#### Davis Reserve Community Development District

Meeting Agenda

May 7, 2025

## AGENDA

## Davis Reserve Community Development District

#### 210 E Livingston St. Oylanda Elavida 22801

219 E. Livingston St., Orlando, Florida 32801 Phone: 407-841-5524 – Fax: 407-839-1526

April 30, 2025

**Board of Supervisors Davis Reserve Community Development District** 

Dear Board Members:

A Landowners' Meeting and a Board of Supervisors Meeting of the Davis Reserve Community Development District will be held on Wednesday, May 7, 2025 at 1:00 PM at 2420 N Essex Avenue, Hernando, Florida 34442.

Zoom Video Link: <a href="https://us06web.zoom.us/j/89966299846">https://us06web.zoom.us/j/89966299846</a>

**Call-In Information:** 1-646-876-9923

Meeting ID: 899 6629 9846

Following is the advance agenda for the meeting:

#### Landowners' Meeting

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

#### **Board of Supervisors Meeting**

- 1. Roll Call
- 2. Public Comment Period (Public Comments will be limited to three (3) minutes each)
- 3. Organizational Matters
  - A. Administration of Oaths of Office to Newly Elected Board Members
  - B. Consideration of Resolution 2025-33 Canvassing and Certifying the Results of the Landowners' Election
  - C. Election of Officers
  - D. Consideration of Resolution 2025-34 Electing Officers

- 4. Approval of Minutes of the April 2, 2025 Organizational Meeting
- 5. Public Hearings
  - A. Public Hearing on the Imposition of Special Assessments
    - i. Presentation of Engineer's Report
    - ii. Presentation of Master Assessment Methodology
    - iii. Consideration of Resolution 2025-35 Levying Special Assessments
    - iv. Consideration of Master Notice of Special Assessments
  - B. Public Hearing on the District's Use of the Uniform Method of Levying, Collection, and Enforcement of Non-Ad Valorem Assessments
    - i. Consideration of Resolution 2025-36 Expressing the District's Intent to Utilize the Uniform Method of Collection and Ratifying the Boards Actions in Placing Proper Published Notice for the Hearing
  - C. Public Hearing on the Adoption of District Rules of Procedure
    - i. Consideration of Resolution 2025-37 Adopting Rules of Procedure for the District
- 6. Review and Ranking of Proposals for District Engineering Services and Selection of District Engineer (to be provided under separate cover)
- 7. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
- 8. Other Business
- 9. Supervisors Requests and Audience Comments
- 10. Adjournment

## Landowners' Meeting

## INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF DAVIS RESEREVE COMMUNITY DEVELOPMENT DISTRICT FOR THE ELECTION OF SUPERVISORS

DATE OF LANDOWNERS' MEETING: Wednesday, May 7, 2025

TIME: 1:00 PM

LOCATION: 2420 N Essex Avenue, Hernando, Florida 34442

Pursuant to Chapter 190, Florida Statutes, and after a Community Development District ("District") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors ("Board") every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), Florida Statutes.

Alandownermayvoteinpersonatthelandowners' meeting, or the landownermay nominate aproxyholder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

Five (5) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The three candidates receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

## Board of Supervisors Meeting

## SECTION III

## SECTION B

#### **RESOLUTION 2025-33**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS' ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), *FLORIDA STATUTES*, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** Davis Reserve Community Development District ("**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Citrus County, Florida; and

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

WHEREAS, such landowners meeting was held at which the below recited person was duly elected by virtue of the votes cast in their favor; and

WHEREAS, the Board of Supervisors of the District, by means of this Resolution, desires to canvas the votes and declare and certify the results of said election.

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

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

Seat Number	Name of Supervisor	Number of Votes
Seat 1		
Seat 2		
Seat 3		
Seat 4		
Seat 5		

2. **TERM.** In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisors, the above-named persons are declared to have been elected for the following term of office:

Seat Number	Name of Supervisor	Term of Office
Seat 1		
Seat 2		
Seat 3		
Seat 4		
Seat 5		

3. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

#### **PASSED AND ADOPTED** this 7th day of May 2025.

ATTEST:	DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT	
Secretary/Assistant Secretary	Chairperson/Vice Chairperson,	
	Board of Supervisors	

## SECTION D

#### **RESOLUTION 2025-34**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT ELECTING THE OFFICERS OF DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Davis Reserve Community Development District (the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Citrus County, Florida; and

WHEREAS, the Board of Supervisors of the District (the "Board") desires to elect the Officers of the District.

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

<b>SECTION 1.</b> The follow	ing persons are elected to the offices shown:
Chairperson	
Vice Chairperson	
Secretary	Jill Burns
Assistant Secretary	
Assistant Secretary	
Assistant Secretary	
Assistant Secretary	George Flint
SECTION 2. This Resolu	ation shall become effective immediately upon its adoption.
PASSED AND ADOPTED this	s 7th day of May 2025.
ATTEST:	DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
Secretary / Assistant Secretary	Chairperson / Vice Chairperson, Board of Supervisors

## MINUTES

## MINUTES OF MEETING DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT

The Organizational meeting of the Board of Supervisors of the Davis Reserve Community Development District was held **Wednesday**, **April 2, 2025** at 11:00 a.m. at 2420 N Essex Avenue, Hernando, Florida.

#### Present and constituting a quorum:

Stephen TamposiChairpersonJacob TamposiVice ChairpersonEric AbelAssistant SecretaryCyle MosesAssistant SecretaryCheryl WisserAssistant Secretary

#### Also present were:

Jill Burns District Manager, GMS Katie O'Rourke District Manager, GMS

Jennifer Kilinski *by Zoom* District Counsel, Kilinski Van Wyk Pattrick Collins District Counsel, Kilinski Van Wyk

Ken Ward Interim District Engineer, Burrell Engineering

George Smith Bond Counsel

#### FIRST ORDER OF BUSINESS

#### Introduction

#### A. Call to Order

Ms. Burns called the meeting to order at 11:00 a.m. and called roll. All five Board members were present constituting a quorum.

#### **B.** Public Comment Period

Ms. Burns stated that there were no members of the public present for the meeting nor were there any members of the public attending on the Zoom line, so the next item followed.

#### C. Oath of Office

Ms. Burns administered the oath of office and swore in all the present Board members.

#### SECOND ORDER OF BUSNESS

**Organizational Matters** 

#### A. Confirmation of Notice of Meeting

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

Ms. Burns provided a brief overview of the Sunshine Law which states that as elected officials in the State of Florida Board members are held to Chapter 112 of the Florida Code of Ethics. This means District business has to be discussed in the "sunshine" out in the open in a publicly noticed meeting. There were no questions from the Board on this subject.

#### C. Election of Officers

#### 1. Consideration of Resolution 2025-01 Appointing Officers

Ms. Burns presented the resolution which was provided in the agenda package and stated that a Chair and Vice Chair will be elected and the remaining three Supervisors will act as Assistant Secretaries. She asked that they name George Flint from the GMS office as an Assistant Secretary and that they appoint her as the Secretary. Mr. Abel suggested that Mr. Stephen Tamposi be named Chair, Mr. Jacob Tamposi be named the Vice Chair, and Mr. Moses, Ms. Wisser, and Mr. Abel be named as Assistant Secretaries. That being correct as outlined, Ms. Burns asked for a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-01 Appointing Officers as slated above, was approved.

## 2. Consideration of Resolution 2025-02 Appointing Treasurer and Assistant Treasurer

Ms. Burns presented the resolution and asked for George Flint from the GMS office as the Treasurer and Katie Costa and Darrin Mossing from the GMS office as Assistant Treasurers. This will allow them to process checks and sign them outside of a meeting as needed.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-02 Appointing George Flint, Katie Costa, and Darrin Mossing as Treasurer and Assistant Treasures, was approved.

#### THIRD ORDER OF BUSINESS

**Consent Agenda** 

- A. Consideration of Contract for District Management Services
  - 1. Consideration of Resolution 2025-03 Appointing District Manager
- **B.** Consideration of Contract for District Counsel Services

#### 1. Consideration of Resolution 2025-04 Appointing District Counsel

Ms. Burns noted that this appoints Kilinski Van Wyk as the District's counsel representative.

#### C. Consideration of Resolution 2025-05 Selection of Registered Agent and Office

Ms. Burns noted that this resolution appoints Ms. Burns as the registered agent and the Orlando GMS office as the registered office location.

D. Consideration of Resolution 2025-06 Appointing Interim District Engineer

Ms. Burns stated that Ken Ward will act as the interim District Engineer.

- E. Consideration of Interim District Engineering Agreement
- F. Request Authorization to Issue RFQ for Engineering Services

Ms. Burs noted this would be due May 5, 2025.

G. Consideration of Resolution 2025-07 Designating a Qualified Public Depository

Ms. Burns stated that the District will use Truist unless authorized otherwise.

- H. Consideration of Resolution 2025-08 Authorization of Bank Account Signatories
- - J. Consideration of Resolution 2025-10 Authorizing District Counsel to Record in the Property Records of Citrus County the "Notice of Establishment" in accordance with Chapter 190.0485, Florida Statutes
    - 1. Notice of Establishment (to be provided under separate cover)
  - K. Consideration of Resolution 2025-11 Adopting Investment Guidelines
  - L. Consideration of Resolution 2025-12 Authorizing Execution of Public Depositor Report
  - M. Consideration of Resolution 2025-13 Designating a Policy for Public Comment
  - N. Consideration of Resolution 2025-14 Adopting a Prompt Payment Policy
  - O. Consideration of Resolution 2025-15 Adopting a Records Retention Policy

Ms. Burns presented the two options for records retention and suggested that the Board go with option one. The Board agreed.

#### P. Consideration of Compensation to Board Members

All Board members decided not to receive compensation.

- Q. Consideration of Resolution 2025-16 Selecting District Records Office Within Citrus County
- R. Consideration of Resolution 2025-17 Designating the Primary Administrative Office and Principal Headquarters of the District
- S. Consideration of Website Services Agreement
- T. Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date for Citrus County
- U. Consideration of Resolution 2025-18 Authorizing the Disbursement of Funds
- V. Consideration of Resolution 2025-19 Granting the Chairperson and Vice Chairperson the Authority to Execute Plats and Documents Related to the Development of the District's Improvements
- W. Consideration of Resolution 2025-20 Direct Purchase Resolution
- X. Consideration of Resolution 2025-21 Authorizing the Use of Electronic Documents and Signatures
- Y. Consideration of Resolution 2025-22 Adopting an Internal Controls Policy
- Z. Adopting Goals and Objectives for the District

Ms. Burns gave a brief explanation of all of the items for the Board and directed them to ask questions as they went. After answering all Board questions and discussing several items Mr. Buns asked for a motion of approval for all above items.

On MOTION by Mr. Abel, seconded by Ms. Wisser, with all in favor, the Consent Agenda Items A-Z, were approved.

#### FOURTH ORDER OF BUSINESS

#### **New Business**

A. Consideration of Resolution 2025-23 Designation of a Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2025 Meetings

Ms. Burns suggested that the Board advertise for meetings monthly and coordinate with District Counsel if the meeting needs to be canceled. The meeting is currently slated for the first Wednesday of the month at 1:00 p.m. There being no conflicts with the Board, Ms. Burns asked for a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-23 Designation of a Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2025 Meetings for the first Wednesday of the month at 1:00 p.m., was approved.

