such public hearing and heard and considered all complaints as to the matters described in paragraph (I) above and, based thereon, has made such modifications (if any) in the preliminary assessment roll as it deems desirable at this time.

L. Having considered any revised costs of the Project, any revised estimates of financing costs and all complaints and evidence presented at such public hearing, the Board of Supervisors of the District finds and determines:

(i) that the estimated costs of the Project are as specified in the Engineer's Report, and the amount of such costs is reasonable and proper; and

(ii) that it is reasonable, proper, just and right to assess the cost of such Project against the properties specially benefited thereby using the methods determined by the Board as set forth in the Master Assessment Methodology, which result in special assessments set forth on an assessment roll contained in the Master Assessment Methodology and herein adopted by the Board, and which roll will be supplemented and amended by the Board when properties are platted and when final project costs, structure and interest rate on the Bonds to be issued by the District are established; and

(iii) that the Project will constitute a special benefit to all parcels of real property listed on said assessment roll and that the benefit, in the case of each such parcel, will be in excess of the special assessment thereon; and

(iv) it is reasonable, proper, just and right for the District to utilize the true-up mechanisms and calculations contained in the Master Assessment Methodology in order to ensure that all parcels of real property benefiting from the Project are assessed accordingly and that sufficient assessment receipts are being generated in order to pay the corresponding bond debt-service when due; and

(v) it is desirable that the special assessments be paid and collected as herein provided.

**SECTION 4. AUTHORIZATION OF THE PROJECT.** The Project, as more specifically described by the Engineer's Report and the plans and specifications on file with the District Manager, are hereby confirmed, authorized and approved and the proper officers, employees and agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made following the issuance of the Bonds.

**SECTION 5. ESTIMATED COST OF IMPROVEMENTS.** The total estimated costs of the Project, and the costs to be paid by special assessments on all specially benefited property, are set forth in **Exhibit A**.

**SECTION 6. APPROVAL AND CONFIRMATION OF MASTER ASSESSMENT METHODOLOGY.** The Master Assessment Methodology is hereby adopted, approved and confirmed by the Board acting in its capacity as an Equalization Board. The special assessment or assessments against each respective parcel to be shown on the assessment roll and interest and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid; such lien shall be co-equal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

**SECTION 7. FINALIZATION OF SPECIAL ASSESSMENTS.** When all of the Project has been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, Florida Statutes. The District shall credit to each special assessment for the Project the difference between the special assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the projects, as finally determined upon completion thereof, but in no event shall the final amount of any such special assessment exceed the amount of benefits originally assessed hereunder. In making such credits, no discount shall be granted or credit given for any part of the payee's proportionate share of any actual bond financing costs, such as capitalized interest, funded reserves or bond discount included in the estimated cost of any such improvements. Such credits, if any, shall be entered in the District's Improvement Lien Book. Once the final amount of special assessments for all of the Project improvements have been determined, the term "special assessment" shall, with respect to each benefited parcel, mean the sum of the costs of the Project.

**SECTION 8. PAYMENT AND PREPAYMENT OF NON-AD VALOREM SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.**

A. All non-ad valorem special assessments shall be payable in no more than thirty (30) annual installments which shall include interest (excluding any capitalized interest period), calculated in accordance with the Master Assessment Methodology. All special assessments collected utilizing the uniform method of collection shall be levied in the amount determined in the first sentence of this paragraph divided by 1 minus the sum of the percentage cost of collection, necessary administrative costs and the maximum allowable discount for the early payment of taxes (currently a total of four percent (4%), as may be amended from time to time by Osceola County and by changes to Florida Statutes and implementing regulations, if any).

B. The District hereby may elect, under its charter and Section 197.3631, Florida Statutes, to use the method of collecting special assessments authorized by Sections 197.3632 and 197.3635, Florida Statutes. The District has heretofore timely taken, or will timely take, all necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, Florida Statutes, and applicable rules adopted pursuant thereto to elect to use this method; and, if required, the District shall enter into a written agreement with the Property Appraiser and/or Tax Collector of Osceola County in

compliance therewith. Such non-ad valorem special assessments shall be subject to all of the collection provisions of Chapter 197, Florida Statutes.

C. Notwithstanding the foregoing, the District reserves the right under Section 197.3631, Florida Statutes, to collect its non-ad valorem special assessments pursuant to Chapter 170, Florida Statutes, and to foreclose its non-ad valorem special assessment liens as provided for by law.

D. All special assessments may be prepaid in whole or in part at any time by payment of an amount equal to the principal amount of such prepayment plus interest accrued at the interest rate on the Bonds and in the amount sufficient to pay interest on the Bonds on the next interest payment date which occurs at least 45 days after such prepayment and to the next succeeding interest payment date if such prepayment is less than 45 days from the next interest payment date. All special assessments are also subject to prepayment in the amounts and at the times set forth in Chapter 170, Florida Statutes; provided, however, that the owner of land subject to special assessments may elect to waive such statutory right of prepayment.

**SECTION 9. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT.** Property owned by units of local, state, and federal government shall not be subject to the special assessments without specific consent thereto. In addition, property owned by a property owners association or home owners association that is exempt from special assessments under Florida law shall not be subject to the special assessments. If at any time, any real property on which special assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of special assessments thereon), all future unpaid special assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

**SECTION 10. ASSESSMENT NOTICE.** The District Manager is hereby directed to record a general Notice of Assessments in the Official Records of Osceola County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

**SECTION 11. SEVERABILITY.** If any section or part of a section of this resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**SECTION 12. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 13.**  
effective upon its adoption.

**EFFECTIVE DATE.** This Resolution shall become

**APPROVED AND ADOPTED** this 1<sup>st</sup> day of November 2017.

ATTEST:

**BOARD OF SUPERVISORS OF THE  
TOHOQUA COMMUNITY DEVELOPMENT  
DISTRICT**, a Florida community development  
district

By: \_\_\_\_\_

Name: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_

Name: \_\_\_\_\_  
Chairman / Vice Chairman

**EXHIBIT “A”**

**MASTER ASSESSMENT METHODOLOGY**

See attached Master Assessment Methodology for 2017 Project for  
Tohoqua Community Development District  
dated September 25, 2017

**[ATTACHED TO FOLLOWING PAGE]**



## SECTION VI

Tohoqua  
Community Development District

Request for Qualifications for  
Engineering Services

Prepared For  
Governmental Management Services-Central Florida, LLC  
135 West Central Boulevard, Suite 320  
Orlando, Florida 32801

Date  
October 25, 2017





Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • [www.poulosandbennett.com](http://www.poulosandbennett.com)

October 25, 2017

Mr. George S. Flint, District Manager  
Governmental Management Services-Central Florida, LLC,  
135 West Central Boulevard, Suite 320  
Orlando, Florida 32801

RE: Request for Qualifications For Engineering Services  
Tohoqua Community Development District

Dear Mr. Flint,

Thank you for the opportunity to provide our qualifications to provide for the engineering services for Tohoqua Community Development District (Tohoqua CDD). Poulos & Bennett will bring to Tohoqua CDD incomparable attention to detail with regard to pre-development analysis, master systems and neighborhood design and permitting, with a highly dedicated team of experienced professionals who will meet all your civil engineering needs.

In order to best serve the Tohoqua CDD for continuing engineering services, Poulos & Bennett has teamed up with Bio-Tech Consulting, Inc. (environmental consultant), Ganung-Belton Associates, Inc. (land surveyor), and Bonnett Design Group, LLC (landscape architect). The partners of Poulos & Bennett have successfully worked with each of these firms on the Story Park CDD, as well as many others, and feel they will provide a highly experienced and efficient team to provide the services required by the Tohoqua CDD. Poulos & Bennett and the assembled team members are all headquartered in the Central Florida area and have the ability to provide quick and efficient service to the Tohoqua CDD.

The Poulos & Bennett team is the best fit for carrying out this project expeditiously and efficiently based on our vast experience with the engineering design of not only this project but Community Development Districts as well. Our Orlando office location, our thorough understanding of South Florida Water Management District (SFWMD) criteria and permitting, as well as our long-standing relationships with SFWMD staff, extending up to and including the Chairmen of the respective SFWMD Governing Boards, will be brought to bear to provide a uniquely positioned team of professionals to facilitate Tohoqua CDD. Our team members have been serving clients in Osceola County since 1989. We have extensive experience and strong relationships with Osceola County staff, and we are proud of our reputation as being consummate professionals in our interactions, skilled civil engineers and planners in our practice, and committed advocates for our clients.

We appreciate the opportunity to provide our qualifications to the Tohoqua CDD for continuing engineering services and are excited about the possibility of providing high-quality and cost-effective engineering services. We feel with our engineering experience, coupled with the talent and experience of the overall team, we can meet and exceed the needs of the Tohoqua CDD.

Please do not hesitate to contact us should you need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Lance Bennett", with a long, sweeping horizontal stroke extending to the right.

