



Your Community.
Our Commitment.

SADDLE CREEK PRESERVE

OF POLK COUNTY

COMMUNITY DEVELOPMENT DISTRICT

Advanced Meeting Package

Regular Meeting

Date/Time:

Tuesday

November 25, 2025

6:00 p.m.

Location:

Auburndale Historic Depot

120 W Park Street

Auburndale, FL 33823

Note: The Advanced Meeting Package is a working document and thus all materials are considered DRAFTS prior to presentation and Board acceptance, approval or adoption.

SADDLE CREEK PRESERVE OF POLK COUNTY

COMMUNITY DEVELOPMENT DISTRICT

c/o Vesta District Services
250 International Parkway, Suite 208
Lake Mary, FL 32746
321-263-0132

Board of Supervisors

Saddle Creek Preserve of Polk County Community Development District

Dear Board Members:

The Regular Meeting of the Board of Supervisors of the Saddle Creek Preserve of Polk County Community Development District is scheduled for **Tuesday, November 25, 2025 at 6:00 p.m.** at **Auburndale Historic Depot – 120 W Park Street, Auburndale, FL 33823.**

The advanced copy of the agenda for the meeting is attached along with associated documentation for your review and consideration. Any additional support material will be distributed at the meeting.

Should you have any questions regarding the agenda, please contact the District Manager at (321) 263-0132 X 536 or hbeckett@vestapropertyservices.com. We look forward to seeing you at the meeting.

Sincerely,

Heath Beckett

Heath Beckett
District Manager

CC: Attorney
Engineer
District Records





SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT



Meeting Date: Tuesday, November 25, 2025

Time: 6:00 p.m.

Location: Auburndale Historic Depot
120 W Park Street
Auburndale, FL 33823

[Join via Computer or Mobile App](#)

Dial-in Number: 1-904-348-0776

Phone Conference ID: 684 257 747#

(Mute/Unmute: *6)

(Raise/Lower Hand: *5)

Agenda

*The full draft agenda packet may be requested no earlier than 7 days prior to the meeting date
by emailing sconley@vestapropertyservices.com*

FIRST ORDER OF BUSINESS:

ROLL CALL

Supervisors	Present	Teams	Absent
Vickie Davis (1-VC)			
Erica Miro Smith (2)			
Angela Martinez (3-C)			
Veronica Thomas (4)			
Abby Morrobel (5)			

Staff/Vendors

Heath Beckett, Vesta District Services

Michael Bush, Vesta District Services

Grace Rinaldi, Kilinski Van Wyk

Tom Amaden, Landmark Engineering

Katie Vander Meade, Landmark Engineering

Chuck Burnite, GHS Environmental

Ray Bobrowiecki, Fast Property Services

SECOND ORDER OF BUSINESS:

AUDIENCE COMMENTS – *Agenda Items*
(Limited to 3 Minutes Per Person)

THIRD ORDER OF BUSINESS:

OPERATIONS AND MAINTENANCE

- A. Aquatic Maintenance – *Chuck Burnite, GHS Environmental* **EXHIBIT 1**
- B. Landscape Maintenance – *Raymond Bobrowiecki, Fast Property Services* **EXHIBIT 2**
 - 1. Consideration of Fast Property Services Proposals:
 - a. Landscape Enhancements
 - i. Ten (10) Islands Along Old Mining Road - \$3,750.00 – *Previously Presented* **EXHIBIT 3**
 - ii. Revised Stump Grinding, Sod & Shrub Installation at Gatsby & Saddle Creek Roads **EXHIBIT 4**
 - b. Revised Pressure Washing of Lift Station Entries **EXHIBIT 5**
- C. Field Operations – *Michael Bush, Vesta District Services* **EXHIBIT 6**
 - 1. Discussion on Amenity Center Light Replacements **EXHIBIT 7**
- D. District Engineer – *Todd Amaden/Katie Vander Meade, Landmark Engineering & Surveying Corp.*
 - 1. Discussion on Additional Parking Project Cost Estimate **EXHIBIT 8**



THIRD ORDER OF BUSINESS: OPERATIONS AND MAINTENANCE (Continued)

- E. District Counsel – *Grace Rinaldi, Kilinski Van Wyk*
1. Adoption of **Resolution 2026-02, Setting Public Hearing for Adoption of Amended Rules of Procedure** [EXHIBIT 9](#)
 - a. Memo Regarding Legislative Changes
 - b. Amended Rules of Procedure
- F. District Manager – *Heath Beckett, Vesta District Services*
1. Adoption of **Resolution 2026-03, Authorizing Spending Authority** [EXHIBIT 10](#)
 2. Adoption of **Resolution 2026-04, Amending FY 2025 Budget** [EXHIBIT 11](#)

FOURTH ORDER OF BUSINESS: SUPERVISOR REQUESTS

FIFTH ORDER OF BUSINESS: CONSENT AGENDA

- A. Approval of the Minutes of the Board of Supervisors Regular Meeting Held October 28, 2025 [EXHIBIT 12](#)
- B. Acceptance of the Minutes of the Board of Supervisors Workshop Held November 6, 2025 [EXHIBIT 13](#)
- C. Acceptance of the September 2025 Unaudited Financial Report [EXHIBIT 14](#)
- D. Ratification of Fast Property Services Hazardous Tree Removal - \$4,250.00 [EXHIBIT 15](#)

SIXTH ORDER OF BUSINESS: AUDIENCE COMMENTS – *New Business/Non-Agenda Items (Limited to 3 Minutes Per Person)*

SEVENTH ORDER OF BUSINESS: NEXT MEETING QUORUM CHECK

	In Person	Virtually	Not
Vickie Davis			
Erica Miro Smith			
Angela Martinez			
Veronica Thomas			
Abby Morrobel			

Tuesday, December 23, 2025

at 6:00 p.m.

Auburndale Historic Depot

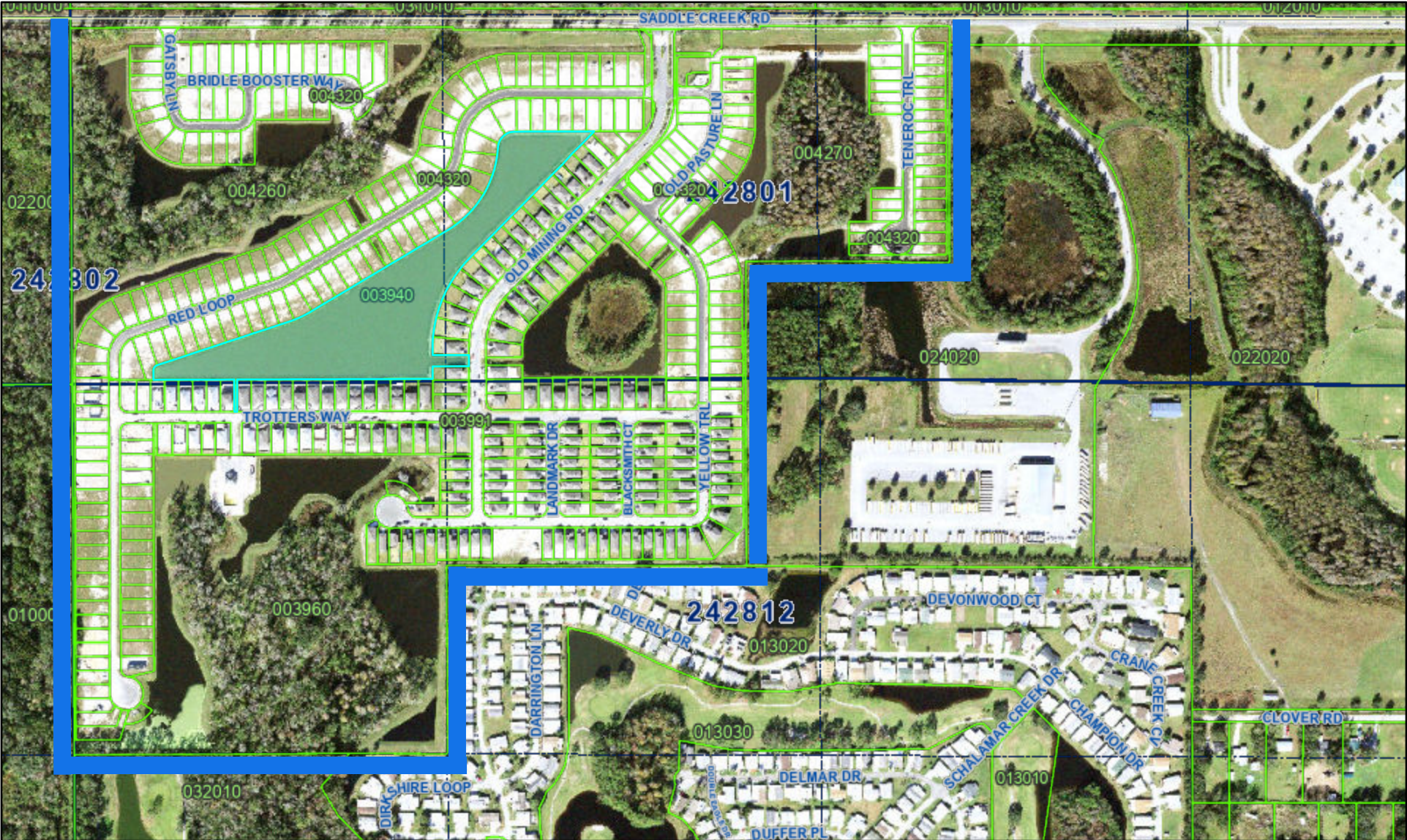
120 W Park Street

Auburndale, FL 33823

EIGHTH ORDER OF BUSINESS: ACTION ITEMS SUMMARY
(To be Included in the Meeting Minutes)

NINTH ORDER OF BUSINESS: ADJOURNMENT

saddle creek



Major Roads

Highways

Waterbodies

Parcels

PLSS Townships

PLSS Sections

PLSS Boundaries

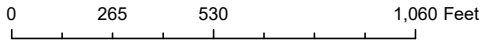
HALFFOOT2023

RGB

Red: Band_1

Green: Band_2

Blue: Band_3



All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is".