## B. Consideration of Resolution 2025-24 Designation of Landowner's Meeting Date, Time, and Location

Ms. Burns noted that they are required to hold a Landowners Election within 90-days of establishment. At this time one representative of the Landowner will reelect the Board members or anyone who meets the requirements being a resident of the State of Florida, 18-years-old, and a citizen of the United States. The suggested date is May 7, 2025 at 1:00 p.m. which is the next regularly scheduled Board meeting.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-24 Designation of Landowner's Meeting Date, Time, and Location for May 7, 2025 at 1:00 p.m., was approved.

- C. Designation of Date of Public Hearing to Adopt Rules of Procedure in accordance with Section 120.54, Florida Statutes
  - 1. Consideration of Resolution 2025-25 Setting the Public Hearing to Consider the Proposed Rules of the District
    - a. Rules of Procedure

Ms. Burns presented the resolution and stated that it was included in the agenda package. This is a basic set of rules of how the District will operate and outlines a variety of items. The suggested hearing date would be May 7, 2025 at 1:00 p.m. which is the next regularly scheduled Board meeting. There being no questions, Ms. Burns asked for a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-25 Setting a Public Hearing to Consider the Proposed Rules of the District, was approved.

- D. Designation of Date of Public Hearing on the Budget for Fiscal Year 2024/2025 and Fiscal Year 2025/2026
  - 1. Consideration of Resolution 2025-26 Setting the Public Hearing and Approving the Proposed Fiscal Year 2024/2025 Budget

Ms. Burns summarized the budget which are primarily admin expenses with the inclusion of a field contingency in case there are any landscaping or items that do need to be maintained prior to October 1<sup>st</sup>. This budget will be developer funded, and invoices will be sent as they are incurred. She offered to answer any questions and reminded the Board that they are not adopting this budget but just setting the public hearing date. The suggested hearing date is August 6, 2025 at 1:00 p.m.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-26 Setting the public Hearing Date and Approving the Proposed Fiscal Year 2024/2025 Budget, was approved.

## 2. Approving the Fiscal Year 2024/2025 & Fiscal Year 2024/2026 Developer Funding Agreement

Ms. Burns noted that they cannot collect an assessment on the tax bill for the Fiscal Year 2024/2025 because that deadline has already been missed. This agreement states that the developer will fund the operations and maintenance expenses of the District up to the amount listed in the budget. After discussion Ms. Burns asked for a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, the Fiscal Year 2024/2025 Developer Funding Agreement, was approved.

Ms. Burns noted that Fiscal Year 2026 starts on October 1<sup>st</sup> of 2025 and runs through September 30<sup>th</sup> of 2026. The threshold for looking at collecting on the tax bill is when that will be platted. Is there an anticipation date on when that will be platted? The Board is looking at as soon as possible. Once they have all needed information for submittal, they will be ready for platting. Based on the information from the Board, Ms. Burns stated that they are probably not going to collect an assessment on the tax bill for the upcoming year because it has to be certified by September 15<sup>th</sup>. Based on this information the Board moved forward with a developer funding agreement for Fiscal Year 2025/2026 as well.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, the Fiscal Year 2025/2026 Developer Funding Agreement, was approved.

## 3. Consideration of Resolution 2025-27 Setting the Public Hearing and approving the Fiscal Year 2025/2026 Budget (budget to be provided under separate cover)

Ms. Burns presented the resolution and suggested the August 6, 2025 at 1:00 p.m. with the admin costs the same as the FY 2024/2025 with an added \$1,000,000 cost for field contingency for FY 2026/2026. There being no further discussion there was a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-27 Setting the Public Hearing and approving the Fiscal Year 2025/2026 Budget, was approved.

#### FIFTH ORDER OF BUSINESS

#### **Capital Improvements**

#### A. Appointing a Financing Team

#### 1. Consideration of Resolution 2025-29 Appointing Bond Counsel

Ms. Burns presented the resolution and noted that George Smith is on the line ready to answer any Board questions. There being no questions, there was a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-29 Appointing Bond Counsel, was approved.

#### 2. Consideration of Resolution 2025-30 Appointing Investment Banker

Ms. Burns stated Resolution 2025-30 appoints FMS as the underwriter for the District bonds and begins the engagement in that process. There were no questions, and there was a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-30 Appointing FMS as the Investment Banker, was approved.

#### 3. Assessment Administrator

Ms. Burns noted the fees contemplated in the GMS agreement are already approved but looking for a motion to appoint GMS as the assessment administrator.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Appointment of GMS as Assessment Administrator, was approved.

#### 4. Trustee

Ms. Burns stated there is an agreement from US Bank in the agenda package for Board review and asked if there were any questions. Hearing no questions, there was a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, US Bank as Trustee, was approved.

#### B. Approval of Financing Team Funding Agreement

Ms. Burns stated the developer entity will fund any costs associated with the financing and this portion is reimbursed out of the bond fund if they so choose to be reimbursed.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, the Financing Team Funding Agreement, was approved.

#### SIXTH ORDER OF BUSINESS

#### **Financing Matters**

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

Mr. Ward, interim District Engineer, summarized the engineer's report to the Board. There were some changes made, and updated copies were provided under separate cover. The engineer was directed by the Board to remove the language stating security features and possibly change it to traffic control noting the CDD is not there to provide security. It was also directed to take out any reference to security including references to guard houses should be changed to gate houses.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, the Engineer's Report, was approved as amended.

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

Ms. Burns reviewed and summarized the assessment methodology for the Board and noted that the date of the new Engineer's Report with updated changes will be there only differences from the provided document in the agenda package. Table 1 shows the development program with 399 single family units within the community. They are all the same product type and will all be assessed equally. Table 2 shows the infrastructure cost estimates with a total of \$23,000,000. Table 3 shows the estimated bond sizing. Table 4 outlines the improvement cost per unit. Table 5 shows

the par debt per unit totaling \$77,231. Table 6 shows the net and gross annual debt assessment per unit. Table 7 shows the preliminary assessment roll with one property owner, Brentwood Farms, LLC. There is also a legal description attached to the methodology. Ms. Burns offered to answer any Board questions. Hearing none, she asked for a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, the Master Assessment Methodology, was approved.

## C. Consideration of Resolution 2025-31 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings

Bond counsel reviewed the resolution for the Board and noted that this is the first step in the issuant of the bonds required by Florida statute based on the engineer's report. The maximum amount is recorded at \$30,815,000 which matches the special assessment report reviewed above. He offered to answer any Board questions after highlighting some of the section in the validation proceedings. He also summarized the reimbursement provisions for the Board's understanding. The Board wanted to have a more in-depth financing conversation with bond counsel and they will set that meeting outside off line. Hearing no further questions from the Board, there was a motion of approval.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-31 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation proceedings, was approved.

## D. Consideration of Resolution 2025-32 Declaring Special Assessments and Setting a Public Hearing on Special Assessments

Ms. Burns presented the resolution and proposed the date of May 7, 2025 at 1:00 p.m. for the public hearing. Staff will send notice to all property owners within the community and publish noticed will be placed. There were no Board questions on this item and there was a motion of approval.

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On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Resolution 2025-32 Declaring Special Assessments and Setting a Public Hearing for May 7, 2025 at 1:00 p.m. on Special Assessments, was approved.

#### **SEVENTH ORDER OF BUSINESS**

#### **Other Business**

#### A. Presentation of Funding Request No. 1

Ms. Burns noted this is the initial funding request that requests funds for beginning operating costs such as opening a bank account as well as payment for meeting advertisements and insurance costs. All future funding requests should be sent to Stephen Tamposi, Jacob Tamposi, and Cheryl Wisser.

On MOTION by Mr. Abel, seconded by Mr. Moses, with all in favor, Funding Request No. 1, was approved.

#### **B.** Staff Reports

#### i. Attorney

Mr. Collins noted that the Board will be getting a packet from counsel for on-boarding information.

#### ii. Manager

Ms. Burns had nothing further to report.

#### C. Supervisors Requests

There being no comments, the next item followed.

#### **EIGHTH ORDER OF BUSINESS**

Adjournment

On MOTION by Mr. Moses, seconded by Ms. Wisser, with all in favor, the meeting was adjourned.

Secretary/Assistant Secretary	Chairman/Vice Chairman
Secretary/Assistant Secretary	Chairman/vice Chairman

## SECTION V

## SECTION A

## SECTION 1



# DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT

#### **ENGINEER'S REPORT**

APRIL 2, 2025

PREPARED BY:

BURRELL ENGINEERING, INC. 12005 N. FLORIDA AVE. DUNNELLON, FL 34434

CA # 7973

SUBMITTED TO:

DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS



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#### **ENGINEER'S REPORT**

#### 1. PROJECT INTRODUCTION

The Davis Reserve Community Development District ("CDD" or "District") is a 102.41 acre local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being generally located east of N. Lecanto Highway, north of W Norvell Bryant Highway and west of N. Brentwood Circle in Citrus County, Florida. The Davis Reserve project is approved as a Planned Unit Development to be constructed in one phase ("Development"). The project will be developed into a residential subdivision with 399 lots and supported public infrastructure. The developer for this project is Brentwood Farms LLC, based in Citrus County ("Developer").

The CDD was established pursuant to Ordinance No. 2025-01 adopted by the Citrus County Board of County Commissioners on March 25, 2025. The District is expected to own and operate certain improvements including but not limited to roadways, stormwater management facilities, landscaping, signage, and traffic control features within and necessary for the Development and as further defined herein.

Public improvements financed by the District will be designed and constructed in accordance with regulatory criteria from Citrus County, Southwest Florida Water Management District (SWFWMD), and other applicable agencies with regulatory jurisdiction over the Development. An overall estimate of the probable cost of the public improvements is provided in this Report.

The Capital Improvement Plan ("CIP") set forth in this Engineer's Report reflects the present intentions of the District. It should be noted that the proposed improvements may be adjusted to reflect design changes during permitting and implementation phases. Any required modifications are not anticipated to diminish the benefits to the property within the District. The District reserves the right to make reasonable adjustments to the development plans to meet applicable regulatory requirements of agencies with jurisdiction over the project while maintaining a comparable level of benefit to the lands served by the improvements. Changes and modifications are expected as changes in regulatory criteria are implemented.

Implementation of any proposed facilities or improvements outlined in this Report requires written approval from the District's Board of Supervisors. The estimated costs outlined in this Report are based on the best available information, which includes but is not limited to previous experience with similar projects. Actual costs could be different than estimates as final engineering and specific field conditions may affect construction costs, along with market factors and inflation.



All roadway improvements including sidewalks in the right-of-way and storm drainage collection systems, along with retaining walls, precast walls and related improvements within the Development will be maintained by the District. Water distribution and wastewater collection systems (gravity lines, force mains, and lift stations) will be dedicated by the District to Citrus County for ownership and maintenance upon completion.