**R. Lance Bennett, PE**  
Principal-In-Charge

# ARCHITECT - ENGINEER QUALIFICATIONS

## PART I - CONTRACT-SPECIFIC QUALIFICATIONS

### A. CONTRACT INFORMATION

1. TITLE AND LOCATION (City and State)

Tohoqua Community Development District- Osceola County, FL

2. PUBLIC NOTICE DATE  
N/A

3. SOLICITATION OR PROJECT NUMBER  
N/A

### B. ARCHITECT-ENGINEER POINT OF CONTACT

4. NAME AND TITLE

R. Lance Bennett, PE – Principal-In-Charge

5. NAME OF FIRM

Poulos & Bennett, LLC

6. TELEPHONE NUMBER

407-487-2594

7. FAX NUMBER

407-289-5280

8. E-MAIL ADDRESS

lbennett@poulosandbennett.com

### C. PROPOSED TEAM

(Complete this section for the prime contractor and all key subcontractors.)

	(Check)						
	PRIME	J-V	PARTNER	SUBCON-TRACTOR	9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
a.	X				Poulos & Bennett, LLC <input type="checkbox"/> CHECK IF BRANCH OFFICE	2602 E. Livingston Street Orlando, FL 32803	Civil Engineer
b.			X		Bio-Tech Consulting, Inc. <input type="checkbox"/> CHECK IF BRANCH OFFICE	3025 East South St. Orlando, Florida 32803	Environmental Consultant
c.			X		Ganung-Belton Associates, Inc. <input type="checkbox"/> CHECK IF BRANCH OFFICE	1275 E. Robinson Street Orlando, FL 32801	Land Surveyor
d.			X		Bonnett Design Group, LLC <input type="checkbox"/> CHECK IF BRANCH OFFICE	151 Circle Drive Maitland, FL 32751	Landscape Architect
e.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		
f.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		

### D. ORGANIZATIONAL CHART OF PROPOSED TEAM

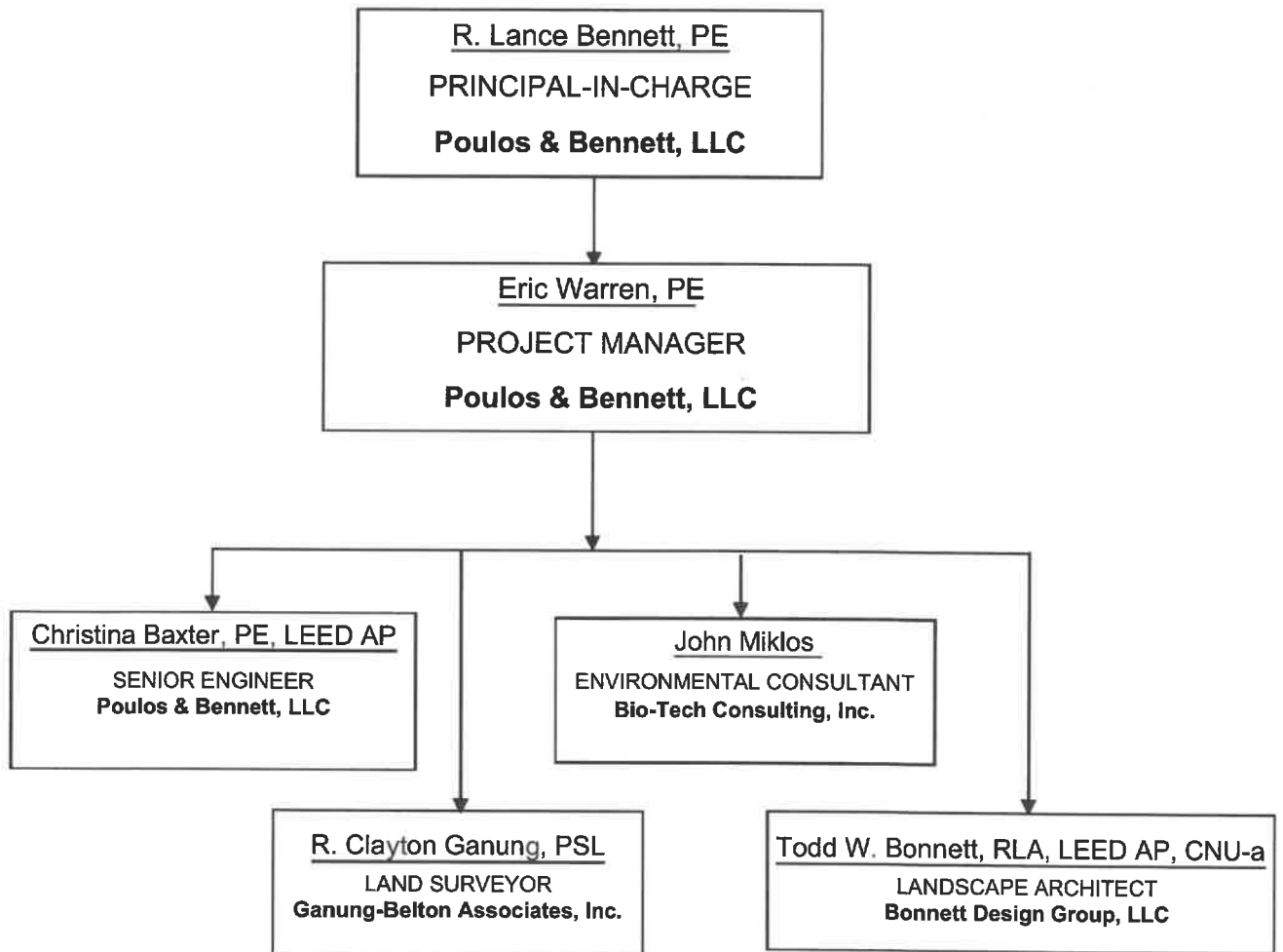
☒ (Attached)

## D. ORGANIZATIONAL CHART OF PROPOSED TEAM

### REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES

#### TOHOQUA COMMUNITY DEVELOPMENT DISTRICT

##### ORGANIZATIONAL CHART



**POULOS & BENNETT**

Poulos & Bennett, LLC • 2602 E. Livingston St. • Orlando, Florida 32803 • (407) 487-2594 • [www.poulosandbenett.com](http://www.poulosandbenett.com)

**E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT***(Complete one Section E for each key person.)*

12. NAME	13. ROLE IN THIS CONTRACT	14. YEARS EXPERIENCE	
R. Lance Bennett, PE	Principal-in-Charge	a. TOTAL 26	b. WITH CURRENT FIRM 7
15. FIRM NAME AND LOCATION (City and State)			
Poulos & Bennett, LLC - Orlando, FL			
16. EDUCATION (DEGREE AND SPECIALIZATION)		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE)	
MS Civil Engineering, University of Central Florida		Florida Registered Professional Engineer No.50698	
BS Civil Engineering, University of Central Florida		FDEP Erosion & Sediment Control Inspector No.2359	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.)			

Member of the American Society of Civil Engineers (ASCE); Adjunct Professor for University of Central Florida

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Four Seasons at Orlando – Osceola County, Florida	PROFESSIONAL SERVICES 2017	CONSTRUCTION (If applicable) N/A
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm Four Seasons at Orlando includes the preparation of construction plans and permitting services for a 22-acre Tract C project; 31-acre Tract D project; 7.5-acre Spine Road project consisting of 3,450LF; and 32-acre Amenity Center. This totals an estimated construction cost of over \$10,000,000. Lance serves as the Principal-In-Charge.		
Storey Park Community Development District – Orlando, FL	PROFESSIONAL SERVICES 2013 - 2015	CONSTRUCTION (If applicable) N/A
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm 861-acre Community Development District project. Poulos & Bennett prepared the CDD engineers report, exhibits, and cost estimates in support of the CDD roadway, utility, and stormwater infrastructure design. Estimated CDD construction cost of \$35,000,000. Lance served as Principal-in-Charge.		
Midtown Orlando Community Development District – Orange County, FL	PROFESSIONAL SERVICES 2008	CONSTRUCTION (If applicable) N/A
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm 171.40-acre Mixed Use Commercial Development. Providing civil engineering design, permitting, and construction management for roadway, utility and stormwater infrastructure design in addition to general engineering services to the District including attendance and preparation for monthly meetings and review of invoices. Estimated CDD construction cost of \$131,351,200. Lance served as District Engineer.		
Tapestry Community Development District – Kissimmee, FL	PROFESSIONAL SERVICES 2013 - 2017	CONSTRUCTION (If applicable) N/A
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm Tapestry Parcel 8 - 243-acres, 1037 unit residential single and multi-family-project. Providing civil engineering design, permitting, and construction management for roadway, utility and stormwater infrastructure design with an estimated construction cost of \$19,500,000. Lance served as Principal-in-Charge.		
Gardens at Millenia Community Development District – Orlando, FL	PROFESSIONAL SERVICES 2006	CONSTRUCTION (If applicable) N/A
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm 88-acre Community Development District project located in the City of Orlando. The project was a mixed-use development including office, retail, condominium, and hotel land uses. Engineering services included preparation of engineer's cost opinion, engineer's report, and exhibits for the petition to establish the CDD. Estimated CDD construction cost of \$57,500,000. Lance served as the District Engineer.		