Polk County Property Appraiser
Polk County, Florida
July 25, 2025

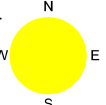


EXHIBIT 1

PENDING



EXHIBIT 2

PENDING



EXHIBIT 3



Fast Property Services LLC
Raymond Bobrowiecki

PROPOSAL

Proposed For: Saddle Creek Preserve HOA

Date: October 23, 2025

Service Period: One-time project

This proposal covers the removal and restoration of the ten pine tree islands located along the main entrance of Old Mining Road. The existing decorative grasses within these islands have become severely overgrown, creating visual obstructions and safety concerns—particularly near the intersection and school pick-up area with high traffic volume. Each island currently contains approximately 25–30 large mounds of decorative grass that will need to be completely dug out, loaded, hauled away, and disposed of at the dump. All existing mulch and organic remnants will be removed, and the soil will be leveled and properly prepared. Once cleared, the areas will be refreshed with matching pine straw mulch consistent with the material used at the community's front entrance and other landscaped sections. The newly defined mulch beds will establish a clean, uniform appearance and prepare the islands for future planting opportunities. This project involves multiple trailer loads of debris and several dump trips due to the volume of material being removed.

Item	Description	Rate per Island
Plant and Material Removal	Excavation and removal of large decorative grasses, loading onto trailer for transport and disposal	\$100.00
Dump Disposal	Trailer loads and dump fees for disposal of removed organic material and grass clumps	\$75.00
Mulch Supply	Pine straw mulch to match front entrance and other district areas for a uniform appearance	\$120.00
Installation & Finishing	Delivery, installation, weed prevention fabric, and adjustment of sprinklers/sprinkler heads	\$80.00
	Total per Island	\$375.00

Number of Islands	10
Rate per Island	\$375.00
	Grand Total
	\$3,750.00



EXHIBIT 4



PROPOSAL

NOTE: This is a remade proposal adjusting the previous scope by replacing sod installation with hedge installation and pine-straw mulch, as requested by the Saddle Creek Preserve HOA board.

Proposed For: Saddle Creek Preserve HOA

Date: October 20, 2025

Service Period: One-time project

This proposal covers stump grinding and restoration for the area located at the intersection of Gatsby Rd and Saddle Creek Rd. There are a total of eight pine tree stumps of varying sizes currently present within this section, creating difficult access and ongoing maintenance issues along the corner.

Fast Property Services LLC proposes a full restoration of this area, beginning with mechanical stump grinding to remove all stumps to an appropriate depth below grade. Following stump removal, site preparation will include cleanup of debris, light grading, and soil preparation to ensure proper surface uniformity.

To continue the existing landscape along Saddle Creek Rd, five matching hedges will be planted to extend the current hedge row seamlessly. A mulch bed will be created beneath the hedges, and matching pine-needle straw mulch will be installed along the hedge bed as well as along the entrance of Gatsby Lane, per board request. The price reflects the updated scope, including the added cost distributed evenly across the hedge installation work.

Description	Amount
Stump Grinding (8 pine stumps, various sizes)	\$800.00
Site Preparation and Cleanup	\$250.00
Planting of Five Matching Hedges + Mulch Bed Creation + Pine-Straw Mulch Installation	\$575.00
Total Due	\$1,625.00

Thank you for your continued trust in Fast Property Services LLC. Please contact us with any questions or scheduling preferences.

Phone: 863-326-8366 | Email: fastcommunityservices@gmail.com



EXHIBIT 5

PENDING



EXHIBIT 6



A series of thin, light brown lines crisscrossing the upper half of the page, creating a complex geometric pattern.

Field Operations Report
for
Union Park East
Community Development
District
November 2025

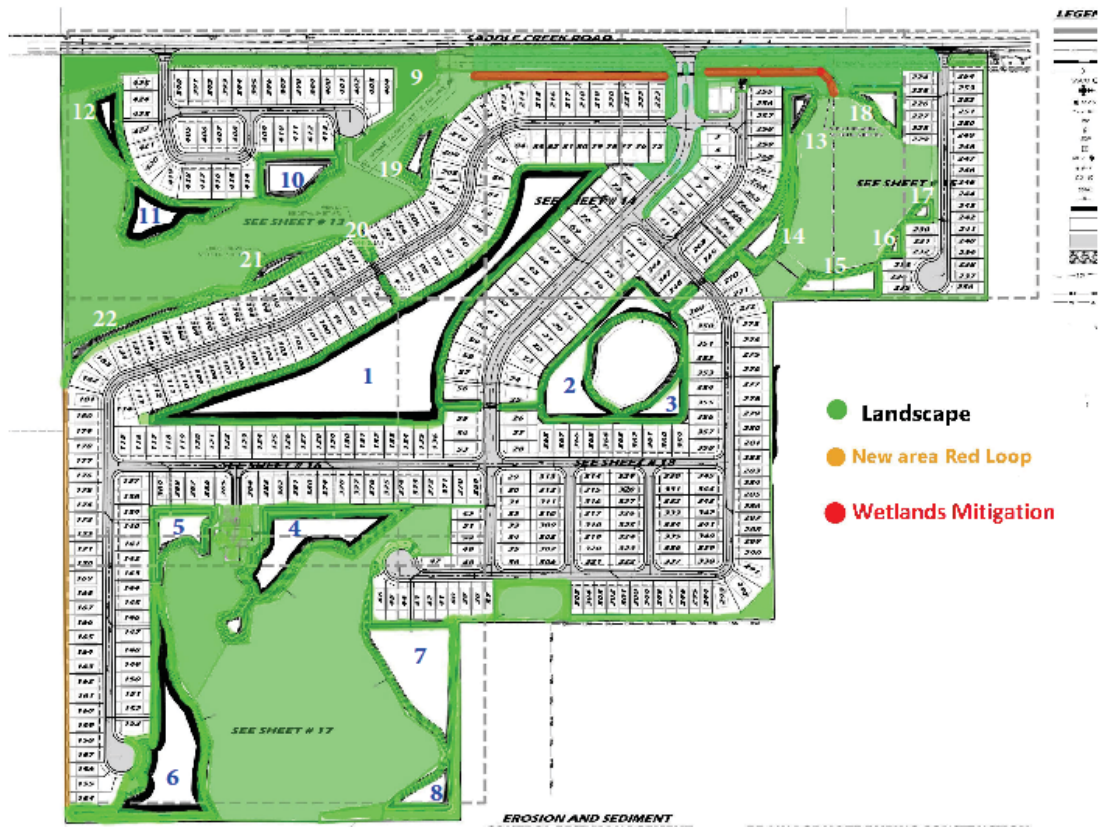


Saddle Creek

- Message Board.
 - Installed and being used. Looks great with no issues.
- Ray had another run-in with the resident on Bridle Booster Way. Parking on the landscaping and tossing debris in the wetland.
 - This information has been passed on to health.
 - Talked with Abby about purchasing and installing Wetland/No Trespassing signs in multiple locations.
 - Pricing is around \$175 per sign and installation.
- Pool.
 - Handicap Sign.
 - Still in place, no issues.
 - Joe (Vesta Maintenance).
 - No issues have been reported.
 - Bathroom A/Cs.
 - Starboard A/C is diagnosing and fixing.
 - Gates.
 - Battery back has been replaced.
- Pressure Washing.
 - Ray is going to add new locks to the lift stations that the district is responsible for.
- Towing Companies.
 - Millennium Towing. (Declined)
 - Lakeland Wrecker. (Declined)
 - Epic Towing. (Declined)
 - Bolton Towing. (Sent Proposal)
 - Valdez Towing. (Waiting to hear back)
- Pool Entry Lights Install.
 - Main light is \$325.
 - Sconces are \$500.
- Engineering.
 - Stop Signs: I like the current flow... north-south is free, and east-west is a stop condition. I don't think stopping southbound traffic is wise (don't want to back up cars onto Saddle Creek). But if they want to add a north-bound stop sign and stop bar, then I'm ok with that.
 - Speed Limits Signs: absolutely...add as many "25 MPH" signs as you want.
 - Installation for each sign is \$210-\$220 Per



Saddle Creek



BTS
Bolton's Towing Service, Inc.
Mailing Address:
2690 Ave. E SW – Winter Haven, FL 33880
Tel. 863.299.9966 – Fax. 863.293.8112

Private Property Towing Authorization

Date: ____/____/____

Property Name: _____

Property Address: _____

All Authorized persons (including property owner and/or manager) must print below to have vehicles removed from the property.

Print Names

The above named Company or Private Property Owner hereby enters into an agreement with Bolton's Towing Service Inc. for the sole purpose of the authorized removal of Prohibited Parked or Abandoned vehicles from the above mentioned property in accordance with Florida State Statute §715.07. The only persons authorized to have vehicles removed from this property are the persons whose names appear on this contract. Bolton's Towing Service Inc. hereby declares that all towing done from any site authorized by this contract will be charged to the registered owner of said vehicle or vessel as determined by the Department of Motor Vehicles. This authorization is to not expire and remain in place from the above date, unless there are changes to the property and/or above authorized persons to which a new authorization needs to be completed with updated information.

Property Owner or Manager (Print): _____

Telephone Number: _____

No. of Signs: _____

Amount: _____

Bolton's Towing Service Inc. will notify local Police Agencies of Vehicles removed from the above posted property.

Property Owner or Manager (Sign)

Bolton's Towing Service Inc. Representative

Property Questionnaire:

1. Does this property have certain hours for parking restrictions?
If so, what are the hours?
2. Would you like the property patrolled?
If so, what are the peak hours for patrol?
3. Is authorization necessary for each vehicle before being impounded?
4. Does the property have a gate to which we will need a code for?
If so, what would our code be?
5. What is a contact number to give residents with questions regarding HOA rules and parking restrictions?

Please use this area to briefly describe the concerns you have regarding your property and the goals you wish to achieve with contracting our services:



Pond 10.



Saddle Creek

Gatsby Lane Entrance





Ray will be replacing the plants in these beds that are not thriving. (Cois Plants)



Saddle Creek

Old Mining Road Entrance.



East.



West.



Pond 2



Pond 14



Saddle Creek

Greenspace Off Yellow Trail





Roundabout Westside of Yellow Trail



Pond 2



Both of the Danger Signs were leaning when I was on-site. They have been adjusted since the last visit.



Pond 1



Pond 1



Saddle Creek



Pond 20



Saddle Creek

Pond 6



Battery Backup Replaced.



Saddle Creek

Message Board Install.