#### 2. INTENT OF REPORT

The intent of this Report is to provide engineering support for the funding of the proposed improvements within the District. This Report identifies the proposed public infrastructure to be constructed or acquired by the District along with an Opinion of Probable Construction Costs. The District will finance, construct, acquire, operate, and maintain all or specific portions of the proposed public infrastructure.

The predominant portion of this Report provides descriptions of the proposed public infrastructure improvements, determination of estimated probable construction costs, and the corresponding benefits associated with the implementation of the described improvements. Detailed site construction plans and specifications have been completed for and set forth in this Report. The engineer has considered and, in specific instances, has relied upon the information and documentation prepared or supplied by others to prepare this Report.

#### 3. DEVELOPMENT SUMMARY

The District will be developed into a residential subdivision with 399 lots, 40' x 120' in size. The roads within the District will include a curb and gutter. The Development will have two access locations. The main entrance will be located off CR 486. The current use of the property is MDR (medium density residential). All permits necessary for development have been obtained.

#### 4. CAPITAL IMPROVEMENTS

The CIP consists of public infrastructure in the Development. The primary portions of the CIP will provide for stormwater management facility construction, roadways built to an urban roadway typical section, significant landscaping, hardscaping and entry improvements, precast and retaining walls, gatehouse improvements, water, and sewer utility facilities, and extensions of water mains, sewer mains, and force mains to serve the Development.

Stormwater structures and piping will be constructed within the CIP, which will outfall into the various on-site stormwater ponds. These structures and pond areas comprise the overall stormwater facilities of the CIP.



Below-ground installation of telecommunications and cable television will occur but will not be funded by the District. The incremental cost of undergrounding power within the public rights-of-way or easements will be funded by the District.

All improvements will be open to the public and accessible by public roadways and sidewalks.

#### 5. CAPITAL IMPROVEMENTS COMPONENTS

The CIP for the District includes the following:

#### A. STORMWATER MANAGEMENT FACILITIES

Stormwater management facilities consisting of stormwater conveyance systems and drainage retention ponds are contained within the District boundaries. Stormwater will be discharged via roadway curb and gutter and storm inlets. Stormwater pipes convey the runoff into the proposed retention ponds for water quality treatment and attenuation. The proposed stormwater systems will utilize dry retention for percolation to achieve water quality treatment. The design criteria for the District's stormwater treatment systems are regulated by Citrus County and the Southwest Florida Water Management District (SWFWMD).

According to the Federal Emergency Management Agency Flood Insurance Rate Map (FEMA FIRM), this property is located in flood zone "X" and "AE" (elev. 67.7'), per number 12017C 0213D and 12017C 0214D, effective 9/26/2014. The "AE" zone with an elevation of 67.7' encompasses DRA 10 and the lined lakes. The flood plain compensation is accounted for in the DRA.

During the construction of stormwater management facilities, utilities, and roadway improvements, the contractor will be required to adhere to a Stormwater Pollution Prevention Plan (SWPPP) as required by the Florida Department of Environmental Protection (FDEP) as delegated by the Environmental Protection Agency (EPA). The SWPPP will be prepared to depict the proposed recommended locations of required erosion control measures specifically along the downgradient side of any proposed construction activity. The site contractor will be required to provide the necessary reports as required by the National Pollutant Discharge Elimination System (NPDES) General Permit with erosion control, its maintenance, and any rainfall events that occur during construction activity. The District will maintain ownership and maintenance responsibility of the stormwater management facilities once construction is completed.



#### B. ROADWAYS

The proposed roadways within the District will be curb and gutter with either Miami curb or Type F curbing. The main entrance drive from CR486 will include roundabout improvements, gated entry and entry features.

The interior roadways within the District are 50 foot right-of-way with 20 foot wide curb and gutter roadways and are classified as local roads. The looping entrance road has a 60 foot right-of-way within the subdivision with 26 foot wide curb and gutter roads. From the intersection of the loop road south the right-of-way widens gradually from 60 feet to 100 feet when serving the multi-family and commercial parcels. The entrance road becomes a divided road with a raised 16 foot wide median and 16 foot wide paved lanes with curb and gutter. The entry road up to the intersection of the loop road is a minor collector and requires 1 ½ inches of asphalt paving, 8 inches of limerock base course, and 6 inches of stabilized subgrade. The local roadway sections require 1 inch of asphalt paving, 6 inches of limerock base course, and 6 inches of stabilized subgrade.

The proposed roadways will also require signing and pavement markings as well as street signs depicting street name identifications and addressing, which will be utilized by the residents. As stated above, the District is anticipated to own, operate, and maintain all roadways within the District, including sidewalks in the right-of-way.

#### C. WATER DISTRIBUTION SYSTEM

A potable drinking water system including water mains, gate valves, fire hydrants, and appurtenances will be installed. Citrus County Utilities will be the water service provider. These facilities will be installed within the proposed rights-of-way and will provide potable drinking water and fire protection services to serve the District.

#### D. WASTEWATER COLLECTION SYSTEM

A domestic wastewater collection system including gravity sanitary sewer mains and sewer laterals will be installed. The gravity sanitary sewer mains will be a minimum of 8 inch diameter PVC pipe systems. The gravity sanitary sewer lines will be placed inside of the proposed rights-of-way, under the proposed paved roadways. Sewer laterals will branch off the mains to serve the development. Two lift stations are included within the CIP. Flow from the lift stations shall be connected to proposed force mains that will pump to the Citrus County's wastewater collection/treatment system.

#### E. GATEHOUSE

The District will provide funding for a manned or otherwise publicly accessible gatehouse and related improvements at the main entrance to the Development. The entrance will include two lanes into the community and two lanes out. The outer lanes will have



automated gates which are activated by remote identification on the cars of the residents. The inner gates will be operated by the staff on duty.

#### F. ENTRY FEATURES AND HARDSCAPE

Landscaping and entry features at the entrance and along the outside boundary of the development will be provided by the District. Landscaping for the roadways will consist of sod, perennial flowers, shrubs, ground cover, and trees for the internal roadways within the District. Retaining walls will be provided at the site entrances and perimeters, which will be funded, owned, and maintained by the District. Retaining walls will be constructed using the Keynex modular block retaining wall system. Where retaining walls are not required the perimeter fencing will be constructed of Permacast fencing.

#### G. PERMITTING

Construction permits for the Development have been obtained and include the Southwest Florida Water Management District (SWFWMD), Citrus County, and Florida Department of Environmental Protection (FDEP) permit approvals.

#### 6. REPORT MODIFICATION

During the development and implementation of the designed public infrastructure improvements, it may be necessary to make modifications and/or deviations to the plans. However, if such deviations and/or revisions do not change the overall primary objective of the plan for such improvements, then the cost differences would not materially affect the proposed construction cost estimates.

#### 7. SUMMARY

The improvements as outlined are necessary for the functional development of the District and consist of an interrelated system of improvements. The District is being designed in accordance with current government regulatory requirements of Citrus County, SWFWMD, and FDEP. The development will serve its intended function provided the construction is in substantial compliance with the design. Construction of the Development is based upon current development plans. The Opinion of Probable Costs reflects the proposed planned infrastructure as discussed above.



#### 8. ENGINEER'S CERTIFICATION

It is my professional opinion that the public infrastructure costs for the CIP provided in this Report are reasonable to complete the construction of the public infrastructure improvements. Furthermore, the public infrastructure improvements will benefit and add value to lands within the District and the value is at least the same as the costs for said improvements. All improvements financed by the District will be on land owned by, or subject to a permanent easement in favor of, the District or another governmental entity.

The Opinion of Probable Costs for the public infrastructure improvements is only an estimate and is not a guaranteed maximum price. The estimated costs are based upon current unit prices and on our experience with ongoing and similar projects and basis in the County. However, labor market, future costs of equipment; materials, changes to the regulatory permitting agencies' activities, and the actual construction processes employed by the chosen site contractor are beyond the engineer's control. Due to this inherent opportunity for changes in the construction costs, the total, final construction cost may be more or less than this estimate.

Based upon the presumption that the CIP construction continues in a timely manner, it is our opinion that the costs of the CIP proposed represent a system of improvements benefiting all developable property located within the District, are fair and reasonable, and that the District-funded improvements are assessable improvements within the meaning of Chapter 190, Florida Statutes. We have no reason to believe that the CIP improvements cannot be constructed at the cost described in this Report. We expect the improvements to be constructed or acquired by the District with bond proceeds, as indicated within this Report. We believe that the District will be well served by the improvements discussed in this Report.

I hereby certify that the foregoing is a true and correct copy of the Engineer's Report for the Davis Reserve Community Development District.

Kenneth L. Ward, P.E.