**E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT***(Complete one Section E for each key person.)*

12. NAME <b>Eric Warren</b>	13. ROLE IN THIS CONTRACT <b>Project Manager</b>	14. YEARS EXPERIENCE a. TOTAL <b>30</b> b. WITH CURRENT FIRM <b>5</b>	
15. FIRM NAME AND LOCATION <i>(City and State)</i> <b>Poulos &amp; Bennett, LLC Orlando, FL</b>			
16. EDUCATION <i>(DEGREE AND SPECIALIZATION)</i> <b>BS Civil Engineering, Texas A&amp;M University</b>		17. CURRENT PROFESSIONAL REGISTRATION <i>(STATE AND DISCIPLINE)</i> <b>Florida Registered Professional Engineer No. 45423</b>	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i>			

Member of the American Society of Civil Engineers (ASCE)

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION <i>(City and State)</i>	(2) YEAR COMPLETED	
<b>Seidel Road Segment 1B - Kissimmee, Florida</b>	PROFESSIONAL SERVICES 2014	CONSTRUCTION <i>(If applicable)</i> under construction
a. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm <b>Project Manager for design and construction of 3,550 linear feet 4-Lane Boulevard as part of a roadway agreement with private development and Orange County. The project was designed to phase construction of the first two lanes initially. Construction cost were \$1,882,509</b>		
<b>Seidel Road Segment 2B - Kissimmee, Florida</b>	PROFESSIONAL SERVICES 2014	CONSTRUCTION <i>(If applicable)</i> 2015
b. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm <b>Project Manager for design and construction of 2,900 linear feet 4-Lane Boulevard as part of a roadway agreement with private development and Orange County. The project was designed to phase construction of the first two lanes initially. Construction cost were \$872,944</b>		
<b>Springhill PD - Orange County, Florida</b>	PROFESSIONAL SERVICES 2014 and ongoing	CONSTRUCTION <i>(If applicable)</i> 2015 and ongoing
c. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm <b>Project Manager for this 253 Acre Planned Development with 3,800 L.F. of collector roadway and 1334 units consisting of townhomes and various sized front load and rear load single family products. Providing Civil Engineering Design, permitting and construction management for the Master Drainage Plan, Master Utility Plan, off-site utility extensions and intersection improvements, internal collector Roadway and 410 residential units at this time. Construction cost are \$9,793,000</b>		
<b>Randal Park CDD - Orlando, Florida</b>	PROFESSIONAL SERVICES 2009 - 2011	CONSTRUCTION <i>(If applicable)</i> 2011
d. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm <b>Project Manager for this 712 acre mixed use Community Development District development. Provided Civil engineering design and permitting for the Phase 1 Collector Roadway and Residential Development consisting of 716 single-family units and multi-family units. In addition to the design and permitting of the master drainage plan through the City and SFWMD, the project included establishing FEMA flood elevations and FDOT Drainage Permitting. Eric Served as the Community Development District Engineer while working on this project.</b>		
<b>Horizon West Village F East Side Off-Site Utilities - Orange County, Florida</b>	PROFESSIONAL SERVICES 2014	CONSTRUCTION <i>(If applicable)</i> 2015
e. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm <b>Project Manager for the design and construction of trunkline utilities to serve Village F in Horizon West of Orange County Florida. The project consisted of 9,000 feet of 8-inch reclaimed water, 6,450 feet of 16-inch potable water and 4,950 feet of 8-inch force main. Construction cost were \$995,737</b>		



# **E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT**

(Complete one Section E for each key person.)

12. NAME  Christina Baxter, PE	13. ROLE IN THIS CONTRACT  Senior Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 14	b. WITH CURRENT FIRM 4

15. FIRM NAME AND LOCATION (City and State)

Poulos & Bennett, LLC - Orlando, FL

16. EDUCATION (DEGREE AND SPECIALIZATION)

BS Civil Engineering, University of Central Florida

BS Biology, University of Northern Arizona

17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE)

Florida Registered Professional Engineer No.67547

18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.)

Member of the American Society of Civil Engineers (ASCE)

## **19. RELEVANT PROJECTS**

	(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION (If applicable)
a.	Storey Park Community Development District – Orlando, FL	2014 - 2017	N/A
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm 861-acre Community Development District Project. Poulos & Bennett prepared the CDD Engineer's Report, exhibits and figures, and cost opinions in support of the CDD establishment. Poulos & Bennett provides continuing engineering services to the CDD, including attendance at monthly board meetings, review of documents, annual infrastructure reports, and general engineering support. Estimated CDD construction cost of \$35,000,000. Christina serves as District Engineer.		
b.	Gardens at Millenia Community Development District – Orlando, FL	2006	N/A
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input type="checkbox"/> Check if project performed with current firm 88-acre Community Development District project located in the City of Orlando. The project was a mixed-use development including office, retail, condominium, and hotel land uses. Engineering services included preparation of engineer's cost opinion, engineer's report, and exhibits for the petition to establish the CDD. Estimated CDD construction cost of \$57,500,000. Christina served as the Project Engineer.		
c.	Storey Park Phase 1 – Orlando, FL	2013 - 2015	2014 - 2015
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm This project included design, construction plan preparation, and permitting of infrastructure associated with a 90 lot residential subdivision and offsite utility extensions. The project scope included design of 10,500 LF of watermain (8-16"), 11,200 LF of reclaimed watermain (6-16"), 6,000 LF of forcemain (8"), 4,800 LF of gravity sewer (8-12"), and one duplex lift station. The project also included directional drills associated with the watermain, reclaimed watermain, and forcemain. The project is located within the City of Orlando, with utility service provided by Orange County Utilities. Estimated CDD construction cost of \$4,400,000. Christina served as Project Manager.		
d.	Storey Park Phase 2 – Orlando, FL	2013 - 2015	2015 - 2016
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm This project included design, construction plan preparation, and permitting of infrastructure associated with a 155 lot residential subdivision. The project is located within the City of Orlando, with utility service provided by Orange County Utilities. Estimated CDD Cost: \$2,100,000. Christina served as Project Manager.		
e.	Storey Park Master Drainage Plan – Orlando, FL	2013 - 2014	N/A
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm This project included preparation of the Master Drainage Plan for the 1296-acre Storey Park Planned Development including permitting through South Florida Water Management District and City of Orlando. The Drainage analysis included pre and post development conditions, offsite drainage basins/contributing flows, floodplain compensating storage calculations, nutrient loading calculations, and design of multiple conspan bridge structures. Christina served as Project Manager.		

**E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT***(Complete one Section E for each key person.)*

12. NAME <b>John Miklos</b>	13. ROLE IN THIS CONTRACT <b>Environmental Consultant</b>	14. YEARS EXPERIENCE	
		a. TOTAL <b>24</b>	b. WITH CURRENT FIRM <b>14</b>

15. FIRM NAME AND LOCATION *(City and State)***Bio-Tech Consulting, Inc. - Orlando, FL**16. EDUCATION *(DEGREE AND SPECIALIZATION)***BS Limnology, University of Central Florida**17. CURRENT PROFESSIONAL REGISTRATION *(STATE AND DISCIPLINE)*18. OTHER PROFESSIONAL QUALIFICATIONS *(Publications, Organizations, Training, Awards, etc.)*

Chairman of the Board, St. Johns River Water Management District (fourth-consecutive term); Board Member, Orange County EPC; Steering Committee Member, Central Florida Water Initiative; Board of Directors, Back to Nature Wildlife Refuge; Qualified Stormwater Management Inspector, Florida DEP; Member, Central Florida Association of Environmental Professionals

**19. RELEVANT PROJECTS**

	(1) TITLE AND LOCATION <i>(City and State)</i>	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
a.	<b>All Aboard Florida – Coral Gables, FL</b>  (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE All Aboard Florida is a privately funded project to provide passenger rail service between Orlando and Miami. Bio-Tech Consulting is responsible for wildlife surveys and mitigation for the entire ROW and for wetland delineation, permitting, and mitigation for the new ROW between Orlando and Cocoa. Bio-Tech Consulting is also providing overall technical review for wetland and bridge permitting along the existing ROW. Project Value: \$954,000. John serves as Project Manager.	Ongoing	N/A
b.	<b>Greater Orlando Aviation Authority: Aquatic Weed Control Services – Orlando, FL</b>  (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Since 2009 provided GOAA with aquatic weed control services and pond maintenance across GOAA property(ies). Servicing more than 100 pond locations; Bio-Tech Consulting has received multiple, one-year options on this GOAA project; Project Value: \$229,840/year. John serves as Project Manager.	Ongoing	N/A
c.	<b>Lucky L Mitigation Bank – Osceola County, FL</b>  (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Permitting of a regionally significant wetland and wildlife mitigation bank. Specific tasks include permitting with USACOE, SFWMD, UMAM analysis and credit evaluation, mitigation strategy, and client and agency negotiation. Estimated cost of \$250,000. John served as Project Manager.	Ongoing	N/A
d.	<b>Poinciana Parkway – Poinciana, FL</b>  (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Prepare all pertinent information in obtaining state and federal permits for the roadway corridor. Bio-Tech Consulting is responsible for permitting new alignment, mitigation, vegetation mapping, gopher tortoise permitting and relocation, and UMAM analysis. Size of Contract \$60,000. John serves as Project Manager.	Ongoing	N/A
e.	<b>Consolidated Tomoka Land Company – Volusia County, FL</b>  (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Provide overall consulting services for the 10,500 acres of land holdings. Bio-Tech Consulting is contracted to perform wetland and wildlife surveys, Phase 1 ESAs, and obtain all pertinent environmental permits from USFWS, EPA, ACOE, FFWCC, SJRWMD, City of Daytona, etc. Estimated cost of \$150,000. John serves as Project Manager.	Ongoing	N/A