Saddle Creek

Pool Area



Pond 4



Pond 5



Saddle Creek



Livex Oxford 14" High Textured Black Lantern Outdoor Hanging Light
\$117.90

[More Like This](#)



Buckley 1-Light Matte Black Outdoor Hanging Lantern
\$230.99

[More Like This](#)



Riggs 15" High Black 3-Light Outdoor Hanging Light
\$144.00

[More Like This](#)



3 Light Textured Black Outdoor Pendant Lantern
\$427.90

[More Like This](#)



Quoizel Westover 20 3/4" Earth Black Clear Glass Outdoor Hanging Light
\$179.99

[More Like This](#)



4 Light Outdoor Chain Mount Ceiling Fixture in Black finish
\$1,130.00

[More Like This](#)



2 Light Textured Black Outdoor Pendant Lantern
\$267.90

[More Like This](#)



Quoizel Boulevard 23" High Matte Black Outdoor Hanging Light
\$249.99

[More Like This](#)



Hinkley Huntersfield 17 3/4" High Black Outdoor Lantern Hanging Light
\$558.88

[More Like This](#)



Z-Lite Aura 25" High Black Outdoor Hanging Light
\$284.00

[More Like This](#)



Saddle Creek



Taibot 18" High Midnight Black 3-Light Outdoor Hanging Light

\$278.00

[More Like This](#)



Eglo Walker Hill 20 3/4" High Matte Black Outdoor Hanging Light

\$199.99

[More Like This](#)



Hinkley Sullivan 23"H Black Outdoor Lantern Hanging Light

\$558.88

[More Like This](#)



Walker Hill 20 3/4" High Matte Black LED Outdoor Hanging Light

\$269.99

[More Like This](#)



Minka Harbor View 22" High Sand Coal Outdoor Hanging Light

\$489.00

[More Like This](#)



3 Light Black Outdoor Pendant Lantern

\$589.90



Devonshire 15"H 3-Light Black Outdoor Hanging Light

\$104.50



Oslo 4 Light Black Outdoor Pendant Lantern

\$1,669.90



Dunbroch 26 3/4" High Black Outdoor Hanging Light

\$262.00



Quoizel Satterfield 14 1/4" Marine Grade Matte Black Hanging Light

\$198.99



Saddle Creek



Oslo 3 Light Black Outdoor Pendant Lantern
\$567.99
[More Like This](#)



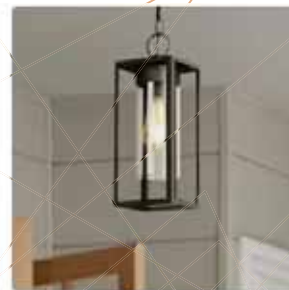
John Timberland Titan 27 1/4" Mystic Black Rectangular Hanging Light
\$139.99
[More Like This](#)



Eglo Walker Hill 17 3/4" H Matte Black Outdoor Hanging Light
\$149.99
[More Like This](#)



Quoizel Thorpe 19 3/4" High Mottled Black Outdoor Hanging Light
\$309.99
[More Like This](#)



Eglo Walker Hill 14 1/2" H Matte Black Outdoor Hanging Light
\$119.99
[More Like This](#)



John Timberland Jubilee 19 1/4" Black 2-Light Outdoor Hanging Light
\$99.99 Clearance
[More Like This](#)



Quoizel Fletcher 17 3/4" H Earth Black Outdoor Hanging Light
\$299.99
[More Like This](#)



Generation Lighting Cotswold Lane 21 1/2" Black Outdoor Hanging Light
\$285.68
[More Like This](#)



Kichler Mercer 24" High Black Silver Outdoor Hanging Light
\$239.99 Sale
[More Like This](#)



Quoizel Stoneleigh 18 3/4" High Mottled Black Outdoor Hanging Light
\$349.99
[More Like This](#)





THANK YOU

Michael Bush

Mbush@VESTAPROPERTSERVICES.COM



EXHIBIT 7



Saddle Creek



Livex Oxford 14" High Textured Black Lantern Outdoor Hanging Light
\$117.90

[More Like This](#)



Buckley 1-Light Matte Black Outdoor Hanging Lantern
\$230.99

[More Like This](#)



Riggs 15" High Black 3-Light Outdoor Hanging Light
\$144.00

[More Like This](#)



3 Light Textured Black Outdoor Pendant Lantern
\$427.90

[More Like This](#)



Quoizel Westover 20 3/4" Earth Black Clear Glass Outdoor Hanging Light
\$179.99

[More Like This](#)



4 Light Outdoor Chain Mount Ceiling Fixture in Black finish
\$1,130.00

[More Like This](#)



2 Light Textured Black Outdoor Pendant Lantern
\$267.90

[More Like This](#)



Quoizel Boulevard 23" High Matte Black Outdoor Hanging Light
\$249.99

[More Like This](#)



Hinkley Huntersfield 17 3/4" High Black Outdoor Lantern Hanging Light
\$558.00

[More Like This](#)



Z-Lite Aura 25" High Black Outdoor Hanging Light
\$284.00

[More Like This](#)



Saddle Creek



Taibot 18" High Midnight Black 3-Light Outdoor Hanging Light

\$278.00

[More Like This](#)



Eglo Walker Hill 20 3/4" High Matte Black Outdoor Hanging Light

\$199.99

[More Like This](#)



Hinkley Sullivan 23"H Black Outdoor Lantern Hanging Light

\$558.00

[More Like This](#)



Walker Hill 20 3/4" High Matte Black LED Outdoor Hanging Light

\$269.99

[More Like This](#)



Minka Harbor View 22" High Sand Coal Outdoor Hanging Light

\$489.00

[More Like This](#)



3 Light Black Outdoor Pendant Lantern

\$589.90



Devonshire 15"H 3-Light Black Outdoor Hanging Light

\$104.50



Oslo 4 Light Black Outdoor Pendant Lantern

\$1,669.90



Dunbroch 26 3/4" High Black Outdoor Hanging Light

\$262.00



Quoizel Satterfield 14 1/4" Marine Grade Matte Black Hanging Light

\$198.99



Saddle Creek



Oslo 3 Light Black Outdoor Pendant Lantern
\$567.99
[More Like This](#)



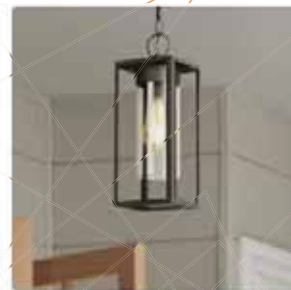
John Timberland Titan 27 1/4" Mystic Black Rectangular Hanging Light
\$139.99
[More Like This](#)



Eglo Walker Hill 17 3/4" H Matte Black Outdoor Hanging Light
\$149.99
[More Like This](#)



Quoizel Thorpe 19 3/4" High Mottled Black Outdoor Hanging Light
\$309.99
[More Like This](#)



Eglo Walker Hill 14 1/2" H Matte Black Outdoor Hanging Light
\$119.99
[More Like This](#)



John Timberland Jubilee 19 1/4" Black 2-Light Outdoor Hanging Light
\$199.99 Clearance
[More Like This](#)



Quoizel Fletcher 17 3/4" H Earth Black Outdoor Hanging Light
\$299.99
[More Like This](#)



Generation Lighting Cotswold Lane 21 1/2" Black Outdoor Hanging Light
\$285.68
[More Like This](#)



Kichler Mercer 24" High Black Silver Outdoor Hanging Light
\$239.99 Sale
[More Like This](#)



Quoizel Stoneleigh 18 3/4" High Mottled Black Outdoor Hanging Light
\$349.99
[More Like This](#)



EXHIBIT 8

PENDING



EXHIBIT 9



RESOLUTION 2026-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT TO DESIGNATE THE DATE, TIME AND PLACE OF A PUBLIC HEARING AND AUTHORIZATION TO PUBLISH NOTICE OF SUCH HEARING FOR THE PURPOSE OF ADOPTING RESTATED RULES OF PROCEDURE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. A Public Hearing will be held to adopt the District’s Amended and Restated Rules of Procedure on **January 27, 2026, at 6:00 p.m., at the Auburndale Historic Depot, 120 W. Park Street, Auburndale, Florida 33823.**

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

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

PASSED AND ADOPTED this 25th day of November 2025.

ATTEST:

**SADDLE CREEK PRESERVE OF
POLK COUNTY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Proposed Amended and Restated Rules of Procedure



MEMORANDUM

To: Board of Supervisors; District Staff

From: Kilinski | Van Wyk PLLC

Date: September 1, 2025

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

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

Business Hours

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

Public Meetings, Hearings, and Workshops

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

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

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

Notice of Rule Development

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



Notices of Rulemaking

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

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

Petitions to Initiate Rulemaking

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

Emergency Rule Adoption

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

Rule Variances

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

Competitive Purchases

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



Auditor Selection Committee Notices

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

Purchase of Insurance

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

Construction Contract Bids

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

Emergency Construction Service Purchases

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

Bid Protests

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

Facsimile Notices, Generally

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



**RULES OF PROCEDURE
SADDLE CREEK PRESERVE OF POLK COUNTY
COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF [DATE]

TABLE OF CONTENTS

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

Rule 1.0 General.

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

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

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

Rule 1.1 Board of Supervisors; Officers and Voting.

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

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

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

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

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

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

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

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

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

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

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

- (1) District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:

- (a) Agenda packages for prior twenty-four (24) months and next meeting;
- (b) Official minutes of meetings, including adopted resolutions of the Board;
- (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
- (d) Adopted engineer's reports;
- (e) Adopted assessment methodologies/reports;
- (f) Adopted disclosure of public financing;
- (g) Limited Offering Memorandum for each financing undertaken by the District;
- (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
- (i) District policies and rules;
- (j) Fiscal year end audits; and
- (k) Adopted budget for the current fiscal year.

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

- (2) Public Records. District public records include, but are not limited to, all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules

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

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

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

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

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

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

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days' public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week, and shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:
- (a) The date, time and place of the meeting, hearing or workshop;
 - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
 - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
 - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least ~~forty-eight (48) hours~~three (3) business days before the meeting/hearing/workshop by contacting the District Manager at _____. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
 - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

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

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

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

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

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

2. Approval of Expenditures

Supervisor's requests and comments

Public comment

Adjournment

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

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

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

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

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

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

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

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

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

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published ~~at least twenty-nine (29)~~ at least seven (7) days before the notice of rulemaking described in Section 2.0(3), infra., and at least thirty-five (35) days prior to the public hearing on the proposed rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the ~~specific legal authority for the proposed rule grant of rulemaking authority for the proposed rule and law being implemented,~~ include the proposed rule number, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, ~~setting forth~~ including: a short, plain explanation of the purpose and effect of the proposed action, the proposed rule number (if applicable), a reference to the specific rulemaking authority pursuant to which the rule is adopted, ~~and~~ a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific, and the name, e-mail address, and telephone number of the staff member who may be contacted regarding the intended action. The notice shall include a summary of the District’s statement of ~~the~~ estimated regulatory costs and the website address where

the complete statement of estimated regulatory costs may be viewed, if such a statement has been prepared pursuant to its entirety, 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 and any material proposed to be incorporated by reference shall be available for inspection and copying by the public at the time of the publication of notice.
- (c) The notice shall be mailed, or delivered electronically to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing publication of the notice, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) thirty (30) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-

case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.

- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
- (a) The text of the proposed rule, or any amendment or repeal of any existing rules;
 - (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
 - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
 - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that it is necessitated by immediate danger to the public health, safety, or welfare ~~exists~~ which requires immediate action, or if the Legislature authorizes the Board to adopt emergency rules. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of the emergency rules together with the Board's findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority ~~—shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule provided that such procedures long as it protects the public interest and complies with applicable law and 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 ten (10) days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other qualified person as a hearing officer who shall conduct a hearing within thirty (30) days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.

- (d) Within thirty (30) days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.
 - (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
 - (i) Administer oaths and affirmations;
 - (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;
 - (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
 - (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) Variances and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
- (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, safety-related, or other significant~~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 ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

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

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

Rule 3.0 Competitive Purchase.

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

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

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

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

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

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

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

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

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

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

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

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

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

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

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

(4) Competitive Selection.

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

by United States Mail, hand delivery, ~~email~~ electronic mail, ~~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. For audits required under Chapter 190 of the Florida Statutes but not meeting the thresholds of Chapter 218 of the Florida Statutes, the District need not follow these procedures but may proceed with the selection of a firm or individual to provide Auditing Services and for the negotiation of such contracts in the manner the Board determines is in the best interests of the District.

(1) Definitions.

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

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

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

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

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

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

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

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

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

place for submitting proposals.

- (6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed ~~at least seven (7) days~~~~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 or document in its public records the reason for not selecting the highest-ranked qualified firm.
- (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

- (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.
- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:
- (a) A provision specifying the services to be provided and fees or other compensation for such services;
 - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
 - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, electronic mail, ~~faesimile~~, 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, 218.33, 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. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
 - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
 - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
 - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
 - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, relevant business presence and capability to service the geographic location of the company's headquarters and offices in relation to the District's needs, 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 prequalification criteria and procedures and allow at least seven (7) days' notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
 - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
 - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~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 all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Request for Qualifications.

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

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

(3) Suspension, Revocation, or Denial of Qualification

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

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

revocation, or denial set forth above, the vendor's pre-qualified status shall remain suspended, revoked, or denied until the documents are furnished.

- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
 - ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
 - x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
 - xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
 - xii. The vendor or affiliate(s) has been convicted of a contract crime.
 - 1. The term "contract crime" means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
 - 2. The term "convicted" or "conviction" means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
 - xiii. Any other circumstance constituting "good cause" under Section 337.16(2), *Florida Statutes*, exists.
- (b) The pre-qualified status of a contractor found delinquent under Section 337.16(1), *Florida Statutes*, shall be denied, suspended, or revoked. A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.

- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within ten (10) days after the receipt of the notice of intent, the hearing shall be held within thirty (30) days after receipt by the District of the request for the hearing. The decision shall be issued in writing within fifteen (15) business days after the hearing.
- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) If a contractor's pre-qualified status is revoked, suspended, or denied and the contractor receives an additional period of revocation, suspension, or denial of its pre-qualified status, the time periods will run consecutively.
- (f) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

- i. Impacts on project schedule, cost, or quality of work;
 - ii. Unsafe conditions allowed to exist;
 - iii. Complaints from the public;
 - iv. Delay or interference with the bidding process;
 - v. The potential for repetition;
 - vi. Integrity of the public contracting process;
 - vii. Effect on the health, safety, and welfare of the public.
- (g) The District shall deny or revoke the pre-qualified status of any contractor and its affiliates for a period of 36 months when it is determined by the District that the contractor has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court. Any such contractor shall not act as a prime contractor, material supplier, subcontractor, or consultant on any District contract or project during the period of denial or revocation.

(4) Reapplication and Reinstatement

- (a) A contractor whose qualification to bid has been revoked or denied because of



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

- (b) If the petition for reapplication or reinstatement is denied, the contractor cannot petition for a subsequent hearing for a period of nine months following the date of the final order of revocation or denial.
- (c) If the petition for reapplication or reinstatement is granted, the contractor must file a current Application for Qualification with the Contracts Administration Office. Reinstatement shall not be effective until issuance of a Certificate of Qualification.

(5) Emergency Suspension and Revocation

- (a) The District may summarily issue an emergency suspension of a contractor's qualification to bid if it finds that imminent danger exists to the public health, safety, or welfare.
- (b) The written notice of emergency suspension shall state the specific facts and reasons for finding an imminent danger to the public health, safety, or welfare exists.
- (c) The District, within 10 days of the emergency suspension, shall initiate formal suspension or revocation proceedings in compliance with Rule 3.4(3), except the 10-day notice requirement shall not be construed to prevent a hearing at the earliest time practicable upon request of the aggrieved party.

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

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

Rule 3.5 Construction Contracts, Not Design-Build.

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, electronic mail, hand delivery, ~~faesimile~~, or overnight delivery service.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~or faesimile~~, 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 all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the bidder is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Any contractor that has been found guilty by a court of competent jurisdiction of any violation of federal labor or employment tax laws regarding subjects including but not limited to, reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past five (5) years ~~shall be deemed~~ 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, provided such corrections do not result in a material change to the bid amount or create an unfair advantage. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
- (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, electronic mail, hand delivery, ~~faesimile~~, 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 proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules: only when there exists an immediate and serious need for construction services that cannot be met through normal procurement methods and the lack of such services would seriously threaten: (i) the District's ability to perform essential services; (ii) the preservation or protection of property or improvements; or (iii) the health, safety, or welfare of any person. The fact that an Emergency Purchase has occurred or is necessary, along with a detailed description of the basis for the emergency determination, shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
- (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or

- (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

Rule 3.6 Construction Contracts, Design-Build.

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

(ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:

1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~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 including but not limited to reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past five (5) years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

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

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if the proposals are too high, or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District,

which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.

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

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

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

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

Rule 3.7 Payment and Performance Bonds.

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

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

Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~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 all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the 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 Responsive and Responsible Bidder whose principal place of business is in the State of

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

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

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, ~~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) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.

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

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

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

Rule 3.9 Maintenance Services.

- (1) Scope. All contracts for maintenance of any District facility or project shall be set under the terms of this Rule if the cost exceeds the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR. A contract involving goods, supplies, and materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of maintenance services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, ~~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 all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

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

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

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

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

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

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

Law Implemented: §§ 119.0701, 190.033, 287.017, Fla. Stat.

Rule 3.10 Contractual Services.

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

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

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

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

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

(1) Filing.

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

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

- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours, which are 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via certified mail, facsimile, hand delivery, or email with delivery confirmation ~~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 qualified person as a hearing officer to conduct the hearing. The hearing officer may:
 - (a) Administer oaths and affirmations;
 - (b) Rule upon offers of proof and receive relevant evidence;
 - (c) Regulate the course of the hearing, including any pre-hearing matters;

(d) Enter orders; and

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

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) calendar days from receipt of the recommended order 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 by filing a motion to intervene within 10 calendar days of the initial protest filing, on ~~on~~-appropriate terms ~~that~~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, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.

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

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

Law Implemented: § 190.033, Fla. Stat.

Rule 4.0 Effective Date.

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

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

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



EXHIBIT 10



RESOLUTION 2026-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT CONFIRMING AUTHORIZATION TO PAY INVOICES FOR WORK PREVIOUSLY APPROVED; AUTHORIZING THE CHAIR OR VICE CHAIR OF THE BOARD OF SUPERVISORS AND THE DISTRICT MANAGER TO ENTER INTO TIME SENSITIVE AND EMERGENCY CONTRACTS AND DISBURSE FUNDS FOR PAYMENT OF CERTAIN EXPENSES WITHOUT PRIOR APPROVAL OF THE BOARD OF SUPERVISORS; PROVIDING FOR A MONETARY THRESHOLD; AND PROVIDING FOR THE REPEAL OF PRIOR SPENDING AUTHORIZATIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 190.011(5), *Florida Statutes*, authorizes the District to adopt resolutions which may be necessary for the conduct of District business; and

WHEREAS, the Board of Supervisors of the District (the “**Board**”) typically meets on an as needed basis, and in no event more than monthly, to conduct the business of the District, including approval of proposals, authorizing the entering into of agreements or contracts, and authorizing the payment of District operating and maintenance expenses; and

WHEREAS, the Board contracted with the District Manager to timely pay the District’s vendors and perform other management functions; and

WHEREAS, the Board desires to confirm that the District Manager is authorized to pay invoices, regardless of the dollar amounts, for work previously approved by the Board and such payments do not need to be approved by the Board prior to payment; and

WHEREAS, the Board recognizes that certain time sensitive or emergency issues may arise from time to time that require approval outside of regular monthly meetings; and

WHEREAS, to conduct the business of the District in an efficient manner, recurring, non-recurring, and other disbursements for goods and services must be processed and paid in a timely manner; and

WHEREAS, the Board has determined that it is in the best interests of the District, and is necessary for the efficient administration of District operations; the health, safety, and welfare of the residents within the District; and the preservation of District assets and facilities, to authorize limited spending authority to the Chair (or Vice Chair, if the Chair is unavailable) of the Board

and the District Manager between regular monthly meetings, for work and services that are time sensitive and/or emergency in nature.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT:

1. **Authorization to Pay Invoices for Work Previously Approved.** The District Manager is authorized to pay invoices, regardless of the dollar amounts, for work previously approved by the Board in accordance with such contracts and such payments do not need to be approved by the Board prior to payment nor do they need to be re-approved by the Board at a future meeting.
2. **Limited Spending Authorization.** The Board hereby authorizes the individuals stated below to exercise their judgment to enter into time sensitive and emergency contracts and disburse funds up to the amounts stated below, without prior Board approval for expenses (1) that are required to provide for the health, safety, and welfare of the residents within the District; (2) for the maintenance, repair, or replacement of a District asset; or (3) to remedy an unforeseen disruption in services relating to the District's facilities or assets, if such disruption would result in significantly higher expenses unless the contract is entered into immediately.
 - a. The District Manager may individually authorize such expense up to \$2,500.00 per proposal and/or event.
 - b. The Chair (or Vice Chair, if the Chair is unavailable) may individually authorize such expenses up to \$10,000.00 per proposal and/or event.
 - c. The District Manager and Chair (or Vice Chair, if the Chair is unavailable) may jointly authorize such expenses up to \$25,000.00 per proposal and/or event.
3. **Ratification of Spending Authorization at Future Meeting.** Any payment made or contract entered into pursuant to this Resolution shall be submitted to the Board at the next scheduled meeting for approval and ratification.
4. **Repeal of Prior Spending Authorizations.** All prior spending authorizations approved by resolution or motion of the Board are hereby repealed.
5. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 25th day of November 2025.