Florida License No. 88605

No. 88607

STATE OF

ORIDA

ORIDA

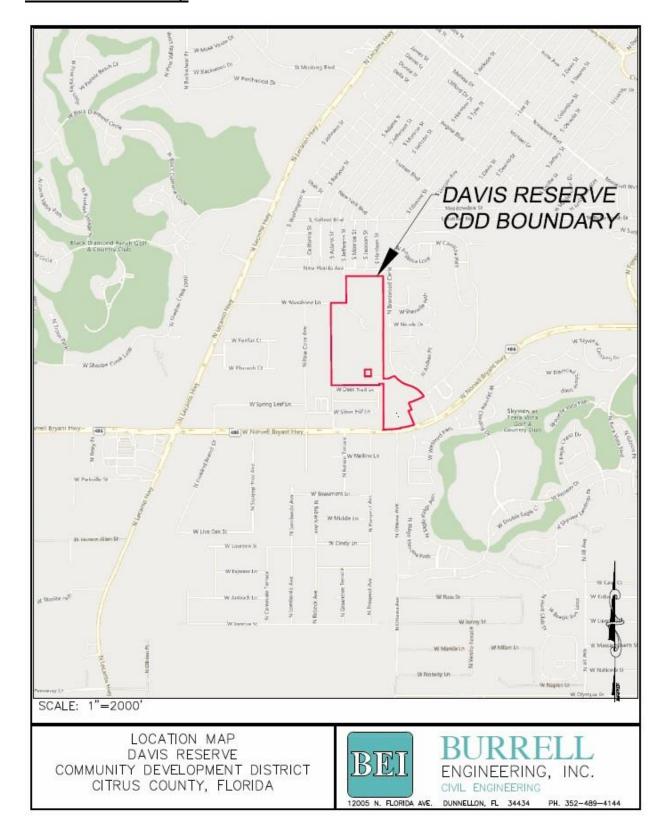
ORIDA



## **Exhibits**

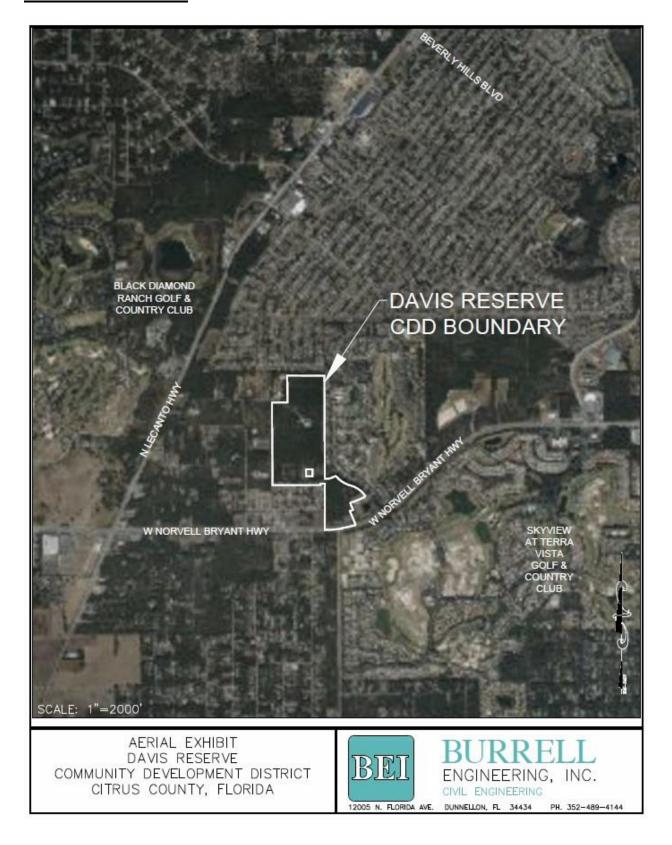


#### Exhibit 1: Location Map





#### Exhibit 2: Aerial Exhibit





#### Exhibit 3: Legal Description

#### PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, RUN S00°11'50"E. A DISTANCE OF 1,268.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22, AND THE POINT OF BEGINNING. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 161, BEVERLY HILLS UNIT-6, SECTION TWO; THENCE CONTINUE ALONG SAID EAST LINE AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, S00°12'25"E, 1370.84 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN S00° 08'58"E, 1222.03 FEET; THENCE N89°49'37"E, 100.00 FEET; THENCE N57°13'45"E, 137.83 FEET TO A POINT OF CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°07'38", AND A CHORD BEARING AND DISTANCE OF N13°09'25"E, 34.77 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.45 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH BRENTWOOD CIRCLE, AND THE POINT OF CURVATURE OF A NON-TANGENT CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 43°54'35", AND A CHORD BEARING AND DISTANCE OF \$52°50'40"E, 553.34 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 567.11 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 42°07'22", AND A CHORD BEARING AND DISTANCE OF \$53°43'23"E, 474.37 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 485.22 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 2214.93 FEET, A CENTRAL ANGLE OF 11°06'20", AND A CHORD BEARING AND DISTANCE OF \$67°31'43"W, 428.65 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 429.32 FEET; THENCE \$23° 09'16"E, 193.30 FEET; THENCE \$66°48'34"W, 87.64 FEET; THENCE \$22°40'53"E, 400.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD #486 (WEST NORVELL BRYANT HIGHWAY). SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS 2814.00 FEET, A CENTRAL ANGLE OF 16°09'59", AND A CHORD BEARING AND DISTANCE OF \$81°45'16"W, 791.36 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 793.99 FEET; THENCE N89°32'59"W, 13.95 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG SAID EAST LINE. AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF FLYING DUTCHMAN ESTATES, PHASE I, AS RECORDED IN PLAT BOOK 12, PAGE 118, OF THE



PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN N00°09'42"W, 1184.51 FEET; THENCE DEPARTING SAID EAST LINE, RUN ALONG THE NORTHERLY BOUNDARY OF THE AFOREMENTIONED FLYING DUTCHMAN ESTATES PHASE I, S89°49'29"W, 104.97 FEET; THENCE S00°06'24"E, 34.85 FEET; THENCE S89°51'38"W, 1237.39 FEET TO THE EAST LINE OF CRYSTAL RIVER COUNTRY ESTATES, AS RECORDED IN PLAT BOOK 7, PAGES 147-154, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST BOUNDARY OF SAID CRYSTAL RIVER COUNTRY ESTATES, RUN N00°22'25"W, 1444.50 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE CONTINUE ALONG SAID EAST LINE N00°22'25"W, 679.84 FEET; THENCE N89°44'27"E, 396.04 FEET; THENCE N00°12'08"W, 689.61 FEET TO A POINT ON THE SOUTH LINE OF BEVERLY HILLS, UNIT NUMBER SIX, SECTION TWO, AS RECORDED IN PLAT BOOK 11, PAGES 132-134, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE, RUN S89°44'19"E, 954.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.08 ACRES, MORE OR LESS.

LESS AND EXCEPT LOTS 1 THROUGH 3 OF THE PLAT OF BRENTWOOD VILLAS WEST I, AS RECORDED IN PLAT BOOK 19, PAGES 9 & 10 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. BEING FURTHER DESCRIBE AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, RUN S00°08'58"E, 1035.25 FEET; THENCE LEAVING SAID EAST LINE RUN N89°50'55"W, 317.66 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BRENTWOOD VILLAS WEST I, AND THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID LOT 3, RUN S00°00'48"E, 176.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3 AND LOT 2, RUN N86°06'08"W, 98.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT. SAID CURVE BEING CONCAVED TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 76°26'51", AND A CHORD BEARING AND DISTANCE OF S51°54'34"E, 61.87 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 66.71 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE, RUN N89°58'48"W, 14.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, RUN N00°13'31"W, 208.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOTS 1THROUGH 3, RUN S89°50'555"W, 161.72 FEET TO THE POINT OF BEGINNING.

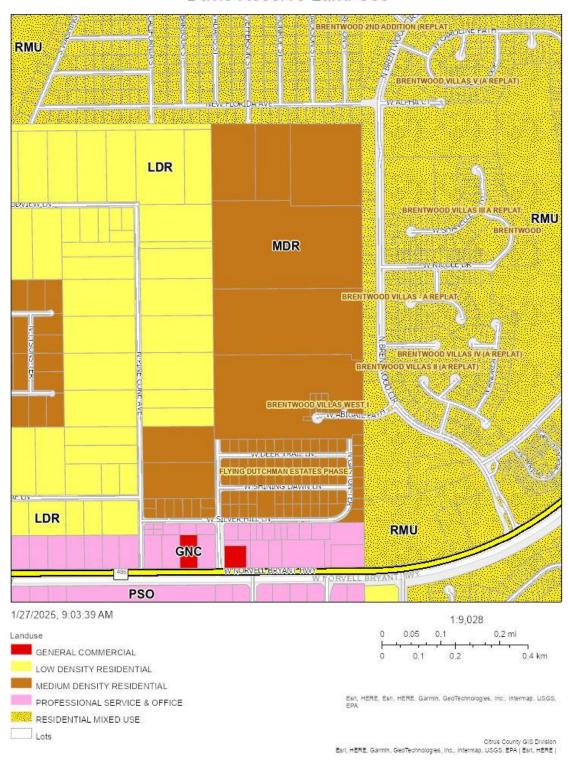
CONTAINING 0.66 ACRES, MORE OR LESS.

CDD BNDY CONTAINING 102.41 ACRES NET



#### Exhibit 4: Future Land Use

#### Davis Reserve Land Use





#### Exhibit 5: Utility Access Map

#### Davis Reserve Util

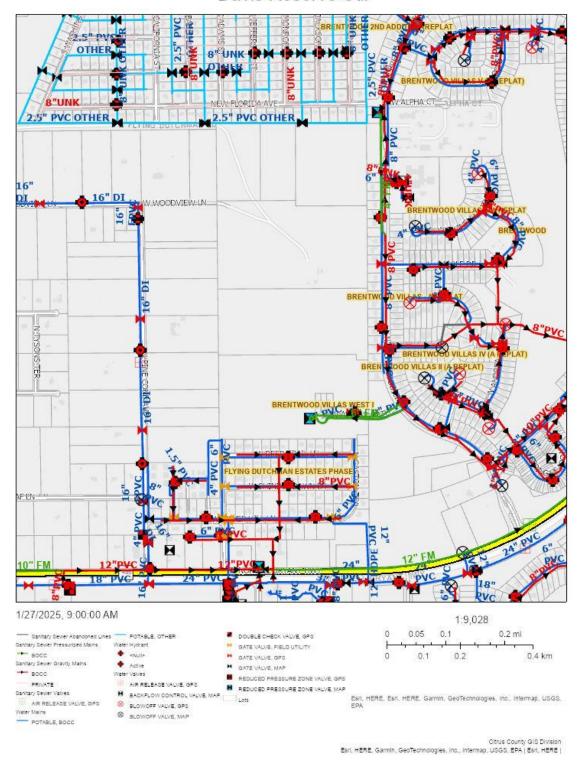




Exhibit 6: Davis Reserve Master Plan

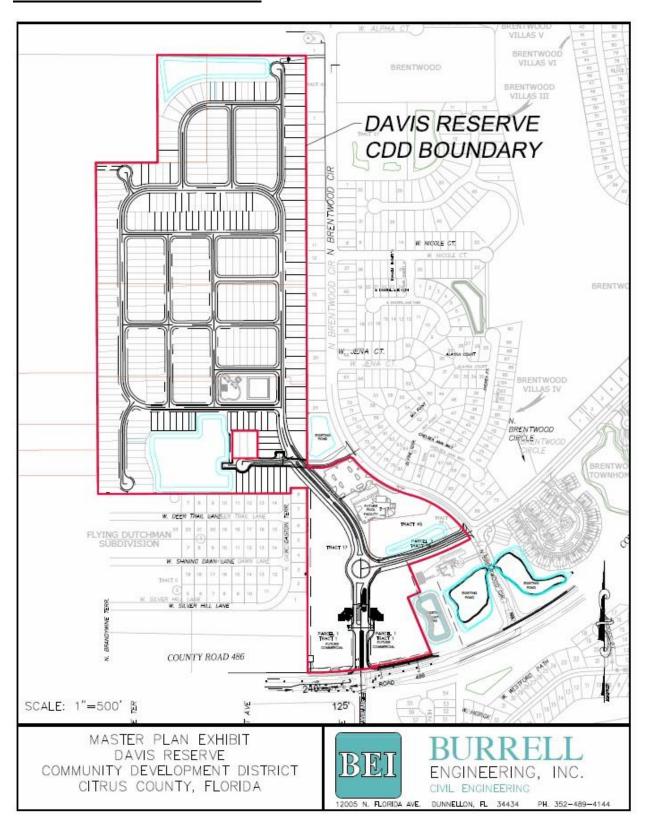
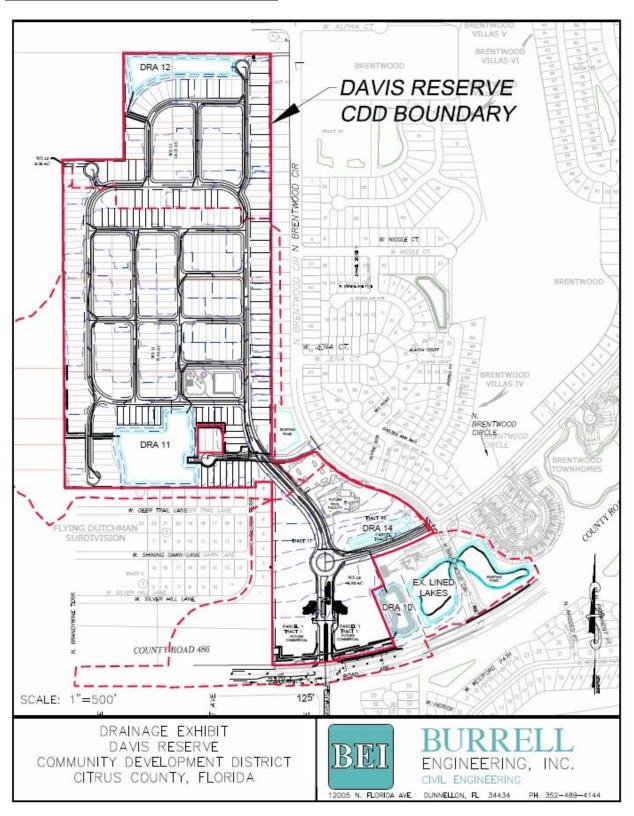




