



**BOBCAT TRAIL
COMMUNITY DEVELOPMENT DISTRICT**

**Rules
Policies
and
Procedures**

**Version 14
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CHAPTER 1 OPERATING RULES

CHAPTER 1 OPERATING RULES

Rule 1.0: General

1. The Bobcat Trail Community Development District (the "District") was created pursuant to the provisions of Chapter 190, Florida Statutes and was established to provide for the ownership, operation, maintenance and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (the "Rules") is to describe the general operations of the District.
2. Definitions located within any section of these Rules shall be applicable within all other sections, unless specifically stated to the contrary.
3. Unless specifically permitted by a written agreement with the District, the District does not accept documents filed by electronic mail. Filings are only accepted during normal business hours.
4. A Rule of the District shall be effective upon adoption by affirmative vote of the District Board. After a Rule becomes effective, it may be repealed or amended only in conformance with applicable law. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law.

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

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

Rule 1.1: Board of Supervisors; Officers and Voting

1. Board of Supervisors: The Board of Supervisors of the District (the "Board") shall consist of five (5) members. Members of the Board ("Supervisors") appointed by ordinance or rule or elected by landowners must be residents of the State of Florida and citizens of the United States. Supervisors elected by resident electors must be at least 18 years of age, citizens of the United States of America, legal 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. The Board shall exercise the powers granted to the District under Florida law.
 - 1.1. Supervisors shall hold office for the term specified by Section 190.006, 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.
 - 1.2. 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.
 - 1.3. Action taken by the Board shall be upon a majority vote of the members present and voting, unless otherwise provided in the Rules or required by law. A Board member may participate in the Board Meeting by teleconference or video conference in accordance with applicable law and shall be entitled to vote if the Board agrees, but will not count towards a quorum.
 - 1.4. Unless otherwise provided for by an act of the Board, only one Board member may attend a mediation session on behalf of the Board. Any agreement resulting from such mediation must be approved pursuant to subsection 1.3
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.
 - 2.1. 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 successor 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 as well as sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board. 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 Manager, another Board member or District Counsel, in whole or in part.

- 2.2. 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 successor Vice Chairperson. The Vice Chairperson serves at the pleasure of the Board.
- 2.3. 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. The District's manager ("District Manager") may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of One Million Dollars (\$1,000,000) or have in place a fidelity bond, employee theft insurance policy or a comparable product in the amount of One Million Dollars (\$1,000,000) that names the District as an additional insured.
- 2.4. The Treasurer need not be a member of the Board but must be a resident of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3), Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of One Million Dollars (\$1,000,000) or have in place a fidelity bond, employee theft insurance policy or a comparable product in the amount of One Million Dollars (\$1,000,000) that names the District as an additional insured.
- 2.5. 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.
- 2.6. The Board of Supervisors 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.

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. Such committees shall conform to the applicable "Sunshine" laws outlined in Chapter 286, Florida Statutes.
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 Record 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 and as required by law. The Board may also meet upon the call of the Chair or three Board Members. Nothing in the Rules shall prevent the Board from holding other meetings as it deems necessary or from canceling any regularly scheduled meeting. A previously noticed regular meeting may be cancelled, provided that notice of cancellation shall be given in substantially the same manner as notice for the meeting or in such other manner as may provide substantially equivalent notice of cancellation. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286, Florida Statutes.
6. Voting Conflict of Interest: The Board shall comply with Section 112.3143, Florida Statutes, so as to ensure the proper disclosure of conflicts of interests on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by Chapters 112 and 190, 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 official'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 or as otherwise defined by applicable law.
 - 6.1. When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected 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.

- 6.2. 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 written memorandum. The Board member's vote is unaffected by this filing.
- 6.3. It is not a conflict of interest for a Board member, the District Manager or employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.

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

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

Rule 1.2: District Offices; Public Information and Inspection of Records; Policies.

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:
 - 1.1. Agenda packages for prior 24 months and next meeting; and
 - 1.2. Official minutes of meetings, including adopted resolutions of the Board; and
 - 1.3. Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law; and
 - 1.4. Adopted engineer's reports;
 - 1.5. Adopted assessment methodologies/reports; and
 - 1.6. Adopted disclosure of public financing; and
 - 1.7. Limited Offering Memorandum for each financing undertaken by the District; and
 - 1.8. Proceedings, certificates, bonds given by all employees and any and all corporate acts; and
 - 1.9. District policies and rules; and
 - 1.10. Fiscal year end audits; and
 - 1.11. Adopted budget for the current fiscal year.

The District Manager shall ensure that each District records office contains the documents required by Florida law. The District shall also maintain records on a CDD website pursuant to applicable law.
2. Public Records: All District public records within the meaning of Chapter 119, Florida Statutes, and not otherwise restricted by law, including the "Record of

Proceedings," may be copied or inspected at the District Manager's office during regular business hours. Certain District records are also available on the District's website or 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 response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, will be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records in response to a public records request.

3. All Board members will receive a copy of any Public Records Request within forty-eight (48) business hours of receipt by the District Manager.
4. A Records Request will begin with the beginning date stipulated (as allowed by applicable law) and will end on the date of receipt. There will be no continuing requests unless otherwise required by law.
5. Personal notes designed for the drafter's personal use only and not intended to perpetuate, communicate or formalize knowledge will not be considered a public record.
6. Access to public records will be granted only during reasonable time, under reasonable conditions and under supervision by the custodian of the public records or designee.
7. District Manager or his designee will provide the requesting party with a cost estimate prior to fulfilling the request.
8. The CDD is not required to furnish electronic public records in a form other than the standard format routinely maintained.
9. When the requested documents have been reviewed and exempt information has been redacted, the requesting party will be contacted in writing, phone call or email to schedule a mutually convenient time for the inspection of the requested materials or sent the records upon payment of any sums due.
10. Fulfillment of public record requests allows a requestor to view records in their original format(s). The CDD will not create new records in response to a request for public records, nor will it reformat or alter records to accommodate the requestor.
11. Records Requests for records beyond retention laws (that have been disposed of in accordance with State guidelines) will be responded to accordingly informing the requestor that such records no longer exist.

12. Service Contracts: Any contract for service shall include provisions required by law that require the contractor to comply with public records laws.
13. Fees; Copies: Copies of public records shall be made available to the requesting person at a charge consistent with the current statutory rates per page according to the current fee schedule. 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 fee for supervisory assistance, clerical assistance, and the actual cost incurred for the use of information technology. 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 above special service fees shall apply. Payment in advance by the person making the public records request is required.
14. Records Retention: The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.
15. Policies: The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 190.006, 119.07 Fla. Stat.