**E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT***(Complete one Section E for each key person.)*

12. NAME	13. ROLE IN THIS CONTRACT	14. YEARS EXPERIENCE	
R. Clayton Ganung, PLS	Surveyor	a. TOTAL 40	b. WITH CURRENT FIRM 27
15. FIRM NAME AND LOCATION <i>(City and State)</i> Ganung Belton and Associates, Inc., Orlando, FL			
16. EDUCATION <i>(DEGREE AND SPECIALIZATION)</i>		17. CURRENT PROFESSIONAL REGISTRATION <i>(STATE AND DISCIPLINE)</i> Professional Land Surveyor No. 4236	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i>			

**19. RELEVANT PROJECTS**

a.	(1) TITLE AND LOCATION <i>(City and State)</i> Storey Park Community Development District, Orange County, Florida	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES 2013 - 2015	CONSTRUCTION <i>(If applicable)</i>
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 1261 Acre Mixed Use Residential and Commercial. Clay Serves as Project Surveyor		
b.	(1) TITLE AND LOCATION <i>(City and State)</i> Signature Lakes PUD, Orange County, Florida	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 1300 Acre Mixed Use Residential and Commercial. Clay provided Professional Land Surveying services.		
c.	(1) TITLE AND LOCATION <i>(City and State)</i> Lake Nona PUD, Orange County, Florida	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 6000 Acre Mixed Use Residential and Commercial. Clay provided Professional Land Surveying services		
d.	(1) TITLE AND LOCATION <i>(City and State)</i> Meadow Woods PUD	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 2500 Acre Mixed Use Residential and Commercial. Clay provided Professional Land Surveying services.		
e.	(1) TITLE AND LOCATION <i>(City and State)</i> Remington Community Development District, Osceola County, Florida	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE 750 Acre Residential I Golf Course Community. Clay provided Professional Land Surveying services		

**E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT***(Complete one Section E for each key person.)*

12. NAME	13. ROLE IN THIS CONTRACT	14. YEARS EXPERIENCE	
		a. TOTAL	b. WITH CURRENT FIRM
Todd W. Bonnett, RLA, LEED AP, CNU-a	Landscape Architect	25	10

15. FIRM NAME AND LOCATION *(City and State)*

Bonnett Design Group, LLC - Maitland, FL

16. EDUCATION *(DEGREE AND SPECIALIZATION)*Bachelor of Landscape Architecture  
University of Florida17. CURRENT PROFESSIONAL REGISTRATION *(STATE AND DISCIPLINE)*Florida Registered Landscape Architect  
#LA000171818. OTHER PROFESSIONAL QUALIFICATIONS *(Publications, Organizations, Training, Awards, etc.)*

LEED AP, Congress for the New Urbanism - Accredited. Member of the Florida Green Building Council &amp; the Urban Land Institute

**19. RELEVANT PROJECTS**

	(1) TITLE AND LOCATION <i>(City and State)</i>	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
a.	Storey Park Community Development District, Orange County, Florida	2017 phase 1	2018 - phase 1 anticipated
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE	<input checked="" type="checkbox"/> Check if project performed with current firm	
	1261 Acre Mixed Use Residential and Commercial		
b.	Storey Lake Community, Osceola County, Florida	2017 phase 1	2019 - phase 1 anticipated
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE	<input checked="" type="checkbox"/> Check if project performed with current firm	
	Resort and Residential Community		
c.	Solterra Resort Community Development District, Polk County, Florida	2013 - phase 1, 2016-P2	2013-phase 1, 2017-P2
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE	<input checked="" type="checkbox"/> Check if project performed with current firm	
	Master Planned Resort Community with large amenity package operated by CDD. Master Planning, Amenity & Hardscape Design		
d.	Victoria Park Community, Deland, Florida	2013	2014
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE	<input checked="" type="checkbox"/> Check if project performed with current firm	
	Master Planned Resort Community - master signage and amenity design		
e.	Millennia Park Community, Orlando, Florida	2013 - phase 1, 2016-P2	2013 - phase 1, 2016-P2
	(3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE	<input checked="" type="checkbox"/> Check if project performed with current firm	
	Master Planned Resort Community - master signage and amenity design		

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 1
<b>21. TITLE AND LOCATION (City and State)</b>  Tohoqua - Cross Praire Parkway  Osceola County, Florida	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> 2016 -2017	<b>CONSTRUCTION (If applicable)</b> N/A
<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> Tohoqua Development Group LLC	<b>b. POINT OF CONTACT NAME</b> Robert L. Secrist	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 407-509-4292
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)</b>		

This project consisted of the design and permitting of 1,500 linear feet of Cross Prairie Parkway within the Tohoqua development. Cross Prairie Parkway is boulevard roadway section that will serve as a collector roadway for the region and is being constructed under a roadway agreement with Osceola County in exchange for Transportation Mobility Credits. The project was permitted through Osceola County for Roadway and Drainage and the City of St. Cloud for Utilities. Construction costs for this first phase are \$3,895,000

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME Poulos & Bennett, LLC	(2) FIRM LOCATION (City and State) Orlando, Florida	(3) ROLE Civil Engineer
<b>b.</b> (1) FIRM NAME Bio-Tech Consulting, Inc.	(2) FIRM LOCATION (City and State) Orlando, Florida	(3) ROLE Environmental Consultant
<b>c.</b> (1) FIRM NAME Ganung-Belton Associates, Inc.	(2) FIRM LOCATION (City and State) Orlando, Florida	(3) ROLE Land Surveyor
<b>d.</b> (1) FIRM NAME Bonnett Design Group, LLC	(2) FIRM LOCATION (City and State) Maitland, Florida	(3) ROLE Landscape Architect
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <b>2</b>
<b>21. TITLE AND LOCATION (City and State)</b>  <b>Tohoqua Master Drainage Plan</b>  <b>Osceola County, Florida</b>	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> <b>2016 -2017</b>	<b>CONSTRUCTION (If applicable)</b> <b>N/A</b>

**23. PROJECT OWNER'S INFORMATION**

<b>a. PROJECT OWNER</b> <b>Tohoqua Development Group LLC</b>	<b>b. POINT OF CONTACT NAME</b> <b>Robert L. Secrist</b>	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> <b>407-509-4292</b>
---	---	--

**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

This project consisted of the design and permitting of the Master Stormwater Management Plan for the 784 Acre Tohoqua development. The project was permitted through Osceola County and the South Florida Water Management District. Design calculations included water quality treatment, design storm flood attenuation and 100 year floodplain compensating storage calculations.

**25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

<b>a.</b>	(1) FIRM NAME <b>Poulos &amp; Bennett, LLC</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Civil Engineer</b>
<b>b.</b>	(1) FIRM NAME <b>Bio-Tech Consulting, Inc.</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Environmental Consultant</b>
<b>c.</b>	(1) FIRM NAME <b>Ganung-Belton Associates, Inc.</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Land Surveyor</b>
<b>d.</b>	(1) FIRM NAME <b>Bonnett Design Group, LLC</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Maitland, Florida</b>	(3) ROLE <b>Landscape Architect</b>
<b>e.</b>	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>f.</b>	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <b>3</b>
<b>21. TITLE AND LOCATION</b> <i>(City and State)</i>  <b>Tohoqua Master Utility Plan</b>  <b>Osceola County, Florida</b>	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> <b>2016 -2017</b>	<b>CONSTRUCTION</b> <i>(If applicable)</i> <b>N/A</b>
<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> <b>Tohoqua Development Group LLC</b>	<b>b. POINT OF CONTACT NAME</b> <b>Robert L. Secrist</b>	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> <b>407-509-4292</b>
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>		

This project consisted of the design and permitting of the Master Utility Plan for the 784 Acre Tohoqua development. The project was permitted through the City of St. Cloud. Design calculations included sizing water and reclaimed water distribution mains throughout the project as well as off-site mains serving the project. The master utility plan also included the design of three master lift stations and forcemains to serve the buildout of the project.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME <b>Poulos &amp; Bennett, LLC</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Civil Engineer</b>
<b>b.</b> (1) FIRM NAME <b>Bio-Tech Consulting, Inc.</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Environmental Consultant</b>
<b>c.</b> (1) FIRM NAME <b>Ganung-Belton Associates, Inc.</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Land Surveyor</b>
<b>d.</b> (1) FIRM NAME <b>Bonnett Design Group, LLC</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Maitland, Florida</b>	(3) ROLE <b>Landscape Architect</b>
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 4				
<b>21. TITLE AND LOCATION</b> <i>(City and State)</i> Tohoqua - Phase 1 Osceola County, Florida		<b>22. YEAR COMPLETED</b> <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2016 -2017</td> <td>CONSTRUCTION <i>(If applicable)</i> N/A</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	PROFESSIONAL SERVICES 2016 -2017	CONSTRUCTION <i>(If applicable)</i> N/A		
PROFESSIONAL SERVICES 2016 -2017	CONSTRUCTION <i>(If applicable)</i> N/A					
<b>23. PROJECT OWNER'S INFORMATION</b>						
<b>a. PROJECT OWNER</b> Tohoqua Development Group LLC	<b>b. POINT OF CONTACT NAME</b> Robert L. Secrist	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 407-509-4292				
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>						

This project consisted of the design and permitting of Phase 1 of the Tohoqua development. The project consists of 329 single family and townhome units and associated roadways, drainage system and utilities, park space and a lift station. The project was permitted through Osceola County and the City of St. Cloud. Construction costs are \$10,989,000