Exhibit 7: Preliminary Drainage Exhibit



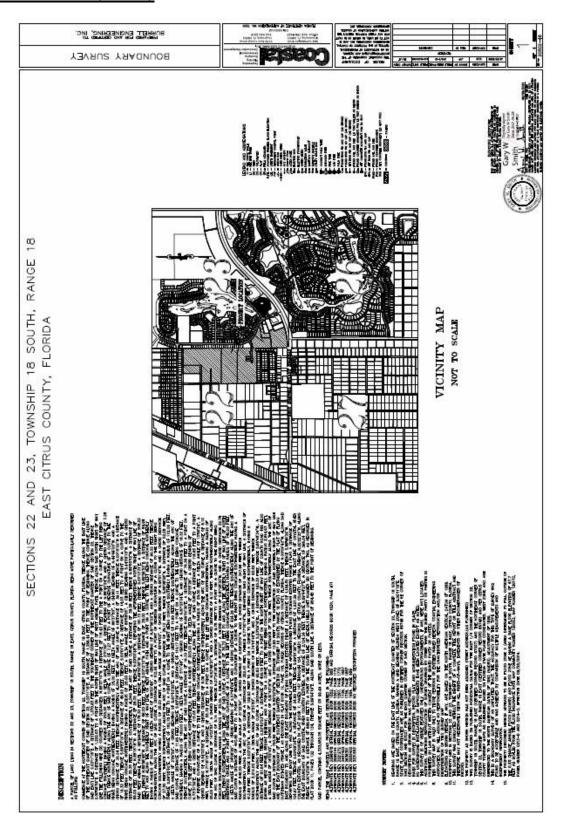


#### Exhibit 8: Opinion of Probable Construction Costs

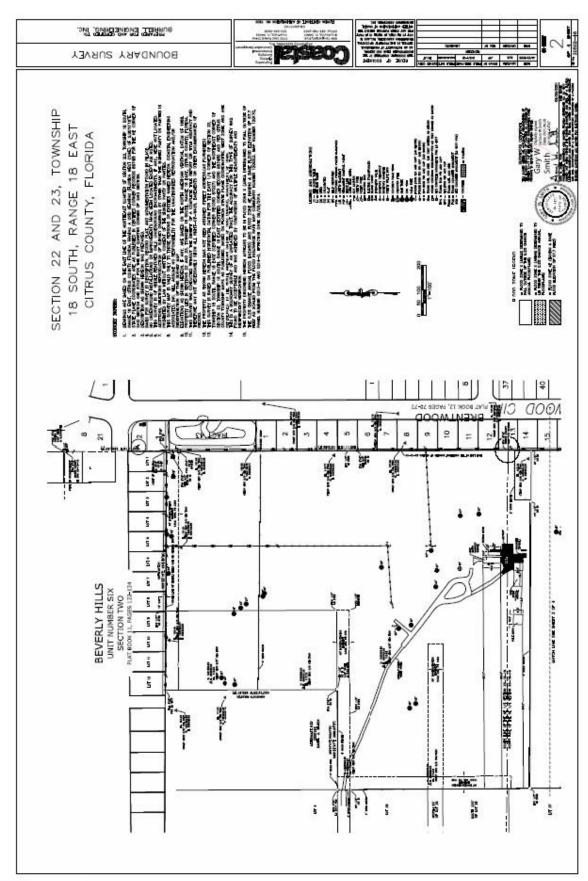
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT								
COST ESTIMATE EXHIBIT AND O&M INFORMATION								
Facility Description	Total Cost	Ownership Entity	Maintenance Entity					
Roadways	\$4,500,000.00	CDD	CDD					
Stormwater System	\$2,000,000.00	CDD	CDD					
Water/Wastewater Utilities	\$3,000,000.00	Citrus County Utilities	Citrus County Utilities					
Landscaping/Hardscaping/Entry	\$6,000,000.00	CDD	CDD					
Gatehouse	\$1,500,000.00	CDD	CDD					
Precast Walls	\$1,600,000.00	CDD	CDD					
Mail Kiosk	\$200,000.00	CDD	CDD					
Retaining Walls	\$1,200,000.00	CDD	CDD					
Contingency (15%)	\$3,000,000.00							
Total	\$23,000,000.00	N/A	N/A					



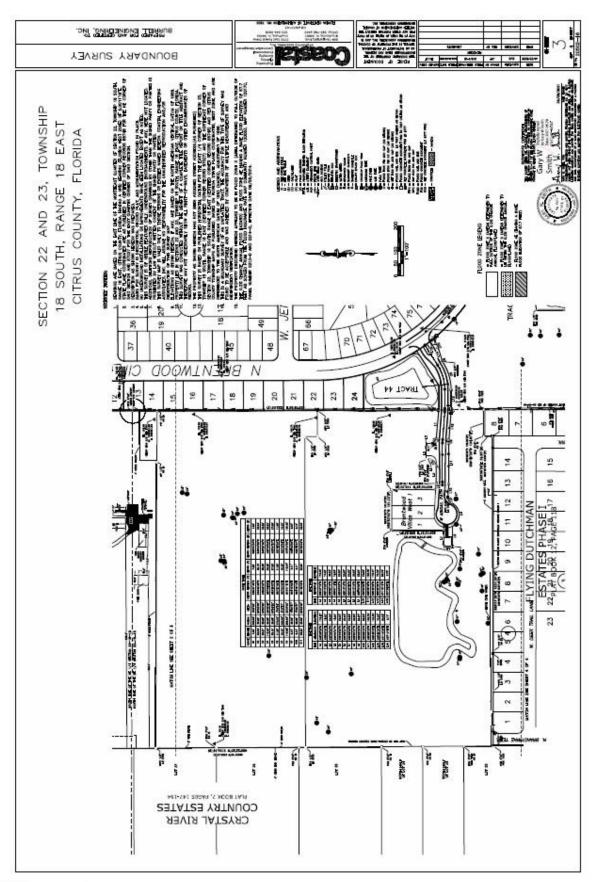
Exhibit 9: Boundary Survey



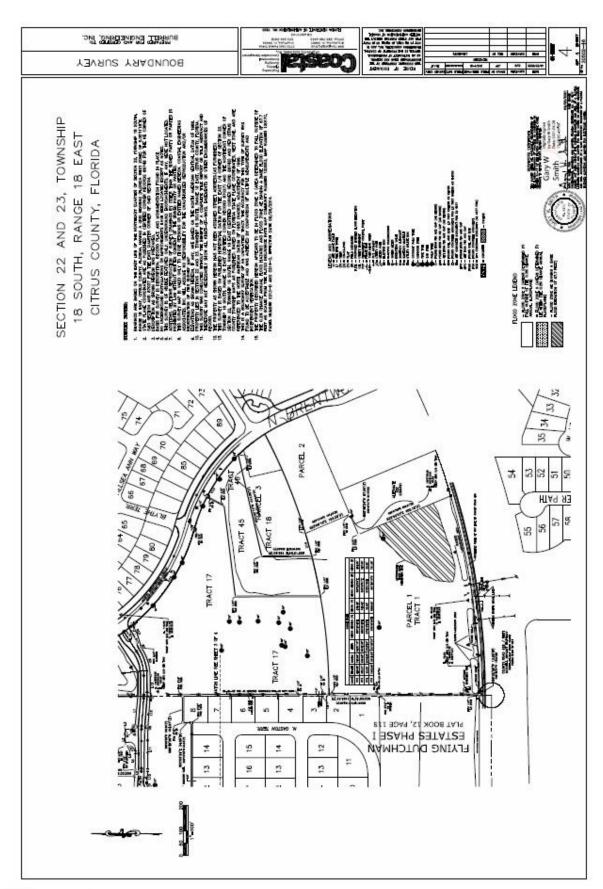














# SECTION 2

### MASTER

#### ASSESSMENT METHODOLOGY

#### **FOR**

#### **DAVIS RESERVE**

#### COMMUNITY DEVELOPMENT DISTRICT

Date: April 2, 2025

#### Prepared by

Governmental Management Services - Central Florida, LLC 219 E. Livingston Street Orlando, FL 32801



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

#### 1.0 Introduction

The Davis Reserve Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes, as amended (the "District"). The District plans to issue up to \$30,815,000 of tax exempt bonds in one or more series (the "Bonds") for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Engineer's Report dated April 2, 2025 prepared by Burrell Engineering, Inc. as may be amended and supplemented from time to time (the "Engineer's Report"). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

#### 1.1 Purpose

This Master Assessment Methodology Report (the "Assessment Report") provides for an assessment methodology for allocating the debt to be incurred by the District to benefiting properties within the District. This Assessment Report allocates the debt to properties based on the special benefits each receives from the District's capital improvement plan ("CIP"). This Assessment Report will be supplemented with one or more supplemental methodology reports to reflect the actual terms and conditions at the time of the issuance of each series of Bonds. This Assessment Report is designed to conform to the requirements of Chapters 170, 190, and 197, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

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

#### 1.2 Background

The District currently includes approximately 102.41 acres within Citrus County, Florida. The development program currently envisions approximately 399 units (herein the "Development"). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the

Engineer's Report. Specifically, the District will construct and/or acquire certain roadways, stormwater systems, water/wastewater utilities, landscaping/hardscaping/entry, gatehouse, precast walls, mail kiosk, retaining walls, and contingency. The acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

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

#### 1.3 Special Benefits and General Benefits

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

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

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

#### 1.4 Requirements of a Valid Assessment Methodology

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

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

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

#### 1.5 Special Benefits Exceed the Costs Allocated

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIP that is necessary to support full development of property will cost approximately \$23,000,000. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$30,815,000. Additionally, funding required to complete the CIP which is not financed with Bonds will be funded by Brentwood Farms LLC or a related entity (the "Developer"). Without the CIP, the property would not be able to be developed and occupied by future residents of the community.

#### 2.0 Assessment Methodology

#### 2.1 Overview

The District is planning to issue up to \$30,815,000 in Bonds, in one or more series to fund the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$30,815,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer and current landowners of the land within the District. The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development; these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$23,000,000. Based on the estimated costs, the size of the Bond issue under current market conditions needed to generate funds to pay for the CIP and related costs was determined by the District's Underwriter to total approximately \$30,815,000. Table 3 shows the breakdown of the bond sizing.

#### 2.2 Allocation of Debt

Allocation of debt is a continuous process until the development plan is completed. The CIP funded by District Bonds benefits all developable acres within the District.