Rule 1.3: Public Meetings, Hearings, and Workshops

1. Notice: Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days, 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, in accordance with applicable law. Each Notice shall state, as applicable:
 - 1.1. The date, time and location of the meeting, hearing or workshop;
 - 1.2. A brief description of the nature, subjects and purposes of the meeting, hearing or workshop;
 - 1.3. 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
 - 1.4. The following language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager. If you are hearing or speech impaired, please contact the Florida Relay Service at 711, who can aid you in contacting the District Office."
 - 1.5. The following language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."
 - 1.6. The following language: "The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date and location stated on the record."
2. Mistake: In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules have been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
3. Agenda: The District Manager, under the guidance of District Counsel and the Chairperson or Vice Chairperson, shall prepare a notice and an agenda of the meeting/hearing/workshop. The notice and agenda shall be available to the public before the meeting/hearing/workshop except in an emergency. For good cause, the

agenda may be changed after it is first made available for distribution. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

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

- 3.1. Call to Order / Roll Call
 - 3.2. Approval of Agenda
 - 3.3. Public Comments on Agenda items
 - 3.4. Approval of the Minutes
 - 3.5. Approval of the Consent Agenda
 - 3.5.1. Minutes of Infrastructure/Asset Management Committee Meeting
 - 3.5.2. Financial Statements and Check Register
 - 3.5.3. Acceptance of Committee Minutes
 - 3.6. Unfinished Business
 - 3.7. New Business
 - 3.8. District Manager's Report
 - 3.9. Attorney's Report
 - 3.10. Engineer's Report
 - 3.11. Committee and Other Reports
 - 3.12. Commercial Properties
 - 3.13. Supervisors' Reports, Requests and Comments
 - 3.14. Public Comment Period
 - 3.15. 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. Emergency Meetings: The Chairperson, or Vice Chairperson if the Chairperson is unavailable, may convene an emergency meeting of the Board without first having complied with subsections 1 and 3, 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. 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 shall be ratified by the Board at a regularly noticed meeting subsequently held.

6. **Public Comment:** The Board shall set aside a reasonable amount of time at each meeting for public comment. The portion of the meeting reserved for audience comment shall be identified in the agenda. At the Chairperson's discretion, or at the discretion of the Vice Chairperson or Board member appointed pursuant to Rule 1.1, subsection 2 (2.5). above, each person wishing to address the Board is subject to a three (3) minute time limit for their comments, in the interest of time and fairness to other speakers. A sign-up sheet may be made available and assigning one person's time to another will be at the discretion of the Chairperson.
7. **Budget Hearing:** Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes and additional applicable law. Once adopted in accord with Section 190.008 of the Florida Statutes and applicable law, 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 and may also require other action depending on auditor's requirement.
8. **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.
9. **Participation by Teleconference / Videoconference:** District staff and Board members may participate in Board meetings by teleconference / videoconference in conformance with applicable law; provided however, at least three Board members must be physically present at the meeting location to establish a quorum.
10. **Board Authorization:** The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, and an affirmative vote by the majority of the Board members voting. Any Board member, including the Chairperson, can make or second a motion.
11. **Continuances:** Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
 - 11.1. the Board identifies on the record at the original meeting a reasonable need for a continuance; and

- 11.2. the continuance is to a specified date, time, and location publicly announced at the original meeting; and
- 11.3. 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.
12. Attorney-Client Sessions: An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the District's Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorneys must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened and the Chairperson or Vice Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

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

Law Implemented: §§ 190.006, 190.007, 190.008, 286.0105, 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 and the applicable provisions of Chapter 120 of the Florida Statutes. If Chapter 120 of the Florida Statutes is amended so that the provisions of Chapter 120 conflict with these Rules, Chapter 120 of the Florida Statutes shall control. 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 that do NOT consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings. Policies adopted by the District that DO consist of rates, fees, rentals or other monetary charges shall be implemented through rulemaking proceedings.
2. Notice of Rule Development:
 - 2.1. 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 paragraph (3). Consequently, the notice of rule development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The notice of rule development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - 2.2. All rules as drafted shall be consistent with Chapter 120 of the Florida Statutes.
3. Notice of Proceedings and Proposed Rules:
 - 3.1. Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action; a reference to the specific rulemaking authority pursuant to which the rule is adopted; and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall

include a summary of the District's statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in section 120.541(2), 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 both to the date on which and to the place where the notice of rule development that is required by subsection 2 appeared.

- 3.2. The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
- 3.3. The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing. Notice will then be mailed to all persons whom, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its proceedings.
4. Rule Development Workshops: Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
5. Petitions to Initiate Rulemaking: All petitions for the initiation of rulemaking proceedings must contain the name, address and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule and the facts showing that the petitioner is regulated by the District, or has substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a Rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the

application of the policy on a case-by-case basis, as contrasted with its formal adoption as a Rule. However, this subsection 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, above, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
 - 6.1. The text of the proposed rule, or any amendment or repeal of any existing rules;
 - 6.2. A detailed written statement of the facts and circumstances justifying the proposed rule;
 - 6.3. A copy of the statement of estimated regulatory costs if required by Section 120.541, Florida Statutes; and
 - 6.4. The published notice.
7. Hearing: The District may, or, upon the written request of any affected person received within 21 days after the date of publication of the notice described in paragraph 3 above, 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 above or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
8. Emergency Rule Adoption: The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.

9. Negotiated Rulemaking: The District may use negotiated rulemaking in developing and adopting rules pursuant to Chapter 120 of the Florida Statutes, except that any notices required under Chapter 120 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:
 - 10.1. the texts of the proposed rule and the adopted rule;
 - 10.2. all notices given for a proposed rule;
 - 10.3. any statement of estimated regulatory costs for the rule;
 - 10.4. a written summary of hearings, if any, on the proposed rule;
 - 10.5. all written comments received by the District and responses to those written comments; and
 - 10.6. all notices and findings pertaining to an emergency rule.
11. Petitions to Challenge Existing Rules:
 - 11.1. Any person substantially affected by a Rule may seek an administrative determination of the invalidity of the Rule on the grounds that the rule is an invalid exercise of the District's authority.
 - 11.2. 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.
 - 11.3. The petition shall be filed with the District. Within 10 days after receiving the petition, the District's Chairperson shall, if the petition complies with the requirements of subsection 11.2, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
 - 11.4. Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefore in writing.
 - 11.5. 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:

- 11.5.1. Administer oaths and affirmations;
 - 11.5.2. Rule upon offers of proof and receive relevant evidence;
 - 11.5.3. Regulate the course of the hearing, including any pre-hearing matters;
 - 11.5.4. Enter orders; and
 - 11.5.5. Make or receive offers of settlement, stipulation, and adjustment.
- 11.6. The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as interveners 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:
- 12.1. 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 a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
 - 12.2. 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:
 - 12.2.1. The Rule from which a variance or waiver is requested.
 - 12.2.2. The type of action requested.
 - 12.2.3. The specific facts that would justify a waiver or variance for the petitioner.
 - 12.2.4. The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
 - 12.3. 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.