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME Poulos & Bennett, LLC	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Civil Engineer
<b>b.</b> (1) FIRM NAME Bio-Tech Consulting, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Environmental Consultant
<b>c.</b> (1) FIRM NAME Ganung-Belton Associates, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Land Surveyor
<b>d.</b> (1) FIRM NAME Bonnett Design Group, LLC	(2) FIRM LOCATION <i>(City and State)</i> Maitland, Florida	(3) ROLE Landscape Architect
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE



<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <b>5</b>
<b>21. TITLE AND LOCATION</b> <i>(City and State)</i>  <b>Tapestry Parcel 8 - Community Development District</b>  <b>Kissimmee, Florida</b>	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> <b>2013 - 2017</b>	<b>CONSTRUCTION</b> <i>(If applicable)</i> <b>N/A</b>
<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> <b>Mattamy Homes</b>	<b>b. POINT OF CONTACT NAME</b> <b>Keith Trace</b>	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> <b>321-624-3126</b>
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>		

This 243-acre residential development, within the Tapestry PD, is the subject development of the Tapestry Community Development District. This project consists of 1037 units of single and multi-family homes. The estimated infrastructure construction cost is \$19,500,000.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME <b>Poulos &amp; Bennett, LLC</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Civil Engineer</b>
<b>b.</b> (1) FIRM NAME <b>Bio-Tech Consulting, Inc.</b>	(2) FIRM LOCATION <i>(City and State)</i> <b>Orlando, Florida</b>	(3) ROLE <b>Environmental Consultant</b>
<b>c.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <b>6</b>
<b>21. TITLE AND LOCATION (City and State)</b>  <b>Storey Park Community Development District</b>  <b>Orange County, Florida</b>	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> <b>2013 -2017</b>	<b>CONSTRUCTION (If applicable)</b> <b>N/A</b>

<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> <b>Lennar Homes</b>	<b>b. POINT OF CONTACT NAME</b> <b>Brock Nicholas</b>	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> <b>407-287-2547</b>
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)</b>		

Storey Park Community Development District is a 1261-acre mixed-use residential and commercial development established as a CDD. The estimated construction cost is \$33,000,000.

<b>25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT</b>		
<b>a.</b> (1) FIRM NAME <b>Poulos &amp; Bennett, LLC</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Civil Engineer</b>
<b>b.</b> (1) FIRM NAME <b>Bio-Tech Consulting, Inc.</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Environmental Consultant</b>
<b>c.</b> (1) FIRM NAME <b>Ganung-Belton Associates, Inc.</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Land Surveyor</b>
<b>d.</b> (1) FIRM NAME <b>Bonnett Design Group, LLC</b>	(2) FIRM LOCATION (City and State) <b>Maitland, Florida</b>	(3) ROLE <b>Landscape Architect</b>
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 7
<b>21. TITLE AND LOCATION</b> <i>(City and State)</i>  Sawgrass – Yates PD Parcel 2  Orange County, Florida	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> 2013-2017	<b>CONSTRUCTION</b> <i>(If applicable)</i> N/A
<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> Beazer Homes	<b>b. POINT OF CONTACT NAME</b> Jeremy Camp	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 407-339-4114
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT</b> <i>(Include scope, size, and cost)</i>		

This 499 lot multi-phase residential single-family development is in the Yates PD. The estimated construction cost is \$8,982,000.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME Poulos & Bennett, LLC	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Civil Engineer
<b>b.</b> (1) FIRM NAME Bio-Tech Consulting, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Environmental Consultant
<b>c.</b> (1) FIRM NAME Ganung-Belton Associates, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Orlando, Florida	(3) ROLE Land Surveyor
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <b>8</b>
<b>21. TITLE AND LOCATION (City and State)</b>  <b>Moss Park PD/DRI</b>  <b>Orange County, Florida</b>	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> <b>2013 - 2014</b>	<b>CONSTRUCTION (If applicable)</b> <b>N/A</b>

**23. PROJECT OWNER'S INFORMATION**

<b>a. PROJECT OWNER</b> <b>Lennar Homes</b>	<b>b. POINT OF CONTACT NAME</b> <b>Bennett Ruedas</b>	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> <b>407-280-4998</b>
--	--	--

**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)**

This project consisted of Moss Park PD/DRI Parcels E and N. Parcel E was a 45 lot residential single-family subdivision with an estimated construction cost of \$775,000. Parcel N was a 262-acre - 366 lot residential single-family subdivision with an estimated construction cost of \$6,588,000.

**25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

<b>a.</b>	(1) FIRM NAME <b>Poulos &amp; Bennett, LLC</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Civil Engineer</b>
<b>b.</b>	(1) FIRM NAME <b>Bio-Tech Consulting, Inc.</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Environmental Consultant</b>
<b>c.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>d.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> <b>9</b>
<b>21. TITLE AND LOCATION (City and State)</b>  <b>Seidel Road Segment 1</b>  <b>Kissimmee, Florida</b>	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> <b>2014</b>	<b>CONSTRUCTION (If applicable)</b> <b>2015-2017</b>
<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> <b>Meritage Homes</b>	<b>b. POINT OF CONTACT NAME</b> <b>Denver Marlow</b>	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> <b>407-712-8664</b>
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)</b>		

**Road Design and Utility Relocation:**

Civil Engineering conceptual and final design and permitting to improve a 2-lane rural road section to a 4-lane urban road section for approximately 7,500 linear feet in west Orange County, including preliminary design study, community stakeholder outreach and coordination, cost estimating, bid and award coordination, and construction administration. The Project included roadway design, primary and secondary drainage design. Utility infrastructure plans within the roadway alignment were permitted separately and construction of the ongoing utility improvements was coordinated with the roadway construction. The utility improvements consisted of a 16" watermain, an 8" reclaimed watermain and an 8" forcemain. Coordinated all specialty sub-consultants including landscape architect, survey and right-of-way, geotechnical, traffic and environmental. Permitted through Orange County Public Works, Orange County Utilities, Orange County Environmental Protection, the U.S. Army Corps of Engineers and South Florida Water Management District. The cost of contract was \$400,000.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME <b>Poulos &amp; Bennett, LLC</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Civil Engineer</b>
<b>b.</b> (1) FIRM NAME <b>Bio-Tech Consulting, Inc.</b>	(2) FIRM LOCATION (City and State) <b>Orlando, Florida</b>	(3) ROLE <b>Environmental Consultant</b>
<b>c.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 10
<b>21. TITLE AND LOCATION (City and State)</b>  Seidel Road Segment 2  Kissimmee, Florida	<b>22. YEAR COMPLETED</b>	
	<b>PROFESSIONAL SERVICES</b> 2015	<b>CONSTRUCTION (If applicable)</b> N/A
<b>23. PROJECT OWNER'S INFORMATION</b>		
<b>a. PROJECT OWNER</b> Meritage Homes	<b>b. POINT OF CONTACT NAME</b> Denver Marlow	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 407-712-8664
<b>24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)</b>		

**Road Design and Utility Relocation:**

Work and Location: Civil Engineering conceptual and final design and permitting for approximately 7,400 linear feet of roadway in west Orange County. Scope of services included a preliminary design study, community stakeholder outreach and coordination, cost estimating, bid and award coordination, and construction management and administration. The Project Included roadway design, primary and secondary drainage design and utility relocates for a 16" watermain, a 12" forcemain and an 8" reclaimed watermain. The project included wetland permitting and coordination with the Geotechnical Engineer for crossing three deep muck areas. Utility infrastructure plans within the roadway alignment were permitted separately and construction of the ongoing utility improvements is being coordinated with the roadway construction. The utility improvements consisted of an 18" Gravity sewer and manholes, 16" watermain, a 12" reclaimed watermain and an 8" forcemain. Coordinated all specialty sub-consultants including landscape architect, survey and right-of-way, geotechnical, traffic and environmental. Permitting was through Orange County Public Works, Orange County Utilities Orange County Environmental Protection, the U.S. Army Corps of Engineers and South Florida Water Management District.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
<b>a.</b> (1) FIRM NAME Poulos & Bennett, LLC	(2) FIRM LOCATION (City and State) Orlando, Florida	(3) ROLE Civil Engineer
<b>b.</b> (1) FIRM NAME Bio-Tech Consulting, Inc.	(2) FIRM LOCATION (City and State) Orlando, Florida	(3) ROLE Environmental Consultant
<b>c.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>d.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b> (1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

[illegible]

## 29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1	Tohoqua - Cross Praire Parkway	6	Storey Park Community Development District
2	Tohoqua Master Drainage Plan	7	Sawgrass- Yates PD Parcel 2
3	Tohoqua Master Utility Plan	8	Moss Park PD/ DRI
4	Tohoqua - Phase 1	9	Seidel Road Segment 1
5	Tapestry Parcel 8 Community Development District	10	Seidel Road Segment 2

## H. ADDITIONAL INFORMATION

30. PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE AGENCY. ATTACH ADDITIONAL SHEETS AS NEEDED.

### 4) WILLINGNESS TO MEET TIME AND BUDGET REQUIREMENTS

A key to successful execution of a complex project is understanding the regulatory process, developing a strategic, comprehensive project schedule and managing tasks to that schedule. When approaching projects, Poulos & Bennett is a schedule-focused company that develops comprehensive project schedules outlining the regulatory process, milestones and critical paths to achieve the desired outcome. These schedules help provide an overall "road map" that actively guides the design, development, and permitting of the overall engineering services for Tohoqua CDD. This approach supports the project management system from start to finish. A well-managed and maintained project schedule enables the design and permitting to proceed more effectively and efficiently. Poulos & Bennett prides itself on developing, implementing and managing complex comprehensive project schedules to the direct benefit of our clients.