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

Once platting, site planning, or the recording of declaration of condominium, ("Assigned Properties") has begun, the assessments will be levied to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis ("Unassigned Properties"). Eventually the development plan will be completed and the debt relating to the Bonds will be allocated to the planned 399 residential units within the District, which are the beneficiaries of the CIP, as depicted in Table 5 and Table 6. If there are changes to the development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Developer is required. The process is outlined in Section 3.0

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

#### 2.3 Allocation of Benefit

The CIP consists of roadways, stormwater systems, water/wastewater utilities, landscaping/hardscaping/entry, gatehouse, precast walls, mail kiosk, retaining walls, and contingency. There is <u>one</u> residential product type within the planned development. The single family home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of benefit to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

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

Construction and/or acquisition by the District of its proposed CIP will provide several types of systems, facilities, and services for its residents. These include roadways, stormwater systems, water/wastewater utilities, landscaping/hardscaping/entry, gatehouse, precast walls, mail kiosk, retaining walls, and contingency. These improvements accrue in differing amounts and are somewhat

dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

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

For the provision of CIP, the special and peculiar benefits are:

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

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

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

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

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

Accordingly, no acre or parcel of property within the boundaries of the District will have a lien for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property and therefore, the debt allocation will not be increased more than the debt allocation set forth in this Assessment Report.

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

#### 3.0 True Up Mechanism

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

#### 4.0 Assessment Roll

The District will initially distribute the liens across the property within the District boundaries on a gross acreage basis. As Assigned Property becomes known with certainty, the District will refine its allocation of debt from a per acre basis to a per unit basis as shown in Table 7. If the land use plan changes, then the District will update Tables 1, 4, 5 and 6 to reflect the changes. As a result, the assessment liens are neither fixed nor are they determinable with certainty on any acre of land in the District prior to the time final Assigned Properties become known. At this time the debt associated with the District's CIP will be distributed evenly across the acres within the District. As the development process occurs, the debt will be distributed against the Assigned Property in the manner described in this Assessment Report. The current assessment roll is depicted in Table 7.

TABLE 1
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM
MASTER ASSESSMENT METHODOLOGY

Product Types	Units	Totals	ERUs per Unit (1)	Total ERUs
Single Family	399	399	1.00	399.00
Total Units	399	399		399.00

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

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 2
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
INFRASTRUCTURE COST ESTIMATES
MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total (	Cost Estimate
Roadways	\$	4,500,000
Stormwater System	\$	2,000,000
Water/Wastewater Utilities	\$	3,000,000
Landscaping/Hardscaping/Entry	\$	6,000,000
Gatehouse	\$	1,500,000
Precast Walls	\$	1,600,000
Mail Kiosk	\$	200,000
Retaining Walls	\$	1,200,000
Contingency	\$	3,000,000
	\$	23,000,000

(1) A detailed description of these improvements is provided in the Engineer's Report dated April 2, 2025

TABLE 3
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
BOND SIZING
MASTER ASSESSMENT METHODOLOGY

Description	Total
Construction Funds	\$ 23,000,000
Debt Service Reserve	\$ 2,483,270
Capitalized Interest	\$ 4,314,100
Underwriters Discount	\$ 616,300
Cost of Issuance	\$ 400,000
Rounding	\$ 1,330
Par Amount*	\$ 30,815,000

#### Bond Assumptions:

Average Coupon	7.00%
Amortization	30 years
Capitalized Interest	24 Months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

<sup>\*</sup> Par amount is subject to change based on the actual terms at the sale of the Bonds

TABLE 4
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF BENEFIT
MASTER ASSESSMENT METHODOLOGY

						Total		
					Im	provements		
	No. of	ERU	Total		Cos	ts Per Product	Impr	ovement
Product Types	Units *	Factor	ERUs	% of Total ERUs		Туре	Costs	Per Unit
Single Family	399	1.0	399	100.00%	\$	23,000,000	\$	57,644
Totals	399		399	100.00%	\$	23,000,000		

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 5
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF TOTAL BENEFIT/PAR DEBT TO EACH PRODUCT TYPE
MASTER ASSESSMENT METHODOLOGY

		I Improvements ts Per Product	ocation of Par bt Per Product	Par Debt		
<b>Product Types</b>	No. of Units *	Туре	Туре	Per Unit		
Single Family	399	\$ 23,000,000	\$ 30,815,000	\$	77,231	
Totals	399	\$ 23,000,000	\$ 30,815,000			

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

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

Product Types	No. of Units *	 cation of Par Debt er Product Type	 otal Par t Per Unit	 imum Annual ebt Service	t Annual Debt sessment Per Unit	oss Annual Debt essment Per Unit (1)
Single Family	399	\$ 30,815,000	\$ 77,231	\$ 2,483,270	\$ 6,224	\$ 6,621
Totals	399	\$ 30,815,000		\$ 2,483,270		

<sup>(1)</sup> This amount includes collection fees and early payment discounts when collected on the Citrus County Tax Bill

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 7
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
PRELIMINARY ASSESSMENT ROLL
MASTER ASSESSMENT METHODOLOGY

Owner	Property*	Total Par Debt Allocation Per Net Acres Acre		Allocation Per Total Par Debt Assessment		ssessment	ot Gross Annual Debt Assessment Allocation (1)		
Brentwood Farms LLC	Davis Reserve CDD	102.41	\$	300,898	\$ 30,815,000	\$	2,483,270	\$	2,641,777
Totals		102.41			\$ 30,815,000	\$	2,483,270	\$	2,641,777

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

Annual Assessment Periods	30
Average Coupon Rate (%)	7.00%
Maximum Annual Debt Service	\$2,483,270

 $<sup>\</sup>ensuremath{^*}$  - See Metes and Bounds, attached as Exhibit A

#### Exhibit A: Legal Description

#### PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, RUN S00°11'50"E. A DISTANCE OF 1,268.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22, AND THE POINT OF BEGINNING. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 161, BEVERLY HILLS UNIT-6, SECTION TWO; THENCE CONTINUE ALONG SAID EAST LINE AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, S00°12'25"E, 1370.84 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN S00° 08'58"E, 1222.03 FEET; THENCE N89°49'37"E, 100.00 FEET; THENCE N57°13'45"E, 137.83 FEET TO A POINT OF CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°07'38", AND A CHORD BEARING AND DISTANCE OF N13°09'25"E, 34.77 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.45 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH BRENTWOOD CIRCLE, AND THE POINT OF CURVATURE OF A NON-TANGENT CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 43°54'35", AND A CHORD BEARING AND DISTANCE OF S52°50'40"E, 553.34 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 567.11 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 42°07'22", AND A CHORD BEARING AND DISTANCE OF \$53°43'23"E, 474.37 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 485.22 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 2214.93 FEET, A CENTRAL ANGLE OF 11°06'20", AND A CHORD BEARING AND DISTANCE OF \$67°31'43"W, 428.65 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 429.32 FEET; THENCE \$23° 09'16"E, 193.30 FEET; THENCE \$66°48'34"W, 87.64 FEET; THENCE \$22°40'53"E, 400.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD #486 (WEST NORVELL BRYANT HIGHWAY). SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS 2814.00 FEET, A CENTRAL ANGLE OF 16°09'59", AND A CHORD BEARING AND DISTANCE OF \$81°45'16"W, 791.36 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 793.99 FEET; THENCE N89°32'59"W, 13.95 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG SAID EAST LINE. AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF FLYING DUTCHMAN ESTATES, PHASE I, AS RECORDED IN PLAT BOOK 12, PAGE 118, OF THE



PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN N00°09'42"W, 1184.51 FEET; THENCE DEPARTING SAID EAST LINE, RUN ALONG THE NORTHERLY BOUNDARY OF THE AFOREMENTIONED FLYING DUTCHMAN ESTATES PHASE I, S89°49'29"W, 104.97 FEET; THENCE S00°06'24"E, 34.85 FEET; THENCE S89°51'38"W, 1237.39 FEET TO THE EAST LINE OF CRYSTAL RIVER COUNTRY ESTATES, AS RECORDED IN PLAT BOOK 7, PAGES 147-154, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST BOUNDARY OF SAID CRYSTAL RIVER COUNTRY ESTATES, RUN N00°22'25"W, 1444.50 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE CONTINUE ALONG SAID EAST LINE N00°22'25"W, 679.84 FEET; THENCE N89°44'27"E, 396.04 FEET; THENCE N00°12'08"W, 689.61 FEET TO A POINT ON THE SOUTH LINE OF BEVERLY HILLS, UNIT NUMBER SIX, SECTION TWO, AS RECORDED IN PLAT BOOK 11, PAGES 132-134, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE, RUN S89°44'19"E, 954.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.08 ACRES, MORE OR LESS.

LESS AND EXCEPT LOTS 1 THROUGH 3 OF THE PLAT OF BRENTWOOD VILLAS WEST I, AS RECORDED IN PLAT BOOK 19, PAGES 9 & 10 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. BEING FURTHER DESCRIBE AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, RUN S00°08'58"E, 1035.25 FEET; THENCE LEAVING SAID EAST LINE RUN N89°50'55"W, 317.66 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BRENTWOOD VILLAS WEST I, AND THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID LOT 3, RUN S00°00'48"E, 176.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3 AND LOT 2, RUN N86°06'08"W, 98.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT. SAID CURVE BEING CONCAVED TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 76°26'51", AND A CHORD BEARING AND DISTANCE OF S51°54'34"E, 61.87 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 66.71 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE, RUN N89°58'48"W, 14.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, RUN N00°13'31"W, 208.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOTS 1THROUGH 3, RUN S89°50'555"W, 161.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.66 ACRES, MORE OR LESS.

CDD BNDY CONTAINING 102.41 ACRES NET



# SECTION 3

#### **RESOLUTION 2025-35**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT PROJECTS FOR CONSTRUCTION AND/OR ACQUISITION **INFRASTRUCTURE IMPROVEMENTS**; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITED BY SUCH PROJECTS TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170, 190, AND 197, FLORIDA STATUTES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT **BONDS**; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES; PROVIDING FOR THE RECORDING OF AN ASSESSMENT NOTICE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Davis Reserve Community Development District (the "District") previously indicated its intention to construct certain types of infrastructure improvements and to finance such infrastructure improvements through the issuance of bonds, which bonds would be repaid by the imposition of special assessments on benefited property within the District; and

**WHEREAS,** the District Board of Supervisors (the "**Board**") noticed and conducted a public hearing pursuant to Chapters 170, 190, and 197, *Florida Statutes*, relating to the imposition, levy, collection and enforcement of such assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to Chapters 170, 190, and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*.

#### **SECTION 2. FINDINGS.** The Board hereby finds and determines as follows:

- (a) The District is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, *Florida Statutes*, as amended.
- **(b)** The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct roadways; stormwater management system; sanitary sewer; force main; lift station; water main; irrigation; and other infrastructure projects and services necessitated by the development of, and serving lands within, the District (together, the "Capital Improvements").