- 12.4. The District's Board shall grant or deny a petition for variance or waiver, and shall announce such disposition at a publicly held meeting of the Board, within sixty (60) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.

Rates, Fees, Rentals and Other Charges: All rates, fees, rentals, or other charges may be subject to rulemaking proceedings. Policies adopted by the District that do NOT consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings. Policies adopted by the District that DO consist of rates, fees, rentals or other monetary charges shall be implemented through rulemaking proceedings.

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

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

Rule 3.0: Competitive Purchase

1. Purpose and Scope: In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017, 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:
 - 3.1. "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.
 - 3.2. "Continuing Contract" means a contract for Professional Services entered into in accordance with Section 287.055, F.S., between the District and a firm whereby the firm provides Professional Services to the District for projects in which the costs do not exceed one million dollars, for a study activity when the fee for such professional services to the District does not exceed \$50,000 or the current statutory amount if applicable, 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.
 - 3.3. "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 legal (including attorneys, paralegals, court reporters and expert witnesses, including appraisers), artistic, auditing, health, or academic program services, or Professional Services (as defined in Section 287.055(2)(a) Florida Statutes and these Rules) or maintenance services. 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 Section 255 of the Florida Statutes and Rule 3.5.

- 3.4. "Design-Build Firm" means a partnership, corporation or other legal entity that:
- 3.4.1. 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
 - 3.4.2. 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.
4. A "Design-Build Contract" means a single contract with a Design-Build Firm for the design and construction of a public construction project.
5. A "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 proposal, 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, storm-water 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.
6. A "Design Criteria Professional" means a firm who holds a current certificate of registration under Section 481 of the Florida Statutes to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Section 471 of the Florida Statutes to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
7. "Emergency Purchase" means a purchase necessitated by a sudden unexpected turn of events (e.g., 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 bidding 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.

8. "invitation to Bid" is a written solicitation for sealed bids with the title, date and hour of the public bid opening designated specifically and defining the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.
9. "Invitation to Negotiate" means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
10. "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 Proposal, 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 Proposal, Invitation to Negotiate or Competitive Solicitation, the following:
 - 10.1. The ability and adequacy of the professional personnel employed by the entity/individual.
 - 10.2. The past performance of the entity/individual for the District and in other professional employment.
 - 10.3. The willingness of the entity/individual to meet time and budget requirements.
 - 10.4. The geographic location of the entity's/individual's headquarters or office in relation to the project.
 - 10.5. The recent, current and projected workloads of the entity/individual.
 - 10.6. The volume of work previously awarded to the entity/individual.
 - 10.7. Whether the cost components of the bid or proposal are appropriately balanced.

- 10.8. Whether the entity entity/individual is a certified minority business enterprise.
11. "Negotiate" means to conduct legitimate, arms-length discussions and conferences to reach an agreement on a term or price.
12. "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 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.
13. "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 (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) which is for a cost to the District deemed reasonable by the Board.
14. "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.
15. "Request for Proposal" ("RFP") or "Request for Qualification" ("RFQ") is a written solicitation for sealed proposals or qualifications 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.
16. "Responsive Bid," "Responsive Proposal," "Responsive Reply" and "Responsive Response" means a bid, proposal, reply or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposal, Invitations to Negotiate or other competitive solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
 Law Implemented: §§ 190.033, 255.20, 287.055, Fla. Stat.

Rule 3.1: Procedure Under The Consultants' Competitive Negotiations Act

1. **Scope:** The following procedures are adopted for selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, the negotiation of such contracts and providing for protest of actions of the Board under this Rule 3.1. As used in this Rule 3.1, "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, Florida Statutes, for CATEGORY FIVE (currently \$325,000.00), 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 (currently \$35,000.00), 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:
 - 2.1. Hold all required applicable federal licenses in good standing, if any.
 - 2.2. Hold all required applicable state professional licenses in good standing.
 - 2.3. If the consultant is a corporation, hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
 - 2.4. Meet any qualification requirements set forth in the District's Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District. In addition, evidence of compliance must be submitted any time requested by the District.
3. **Public Announcement:** Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when Professional Services are required for a Project or a Continuing Contract by publishing a notice providing a general description of the Project, or the nature of the Continuing Contract, and the method for interested consultants to apply for consideration. The notice shall appear in at least one (1) newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least fourteen (14) days for submittal of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. These consultants are encouraged to submit annually, statements of qualifications and performance data. Consultants who provide their name and address to the District Manager for

inclusion on the list shall receive notices by mail. The Board has the right to reject any and all qualifications in its sole and absolute discretion, whether or not reasonable, 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:

4.1. The Board shall review and evaluate the data submitted in response to the notice described above 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:

4.1.1. The ability and adequacy of the professional personnel employed by each consultant.

4.1.2. Whether a consultant is a certified minority business enterprise.

4.1.3. Each consultant's past performance.

4.1.4. The willingness of each consultant to meet time and budget requirements.

4.1.5. The geographic location of each consultant's headquarters, office and personnel in relation to the project.

4.1.6. The recent, current and projected workloads of each consultant.

4.1.7. The volume of work previously awarded to each consultant by the District.

4.2. Nothing in these Rules shall prevent the District from evaluating and eventually selecting a consultant if less than three (3) qualification packages, including packages indicating a desire not to provide Professional Services on a given Project, are received.

4.3. 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.

- 4.4. Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 3.9.
5. Competitive Negotiation:
 - 5.1. 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.
 - 5.2. In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017, 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."
 - 5.3. 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.
 - 5.4. Should the District be unable to negotiate a satisfactory agreement with one of the top three 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. Continuing Contract: Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.

7. **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.
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: §§ 190.011(3), 190.033, 287.055, Fla. Stat.

Rule 3.2: Procedure Regarding Auditor Selection

In order to comply with the requirements of Section 218.391 of the Florida Statutes, the following procedures are outlined for selection of firms or individuals to provide Auditing Services and for the negotiation of such contracts.

1. Definitions:

1.1. "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473, Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

1.2. "Committee" means the audit selection committee appointed by the Board as described in Subsection 3.2(2) of this Rule.

2. Establishment of Audit Committee: Prior to a public announcement under subsection 3.2(4) of this Rule that Auditing Services are required, the Board shall establish an audit selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by section 218.39 of the Florida Statutes. The Committee should include at least three individuals, some or all of whom may also serve as members of the District's Board of Supervisors. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board.

3. Establishment of Minimum Qualifications and Evaluation Criteria: Prior to a public announcement under Subsection 3.2(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 audit services to be provided by a certified public accounting firm duly 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.