ATTEST:

**SADDLE CREEK PRESERVE OF
POLK COUNTY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

EXHIBIT 11



RESOLUTION 2026-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT AMENDING THE FISCAL YEAR 2025 GENERAL BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Board of Supervisors of the District (“**Board**”) previously adopted a final General Fund Budget (“**Budget**”) for the fiscal year beginning October 1, 2024, and ending September 30, 2025 (“**Fiscal Year 2025**”); and

WHEREAS, the Board desires to amend the Fiscal Year 2025 Budget to reflect changes to budgeted revenues and expenses approved during Fiscal Year 2025; and

WHEREAS, pursuant to Chapters 189 and 190, *Florida Statutes*, the Board is authorized to amend the Fiscal Year 2025 Budget within sixty (60) days following the end of Fiscal Year 2025; and

WHEREAS, the Board finds that it is in the best interest of the District and its landowners to amend the Fiscal Year 2025 Budget to reflect the actual appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET AMENDMENT.

- a. The Board has reviewed the proposed amended Budget, copies of which are 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. The amended Budget attached hereto as **Exhibit A** and incorporated herein by reference as further amended by the Board is hereby adopted in accordance with the provisions of sections 190.008(2)(a) and 189.016(6), *Florida Statutes*; provided, however, that the comparative figures contained in the amended Budget as adopted by the Board (together, “**Adopted Annual Budget**”) may be further revised as deemed necessary by the District Manager to further reflect actual revenues and expenditures for Fiscal Year 2025.
- c. The Adopted Annual Budget shall be maintained in the office of the District Manager and the District Records Office and identified as “The Adopted Budget for Saddle Creek Preserve of Polk County Community Development District for the Fiscal Year

Ending September 30, 2025, as amended and adopted by the Board of Supervisors effective November 25, 2025.”

SECTION 2. APPROPRIATIONS. There is hereby appropriated out of the revenues of the District, the fiscal year beginning October 1, 2024, and ending September 30, 2025, the sums set forth below, to be raised by special assessments or otherwise, which sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	_____
DEBT SERVICE FUND (SERIES 2020)	_____
DEBT SERVICE FUND (SERIES 2022)	_____
CAPITAL RESERVE FUND	_____
TOTAL ALL FUNDS	_____

SECTION 3. CONFLICTS. All District resolutions or parts thereof in actual conflict with this Resolution are, to the extent of such conflict, superseded and repealed.

SECTION 4. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 25th day of November 2025.

ATTEST:

**SADDLE CREEK PRESERVE OF
POLK COUNTY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Amended Fiscal Year 2025 Budget



EXHIBIT A:
Amended Fiscal Year 2025 Budget



EXHIBIT 12



**MINUTES OF MEETING
SADDLE CREEK PRESERVE OF POLK COUNTY
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Saddle Creek Preserve of Polk County Community Development District was held on Tuesday, October 28, 2025 at 6:00 p.m., at Auburndale Historic Depot, 120 W Park Street, Auburndale, FL 33823. The actions taken are summarized as follows:

FIRST ORDER OF BUSINESS:

ROLL CALL

Mr. Beckett called the meeting to order and conducted roll call.

Present and constituting a quorum were:

Erica Miro Smith (S2)	Board Supervisor, Chair
Veronica Thomas (S4)	Board Supervisor, Vice Chair
Angel Martinez (S3)	Board Supervisor, Assistant Secretary
Abby Morrobel (S5)	Board Supervisor, Assistant Secretary

Also present were:

Vickie Davis (S1)	Board Supervisor, Assistant Secretary (<i>virtually</i>)
Heath Beckett	District Manager, Vesta District Services
Michael Bush	Field Manager, Vesta District Services
Grace Rinaldi	District Counsel, Kilinski Van Wyk PLLC
Raymond Bobrowiecki	Fast Property Services
Chuck Burnite	GHS Environmental
Richard Gouldsbury, Jr.	Fire Inspector Supervisor, Polk County Fire Rescue

SECOND ORDER OF BUSINESS:

AUDIENCE COMMENTS – AGENDA ITEMS

(Limited to 3 minutes per individual for agenda items)

Comments were heard on when the parking policy will be enforced, an issue with abandoned vehicles, vehicles being parked on common areas, and whether residents have an opportunity to vote on policies.

Ms. Rinaldi explained that a public hearing was provided prior to the adoption of the parking policy which will go into effect ~~January 1, 2026~~ *[changed to January 5, 2026 later in the meeting]*. Revision of policies would be at the Board's discretion.

Discussion moved to IV.A. DISCUSSION ON FIRE DEPARTMENT ACCESS REQUIREMENTS before proceeding to the next item.

THIRD ORDER OF BUSINESS:

OPERATIONS AND MAINTENANCE

A. Aquatic Maintenance – *Chuck Burnite, GHS Environmental*

Mr. Burnite presented the Aquatic Maintenance Report. He discussed the three mitigation areas which are not typical mitigation areas but look more like linear ditch features that accommodate the developments impact on the wetlands. He

did not see evidence of supplemental planting and affirmed that the existing vegetation will not meet success criteria for the permit. He advised that replanting plants in the mitigation area would cost approximately \$5,000.00. He noted the reporting was approximately one year in arrears, recommended not planting until rainy season (June 2026), and submitting a report addressing the proposed supplemental planting. In the interim, GHS plans to spray for exotics and invasives so the areas are ready for planting once the rainy season arrives. He will monitor the plants that grow and may adjust the planting plan accordingly. Monitoring is required until 85% of the plant species within the mitigation areas are non-invasive natives.

The height of existing plants was discussed. Mr. Burnite will recommend plants that do not reach heights that interfere with line of sight. He discussed the extent of the mitigation area. He discussed the steps to be taken to get the District back into compliance and what can be done thereafter.

Board consensus was for Mr. Burnite to proceed with the replanting plan.

Discussion followed on the treatments for the pond banks to address the non-native invasives, and water quality due to soil composition.

He will start noting erosion issues on his reports.

B. Landscape Maintenance – *Raymond Bobrowiecki, Fast Property Services*

1. Consideration of Fast Property Services Proposals:

Mr. Bobrowiecki discussed the scope of the presented proposals.

a. Landscape Enhancements

- i. EXHIBIT 1: Ten (10) Islands Along Old Mining Road - \$3,750.00

Consideration of this item was postponed until the November meeting. Supervisors asked whether this area would be impacted by the proposed parking area.

- ii. EXHIBIT 2: Log & Debris Removal at Saddle Creek Road - \$250.00

On a MOTION by Ms. Morrobel, SECONDED by Ms. Miro Smith, WITH ALL IN FAVOR, the Board approved Fast Property Services to remove the log and debris at Saddle Creek Road in the amount of \$250.00, for Saddle Creek Preserve of Polk County Community Development District.

- iii. EXHIBIT 3: Stump Grinding & Sod Installation at Gatsby & Saddle Creek Roads - \$1,525.00

Board direction was to revise the proposal to include shrubs to fill in the gaps.

- iv. EXHIBIT 4: Old Pasture Lift Station - \$170.00

On a MOTION by Ms. Miro Smith, SECONDED by Ms. Morrobel, WITH ALL IN FAVOR, the Board approved Fast Property Services to perform landscape enhancements at Old Pasture lift station in the amount of \$170.00, for Saddle Creek Preserve of Polk County Community Development District.

b. Pine Straw Mulch Installation

i. EXHIBIT 5: Teneroc & Gatsby Lanes Entrance Hedge Line - \$1,675.00

On a MOTION by Ms. Miro Smith, SECONDED by Ms. Martinez, WITH ALL IN FAVOR, the Board approved Fast Property Services to install pine straw mulch at the Teneroc & Gatsby Lanes entrance hedge line in the amount of \$1,675.00, for Saddle Creek Preserve of Polk County Community Development District.

ii. EXHIBIT 6: Saddle Creek Rd Mail Station - \$1,650.00

On a MOTION by Ms. Martinez, SECONDED by Ms. Miro Smith, WITH ALL IN FAVOR, the Board approved Fast Property Services to address the area and install mulch at Saddle Creek Rd mail station in the amount of \$1,650.00, for Saddle Creek Preserve of Polk County Community Development District.

Mr. Bobrowiecki proposed flush cutting six (6) dead Pine trees which are depositing a lot of debris. It was noted that the utility company had previously come through and trimmed along the power lines. Comparison proposals were requested for the tree removal. Mr. Bobrowiecki will flag the trees.

On a MOTION by Ms. Morrobel, SECONDED by Ms. Thomas, WITH ALL IN FAVOR, the Board approved the removal of six dead Pine trees in an amount not to exceed \$4,200.00, and authorizing the Chair to execute the lowest-priced proposal, for Saddle Creek Preserve of Polk County Community Development District.

On a MOTION by Ms. Morrobel, SECONDED by Ms. Davis, WITH ALL IN FAVOR, the Board approved Fast Property Services to repair an area of erosion in the amount of \$675.00, for Saddle Creek Preserve of Polk County Community Development District.

c. Pressure Washing

i. EXHIBIT 7: Sidewalks & Lift Station Entries - \$2,745.00

This proposal was declined and a request made for a proposal to clean the lift station entries only. It was noted that the lift station at Old Pasture Lane is maintained by the City of Auburndale and they cleaned the area last month.

ii. EXHIBIT 8: Vinyl Fence Behind Yellow Trail - \$775.20

112 This is a duplicate of the scope completed six months ago.
113 This proposal was declined.

114 iii. EXHIBIT 9: Bridle Booster & Yellow Trail Lift Station
115 Enclosures (includes vegetation clean-up) - \$900.00

116 Mr. Bobrowiecki explained the scope of the proposal.

117 On a MOTION by Ms. Miro Smith, SECONDED by Ms. Martinez, WITH ALL IN FAVOR, the Board
118 approved the Fast Property Services proposal to clean the Bridle Booster & Yellow Trail lift station
119 enclosures and clear the vegetation, in the amount of \$900.00, for Saddle Creek Preserve of Polk
120 County Community Development District.

121 C. EXHIBIT 10: Field Operations – *Michael Bush, Vesta District Services*

122 Mr. Bush reviewed the Field Operations report and provided updates on current
123 and completed projects. A selection of exterior lights was presented within the
124 report.

125 Mr. Beckett requested the Board review the light options after the meeting and
126 select their top three choices for discussion at the November meeting.