Doing much of our work in the private sector has required us to be extremely sensitive to costs and budgets, and to especially understand the need for clear schedules to which we strongly adhere. To enhance our firm's services, we have established a Development Services group, one of whose primary functions is to provide cost estimates to our clients. We do this continuously from very early planning level estimates in the Due Diligence stages of project development and programming, to the final bid and award stages of project implementation wherein we estimate bids in great detail in preparation for evaluating contractor bids.

The Poulos & Bennett team has the experience, and workload capacity to begin immediately carrying out the Engineering Services necessary for the success of the Tohoqua CDD. Our staff of 46 team members, including 24 engineers, 4 planners, 6 CAD designers, 6 development services personnel, 3 permit coordinators and 3 highly valuable support staff, are all located in our Orlando Office.

Regarding our past performance, Poulos & Bennett is serving and has served as CDD engineers for multiple projects in Osceola County. We have extensive proven expertise in all facets of the pre-development analysis, design and permitting that will be undertaken within engineering services for the Tohoqua CDD.

### 5) CERTIFIED MINORITY BUSINESS ENTERPRISE

Poulos & Bennett, LLC is not a certified Minority Business Enterprise.

### 6) RECENT, CURRENT AND PROJECTED WORKLOADS

As previously stated, the Poulos & Bennett team has the experience, and workload capacity to begin immediately carrying out the Engineering Services necessary for the success of the Tohoqua Community Development District. Our highly experienced local staff is poised and ready to take ownership of the Tohoqua CDD and possesses a long-term interest in the success of this new district. See below a current project matrix of our designated Tohoqua CDD Principal-In-Charge and Project Manager:

PROJECT LEADS	RECENT, CURRENT AND PROJECTED WORKLOADS
<b>R. Lance Bennett, PE</b> Principal-In-Charge	Tohoqua Four Seasons at Orlando Storey Park Tapestry Parcel 8 Sunbridge
<b>Eric Warren, PE</b> Project Manager	Tohoqua Springhill PD Orange County Village I Watermark

### 7) VOLUME OF WORK PREVIOUSLY AWARDED TO CONSULTANT BY DISTRICT

Poulos & Bennett, LLC has never previously been awarded any volume of work by Tohoqua CDD.

## I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

31. SIGNATURE



33. NAME AND TITLE

R. Lance Bennett, PE – Principal-In-Charge

32. DATE

10/25/17



1. SOLICITATION NUMBER (If any)

(If a firm has branch offices, complete for each specific branch office seeking work.)

<b>11. ANNUAL AVERAGE PROFESSIONAL SERVICES REVENUES OF FIRM FOR LAST 3 YEARS</b> <i>(Insert revenue index number shown at right)</i>		<b>PROFESSIONAL SERVICES REVENUE INDEX NUMBER</b>	
a. Federal Work	N/A	1. Less than \$100,000	6. \$2 million to less than \$5 million
b. Non-Federal Work	8	2. \$100,00 to less than \$250,000	7. \$5 million to less than \$10 million
c. Total Work	8	3. \$250,000 to less than \$500,000	8. \$10 million to less than \$25 million
		4. \$500,000 to less than \$1 million	9. \$25 million to less than \$50 million
		5. \$1 million to less than \$2 million	10. \$50 million or greater

The foregoing is a statement of facts.

AUTHORIZED FOR LOCAL REPRODUCTION STANDARD FORM 330 (6/2004) PAGE 21

## SECTION VII

## RESOLUTION 2018-08

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT RATIFYING AN INTERLOCAL AGREEMENT WITH OSCEOLA COUNTY; RATIFYING ACTIONS OF THE CHAIRMAN AND DISTRICT STAFF RELATED TO THE FINALIZATION AND EXECUTION OF SAID INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Tohoqua Community Development District (“the District”) is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of financing, constructing, providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

**WHEREAS**, the District is located in Osceola County, Florida (the “County”); and

**WHEREAS**, pursuant to discussions between the District’s Staff and County, it was determined that the interest of both the District and the County would be served by addressing clarifying several issues, such, but not limited to, as notice and communication methods, through a Interlocal Agreement between the District and County;

**WHEREAS**, the Interlocal Agreement, as executed by the Chairman, has been submitted to the County for their consideration and approval; and

**WHEREAS**, the District’s Board of Supervisors desires to adopt this Resolution in order to ratify both the Interlocal Agreement and the actions of the Chairman and District Staff with respect to the Interlocal Agreement.

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

**1. Recitals.** The recitals so stated are true and correct and by this reference are incorporated herein.

**2. Authority for this Resolution.** This Resolution is adopted pursuant to the provisions of Florida law, Chapter 190, *Florida Statutes*.

**3. Ratification and Approval of Interlocal Agreement.** The District finds it to be in its best interest to, and hereby does, approve and ratify the Interlocal Agreement, a final form of which is attached hereto as Exhibit “A”.

**4. Ratification and Approval of Chairman and Staff Actions.** The District hereby approves and ratifies the actions of the District's Chairman, District Counsel, District Manager and District Engineer with respect to any prior actions, negotiations or discussions with the County pertaining to the subject matter of the Interlocal Agreement, as well as any actions taken with respect to the drafting, revising, finalizing, execution and submission of the Interlocal Agreement.

**5. Severability.** If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**6. Conflicts.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**7. Effective Date.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of November, 2017.

ATTEST:

**TOHOQUA COMMUNITY  
DEVELOPMENT DISTRICT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_  
Secretary/Asst. Secretary

Name: \_\_\_\_\_  
Chairman/Vice-Chairman

**Exhibit "A":** Interlocal Agreement

Prepared by and return to:  
Jan A. Carpenter, Esq.  
111 N. Magnolia Ave  
Suite 1400  
Orlando, Florida 32801

---

**INTERLOCAL AGREEMENT  
BETWEEN OSCEOLA COUNTY, FLORIDA AND  
THE TOHOQUA COMMUNITY DEVELOPMENT DISTRICT  
REGARDING THE EXERCISE OF POWERS AND  
COOPERATION ON PROVIDING ADDITIONAL DISCLOSURE AND NOTICES**

**THIS INTERLOCAL AGREEMENT** (the "Interlocal Agreement"), dated as of \_\_\_\_\_, 2017, is entered into by and between **Osceola County, Florida** (the "County"), a political subdivision of the State of Florida and the **Tohoqua Community Development District** (the "District"), a community development district created pursuant to the provisions of Chapter 190, *Florida Statutes*, with its District Manager being Governmental Management Services – Central Florida, with offices located at 135 W. Central Blvd, Suite 320, Orlando, Florida 32801.

**RECITALS:**

**WHEREAS**, NEPTUNE ROAD INVESTMENTS, LLC, a Florida limited liability company (the "Petitioner"), as fee simple owner of real property located in Osceola County, Florida, more particularly described on Exhibit "A" hereto and incorporated herein by this reference (the "Property"), did file with the County on May 11, 2017, a petition (the "Petition") pursuant to the Act (as defined herein) to establish the Tohoqua Community Development District; and

**WHEREAS**, upon review of the Petition and supporting testimony, evidence and documentation, including but not limited to surveys, plans and specifications and financial data, the Board of County Commissioners of Osceola County (the "County Board"), on August 14, 2017, granted the Petition; and

**WHEREAS**, on August 14, 2017, concurrent with or subsequent to the action of the County Board granting the Petition, the County Board enacted Ordinance No. 2017-54 (the "Ordinance") establishing the Tohoqua Community Development District (the "District"); and

**WHEREAS**, the District consists of that real property wholly within the boundaries described in the Ordinance; and

**WHEREAS**, the District is an independent special district and a local unit of special-purpose government which is created pursuant to the Act, and is limited to the performance of those specialized functions authorized by the Act and the Ordinance; and

**WHEREAS**, the governing body of the District is created, organized, constituted and authorized to function specifically as prescribed in the Act and the Ordinance for the delivery of urban community development services; and

**WHEREAS**, pursuant to the Act, the District is presently authorized to construct, acquire, and maintain infrastructure improvements and services set forth in Section 190.012(1) of the Act, for which the District may impose, levy and collect non-ad valorem special assessments on land within the boundaries of the District; and

**WHEREAS**, in accordance with the Act, the County has expressed in the Ordinance its consent to the District Board (as defined herein) having the additional powers to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities described and authorized by Sections 190.012(1) and 190.012(2)(a) and 190.012(2)(d) of the Act, for which the District may impose, levy and collect non-ad valorem special assessments on land within the boundaries of the District; and

**WHEREAS**, the Petitioner has previously indicated its intent to present to the District Board, after its establishment, a proposed Interlocal Agreement between the County and the District to further define the responsibility of the District to (i) provide for certain enhanced disclosure regarding the establishment of the District and the existence of liens and special assessments on lands contained within the District's boundaries, (ii) provide that annual notice be given by the District to all landowners within the District regarding the date, time and place of the scheduled monthly meetings of the Board of Supervisors for its ensuing fiscal year and (iii) provide that annual notice be given by the District to all landowners within the District regarding the date, time and place of its budget hearing; and

**WHEREAS**, Petitioner has presented this Interlocal Agreement to the District Board for approval; and

**WHEREAS**, it is in the mutual interest of the County and the District to establish intergovernmental relations that encourage, promote and improve the coordination, overall effectiveness and efficiency of governmental activities and services within the boundaries of the District; and

**WHEREAS**, Section 163.01, *Florida Statutes*, known as the “Florida Interlocal Cooperation Act of 1969” (hereinafter, the “Cooperation Act”), permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities, and

**WHEREAS**, the County and the District find this Interlocal Agreement to be necessary, proper and convenient to the exercise of their powers, duties and purposes authorized by law; and

**WHEREAS**, the County and the District desire to exercise jointly their common powers and authority concerning the cost effective financing of the acquisition and construction of the infrastructure, public improvements and community facilities; the avoidance of inefficiencies caused by the unnecessary duplication of services and facilities; and the clarification of responsibilities, obligations, duties, powers, and liabilities of each of the governmental bodies.