3.1. 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:

3.1.1. Hold all required applicable federal licenses in good standing, if any.

3.1.2. Hold all required applicable state professional licenses in good standing.

3.1.3. If the proposer is a corporation, hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.

3.1.4. 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.

3.2. Evaluation Criteria: The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:

3.2.1. ability of personnel,

3.2.2. experience,

3.2.3. understanding of scope of work,

3.2.4. ability to furnish the required services, and

3.2.5. 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 Subsection 3.2(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 Proposal: The Committee shall provide interested firms with a request for proposal ("RFP"). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee determines is necessary for the firm to prepare a proposal. The RFP shall state the time and place for submitting proposals.

6. Committee's Evaluation of Proposals and Recommendation: The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection 3.2 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:
 - 7.1. 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 most qualified firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified 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.
 - 7.2. Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm.
 - 7.3. 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.
 - 7.4. Notwithstanding the foregoing, the Board may reject any or all proposals in its sole and absolute discretion whether or not reasonable. 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:
 - 8.1. A provision specifying the services to be provided and fees or other compensation for such services;
 - 8.2. A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - 8.3. A provision setting forth the deadline for the auditor to submit a preliminary draft audit report to the District for review, which, unless it is in the best interests of the District to establish a different deadline, shall be no later than July 1 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - 8.4. A provision specifying the contract period, including renewals and conditions under which the contract may be terminated or renewed. A renewal may be done without the use of the auditor selection procedures provided in this Rule, but must be in writing.
9. Notice of Award: Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 Section shall be as provided for in Rule 3.9. 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: §§ 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:
 - 2.1. The Board shall cause to be prepared a Notice of Invitation to Bid.
 - 2.2. Notice of 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.
 - 2.3. The District may maintain a list of persons interested in receiving notices of Invitations to Bid. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
 - 2.4. Bids shall be opened at the time and place noted in the Invitation to Bid.
 - 2.5. 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.
 - 2.6. The Board has the right to reject any and all bids in its sole and absolute discretion, whether or not reasonable, and such reservations shall be included in all solicitations and advertisements.
 - 2.7. Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be

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

- 2.8. Notice of 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 by 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 3.9.

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:
 - 2.1. The Board shall cause to be prepared a Request for Qualifications.
 - 2.2. For construction services exceeding the thresholds in section 255.20 of the Florida Statutes, the Board must advertise the proposed pre-qualification criteria and procedures and allow at least seven (7) days' notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
 - 2.3. 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 \$250,000. The notice shall allow at least (twenty-one) 21 days for submittal of qualifications for construction services estimated to cost over \$250,000 and thirty (30) days for construction services estimated to cost over \$500,000.
 - 2.4. The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any pre-qualification determination or contract awarded in accordance with these Rules and shall not be a basis for a protest of any pre-qualification determination or contract award.
 - 2.5. 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.

- 2.6. In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:
 - 2.6.1. Hold the required applicable state professional licenses in good standing.
 - 2.6.2. Hold all required applicable federal licenses in good standing, if any.
 - 2.6.3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the vendor is a corporation.
 - 2.6.4. 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.

- 2.7. Qualifications shall be presented to the Board of Supervisors, 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.
- 2.8. 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.
- 2.9. The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined, in the District's sole and absolute discretion, whether or not reasonable, to be in the best interests of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.
- 2.10. Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, hand delivery, e-mail or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 by the Rules of the District; 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 applicable Florida Statutes.

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

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

Rule 3.5: Construction Contracts

1. CONSTRUCTION CONTRACTS (NOT DESIGN-BUILD)

- 1.1. Scope: All contracts for the construction or improvement of any building, structure or other public construction works authorized by Chapter 190, 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, 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, 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.
- 1.2. Procedure: When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
 - 1.2.1. The Board shall cause to be prepared an Invitation to Bid, Request for Proposal, Invitation to Negotiate or Competitive Solicitation.
 - 1.2.2. Notice of 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 \$500,000 must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, hand delivery, facsimile or overnight delivery service.
 - 1.2.3. The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a

person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

- 1.2.4. 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.
- 1.2.5. 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, reply or response:
 - 1.2.5.1. Hold the required applicable state professional licenses in good standing.
 - 1.2.5.2. Hold all required applicable federal licenses in good standing, if any.
 - 1.2.5.3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation.
 - 1.2.5.4. Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposal, Invitation to Negotiate or Competitive Solicitation.

Any contractor that has been found guilty by a court of any violations of federal labor or employment tax 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 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.

- 1.2.6. Bids, proposals, replies and responses shall be publicly opened in accordance with applicable law 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 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.

- 1.2.7. 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 Proposal, Invitation to Negotiate or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply or Response submitted by a Responsive and Responsible Vendor that is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposal, 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.
- 1.2.8. 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, in the District's sole and absolute discretion, whether or not reasonable, to be in the best interests of the District. No contractor shall be entitled to recover any costs of bid, proposal, response or reply preparation or submittal from the District.
- 1.2.9. 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.
- 1.2.10. Notice of intent to award, including rejection of some or all bids, proposals, replies or responses, shall be provided in writing to all contractors by United States Mail, hand delivery, facsimile or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 3.9.
- 1.2.11. If less than three responsive bids, proposals, replies or responses are received, the District may purchase construction services or may reject the bids, proposals, replies or responses for a lack of competitiveness. If no responsive bid, proposal, reply or response is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of construction services, which steps may include a

direct purchase of the construction services without further competitive selection processes.

- 1.3. 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.
- 1.4. 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 and the decision shall be ratified at such meeting.
- 1.5. Exceptions. Rule 3.5 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) when 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.

2. DESIGN-BUILD CONTRACTS

2.1. 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:

2.2. Procedure:

- 2.2.1. The District shall utilize a Design Criteria Professional meeting the requirements of Subsection 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 using Section 3.1, Procedure under Consultants' Competitive Negotiations Act. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.

- 2.2.2. 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.
- 2.2.3. The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Subsection 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
- 2.2.3.1. 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.
- 2.2.3.2. 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:
- 2.2.3.2.1. 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 \$500,000 must be noticed at least thirty (30) days prior to the date for submittal of proposals.
- 2.2.3.2.2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery or facsimile, to persons

who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

2.2.3.2.3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:

2.2.3.2.3.1. Hold the required applicable state professional license(s) in good standing, as defined by subsection 287.055(2)(h) of the Florida Statutes;

2.2.3.2.3.2. Hold all required applicable federal licenses in good standing, if any;

2.2.3.2.3.3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the proposer is a corporation;

2.2.3.2.3.4. 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 violations of federal labor or employment tax 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.