127 D. District Engineer – *Todd Amaden/Katie Vander Meade, Landmark Engineering &*
128 *Surveying Corp.*

129 A representative from Landmark Engineering was not present.

130 1. EXHIBIT 11: Discussion on Additional Parking Locations

131 Mr. Beckett reviewed the exhibit and standard requirements. Board
132 consensus was for the District Engineer to provide an estimate of
133 anticipated costs for the project. The need for monitoring the additional
134 parking spaces to ensure they are used for guest parking only was also
135 raised. A request for the District Engineer to review additional parking
136 options for the end of Yellow Trail.

137 E. District Counsel – *Grace Rinaldi, Kilinski Van Wyk*

138 Ms. Rinaldi asked the Board to confirm when they would like parking
139 enforcement to begin. Concerns regarding holiday parking and accessibility for
140 emergency vehicles were raised.

141 On a MOTION by Ms. Miro Smith, SECONDED by Ms. Ms. Davis, OPPOSED by Ms. Morrobel and
142 Ms. Martinez, the Board approved the parking policy enforcement to begin January 5, 2026, for
143 Saddle Creek Preserve of Polk County Community Development District.

144 1. Reminder of Virtual Workshop for CDD 101 Presentation Scheduled for
145 November 6, 2025 at 4 p.m.

146 Ms. Rinaldi addressed a comment on abandoned vehicles that was heard during
147 II. Audience Comments. She advised the District's current parking policy allows
148 for towing of abandoned vehicles in addition to the Statutory process which

allows law enforcement to remove an abandoned vehicle from public roadways. Supervisors and residents may provide the District Manager with information on observed abandoned vehicles and he can address them. The definition of an abandoned vehicle as outlined in the District's posted parking policy is "A vehicle that has no license plate, has expired registration, is visibly not operational, or has not moved for a period of seven (7) days." Ms. Rinaldi also clarified that as a unit of government the District's roadways are public – they are accessible to the public – but that does not negate the District's right to impose parking rules. Florida Statutes allow for Community Development Districts to tow vehicles that are in violation of the District's parking rules.

~~2. EXHIBIT 12: Adoption of Resolution 2026-01, Setting Public Hearing for Adoption of Amended Rules of Procedure~~

Consideration of this item was postponed until the November meeting.

F. District Manager – *Heath Beckett, Vesta District Services*

1. EXHIBIT 13: Adoption of **Resolution 2026-02 01, Designating Registered Agent and Registered Office**

With consideration of the previous item being postponed, this Resolution was renumbered as 2026-01.

Ms. Rinaldi advised that her firm typically has the District Manager listed as the registered agent, but District Counsel can be named if the Board wishes.

On a MOTION by Ms. Miro Smith, SECONDED by Ms. Thomas, WITH ALL IN FAVOR, the Board adopted Resolution 2026-01, Designating Mr. Beckett as Registered Agent and the Vesta Lake Mary office (250 International Parkway, Suite 208, Lake Mary, FL 32746) as the registered office, for Saddle Creek Preserve of Polk County Community Development District.

Mr. Beckett presented a request for the utilization of the CDD common area for the community's Fall Festival. He reviewed the established criteria for approval of common area usage requests, and the additional requirements for outside vendors. Ms. Rinaldi advised the fall Festival, as presented to staff, would be treated as a vendor event which would require additional insurance and a license agreement rather than the facility use agreement. This would require the host of the event to hold a commercial liability policy for the duration of the event in addition to the insurance requirement for any vendors in attendance. It was noted that a registration fee for the event was proposed.

Staff were directed to provide the requirements for property usage for a vendor event to the requester so that future events can be considered if all criteria are met.

On a MOTION by Ms. Martinez, SECONDED by Ms. Davis, WITH ALL IN FAVOR, the Board declined the use of CDD property for the Fall Festival, as presented, on November 22, 2025, for Saddle Creek Preserve of Polk County Community Development District.

Mr. Beckett presented a matter of a resident dumping yard waste in the conservation area. A request for reimbursement for the District's cost to remove the yard waste will be included with a cease and desist letter. Since the area is designated as conservation, the resident may not enter to remove the debris. Ms. Rinaldi added that amenity privileges or other legal options were available if the resident did not reimburse the District for the debris removal.

Board consensus was for District Counsel to draft a cease-and-desist letter.

FOURTH ORDER OF BUSINESS:

SUPERVISOR REQUESTS

A. EXHIBIT 14: Discussion on Fire Department Access Requirements (*Miro Smith*)

This item was presented out of order prior to III. OPERATIONS AND MAINTENANCE

Mr. Gouldsbury, Jr. introduced himself and discussed some of the national standards (NFPA) for developments, neighborhoods and driveways, that require rights-of-way to be a minimum of 20' and composed of certain materials that will bear the weight load associated with firetrucks. In addition, there are turning radius requirements (met with the construction of cul-de-sacs) if there are no through roads, as well as vertical clearance of overhead trees, power lines, cables, etc. He discussed the steps that may be taken if an emergency vehicle cannot clear a road to arrive at an emergency location, and potential liability issues for the District and residents.

It was noted that the agenda packet is posted on the District's website and residents can review the exhibit for the discussion which referenced the NFPA codes.

Mr. Gouldsbury, Jr. responded to audience questions and summarized the property development process with Polk County. With regard to the fire department's review of construction plans during the permitting process, the review is limited to whether the plans are in compliance with NFPA codes and confirmation that there is sufficient water supply for the residential development.

Ms. Thomas raised the matter of complaints received regarding the current location of the school bus stop. Supervisors acknowledged the decision would impact parents with elementary and middle school aged children, pedestrian safety, and the ability for vehicles to enter and exit the community.

The Board directed Mr. Beckett to contact Polk County School District's Transportation department to relocate the school bus stop outside the District's boundaries, and to provide Supervisors with an update when he receives a response.

225 Approval for a Fall event was requested.

226 On a MOTION by Ms. Miro Smith, SECONDED by Ms. Morrobel, WITH ALL IN FAVOR, the Board
227 approved a community potluck for November 22, 2025, pending the submission of a facilities use
228 agreement, for Saddle Creek Preserve of Polk County Community Development District.

229 **FIFTH ORDER OF BUSINESS: CONSENT AGENDA**

230 A. EXHIBIT 15: Approval of the Minutes of the Board of Supervisors Regular
231 Meeting Held September 23, 2025

232 B. EXHIBIT 16: Acceptance of the August 2025 Unaudited Financial Report

233 On a MOTION by Ms. Miro Smith, SECONDED by Ms. Morrobel, WITH ALL IN FAVOR, the Board
234 approved Consent Agenda – items A & B as presented, for Saddle Creek Preserve of Polk County
235 Community Development District.

236 **SIXTH ORDER OF BUSINESS: SECURITY MATTERS**

237 A. **Closed Session** (*No Action Will Be Taken During the Closed Session*)

238 On a MOTION by Ms. Morrobel, SECONDED by Ms. Miro Smith, WITH ALL IN FAVOR, the Board
239 approved opening the Closed Session, for Saddle Creek Preserve of Polk County Community
240 Development District.

241 1. Discussion on Security Monitoring Proposal(s)

242 On a MOTION by Ms. Morrobel, SECONDED by Ms. Martinez, WITH ALL IN FAVOR, the Board
243 approved closing the Closed Session, for Saddle Creek Preserve of Polk County Community
244 Development District.

245 B. Consideration of Action Relating to Security Monitoring

246 On a MOTION by Ms. Martinez, SECONDED by Ms. Morrobel, WITH ALL IN FAVOR, the Board
247 approved the Complete IT proposal for equipment in the amount of \$10,976.00 and monitoring
248 in the amount of \$7,356.00/year, for Saddle Creek Preserve of Polk County Community
249 Development District.

250 **SEVENTH ORDER OF BUSINESS: Audience Comments – New Business** (*Limited to*
251 *3 minutes per individual for non-agenda items*)

252 There being none, the next item followed.

253 **EIGHTH ORDER OF BUSINESS: Next Meeting Quorum Check**

254 *The next Saddle Creek Preserve of Polk County Community Development District meeting is*
255 *scheduled for 6:00 p.m. on November 25, 2025 at Auburndale Historic Depot, 120 W. Park*
256 *Street, Auburndale, Florida 33823.*

257 With the exception of Ms. Thomas, all Supervisors affirmed their intent to attend the
258 meeting in person.

259 **NINTH ORDER OF BUSINESS: Action Item Summary**



260 **TENTH ORDER OF BUSINESS:** **Adjournment**

261 On a MOTION by Ms. Miro Smith, SECONDED by Ms. Thomas, WITH ALL IN FAVOR, the Board
262 adjourned the meeting at 8:40 p.m., for Saddle Creek Preserve of Polk County Community
263 Development District.

264 **Each person who decides to appeal any decision made by the Board with respect to any matter*
265 *considered at the meeting is advised that person may need to ensure that a verbatim record of*
266 *the proceedings is made, including the testimony and evidence upon which such appeal is to be*
267 *based.*

268 **Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly**
269 **noticed meeting held on November 25, 2025.**

270	_____	_____
271	☐ Heath Beckett, Secretary	☐ Erica Miro Smith, Chair
272	☐ _____, Assistant Secretary	☐ Veronica Thomas, Vice Chair



EXHIBIT 13



1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

FIRST ORDER OF BUSINESS: **Call to Order**

Present were:

SECOND ORDER OF BUSINESS: **Selection of Workshop Secretary**

THIRD ORDER OF BUSINESS: **CDD 101 Presentation – Kilinski Van Wyk**

Ms. Rinaldi continued the presentation with a review of District Finances, providing information on the budget adoption and amendment process, Bonds, assessments, and the required annual audit. She then discussed the roles and responsibilities of District staff (District Manager, District Engineer, and District Counsel), before reviewing the roles of the Board, Supervisors, and officers. During this portion of the presentation Ms. Rinaldi covered the Supervisor election process, meeting procedures, and some best practices for Supervisors.