**NOW, THEREFORE**, in consideration of the mutual understandings and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and the District agree as follows:

#### **ARTICLE I – INTRODUCTION**

**Section 1.01. Authority.** This Interlocal Agreement is entered into pursuant to the authority set forth in the Cooperation Act and the Act, and other applicable provisions of law.

**Section 1.02. Recitals and Exhibits.** The recitals so stated are true and correct and by this reference are incorporated into and form a material part of this Interlocal Agreement. All exhibits identified herein are hereby incorporated by reference to the same extent as if fully set forth herein.

**Section 1.03. Authority to Contract.** The execution of this Interlocal Agreement has been duly authorized by the appropriate body or official(s) of the County and the District, each party has complied with all applicable requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

**Section 1.04. Definitions.** The following terms when used in capitalized form herein shall have the respective meaning indicated below unless the context shall clearly indicate otherwise:

***“District Board”*** means the initial Board of Supervisors and all subsequent forms of the Board of Supervisors for the District.

***“Capital Assessments”*** means an apportioned charge levied by the District against a Parcel to satisfy the costs and expenses of the infrastructure improvements, which shall constitute a special assessment lien on the Parcel, this assessment is intended to refer to the

Benefit Special Assessments and Special Assessments, as set forth and described in Section 190.021(2) and 190.022 of the Act, respectively.

**“Act”** means the “Uniform Community Development District Act of 1980” codified in Chapter 190, Florida Statutes, as amended from time to time.

**“Parcel”** means a portion of the Property such as a lot, parcel, tract or any other quantity of land capable of being separately conveyed and having a separate folio number assigned by the Tax Collector for Osceola County.

## **ARTICLE II – DISTRICT POWERS**

### **Section 2.01. Exercise of Powers.**

**4. Powers.** The District has and shall retain all powers, rights, obligations and responsibilities granted or imposed by the Act, as amended from time to time, including but not limited to, all general powers and special powers set forth in Sections 190.011, 190.012(1), 190.102(2)(a), 190.012(2)(d), 190.012(3) and 190.012(4), *Florida Statutes*.

**B. Acknowledgment of Powers.** The District hereby acknowledges that its additional powers under the Ordinance do not include those set forth in Sections 190.012(2)(b), 190.012(2)(c), 190.012(2)I and 190.012(2)(f), Florida Statutes, and the District agrees that it will not provide such improvements or services, nor collect assessments therefor without the prior approval and amendment to the Ordinance by the County Board.

## **ARTICLE III – ENHANCED DISCLOSURE AND NOTICE**

**Section 3.01. Enhanced Disclosure of District and Assessments.** In addition to the statutory requirements for disclosure set forth in Sections 190.008, 190.009, 190.048 and 190.0485, the District Board hereby agrees to have executed and filed in the Official Records of Osceola County a “Declaration of Consent to Jurisdiction of Community Development District and to Imposition of Special Assessments” and a “Notice of Lien,” (or similar notices) at the time any Capital Assessments are placed on Parcels within the District. Such notices are intended to inform potential future landowners of land within the boundaries of the District of both the establishment of the District and the existence of liens and special assessments on lands contained within the District, which liens run with the land.

This notice supplements the following notices that will also be placed in the public records of the County on all property within the District:

Notice of Establishment of the District  
Notice of Public Financing  
This Interlocal Agreement



**Section 3.02. Notice of District Meeting Schedule.** In addition to the statutory notice requirement set forth in Section 190.008(2)(a), the District hereby agrees to publish in a newspaper that meets the requirements of Chapter 190, once a year a notice of District's adopted schedule of meetings of its Board of Supervisors for the ensuing fiscal year ("District Meeting Schedule", which notice shall designate the date, time *and* place of each of the scheduled meetings. The described District Meeting Schedule will also be provided to the Osceola County Manager by mail to the County Administration Building, 1 Courthouse Square, Suite 4700, Kissimmee, Florida 34741 or such other address as directed in writing by the County Manager. The District Meeting Schedule shall also be posted online on the District's website as noted in Section 3.03 hereunder.

**Section 3.03 District Website Information.** The District shall establish a website within 120 days of its establishment. The District website shall include the District's Meeting Schedule and all other information as required by Chapter 189.015(1), 189.016 and 189.069, *Florida Statutes*, which shall include, but is not limited to, the:

1. Full legal name of the District.
2. Public purpose of the District.
3. Name, official addresses, official e-mail address, and, if applicable, term and appointing authority for each member of the governing body of the District.
4. Fiscal year of the District.
5. Full text of the special district's charter, the date of establishment, the establishing entity, and a reference to Chapter 190, *Florida Statutes*, under which the District operates, include information relating to any grant of special powers.
6. The mailing address, e-mail address, telephone number, and website uniform resource locator of the District.
7. Description of the boundaries or service area of, and the services provided by, the District.
8. Listing of all taxes, fees, assessments, or charges imposed and collected by the District, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge.
9. Primary contact information for the District for purposes of communication from the department.
10. A code of ethics adopted by the District, if applicable, and a hyperlink to generally applicable ethics provisions.
11. Budget of the District and any amendments thereto in accordance with s. 189.016.
12. Final, complete audit report for the most recent completed fiscal year and audit reports required by law or authorized by the governing body of the District.
13. A listing of its regularly scheduled public meetings as required by s. 189.015(1).
14. Public facilities report.
15. The link to the Department of Financial Services' website as set forth in s. 218.32(1)(g).

16. At least 7 days before each meeting or workshop, the agenda of the event, along with any meeting materials available in an electronic format, excluding confidential and exempt information.

**Section 3.04. Notice of Annual Budget Hearing.** In addition to the statutory notice requirement set forth in Section 190.008(2)(a), the District hereby agrees to work in cooperation with the Osceola County Property Appraiser and Tax Collector to have notice of the date, time and places of the annual budget hearing placed on the TRIM Notice sent to each landowner in the District. In the event of any increase to assessments, each affected landowner will get notice of the proposed increase and date, place and time of public hearing to consider such increase. The District shall also post budget information on its Website, as noted in Section 3.03 above.

#### **ARTICLE IV MISCELLANEOUS PROVISIONS**

**Section 4.01. Notices.** Any notices required or allowed to be delivered shall be in writing and be deemed to be delivered when: (i) hand delivered to the official hereinafter designated, or (ii) upon receipt of such notice when deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to a party at the address set forth opposite the party's name below, or at such other address as the party or parties shall have been specified by written notice to the other party delivered in accordance herewith. The County notify the District that the County intends to elect to designate an individual within County staff (CDD Coordinator) as the recipient of all notices to be transmitted to the County as described in Article III herein. The District may deliver such notices to the CDD Coordinator by electronic mail (email), hand delivery, certified mail, facsimile, or any other mutually acceptable method of delivery.

If to the County:	County Attorney County Administration Building 1 Courthouse Square, Suite 4200 Kissimmee, Florida 34741
If to the District:	District Manager GMS – Central Florida 135 W. Central Blvd Suite 320 Orlando, Florida 32801
With Copy to:	District Counsel 111 North Magnolia Ave, Suite 1400 Orlando, Florida 32801 Attention: Jan Albanese Carpenter

**Section 4.02. Binding Effect.** This Agreement shall be binding upon and shall inure to the benefit of the County, the District, and their respective successors and assigns.

**Section 4.03. Filing and Recording.** The County Board and the District Board hereby authorize and direct, after execution of this Interlocal Agreement by the duly qualified and authorized officers of each of the parties hereto, that this Interlocal Agreement be filed with the Clerk of the Circuit Court of Osceola County, Florida, in accordance with the requirements of Section 163.01(11) of the Cooperation Act. The County shall record this Agreement in the Public Records of Osceola County, at the County's expense.

**Section 4.04. Applicable Law and Venue.** This Interlocal Agreement and the provisions contained herein shall be governed by and construed in accordance with the laws of the State of Florida. In any action, in equity or law, with respect to the enforcement or interpretation of this Interlocal Agreement, venue shall be solely in Osceola County, Florida.

**Section 4.05. Entire Agreement.** This instrument and its exhibits constitute the entire agreement between the parties and supersede all previous discussions, understandings and agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions herein shall be made by the parties in writing by formal amendment, except changes in Chapter 189, 190 or any other Florida Law shall automatically amend this agreement.