2.2.3.2.4. The proposals shall be publicly opened in accordance with applicable law. 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.

2.2.3.2.5. The Board shall have the right, in its sole and absolute discretion, whether or not reasonable, to reject all proposals if rejection is determined to be in the best interests of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.

- 2.2.3.2.6. If less than three proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no proposals are received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of design-build services, which steps may include a direct purchase of the design-build services without further competitive selection processes.
- 2.2.3.2.7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 3.9.
- 2.2.3.2.8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Failing accord with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third firm. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
- 2.2.3.2.9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
- 2.2.3.2.10. 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.

2.3. 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.

2.4. 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 and the decision shall be ratified at such meeting.

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

Law Implemented: §§ 190.033; 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.6: Goods, Supplies and Materials.

1. Purpose and Scope: All purchases of goods, supplies or materials exceeding the amount provided in Section 287.017, 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:
 - 2.1. The Board shall cause to be prepared an Invitation to Bid, a Request for Proposals, an Invitation to Negotiate or Competitive Solicitation.
 - 2.2. 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.
 - 2.3. The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - 2.4. 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.
 - 2.5. 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:
 - 2.5.1. Hold the required applicable state professional licenses in good standing.

- 2.5.2. Hold all required applicable federal licenses in good standing, if any.
- 2.5.3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the vendor is a corporation.
- 2.5.4. 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.

- 2.6. 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 after opening. 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.
- 2.7. 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 Proposal, 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.
- 2.8. 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, in the District's sole and absolute discretion, whether or not

reasonable, to be in the best interests of the District. No Vendor shall be entitled to recover any costs of bid, proposal, reply or response preparation or submittal from the District.

- 2.9. 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.
 - 2.10. Notice of intent to award, including rejection of some or all bids, proposals, replies or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 3.9.
 - 2.11. If less than three bids, proposals, replies or responses are received, the District may purchase goods, supplies or materials or may reject the bids, proposals, replies or responses for a lack of competitiveness. If no responsive bid, proposal, reply or response is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of goods, supplies and materials, which steps may include a direct purchase of the goods, supplies and materials without further competitive selection processes.
3. Goods, Supplies and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5: 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 3.6 may be renewed for a period that may not exceed three (3) years or the term of the original contract, whichever period is longer.
6. Emergency Purchases: The District may make an emergency purchase without complying with these rules. The fact that an emergency purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting and ratified at the next Board meeting.

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

Rule 3.7: 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, 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:
 - 2.1. The Board shall cause to be prepared an Invitation to Bid, a Request for Proposals, an Invitation to Negotiate or Competitive Solicitation.
 - 2.2. 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.
 - 2.3. The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - 2.4. 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.
 - 2.5. 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:
 - 2.5.1. Hold the required applicable state professional licenses in good standing.
 - 2.5.2. Hold all required applicable federal licenses in good standing, if any.

- 2.5.3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the vendor is a corporation.
- 2.5.4. 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.

- 2.6. 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 Proposal, 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 after opening. 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.
- 2.7. 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 Proposal, 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.
- 2.8. 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, in the District's sole and absolute discretion, whether or not reasonable, to be in the best interests of the District. No Vendor shall be

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

- 2.9. 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.
- 2.10. Notice of intent to award, including rejection of some or all bids, proposals, replies or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.9 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 3.9.
- 2.11. If less than three responsive bids, proposals, replies or responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies or responses for a lack of competitiveness. If no responsive bid, proposal, reply or response is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of maintenance services, which steps may include a direct purchase of the maintenance services without further competitive selection processes.
3. Exemptions: Maintenance Services that are only available from a single source are exempt from this Rule. Maintenance Services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
4. Renewal: Contracts for the purchase of maintenance services subject to this Rule 3.7 may be renewed for a period that may not exceed three (3) years or the term of the original contract, whichever period is longer.
5. Contracts; Public Records: In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
6. Emergency Purchases: The District may make an emergency purchase without complying with these rules. The fact that an emergency purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting and ratified at the next Board meeting.

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

Rule 3.8: Contractual Services.

1. 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, a Request for Proposal, an Invitation to Negotiate or a 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 entered into pursuant to this Rule 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: §§ 190.011(3), 190.033, Fla. Stat.

Rule 3.9: Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7

The resolution of any protests with respect to proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7 shall be in accordance with this Rule 3.9.

1. Filing:

- 1.1. With respect to a protest regarding qualifications, specifications, documentation or other requirements contained in a Request for Qualifications, Request for Proposal, 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 Proposal, 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.
- 1.2. Except for those situations covered by subsection 1.1 above, 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 or 3.7 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.
- 1.3. If disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 or 3.7, the Board may require any person who files a notice of protest to post a protest bond in the amount equal to 1% of the anticipated contract amount that is the subject of the protest

or \$5,000 whichever is greater. 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.

- 1.4. The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
2. Contract Execution: Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing the delay incident to protest proceedings will jeopardize the award of the contract, 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 signed.
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 electronic mail, 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 above (if available), the District shall schedule a formal hearing to resolve the protest; such proceeding shall be at a time and place determined by the Board. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
 - 4.1. Administer oaths and affirmations;
 - 4.2. Rule upon offers of proof and receive relevant evidence;
 - 4.3. Regulate the course of the hearing, including any pre-hearing matters;
 - 4.4. Enter orders; and
 - 4.5. Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) calendar days after the hearing or thirty (30) calendar days after receipt of the hearing transcript if a transcript is prepared, 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 in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) calendar days after the filing of the recommended order.

5. Intervenor: Other substantially affected persons may join the proceedings as intervenors on appropriate terms as agreed to by the hearing officer which shall not unduly delay the proceedings.
6. Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest: If the Board determines there was a violation of law, defect or an irregularity in the competitive solicitation process, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate and any protest bonds shall be returned.
7. Settlement: Nothing herein shall preclude the settlement of any protest under this rule at any time.

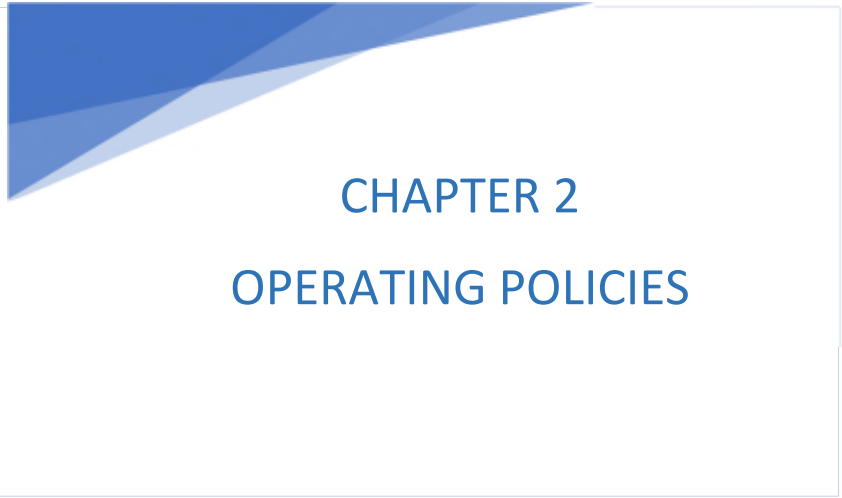
Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, Fla. Stat.