FOURTH ORDER OF BUSINESS: **Adjournment**

38 **Each person who decides to appeal any decision made by the Board with respect to any matter*
39 *considered at the meeting is advised that person may need to ensure that a verbatim record of*
40 *the proceedings is made, including the testimony and evidence upon which such appeal is to be*
41 *based.*

42 **Workshop Minutes were accepted by vote of the Board of Supervisors at a publicly noticed**
43 **meeting held on November 25, 2025.**

44	_____	_____
45	☐ Heath Beckett, Secretary	☐ Erica Miro Smith, Chair
46	☐ _____, Assistant Secretary	☐ Veronica Thomas, Vice Chair



EXHIBIT 14



Saddle Creek Preserve
Community Development District

Financial Statements - Unaudited

October 31, 2025



Saddle Creek Preserve CDD
Balance Sheet
October 31, 2025

	General Fund	Capital Reserve	Debt Service 2020	Debt Service 2022	Construction 2020	Construction 2022	Total
<u>Assets:</u>							
Operating Account - BU	\$ 215,817	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,817.42
Money Market - BU	195,550	-	-	-	-	-	195,550
State Board Assessment	1,709	154,426	-	-	-	-	156,135
Investments:							
Revenue Trust Fund	-	-	162,509	248,619	-	-	411,128
Interest Fund	-	-	-	-	-	-	-
Reserve Fund	-	-	156,750	143,826	-	-	300,576
Construction Fund	-	-	-	-	2	-	2
Accounts Receivable	-	-	-	-	-	-	-
Assessments Receivable - On Roll	604,543	63,473	313,500	288,301	-	-	1,269,817
Due from Other Funds	-	-	848	779	-	-	1,627
Prepaid Items	673	-	-	-	-	-	673
Total Assets:	\$ 1,018,293	\$ 217,899	\$ 633,607	\$ 681,525	\$ 2	\$ -	\$ 2,551,327
<u>Liabilities:</u>							
Accounts Payable	\$ 1,769	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,769
Due to Other Funds	1,627	-	-	-	-	-	1,627
Deferred Revenue - On Roll	604,543	63,473	313,500	288,301	-	-	1,269,817
							-
<u>Fund Balance:</u>							
Nonspendable	673	-	-	-	-	-	673
Assigned	-	154,426	-	-	-	-	154,426
Restricted	-	-	320,107	393,224	2	-	713,333
Unassigned	409,681	-	-	-	-	-	409,681
Total Liabilities & Fund Balance:	\$ 1,018,293	\$ 217,899	\$ 633,607	\$ 681,525	\$ 2	\$ -	\$ 2,551,327



Saddle Creek Preserve CDD

General Fund

Statement of Revenue, Expenditures, and Change in Fund Balance

For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Month of August	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Revenue					
Special Assessments	\$ 604,543	\$ -	\$ -	\$ (604,543)	0.00%
Interest	4,108	1,243	1,243	(2,865)	-
Miscellaneous	-	137	137	137	-
Total Revenue	\$ 608,651	\$ 1,380	\$ 1,380	\$ (607,271)	0.23%
Expenditures					
General Administrative					
Supervisor Compensation	12,000	-	-	(12,000)	0.00%
FICA Expenses	918	126	126	(792)	-
Engineering Services	15,000	1,238	1,238	(13,763)	8.25%
Dissemination Agent	8,111	7,500	7,500	(611)	92.47%
Assessment Administration	5,732	417	417	(5,315)	7.27%
Arbitrage	900	-	-	(900)	0.00%
Attorney Fees	25,000	4,799	4,799	(20,201)	19.20%
Audit Fees	7,500	-	-	(7,500)	0.00%
Trustee Fees	8,890	-	-	(8,890)	0.00%
Management Fees	46,350	1,917	1,917	(44,433)	4.14%
Information Technology	1,947	125	125	(1,822)	6.42%
Website Maintenance	1,298	-	-	(1,298)	0.00%
Postage & Delivery	500	-	-	(500)	0.00%
Insurance	6,777	18,944	18,944	12,167	279.53%
Copies	500	-	-	(500)	0.00%
Legal Advertisements	3,000	214	214	(2,786)	7.15%
Other Current Charges	1,000	-	-	(1,000)	0.00%
Office Supplies	100	-	-	(100)	0.00%
Dues, Licenses and Subscriptions	175	175	175	-	100.00%
Total General Administrative	145,698	35,454	35,454	(110,244)	24.33%
Operations and Maintenance					
Field					
Property Insurance	17,600	-	-	(17,600)	0.00%
Field Management	18,056	1,417	1,417	(16,639)	7.85%
Landscape Maintenance	117,400	6,900	6,900	(110,500)	5.88%
Landscape Replacement	25,000	4,500	4,500	(20,500)	18.00%
Mitigation Monitoring	4,600	-	-	(4,600)	0.00%
Lake Maintenance	18,180	-	-	(18,180)	0.00%
Streetlights	40,000	1,843	1,843	(38,157)	4.61%
Electric	5,500	1,853	1,853	(3,647)	33.69%
Water & Sewer	1,500	256	256	(1,244)	17.05%
Sidewalk & Asphalt Maintenance	2,500	-	-	(2,500)	0.00%
Irrigation Repairs	7,500	375	375	(7,125)	5.00%
Lift Station Maintenance	15,000	-	-	(15,000)	0.00%
General Repairs & Maintenance	12,000	675	675	(11,325)	5.63%
Contingency	7,000	450	450	(6,550)	6.43%
Total Field	291,836	18,269	18,269	(273,567)	6.26%
Amenity					
Amenity Electric	14,400	533	533	(13,867)	3.70%



Saddle Creek Preserve CDD

General Fund

Statement of Revenue, Expenditures, and Change in Fund Balance

For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Month of August	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Amenity Water	5,000	156	156	(4,844)	3.12%
Internet	1,650	150	150	(1,500)	9.09%
Pest Control	1,520	120	120	(1,400)	7.89%
Janitorial Serv ices	14,000	-	-	(14,000)	0.00%
Security Services	30,000	-	-	(30,000)	0.00%
Pool Maintenance	19,200	1,450	1,450	(17,750)	7.55%
Amenity Repairs & Maintenance	12,000	-	-	(12,000)	0.00%
Amenity Management	10,300	750	750	(9,550)	7.28%
Total Amenity Center Operations	108,070	3,159	3,159	(104,911)	2.92%
Total Operations & Maintenance	399,906	21,428	21,428	(378,478)	5.36%
Capital Reserves	53,048			(53,048)	0.00%
Total Expenditures	\$ 598,652	\$ 56,882	\$ 56,882	\$ (541,770)	9.50%
Revenues Over/(Under) Expenditures	\$ 9,999	\$ (55,502)	\$ (55,502)	\$ (65,501)	
OTHER FINANCING SOURCES/(USES)					
Transfers In	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL OTHER FINANCING SOURCES/(USES)	-	(55,501.56)	(55,501.56)	-	
FUND BALANCE BEGINNING			521,358		
Net Changes in fund balance			(111,003)	(65,501)	
FUND BALANCE, ENDING			\$ 410,354	\$ (65,501)	

Saddle Creek Preserve CDD
Capital Reserves
Statement of Revenue, Expenditures, and Change in Fund Balance
For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Revenue				
Interest	\$ 1,642	\$ -	\$ (1,642)	-
Total Revenue	\$ 1,642	\$ -	\$ (1,642)	0.00%
Expenditures				
Lift Station Improvements	-	-	-	-
Total Expenditures	-	-	-	-
Revenues Over/(Under) Expenditures	1,642	-	-	-
OTHER FINANCING SOURCES/(USES)				
Transfers In	53,048	-	(53,048)	0.00%
Transfers Out	-	-	-	-
TOTAL OTHER FINANCING SOURCES/(USES)	53,048	-	(53,048)	0.00%
FUND BALANCE BEGINNING	63,473	154,426		
Net Changes in fund balance	54,690	-	(53,048)	
FUND BALANCE, ENDING	\$ 118,163	\$ 154,426	\$ (53,048)	



Saddle Creek Preserve CDD
Debt Service Series 2020
Statement of Revenue, Expenditures, and Change in Fund Balance
For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Revenue				
Special Assessments - Net	\$ 313,500	\$ -	\$ (313,500)	0.00%
Interest	4,974	975	(3,999)	19.60%
Miscellaneous	154,180	-	(154,180)	-
Total Revenue	\$ 472,654	\$ 975	\$ (471,679)	0.21%
Expenditures				
Interest Expense				
December 15, 2025	95,450	-	(95,450)	0.00%
June 15, 2026	95,450	-	(95,450)	0.00%
Principal Retirement				-
June 1, 2026	120,000	-	(120,000)	0.00%
December 1, 2026	-	-	-	-
Total Expenditures	310,900	-	(310,900)	0.00%
Revenues Over/(Under) Expenditures	161,754	975		0.60%
OTHER FINANCING SOURCES/(USES)				
Transfers In		-	-	-
Transfers Out		-	-	-
TOTAL OTHER FINANCING SOURCES/(USES)	-	-	-	-
FUND BALANCE BEGINNING	154,180	319,132		
Net Changes in fund balance	161,754	975	-	
FUND BALANCE, ENDING	\$ 315,934	\$ 320,107	\$ 4,173	



Saddle Creek Preserve CDD
Debt Service Series 2022
Statement of Revenue, Expenditures, and Change in Fund Balance
For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Revenue				
Special Assessments - Net	\$ 288,301	\$ -	\$ -	0.00%
Interest	5,369	1,205	(4,164)	22.44%
Miscellaneous	235,253	-	(235,253)	-
Total Revenue	\$ 528,923	\$ 1,205	\$ (239,417)	0.23%
Expenditures				
Interest Expense				
June 1, 2025	85,920	-	(85,920)	0.00%
December 1, 2025	87,364	-	(87,364)	0.00%
Principal Retirement				
June 1, 2025	115,000	-	(115,000)	0.00%
December 1, 2025	-	-	-	-
Total Expenditures	288,284	-	(288,284)	-
Revenues Over/(Under) Expenditures	240,639	1,205	48,867	0.50%
OTHER FINANCING SOURCES/(USES)				
Transfers In	-	-	-	-
Transfers Out	-	-	-	-
TOTAL OTHER FINANCING SOURCES/(USES)	-	-	-	-
FUND BALANCE BEGINNING	-	392,019	-	
Net Changes in fund balance	240,639	1,205	48,867	
FUND BALANCE, ENDING	\$ 240,639	\$ 393,224	\$ 48,867	



Saddle Creek Preserve CDD
Acquisition & Construction 2020
Statement of Revenue, Expenditures, and Change in Fund Balance
For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Revenue				
Interest	\$ -	\$ 0	\$ -	-
Total Revenue	<u>-</u>	<u>0</u>	<u>-</u>	-
Expenditures				
Miscellaneous Expenses	-	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	-
Revenues Over/(Under) Expenditures	-	-		-
OTHER FINANCING SOURCES/(USES)				
Transfers In	-	-	-	-
Transfers Out	-	-	-	-
TOTAL OTHER FINANCING SOURCES/(USES)	<u>-</u>	<u>-</u>	<u>-</u>	-
FUND BALANCE BEGINNING	-	2	-	
Net Changes in fund balance	-	0	-	
FUND BALANCE, ENDING	<u>\$ -</u>	<u>\$ 2</u>	<u>\$ -</u>	



Saddle Creek Preserve CDD
Acquisition & Construction 2022
Statement of Revenue, Expenditures, and Change in Fund Balance
For the period from October 1, 2025 through October 31, 2025