- (c) The District is authorized by Chapter 190, *Florida Statutes*, to levy and impose special assessments to pay all, or any part of, the cost of such infrastructure projects and services and to issue special assessment bonds payable from such special assessments as provided in Chapters 170, 190, and 197, *Florida Statutes*.
- (d) It is necessary to the public health, safety and welfare and in the best interests of the District that (i) the District provide the Capital Improvements, the nature and location of which is described in the *Davis Reserve Community Development District Engineer's Report*, dated April 2, 2025 (the "Engineer's Report") (attached as Exhibit A hereto and incorporated herein by this reference), and which plans and specifications are on file at the office of the District Manager c/o Governmental Management Services Central Florida, LLC, 219 E. Livingston Street, Orlando, Florida 32801 ("District Records Offices"); (ii) the cost of such Capital Improvements be assessed against the lands specially benefited by such Capital Improvements; and (iii) the District issue bonds to provide funds for such purposes pending the receipt of such special assessments.
- (e) The provision of said Capital Improvements, the levying of such Assessments (hereinafter defined) and the sale and issuance of such bonds serves a proper, essential, and valid public purpose and is in the best interests of the District, its landowners, and residents.
- (f) In order to provide funds with which to pay all or a portion of the costs of the Capital Improvements which are to be assessed against the benefitted properties, pending the collection of such Assessments, it is necessary for the District from time to time to sell and issue its Special Assessment Bonds, in one or more series (the "Bonds").
- (g) By Resolution 2025-32, the Board determined to provide the Capital Improvements and to defray the costs thereof by making Assessments on benefited property and expressed an intention to issue Bonds, notes or other specific financing mechanisms to provide all or a portion of the funds needed for the Capital Improvements prior to the collection of such Assessments. Resolution 2025-32 was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met.
- (h) As directed by Resolution 2025-32, Resolution 2025-32 was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher's affidavit of publication is on file with the Secretary of the Board.
- (i) As directed by Resolution 2025-32, a preliminary assessment roll was adopted and filed with the Board as required by Section 170.06, *Florida Statutes*.
- (j) As required by Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution 2025-32, fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (1) the propriety and advisability of making the infrastructure improvements, including the Capital Improvements, (2) the cost thereof, (3) the manner of payment therefore, and (4) the amount thereof to be assessed against each specially

benefited property or parcel and provided for publication of notice of such public hearing and individual mailed notice in accordance with Chapters 170, 190, and 197, *Florida Statutes*.

- (k) Notice of such public hearing was given by publication and also by mail as required by Section 170.07, *Florida Statutes*. Affidavits as to such publications and mailings are on file in the office of the Secretary of the Board.
- (I) On May 7, 2025, at the time and place specified in Resolution 2025-32 and the notice referred to in paragraph (k) above, the Board met as an Equalization Board, conducted such public hearing, and heard and considered all complaints and testimony as to the matters described in paragraph (j) above. The Board has made such modifications in the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll.
- (m) Having considered the estimated costs of the Capital Improvements, estimates of financing costs and all complaints and evidence presented at such public hearing, the Board further finds and determines:
  - i. that the estimated costs of the Capital Improvements are as specified in the Engineer's Report, which Engineer's Report is hereby adopted and approved, and that the amount of such costs is reasonable and proper; and
  - ii. it is reasonable, proper, just and right to assess the cost of such Capital Improvements against the properties specially benefited thereby using the method determined by the Board set forth in the *Master Assessment Methodology for Davis Reserve Community Development District*, dated April 2, 2025 (the "Assessment Report," attached hereto as Exhibit B and incorporated herein by this reference), for the Bonds, which results in the special assessments set forth on the final assessment roll included within such Exhibit B (the "Assessments"); and
  - iii. the Assessment Report is hereby approved, adopted and confirmed. The District ratifies its use in connection with the issuance of the Bonds;
  - iv. it is hereby declared that the Capital Improvements will constitute a special benefit to all parcels of real property listed on said final assessment roll and that the benefit, in the case of each such parcel, will be equal to or in excess of the Assessments thereon when allocated as set forth in **Exhibit B**;
  - v. that the costs of the Capital Improvements are fairly and reasonably apportioned to the properties specifically benefitted as set forth in **Exhibit B**;
  - vi. it is in the best interests of the District that the Assessments be paid and collected as herein provided; and
  - vii. it is reasonable, proper, just and right for the District to utilize the true-up mechanisms and calculations contained in the Assessment Report in order to ensure that all parcels of real property benefiting from the Capital Improvements are assessed accordingly and that sufficient assessment receipts are being generated in

order to pay the corresponding bond debt-service when due.

**SECTION 3. AUTHORIZATION OF DISTRICT PROJECT.** That construction of Capital Improvements initially described in Resolution No. 2025-32, and more specifically identified and described in **Exhibit A** attached hereto, is hereby authorized and approved and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

**SECTION 4. ESTIMATED COST OF CAPITAL IMPROVEMENTS.** The total estimated costs of the Capital Improvements and the costs to be paid by Assessments on all specially benefited property are set forth in **Exhibits A** and **B**, respectively, hereto.

SECTION 5. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF SPECIAL ASSESSMENTS. The Assessments on the parcels specially benefited by the Capital Improvements, all as specified in the final assessment roll set forth in Exhibit B, attached hereto, are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution, these Assessments, as reflected in Exhibit B attached hereto, shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "Improvement Lien Book." The Assessment or assessments against each respective parcel shown on such final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. Prior to the issuance of any Bonds, including refunding bonds, the District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage within the District amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary in the best interests of the District as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law. In the event the issuance of Bonds, including refunding bonds, by the District would result in a decrease of the Assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such Bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the Improvement Lien Book to reflect such a decrease.

SECTION 6. FINALIZATION OF SPECIAL ASSESSMENTS. When the entire Capital Improvements project has both been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, Florida Statutes. Pursuant to the provisions of Section 170.08, Florida Statutes, regarding completion of a project funded by a particular series of bonds, the District shall credit to each Assessment the difference, if any, between the Assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the Capital Improvements, as finally determined upon completion thereof, but in no event shall the final amount of any such special assessment exceed the amount of benefits originally assessed hereunder. In making such credits, no credit shall be given for bond financing costs, capitalized interest, funded reserves or bond discounts. Such

credits, if any, shall be entered in the Improvement Lien Book.

# SECTION 7. PAYMENT OF SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.

- The Assessments may be paid in not more than thirty (30) substantially equal (a) consecutive annual installments of principal and interest. The Assessments may be paid in full without interest at any time within thirty (30) days after the completion of the Capital Improvements and the adoption by the Board of a resolution accepting the Capital Improvements, unless such option has been waived by the owner of the land subject to the Assessments; provided, however, that the Board shall at any time make such adjustments by resolution, at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interests of the District to account for changes in long and short term debt as actually issued by the District. All impact fee credits received and/or value received for impact fee credits shall be applied against the Capital Improvements costs and/or the outstanding indebtedness of any debt issuance that funded the improvement giving rise to the credits which application may be addressed by such resolutions. At any time subsequent to thirty (30) days after the Capital Improvements have been completed and a resolution accepting the Capital Improvements has been adopted by the Board, the Assessments may be prepaid in full including interest amounts to the next succeeding interest payment date or to the second succeeding interest payment date if such a prepayment is made within forty-five (45) calendar days before an interest payment date. The owner of property subject to Assessments may prepay the entire remaining balance of the Assessments at any time, or a portion of the remaining balance of the Assessment one time if there is also paid, in addition to the prepaid principal balance of the Assessment, an amount equal to the interest that would otherwise be due on such prepaid amount on the next succeeding interest payment date, or, if prepaid during the forty-five day (45) period preceding such interest payment date, to the interest payment date following such next succeeding interest payment date. Prepayment of Assessments does not entitle the property owner to any discounts for early payment.
- **(b)** The District may elect to use the method of collecting Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* (the "Uniform Method"). The District has heretofore taken or will use its best efforts to take, as timely required, any necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, *Florida Statutes*. Such Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*. Notwithstanding the above, in the event the Uniform Method of collecting its special or non-ad valorem assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.
- **(c)** For the period the District uses the Uniform Method, the District shall enter into an agreement with the Tax Collector of Citrus County who may notify each owner of a lot or parcel within the District of the amount of the special assessment, including interest thereon, in the manner provided in Section 197.3635, *Florida Statutes*.

#### SECTION 8. APPLICATION OF TRUE-UP PAYMENTS.

- (a) Pursuant to the Assessment Report, attached hereto as Exhibit B, there may be required from time to time certain true-up payments. As parcels of land or lots are platted, the Assessments securing the Bonds shall be allocated as set forth in the Assessment Report. In furtherance thereof, at such time as parcels or land or lots are platted, it shall be an express condition of the lien established by this Resolution that any and all initial plats of any portion of the lands within the District, as the District's boundaries may be amended from time to time, shall be presented to the District Manager for review, approval and calculation of the percentage of acres and numbers of units which will be, after the plat, considered to be developed. No further action by the Board of Supervisors shall be required. The District's review shall be limited solely to this function and the enforcement of the lien established by this Resolution. The District Manager shall cause the Assessments to be reallocated to the units being platted and the remaining property in accordance with Exhibit B, cause such reallocation to be recorded in the District's Improvement Lien Book, and shall perform the true-up calculations described in **Exhibit B**, which process is incorporated herein as if fully set forth (the "True-Up Methodology"). Any resulting true-up payment shall become due and payable that tax year by the landowner(s) of record of the remaining unplatted property, in addition to the regular assessment installment payable with respect to such remaining unplatted acres.
- **(b)** The District will take all necessary steps to ensure that true-up payments are made in a timely fashion to ensure its debt service obligations are met. The District shall record all true-up payments in its Improvement Lien Book.
- developer that it intends to develop the unit numbers and types shown in **Exhibit B**, on the net developable acres and is intended to provide a formula to ensure that the appropriate ratio of the Assessments to gross acres is maintained if fewer units are developed. However, no action by the District prohibits more than the maximum units shown in **Exhibit B** from being developed. In no event shall the District collect Assessments pursuant to this Resolution in excess of the total debt service related to the Capital Improvements, including all costs of financing and interest. The District recognizes that such events as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the True-Up Methodology to any assessment reallocation pursuant to this paragraph would result in Assessments collected in excess of the District's total debt service obligation for the Capital Improvements, the Board shall by resolution take appropriate action to equitably reallocate the Assessments. Further, upon the District's review of the final plat for the developable acres, any unallocated Assessments shall become due and payable and must be paid prior to the District's approval of that plat.
- (d) The application of the monies received from true-up payments or Assessments to the actual debt service obligations of the District, whether long term or short term, shall be set forth in the supplemental assessment resolution adopted for each series of Bonds actually issued. Such subsequent resolution shall be adopted at a noticed meeting of the District, and shall set forth the actual amounts financed, costs of issuance, expected costs of collection, and the total amount of the assessments pledged to that issue, which amount shall be consistent with the lien imposed by this Resolution. Each such supplemental resolution shall also address the allocation of any

impact fee credits expected to be received from the provision of the project funded by the corresponding series of Bonds issued or to be issued.