Rule 4.0: Effective Date

These Rules shall be effective 4/6/17.

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

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CHAPTER 2 OPERATING POLICIES

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SECTION 1: Operational Policies

1. Permanent & Ad Hoc Committee Policy: The following policies for the formation and operation of CDD committees:

1.1. Committee Formation/Dissolution:

1.1.1. Committees are created by a majority vote of the CDD Board of Supervisors.

1.1.2. Committees will be designated PERMANENT or AD HOC (temporary).

1.1.3. Each committee will be assigned a CDD Board of Supervisor liaison/voting member.

1.1.4. Committees will be made up of a minimum of three (3) members or as permitted by the CDD Board of Supervisors.

1.1.5. Committees are dissolved by a majority vote of the CDD Board of Supervisors.

1.2. Committee Membership:

1.2.1. Committee membership application process set by the CDD Board and approved by the Board.

1.2.2. Renters are not eligible for committee membership.

1.2.3. Solicitation for membership or replacements will be posted on the official CDD website or otherwise distributed by the CDD Board.

1.2.4. Residents requesting membership will email or write a letter to the chairperson of the CDD Board with copies to each of the other four Supervisors.

1.2.5. If a committee member resigns, becomes inactive (for three or more consecutive meetings), poses a conflict of interest or for any reason engages in inappropriate conduct the Committee Chairperson must notify the CDD Board of Supervisors' Chairperson by email or in writing. The Board must act on this issue. If a vacancy results, a new posting will be

advertised on the official CDD website and the vacancy filled by the CDD Board

1.3. Committee Organization:

1.3.1. Each committee will vote for and designate or reconfirm a chairperson and recording secretary at the committee's regularly scheduled meeting in December of each year.

1.3.2. A vice chairperson election is optional by committee.

1.3.3. The Board of Supervisor's committee member cannot fill any of these roles.

1.4. Committee Topics/Projects:

1.4.1. Each committee's projects will be defined and prioritized by the CDD Board of Supervisors.

1.4.2. If other topics are identified by the committee, the committee may bring such topics to the CDD Board prior to any other work or activity.

1.4.3. Committees will research and recommend (by committee vote) a direction, solution or proposal to their committee's initiatives and projects unless otherwise directed by the CDD Board of Supervisors.

1.5. Primary Committee Requirements:

1.5.1. Committee meetings and actions are subject to Florida Sunshine laws.

1.5.2. Committees are governed by the same state statutes open meeting requirements that govern the CDD Board of Supervisors.

1.5.3. No alternative, solutions or proposals can be discussed among committee members and/or vendors outside the Committee's monthly scheduled public meeting.

1.5.4. Proposals/solutions may only be discussed and voted upon at regularly scheduled, noticed public committee meetings.

1.6. Committee Meetings/Member Interactions and Contact:

- 1.6.1. Each committee's meeting will be held monthly as published (newspaper) and announced by the CDD Board of Supervisors on the official CDD website and as needed in the CDD Newsletter. Additional meeting dates require newspaper notice and publication unless the regular monthly meeting is formally continued for a specific agenda item to a date, time and place certain by a vote of the committee members at a duly advertised meeting.
- 1.6.2. Committee members cannot meet together outside the above noticed public meetings to discuss proposals or solutions under consideration or other committee business. Verbal conversations between committee members about District business should not occur outside meetings. Email conversations between committee members about District business should never occur. These comments must be exchanged at regularly scheduled posted meetings.
- 1.6.3. Workshops are classified as official meetings and must be advertised (publicly noticed) with minutes kept and held in an area accessible by individuals who want to attend.
- 1.6.4. The CDD Board of Supervisors' committee member is counted as a voting member of the committee.
- 1.6.5. Committee meetings can be continued by a majority vote of committee members present to a date, time, and location announced at the meeting for continued discussion on an agenda item(s). The continuation notice must be posted on the official CDD website and the CDD bulletin board by the Committee Chairperson.
- 1.6.6. Notice of cancellation (example: anticipated lack of quorum) shall be posted on the official CDD website and CDD bulletin board by the committee as soon as possible. All members including the CDD Board committee member shall be notified.

1.7. Request for Proposal (RFP) and Contracts:

- 1.7.1. Committees will solicit and prepare RFPs and bid requests in accordance with approved CDD purchasing policies, statutory requirements and monetary limits.
- 1.7.2. Committees are not permitted to prepare or negotiate contracts. However, the committees may draft specifications as directed by the CDD Board of Supervisors. The Board of Supervisors liaison/Board member to the

committee will be the contact unless the individual assigned is changed by a vote of the Board.

1.7.3. Committee members should appoint a member of their committee to work with the vendor/contractor during the term of the contract, reporting back to their committee and the Board of supervisors with progress, problems encountered and/or completion information.

1.7.4. Committees are responsible for validating and documenting references of bid finalists and submitting said verification to the Board of Supervisors with the committees' recommendation.

1.8. Committee Reporting Responsibility:

1.8.1. Each committee is required to prepare monthly meeting minutes/reports that identify recommended actions and status of other priority projects and discussions to the CDD Board of Supervisors.

1.8.2. Each committee recommendation to the CDD Board of Supervisors must be voted upon and approved by the majority of the committee.

1.8.3. A minimum of one committee recommendation for each committee topic or project researched is required.

1.8.4. The current month's report must be emailed to each CDD Board member, the CDD Management Company and the website at least one week prior to the next scheduled CDD Board of Supervisor's meeting.

1.8.5. Monthly, each committee is to provide the official CDD Newsletter editor with their CDD report so that topics of interest can be included in the CDD newsletter.

2. Committee Assignments & Individual Contributor Policy

2.1. Following are the key areas for focus for each CDD Committee and individual contributors. The list is not intended to be exhaustive, but to provide a guide for CDD Committee Members and individual contributors to focus upon.

2.2. The committees will recommend projects, activities and/or expenditures for CDD Board review and approval, prior to commencement, based upon the following assignments: (NOTE: This policy is a companion policy to the Permanent and ad hoc Committee Policy in Section 3.1.).