	FY2026 Adopted Budget	FY2026 Actual Year-to-Date	Over (Under) Annual Budget	% of Budget
Revenue				
Developer Contributions	\$ -	\$ 193	\$ -	-
Total Revenue	<u>-</u>	<u>193</u>	<u>-</u>	-
Expenditures				
Capital Outlay	-	193	193	-
Total Expenditures	<u>-</u>	<u>193</u>	<u>193</u>	-
Revenues Over/(Under) Expenditures	-	-	-	-
OTHER FINANCING SOURCES/(USES)				
Transfers In	-	-	-	-
Transfers Out	-	-	-	-
TOTAL OTHER FINANCING SOURCES/(USES)	<u>-</u>	<u>-</u>	<u>-</u>	-
FUND BALANCE BEGINNING	-	-	-	0.00%
Net Changes in fund balance	-	-	-	0.00%
FUND BALANCE, ENDING	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	



Saddle Creek Preserve CDD						
Check Register						
Date	Num	Name	Memo	Debit	Credit	Balance
09/30/2025			Beginning Balance - Bank United			\$ 67,617.97
10/01/2025	200033	Sitex Aquatics LLC	Invoice: 10164-b (Reference: Aquatic Maintenance.)		1,515.00	66,102.97
10/02/2025	200034	Prince & Sons Inc.	Invoice: 18276 (Reference: June Landscape Maintenance - 1 week.)		2,153.00	63,949.97
10/02/2025	200035	Fast Property Services, LLC	Invoice: FSP-124 (Reference: Mulch installation.) Invoice: FSP-123 (Reference: Dead Tree Remo...		12,145.35	51,804.62
10/06/2025	200036	Business Observer, Inc.	Invoice: 25-01466K (Reference: supervisors meeting dates fiscal year 2025-2026.)		67.81	51,736.81
10/06/2025	200037	Hanley Pools LLC	Invoice: 1074 (Reference: Replace the valve assembly, the control rod and knobs on a Aquatic Acc...		1,265.00	50,471.81
10/06/2025	200038	Vesta Property Services	Invoice: 428810 (Reference: Monthly Pool Service Oct25.)		1,300.00	49,171.81
10/06/2025			Deposit	128,349.35		177,521.16
10/07/2025	200039	All American Lawn & Tree Specialist, LLC	Invoice: 45692 (Reference: Pest Control Oct 25.)		120.00	177,401.16
10/07/2025	200040	Hanley Pools LLC	Invoice: 1127 (Reference: Installation of Priming Valve.)		150.00	177,251.16
10/07/2025	100725ACH1	Spectrum	4347 Trotters Way 8/18/25 - 9/17/25		150.00	177,101.16
10/08/2025	2018	Egis Insurance Advisors, LLC	FY Insurance Policy #100125474 10/1/25 - 10/1/26		18,944.00	158,157.16
10/08/2025			Funds Transfer	100,000.00		258,157.16
10/13/2025			Deposit	137.40		258,294.56
10/14/2025	200041	Business Observer, Inc.	Invoice: 25-01509K (Reference: Legal Advertising.)		72.19	258,222.37
10/14/2025	200042	Vesta Property Services	Invoice: 428667 (Reference: Pool Supplies.) Invoice: 428990 (Reference: FY'2026 Dissmination ...		7,761.57	250,460.80
10/14/2025	200043	Vesta District Services	Invoice: 428944 (Reference: Management Fees Oct 25.)		4,625.00	245,835.80
10/14/2025	200044	Landmark Engineering & Surveying Corp	Invoice: 2210014-57 (Reference: ENGINEERING SERVICES.)		1,237.50	244,598.30
10/14/2025	200045	Kilinski Van Wyk PLLC	Invoice: 13402 (Reference: Legal Services Sept 25.)		4,799.17	239,799.13
10/14/2025	200046	Vesta District Services	Invoice: 429055 (Reference: Billable Expenses - Sep 2025.)		8,270.98	231,528.15
10/21/2025	102125ACH1	Lakeland Electric	4515 SADDLE CREEK RD # SWP-2		60.72	231,467.43
10/21/2025	102125ACH2	Lakeland Electric	4515 SADDLE CREEK RD # ENTR		1,389.24	230,078.19
10/21/2025	102125ACH3	Lakeland Electric	4515 SADDLE CREEK RD # SWP-3		71.70	230,006.49
10/21/2025	102125ACH5	Lakeland Electric	4347 TROTTERS WY # REC		551.75	229,454.74
10/21/2025	102125ACH6	Lakeland Electric	4515 Saddle Creek Road # SWP-1		85.57	229,369.17
10/21/2025	102125ACH7	Lakeland Electric	4283 BRIDLE BOOSTER WY # SWP		25.80	229,343.37
10/21/2025	102125ACH4	Lakeland Electric	LIGHTING DIST # SADDLE CREEK PH 1		1,810.60	227,532.77
10/22/2025	102225ACH1	City of Aburndale	Water Billing 08/20/25 to 09/19/25		83.42	227,449.35
10/22/2025	102225ACH2	City of Aburndale	Water Billing 08/20/25 to 09/19/25		32.55	227,416.80
10/30/2025	200047	Business Observer, Inc.	Invoice: 25-01611K (Reference: Legal Advertising.)		74.38	227,342.42
10/30/2025	200048	Fast Property Services, LLC	Invoice: FSP-0423 (Reference: Irrigation Repairs.) Invoice: FSP-677 (Reference: Removal of Oa...		11,525.00	215,817.42
10/31/2025			BU - month end balance	228,486.75	80,287.30	\$ 215,817.42

EXHIBIT 15



ADDITIONAL SERVICES ORDER FOR LANDSCAPE AND IRRIGATION MAINTENANCE SERVICES

THIS ADDITIONAL SERVICES ORDER (the “**ASO**”), dated October 7, 2025, is presented according to the requirements within the executed *Landscape and Irrigation Maintenance Services Agreement*, dated June 9, 2025 (the “**Agreement**”), by and between:

SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, located in Polk County, Florida, whose mailing address is c/o Vesta District Services, 250 International Parkway, Suite 208, Lake Mary, Florida 32746 (the “**District**”); and

FAST PROPERTY SERVICES LLC, a Florida limited liability company, whose mailing address is 211 Denese Lane, Auburndale, Florida 33823 (“**Contractor**” and, together with the District, the “**Parties**”).

SECTION 1. SCOPE OF SERVICES. In addition to the Services described in the Agreement and any and all Exhibits and Amendments thereto, Contractor will provide the work described in the proposal listed below and attached as **Exhibit A** to this ASO (the “**Additional Work**”). Contractor shall invoice the District for the Additional Work actually performed in accordance with the unit pricing provided at **Exhibit A**, and the District shall remit payment for such Additional Work pursuant to the terms of the Agreement. Such amounts include all materials and labor necessary to complete the Additional Work and all items, labor, materials, or otherwise, to provide the District the maximum benefit of the Additional Work.

<i>Proposal Date</i>	<i>Brief Description of Work</i>	<i>Cost</i>
October 7, 2025	Tree Removal	\$4,250
<i>Total</i>		<i>\$4,250</i>

SECTION 2. EFFECTIVE DATE. This ASO shall be effective as of the date of the last signature of the Parties hereto.

SECTION 3. ACCEPTANCE. Execution of this ASO will authorize Contractor to complete the Additional Work as outlined above in addition to the Services set forth in the Agreement. Contractor shall commence the aforesaid authorized Additional Work as provided herein and shall perform the same in accordance with the terms and conditions of the Agreement, which, except to the extent expressly altered or changed in this ASO, remain in full force and effect. To the extent that any other terms provided in **Exhibit A** conflict with the terms of the executed Agreement, the terms of the Agreement shall control.

[Signatures on following page.]

IN WITNESS WHEREOF, the Parties hereto have caused this Additional Services Order to be executed the day and year first above written.

**SADDLE CREEK PRESERVE OF POLK COUNTY
COMMUNITY DEVELOPMENT DISTRICT**

 Erica Smith (Nov 10, 2025 19:45:34 EST)

Chairperson, Board of Supervisors

Date: BoS Approved 10/28/2025

FAST PROPERTY SERVICES LLC, a Florida limited liability company

By: _____

Its: _____

Date: _____

Exhibit A: Proposal for Additional Services



EXHIBIT A

Tree Removal Proposal

Client: Saddle Creek Preserve CDD

Submitted by: Fast Property Services LLC

Contact: Raymond Bobrowiecki – Owner/Operator

Date: October 7, 2025

Scope of Work

This proposal covers the removal of three fully mature oak trees located on district property along the tract of land behind **2165 Teneroc Trail**. The trees pose varying levels of hazard to adjacent residential properties and require full removal for safety and maintenance purposes.

Two of the oaks are completely dead, with no signs of regrowth. These trees will be removed and flush-cut along the embankment to prevent future sprouting and to allow for unobstructed ongoing maintenance of the area.

The third and largest oak remains alive but presents significant risk. One of its main lateral limbs extends directly over a residential fence line, which has already sustained damage. The height and canopy spread of this tree also place nearby homes at risk of property damage should limb failure occur.

Access to this area is limited and challenging due to fencing, embankment grade, and distance from roadway access points. Specialized equipment and labor will be required to safely complete the removals, including the use of climbing gear and sectional takedown methods. We have coordinated in advance with affected residents to ensure minimal disruption and efficient staging during the project.

Work Description

- Sectional takedown and removal of two dead oak trees located along the rear district property embankment.
- Full removal and stump grinding of the largest mature oak, including overhanging branch clearance and site restoration.
- Debris removal and off-site disposal of all logs, limbs, and brush.
- Final site cleanup and grading preparation for future maintenance

Cost Breakdown

Description	Estimated Cost
Removal of two dead oaks (flush cut, debris removal, site cleanup)	\$1,550.00
Removal and stump grinding of large mature oak (with overhanging limbs and limited access)	\$2,700.00



Total Proposal Amount	\$4,250.00

Notes & Considerations

- Work area access will be limited to the rear of Teneroc Trail residences. Coordination with homeowners has been completed in advance.
- All debris will be removed from district property and disposed of responsibly.
- Upon completion, the area will be left clean, level, and ready for regular maintenance.
- Proposal includes full labor, equipment, and disposal costs.

Acceptance of Proposal

I hereby authorize Fast Property Services LLC to perform the work as outlined above.

Authorized Representative (CDD): _____

Date: _____

Fast Property Services LLC Representative: Raymond Bobrowiecki

Phone: 863-326-8366

Email: fastcommunityservices@gmail.com