**Section 4.06. Continued Effect; Remedies.** Notwithstanding anything herein to the contrary, no provision of this Interlocal Agreement shall be construed to affect, alter, or otherwise impair the District's power to impose, levy and collect Capital Assessments or assessments for operation and maintenance purposes and the failure of the District to comply with or provide the enhanced disclosure or notices as described herein shall not in any manner render the Capital Assessments, the operation and maintenance assessments, or any of the proceedings related thereto ineffective; provided, however, that the District must comply with the additional notice requirement set forth in Section 3.03 hereof for its annual budget hearing to be considered effective. The County's sole remedy for the District's failure to perform in accordance with the terms of this Interlocal Agreement shall be an action for mandamus or specific performance, as applicable, by court order, to cause the District to comply with its obligations hereunder.

**Section 4.07. Effective Date.** This Interlocal Agreement shall become effective after its execution by the authorized representatives of both parties and upon the date of its filing with the Clerk of the Circuit Court of Osceola County, Florida. This Agreement shall also be recorded in the public records of the County to become a part of the title history of properties in the District.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

**IN WITNESS WHEREOF**, the parties hereto, by and through the undersigned, have entered into this Interlocal Agreement on this date and year first above written.

**Board of County Commissioners  
of Osceola County, Florida**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF FLORIDA     )**  
**COUNTY OF OSCEOLA   )**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_ and \_\_\_\_\_, as the \_\_\_\_\_ and \_\_\_\_\_ of Osceola County, Florida, and who have acknowledged that they executed the same on behalf of Osceola County, Florida and that each was authorized to do so. Each is personally known to me or has produced as identification.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public; State of Florida  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission No.: \_\_\_\_\_

SIGNATURE PAGE TO INTERLOCAL AGREEMENT

TOHOQUA COMMUNITY  
DEVELOPMENT DISTRICT

ATTEST:

By: [Signature]  
Name: ANDRE VIDRINE  
Title: CHAIRMAN

Name: Debra Cunningham

STATE OF FLORIDA )  
COUNTY OF Orange )

The foregoing instrument was acknowledged before me this 11 day of October 2017, by Andre Vidrine and Chairman, as the Chairman for the Tohoqua Community Development District, and who have acknowledged that they executed the same on behalf of the Tohoqua Community Development District and that each was authorized to do so. Each is personally known to me or has produced \_\_\_\_\_ as identification.

In witness whereof, I hereunto set my hand and official seal.



Cheryl Burch  
Notary Public, State of Florida  
Print Name: Cheryl Burch  
My Commission Expires: 06/24/18  
My Commission No.: FF 135970

## SECTION VIII



1

1



# Tohoqua

## Community Development District

FY18 Funding Request #1  
October 25, 2017

Payee	General Fund FY2017	General Fund FY2018
1 Florida Department of Economic Opportunity Inv# 71240 - FY2018 Annual Special District Fee - October 2017		\$ 175.00
2 Governmental Management Services Inv# 1 - Management Fees - October 2017		\$ 3,323.04
3 Latham, Shuker, Eden & Beaudine, LLP Inv# 78452 - Legal Counsel - September 2017	\$ 1,199.00	
4 Supervisor Fees September 25, 2017		
Andre Vidrine	\$ 215.30	
James Dowd	\$ 215.30	
Marcus Hooker	\$ 215.30	
	\$ 1,844.90	\$ 3,498.04
<b>Total:</b>		
	\$	5,342.94

Please make check payable to:

Tohoqua Community Development District  
135 West Central Blvd, Suite 320  
Orlando, FL 32801

Wire Funds To:

Tohoqua Community Development District  
SunTrust Bank, NA  
ABA# 061000104  
Acct# 1000193640074  
Contact: Kelly Lawler  
(407) 237-1072

**Florida Department of Economic Opportunity, Special District Accountability Program**  
**FY 2017/2018 Special District Fee Invoice and Update Form**  
Required by Sections 189.064 and 189.018, Florida Statutes, and Chapter 73C-24, Florida Administrative Code

Invoice No.: 71240			Date Invoiced: 10/16/2017
Annual Fee: \$175.00	Late Fee: \$0.00	Received: \$0.00	Total Due, Postmarked by 12/15/2017: \$175.00

**STEP 1:** Review the following information, make changes directly on the form, and sign and date:

**1. Special District's Name, Registered Agent's Name, and Registered Office Address:**



**Tohoqua Community Development District**  
Ms. Jan Carpenter  
111 North Magnolia Avenue, Suite 1400  
Orlando, FL 32801

**2. Telephone:** (407) 481-5800  
**3. Fax:** (407) 481-5801  
**4. Email:** jcarpenter@lseblaw.com  
**5. Status:** Independent  
**6. Governing Body:** Elected  
**7. Website Address:** www.tohoquacdd.com  
**8. County(ies):** Osceola  
**9. Function(s):** Community Development  
**10. Boundary Map on File:** 10/13/2017  
**11. Creation Document on File:** 10/13/2017  
**12. Date Established:** 08/14/2017  
**13. Creation Method:** Local Ordinance  
**14. Local Governing Authority:** Osceola County  
**15. Creation Document(s):** County Ordinance 2017-57  
**16. Statutory Authority:** Chapter 190, Florida Statutes  
**17. Authority to Issue Bonds:** Yes  
**18. Revenue Source(s):** Assessments  
**19. Most Recent Update:** 10/16/2017

I do hereby certify that the information above (changes noted if necessary) is accurate and complete as of this date.

Registered Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**STEP 2:** Pay the annual fee or certify eligibility for the zero fee:

a. **Pay the Annual Fee:** Pay the annual fee online by following the instructions at [www.Floridajobs.org/SpecialDistrictFee](http://www.Floridajobs.org/SpecialDistrictFee) or by check payable to the Department of Economic Opportunity.

b. **Or, Certify Eligibility for the Zero Fee:** By initialing each of the following items, I, the above signed registered agent, do hereby certify that to the best of my knowledge and belief, **ALL** of the following statements contained herein and on any attachments hereto are true, correct, complete, and made in good faith as of this date. I understand that any information I give may be verified.

1. \_\_\_\_\_ This special district and its Certified Public Accountant determined the special district is not a component unit of a local general-purpose government.
2. \_\_\_\_\_ This special district is in compliance with the reporting requirements of the Department of Financial Services.
3. \_\_\_\_\_ This special district reported \$3,000 or less in annual revenues to the Department of Financial Services on its Fiscal Year 2015/2016 Annual Financial Report (if created since then, attach an income statement verifying \$3,000 or less in revenues).

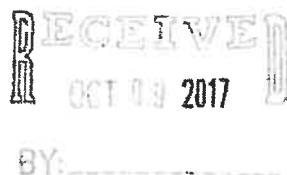
Department Use Only: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Reason: \_\_\_\_\_

**STEP 3:** Make a copy of this form for your records.

**STEP 4:** Mail this form and payment (if paying by check) to the Department of Economic Opportunity, Bureau of Budget Management, 107 E. Madison Street, MSC 120, Tallahassee, FL 32399-4124. Direct any questions to (850) 717-8430.

**GMS-Central Florida, LLC**  
1001 Bradford Way  
Kingston, TN 37763

# Invoice



**Invoice #:** 1  
**Invoice Date:** 10/2/17  
**Due Date:** 10/2/17  
**Case:**  
**P.O. Number:**

**Bill To:**  
Tohoqua CDD  
135 West Central Blvd.  
Suite 320  
Orlando, FL 32801

Description	Hours/Qty	Rate	Amount
Management Fees - October 2017		2,916.86	2,916.86
Information Technology - October 2017		100.00	100.00
Office Supplies		40.54	40.54
Postage		13.39	13.39
Copies		252.45	252.45
<b>Total</b>			<b>\$3,323.04</b>
<b>Payments/Credits</b>			<b>\$0.00</b>
<b>Balance Due</b>			<b>\$3,323.04</b>

**LATHAM, SHUKER, EDEN & BEAUDINE, LLP**  
ATTORNEYS AT LAW

111 N. MAGNOLIA AVE, STE 1400  
ORLANDO, FLORIDA 32801  
POST OFFICE BOX 3353  
ORLANDO, FLORIDA 32802  
TELEPHONE: (407) 481-5800  
FACSIMILE: (407) 481-5801

October 13, 2017

Tohoqua Community Development District  
c/o GMS  
135 West Central Blvd., Suite 320  
Orlando, FL 32801

**INVOICE**

Matter ID: 8249-001  
General

Invoice # 78452  
Federal ID # 59-3366512

**For Professional Services Rendered:**

09/25/2017	JAC	Prep for and attend Board of Supervisors' organization meeting; multiple emails and telephone calls with Bond Counsel and District Manager regarding validation process.	3.10 hr	\$1,038.50
09/27/2017	JAC	Email from J. Thacker regarding CDD and development issues; multiple emails regarding Engineer's report and meeting follow up.	0.30 hr	\$100.50
09/27/2017	smm	Review property appraiser and official records for recorded ordinance and notice of establishment; email same.	0.50 hr	\$60.00

Total Professional Services: \$1,199.00

**INVOICE SUMMARY**

For Professional Services: 3.90 Hours \$1,199.00

Total Due: \$1,199.00

Billed Through: September 30, 2017