2.3. Community Development District Permanent Committees

2.3.1. Landscaping Committee

2.3.1.1. Landscaping: The maintenance and repairs of CDD property including landscaping, flowers, shrubs, mulch, trees, landscape lighting, fertilizer, weed/insect control, sod, boulders, and other landscape decorations.

2.3.1.2. Irrigation: The maintenance and repair of end irrigation delivery devices (heads, lines, timers, etc) that irrigate CDD properties.

2.3.2. Infrastructure Asset Management Committee

2.3.2.1. Assignments: The oversight, management, and final decision of all District-owned facilities within Bobcat Trail.

2.3.3. Finance Committee Assignments

2.3.3.1. Annual Budget: Works with other CDD committees and the Management Company to assemble and submit a proposed annual budget and summarize capital plan items for the Board of Supervisors review and approval.

2.3.3.2. Monthly Financial Reports: The review of the monthly financial statements and bringing irregularities (posting, errors, etc.) to the Board of Supervisors for any required action.

2.3.3.3. Annual Audit: The review of the annual outside audit. Evaluate and recommend corrective actions or suggestions to the Board of Supervisors for consideration. Perform periodic audits of accounts and funds as directed by the Board of Supervisors.

2.3.3.4. Financial Policies: The drafting of financial policies and procedures as directed by the Board of Supervisors.

2.3.4. Lakes and Roads Committee:

2.3.4.1. Lakes: The CDD lakes' water quality, aquatic devices and pumps, banks and drainage maintenance and repair.

2.3.4.2. Roads: The CDD roads, curbing and parking areas' repair and maintenance (surfaces, sealing, marking lines, sweeping and cleaning).

2.3.4.3. SWFWMD: Permitting adherence.

2.3.4.4. Sidewalk Maintenance: Cleaning & repair of CDD sidewalks. The sidewalks are the property owner's responsibility and common areas are the CDD's responsibility. If a sidewalk crosses a homeowner's driveway, cleaning and repair are the homeowner's responsibility.

2.3.4.5. Cleaning of Irrigation Distribution System: Responsibility as outlined in the Bobcat Trail Water License Agreement as amended, and further amended by the Well Cooperation Agreement and the Irrigation Vault Agreement.

2.4. Board Member Assignments (to be assigned by the Board)

2.4.1. Maintenance Worker: The management of the CDD maintenance worker(s) to an individual supervisor for input/coordination and supervision.

2.4.2. Swimming Pool: The maintenance upgrades and repair of the swimming pool and pool house structure as well as related operations and deck equipment.

2.4.3. Maintenance: The maintenance of PRVs, managed access gates, security cameras, gate house structure as well as their maintenance contracts. Maintenance and repair of street/parking lot lights, perimeter fences and walls, entry/exit/pool as well as security signage, street signs and comprehensive sidewalk repair or replacement.

2.4.4. Landscape items: The maintenance and repair of CDD irrigation wells.

2.4.5. Fitness Center: Maintenance and repair of equipment.

2.4.6. Community Center: Maintenance and repair of building; planning and coordinating special events for residents.

2.4.7. Community Center Representative Office Assistant: Supervision of Community Center Representative Office Assistant.

2.4.8. Newsletter Editor: Collection of newsworthy articles and topics from the Board of Supervisors and the CDD Committee chairs as directed by the Board of Supervisors.

2.4.9. Monthly Calendar of Events.

2.4.10. Personnel Management.

2.4.11. Golf Course Relations.

2.4.12. Website Coordinator.

SECTION 2: Administrative Policies

1. Salary Administrative Introduction

- 1.1. The following guidelines are for new and existing employees in administering beginning salary and future increases.
- 1.2. All new employees will be hired with a probation period of (90) days. At the end of that period they should be evaluated to determine if they meet the requirements of the position and will remain in employment with the Bobcat Trail CDD.
- 1.3. Basis of Salary Increase: The starting rate for new employees will be at a rate of \$.50 less than the projected salary until the end of the probation period. At that time, they will be brought up to the projected rate.
- 1.4. Annual Increases: Yearly increases will be reviewed and evaluated by the Board of Supervisors each December based upon merit and increases in the annual consumer price index (CPI-W) for urban wage earners and clerical workers but should not exceed 5%. Pay increases will become effective in January of each calendar year.
 - 1.4.1. Employees based on their anniversary date who have not completed (90) days of service from the time of their hire until December, will not be entitled to the increase.

2. Hiring Practice of New Employees

- 2.1. A general application should be used for the hiring of all new applicants.
- 2.2. A background check, which includes (credit report and criminal report) along with drug test, should be standard procedure on all new employees.

3. Benefits, if any, shall be determined by the Board, and it may be amended from time to time.

4. Bulletin Board Use & Control

- 4.1. The use and management of the CDD bulletin board is managed by this policy.
 - 4.1.1. The Bulletin Boards serve as an additional means of communication by the CDD with the residents of Bobcat Trail.
 - 4.1.2. Only CDD governmental and informational material may be posted on the bulletin board. This includes but is not limited to meeting notices, CDD

community notices, CDD official Newsletter, CDD committee member's lists and meeting announcements, CDD contact information, etc.

4.1.3. Stale or outdated material must be removed in a timely fashion by the party who posts the notice or will be removed by the CDD.

4.1.4. No non-CDD material, announcements, flyers, business cards, political announcements, etc. can be attached (inside or outside) to the CDD bulletin board. Such items will be removed and destroyed. A separate bulletin board may be used for posting Non CDD Materials upon approval by a CDD Board Supervisor.

4.1.5. Keys to the official CDD Bulletin Boards are controlled by the Chairperson of the CDD. The Chairperson and Vice Chairperson will be issued keys to the CDD Bulletin Board. Upon changes in office, those individuals issued keys must return the keys to the CDD office. Keys shall not be duplicated or passed around.

4.2. Questions concerning use of the CDD bulletin boards should be referred to the CDD Chairperson.

SECTION 3: Security & Access Policies

1. Gate Access Policy:

1.1. The following is the policy for the registration, management and day-to-day operation of gate access for Bobcat Trail:

1.1.1. Residents (home/villa owners and renters) and the golf course manager and superintendent, upon application submission of a new Gate Access Registration Form (See Appendix) are eligible to receive vehicle gate access stickers.

1.1.2. A CDD Supervisor or Board Designee is responsible for issuance of vehicle gate access stickers.

1.1.3. At the time of the initial purchase, re-sale or re-leasing of a home or villa, the new resident must complete a new Gate Access Registration Form and present it to the Community Center office or their designee within 30 days of the sale/transfer or new lease to receive vehicle decals.

1.1.4. At the time of a re-sale or new lease the seller/lessor must advise their real estate or leasing agent so that the new resident may register for community access.

1.1.5. Residents and golf club management are not to allow their visitors and/or service personnel to enter or exit the community by the rear gate.

1.1.6. The entry gates are programmed to close after each vehicle. Use of the vehicle gate access sticker is required each time one enters by the front or rear resident gates. The CDD is not responsible for damage to vehicles that tailgate. Residents and visitors are responsible for gate damage if they are tailgating.

1.1.7. As with any member of the public, the golf club management and employees have access to Bobcat Trail.

1.1.8. Although having access, Bobcat Village owners and employees will not be issued vehicle gate access stickers.

1.1.9. The gate monitoring service is responsible for keeping a physical file of lists provided by the golf club management and residents' regularly scheduled visitors.

1.1.10. All visitor vehicles entering the front gate will be logged by the gate monitoring service.

1.1.11. Persons who are viewed forcing front and rear gate(s) will be held financially responsible for repairs.

2. Access Registration:

2.1. All eligible users must complete a CDD Registration Form and bring it to the Community Center Representative with identification (utility bill, real estate tax bill, lease, etc.). The registration form must be completed prior to obtaining a vehicle sticker.

2.2. Any access change (telephone number, new/additional vehicles, new tag/license plate number, etc.) to the initial registration form must immediately be provided to the Community Center Representative.

2.3. Golf club management will provide and update lists of access designees (employees and service/delivery personnel) to the gate monitoring service.

3. Vehicle Gate Access Stickers:

3.1. Vehicle gate access stickers will be issued by a CDD Supervisor or their designee at the Community Center office only upon the presentation of a completed and signed registration form.

3.2. Stickers shall be affixed to the front windshield of vehicles.

3.3. While living in the community, users shall not remove decals from vehicle(s) or move them to another vehicle. A new decal for each new vehicle must be obtained from the CDD Supervisor or his designee.

3.4. First time residents will be provided two free gate access stickers upon completion of a Gate Access Registration Form. Additional stickers may be purchased.

3.5. Individuals assigned stickers are responsible for lost or damaged gate access stickers. There are no free replacements.

4. Visitor Policy

4.1. The CDD cannot deny access to anyone. If an individual refuses to comply with any of the policies cited herein, he/she is still allowed entrance. The gate monitoring service will record the incident on the daily log to be reviewed by the CDD Supervisor.

- 4.2. All guests and service/delivery personnel are required to only use the front gate for entry and exit from the community. The rear gate (entry and exit) is for resident and renter use ONLY.
- 4.3. The gate monitoring service will record visitor information.
- 4.4. All guests and service/delivery access are to be pre-announced by the resident or renter by following instructions supplied by the gate monitoring service prior to their scheduled entry. The resident or renter provides the name/company and the date and estimated time of arrival.
- 4.5. If any guests or service/delivery persons arrive at the front gate without prior notice from the home/villa owner or renter, the gate monitoring service will perform the following:
 - 4.5.1. Upon an un-noticed arrival at the front gate the attendant on duty will make one call to the appropriate resident/renter using the telephone number provided on the registration form. If there is no answer, access will still be allowed, and information will be logged as referenced below.
 - 4.5.2. Process servers acting in a professional capacity who present their credentials must be allowed access without calling the resident.
 - 4.5.3. Police in marked units or presenting proper identification in unmarked units, Fire, or Medical Units, will be allowed immediate access. The entry is to be logged with as much information as is possible to obtain without impeding such units in any way. Directions are to be provided if needed.
- 4.6. Golf Club / Restaurant Visitor
 - 4.6.1. The golf club provides a daily tee time list to the front gate. Visitor golfers will be logged (name, vehicle and plate number).
 - 4.6.2. If golfers arrive at the front gate and are not on the daily tee time list the gate monitoring service will add them to the list and they will be logged (name, vehicle and plate number).
 - 4.6.3. If visitors state they are going to the restaurant, they will be logged (name, vehicle and plate number).
- 4.7. Real Estate Sale/Rental/ For Sale By Owner Real Estate
 - 4.7.1. It is the policy of the Board of Supervisors, Bobcat Trail Community Development District, while enhancing the safety and security of our

Community, to ensure that all sales and rentals of homes and villas in the community are properly recorded and handled in accordance with CDD policies.

4.7.2. All real estate agents or homeowners selling, buying or renting properties must adhere to the following:

- 4.7.2.1. Sellers/renters must remove the Bobcat Trail vehicle sticker(s) from their vehicle when they sell (close) or rent (sign a lease) their home or villa to a new owner/renter, contact Community Center Office and return fobs.
5. Gate House greeters are not permitted to distribute, post or hand out business cards, announcement sheets, or flyers.
6. Greeters are not allowed to accept packages or other items for the convenience of any resident or vendor.
7. Any questions may be referred to the CDD Supervisor by contacting the CDD Office at 941.416.0808.

SECTION 4: Property Policies

1. Community Lakes & Wetlands

- 1.1. All lakes, ponds and their access easements within the Bobcat Trail community are the property of and managed by the Community Development District. The lakes and ponds are aesthetic amenities only and part of the District Storm Water Systems. For protection of these important natural resources and their surrounding property and in addition to any published Bobcat Trail HOA restrictions, following is the District's Policy regarding their use:
- 1.2. No swimming, wading, use of floating devices, playing/sports, or any other recreational uses are permitted.
- 1.3. No boating of any type is allowed unless authorized by the CDD Board of Supervisors for lake/pond and easement maintenance, etc.
- 1.4. Fishing is permitted by members and their guests. Fishing must be from the shore line, and access from CDD lake access easements. **THE FISH CONTAINED IN THESE PONDS ARE NOT SUITABLE FOR CONSUMPTION.**
- 1.5. Lake and pond access is strictly limited to CDD easements that are available for each lake/pond.
- 1.6. Wildlife and birds are not to be fed, chased, or in any way bothered. Alligators are dangerous and unpredictable. Do not feed or bother the alligators. There are State of Florida statutes and fines that address wildlife violations. Pets are not allowed in the lakes.
- 1.7. Disturbing or changing the natural grasses and green areas around the lakes or ponds (CDD easements and shoreline property) are not allowed without the written approval of the Board of Supervisors and/or as required by law any other licensing authority. The wetlands must be left in their natural state. There are State of Florida statutes and fines that address wetlands violations.
- 1.8. Automobiles, trucks, ATVs, motorcycles, bicycles or any other motorized vehicles are not permitted on CDD lake access easements and shore line properties unless authorized by the CDD Board of Supervisors for lake/pond maintenance, etc.
- 1.9. No foreign materials may be disposed of directly into the lakes, storm water drains and gutters, or wetlands, including but not limited to tree branches, paint, cement, oils, soap suds, building materials, chemicals, fertilizers, animal waste or any other material that is not naturally occurring or that may be detrimental to the lakes and/or wetlands environments.