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

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

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

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

**SECTION 13. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

**DAVIS RESERVE COMMUNITY** 

**APPROVED AND ADOPTED** this 7<sup>th</sup> day of May 2025.

District, dated April 2, 2025

Attest:

		DEVELOPMENT DISTRICT		
Secretary/	Assistant Secretary	Chair/Vice Chair, Board of Supervisors		
Exhibit A:	Davis Reserve Community De 2025	evelopment District Engineer's Report, dated April 2,		
Exhibit B:	Master Assessment Methodo	ology for Davis Reserve Community Development		

# Exhibit A:

Davis Reserve Community Development District Engineer's Report, dated April 2, 2025



# DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT

# **ENGINEER'S REPORT**

APRIL 2, 2025

PREPARED BY:

BURRELL ENGINEERING, INC. 12005 N. FLORIDA AVE. DUNNELLON, FL 34434

CA # 7973

SUBMITTED TO:

DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS



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# **ENGINEER'S REPORT**

#### 1. PROJECT INTRODUCTION

The Davis Reserve Community Development District ("CDD" or "District") is a 102.41 acre local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being generally located east of N. Lecanto Highway, north of W Norvell Bryant Highway and west of N. Brentwood Circle in Citrus County, Florida. The Davis Reserve project is approved as a Planned Unit Development to be constructed in one phase ("Development"). The project will be developed into a residential subdivision with 399 lots and supported public infrastructure. The developer for this project is Brentwood Farms LLC, based in Citrus County ("Developer").

The CDD was established pursuant to Ordinance No. 2025-01 adopted by the Citrus County Board of County Commissioners on March 25, 2025. The District is expected to own and operate certain improvements including but not limited to roadways, stormwater management facilities, landscaping, signage, and traffic control features within and necessary for the Development and as further defined herein.

Public improvements financed by the District will be designed and constructed in accordance with regulatory criteria from Citrus County, Southwest Florida Water Management District (SWFWMD), and other applicable agencies with regulatory jurisdiction over the Development. An overall estimate of the probable cost of the public improvements is provided in this Report.

The Capital Improvement Plan ("CIP") set forth in this Engineer's Report reflects the present intentions of the District. It should be noted that the proposed improvements may be adjusted to reflect design changes during permitting and implementation phases. Any required modifications are not anticipated to diminish the benefits to the property within the District. The District reserves the right to make reasonable adjustments to the development plans to meet applicable regulatory requirements of agencies with jurisdiction over the project while maintaining a comparable level of benefit to the lands served by the improvements. Changes and modifications are expected as changes in regulatory criteria are implemented.

Implementation of any proposed facilities or improvements outlined in this Report requires written approval from the District's Board of Supervisors. The estimated costs outlined in this Report are based on the best available information, which includes but is not limited to previous experience with similar projects. Actual costs could be different than estimates as final engineering and specific field conditions may affect construction costs, along with market factors and inflation.



All roadway improvements including sidewalks in the right-of-way and storm drainage collection systems, along with retaining walls, precast walls and related improvements within the Development will be maintained by the District. Water distribution and wastewater collection systems (gravity lines, force mains, and lift stations) will be dedicated by the District to Citrus County for ownership and maintenance upon completion.

#### 2. INTENT OF REPORT

The intent of this Report is to provide engineering support for the funding of the proposed improvements within the District. This Report identifies the proposed public infrastructure to be constructed or acquired by the District along with an Opinion of Probable Construction Costs. The District will finance, construct, acquire, operate, and maintain all or specific portions of the proposed public infrastructure.

The predominant portion of this Report provides descriptions of the proposed public infrastructure improvements, determination of estimated probable construction costs, and the corresponding benefits associated with the implementation of the described improvements. Detailed site construction plans and specifications have been completed for and set forth in this Report. The engineer has considered and, in specific instances, has relied upon the information and documentation prepared or supplied by others to prepare this Report.

#### 3. DEVELOPMENT SUMMARY

The District will be developed into a residential subdivision with 399 lots, 40' x 120' in size. The roads within the District will include a curb and gutter. The Development will have two access locations. The main entrance will be located off CR 486. The current use of the property is MDR (medium density residential). All permits necessary for development have been obtained.

#### 4. CAPITAL IMPROVEMENTS

The CIP consists of public infrastructure in the Development. The primary portions of the CIP will provide for stormwater management facility construction, roadways built to an urban roadway typical section, significant landscaping, hardscaping and entry improvements, precast and retaining walls, gatehouse improvements, water, and sewer utility facilities, and extensions of water mains, sewer mains, and force mains to serve the Development.

Stormwater structures and piping will be constructed within the CIP, which will outfall into the various on-site stormwater ponds. These structures and pond areas comprise the overall stormwater facilities of the CIP.



Below-ground installation of telecommunications and cable television will occur but will not be funded by the District. The incremental cost of undergrounding power within the public rights-of-way or easements will be funded by the District.

All improvements will be open to the public and accessible by public roadways and sidewalks.

#### 5. CAPITAL IMPROVEMENTS COMPONENTS

The CIP for the District includes the following:

#### A. STORMWATER MANAGEMENT FACILITIES

Stormwater management facilities consisting of stormwater conveyance systems and drainage retention ponds are contained within the District boundaries. Stormwater will be discharged via roadway curb and gutter and storm inlets. Stormwater pipes convey the runoff into the proposed retention ponds for water quality treatment and attenuation. The proposed stormwater systems will utilize dry retention for percolation to achieve water quality treatment. The design criteria for the District's stormwater treatment systems are regulated by Citrus County and the Southwest Florida Water Management District (SWFWMD).

According to the Federal Emergency Management Agency Flood Insurance Rate Map (FEMA FIRM), this property is located in flood zone "X" and "AE" (elev. 67.7'), per number 12017C 0213D and 12017C 0214D, effective 9/26/2014. The "AE" zone with an elevation of 67.7' encompasses DRA 10 and the lined lakes. The flood plain compensation is accounted for in the DRA.

During the construction of stormwater management facilities, utilities, and roadway improvements, the contractor will be required to adhere to a Stormwater Pollution Prevention Plan (SWPPP) as required by the Florida Department of Environmental Protection (FDEP) as delegated by the Environmental Protection Agency (EPA). The SWPPP will be prepared to depict the proposed recommended locations of required erosion control measures specifically along the downgradient side of any proposed construction activity. The site contractor will be required to provide the necessary reports as required by the National Pollutant Discharge Elimination System (NPDES) General Permit with erosion control, its maintenance, and any rainfall events that occur during construction activity. The District will maintain ownership and maintenance responsibility of the stormwater management facilities once construction is completed.



#### B. ROADWAYS

The proposed roadways within the District will be curb and gutter with either Miami curb or Type F curbing. The main entrance drive from CR486 will include roundabout improvements, gated entry and entry features.

The interior roadways within the District are 50 foot right-of-way with 20 foot wide curb and gutter roadways and are classified as local roads. The looping entrance road has a 60 foot right-of-way within the subdivision with 26 foot wide curb and gutter roads. From the intersection of the loop road south the right-of-way widens gradually from 60 feet to 100 feet when serving the multi-family and commercial parcels. The entrance road becomes a divided road with a raised 16 foot wide median and 16 foot wide paved lanes with curb and gutter. The entry road up to the intersection of the loop road is a minor collector and requires 1 ½ inches of asphalt paving, 8 inches of limerock base course, and 6 inches of stabilized subgrade. The local roadway sections require 1 inch of asphalt paving, 6 inches of limerock base course, and 6 inches of stabilized subgrade.

The proposed roadways will also require signing and pavement markings as well as street signs depicting street name identifications and addressing, which will be utilized by the residents. As stated above, the District is anticipated to own, operate, and maintain all roadways within the District, including sidewalks in the right-of-way.

#### C. WATER DISTRIBUTION SYSTEM

A potable drinking water system including water mains, gate valves, fire hydrants, and appurtenances will be installed. Citrus County Utilities will be the water service provider. These facilities will be installed within the proposed rights-of-way and will provide potable drinking water and fire protection services to serve the District.

#### D. WASTEWATER COLLECTION SYSTEM

A domestic wastewater collection system including gravity sanitary sewer mains and sewer laterals will be installed. The gravity sanitary sewer mains will be a minimum of 8 inch diameter PVC pipe systems. The gravity sanitary sewer lines will be placed inside of the proposed rights-of-way, under the proposed paved roadways. Sewer laterals will branch off the mains to serve the development. Two lift stations are included within the CIP. Flow from the lift stations shall be connected to proposed force mains that will pump to the Citrus County's wastewater collection/treatment system.

#### E. GATEHOUSE

The District will provide funding for a manned or otherwise publicly accessible gatehouse and related improvements at the main entrance to the Development. The entrance will include two lanes into the community and two lanes out. The outer lanes will have



automated gates which are activated by remote identification on the cars of the residents. The inner gates will be operated by the staff on duty.

#### F. ENTRY FEATURES AND HARDSCAPE

Landscaping and entry features at the entrance and along the outside boundary of the development will be provided by the District. Landscaping for the roadways will consist of sod, perennial flowers, shrubs, ground cover, and trees for the internal roadways within the District. Retaining walls will be provided at the site entrances and perimeters, which will be funded, owned, and maintained by the District. Retaining walls will be constructed using the Keynex modular block retaining wall system. Where retaining walls are not required the perimeter fencing will be constructed of Permacast fencing.

#### G. PERMITTING

Construction permits for the Development have been obtained and include the Southwest Florida Water Management District (SWFWMD), Citrus County, and Florida Department of Environmental Protection (FDEP) permit approvals.

#### 6. REPORT MODIFICATION

During the development and implementation of the designed public infrastructure improvements, it may be necessary to make modifications and/or deviations to the plans. However, if such deviations and/or revisions do not change the overall primary objective of the plan for such improvements, then the cost differences would not materially affect the proposed construction cost estimates.

#### 7. SUMMARY

The improvements as outlined are necessary for the functional development of the District and consist of an interrelated system of improvements. The District is being designed in accordance with current government regulatory requirements of Citrus County, SWFWMD, and FDEP. The development will serve its intended function provided the construction is in substantial compliance with the design. Construction of the Development is based upon current development plans. The Opinion of Probable Costs reflects the proposed planned infrastructure as discussed above.



### 8. ENGINEER'S CERTIFICATION

It is my professional opinion that the public infrastructure costs for the CIP provided in this Report are reasonable to complete the construction of the public infrastructure improvements. Furthermore, the public infrastructure improvements will benefit and add value to lands within the District and the value is at least the same as the costs for said improvements. All improvements financed by the District will be on land owned by, or subject to a permanent easement in favor of, the District or another governmental entity.

The Opinion of Probable Costs for the public infrastructure improvements is only an estimate and is not a guaranteed maximum price. The estimated costs are based upon current unit prices and on our experience with ongoing and similar projects and basis in the County. However, labor market, future costs of equipment; materials, changes to the regulatory permitting agencies' activities, and the actual construction processes employed by the chosen site contractor are beyond the engineer's control. Due to this inherent opportunity for changes in the construction costs, the total, final construction cost may be more or less than this estimate.

Based upon the presumption that the CIP construction continues in a timely manner, it is our opinion that the costs of the CIP proposed represent a system of improvements benefiting all developable property located within the District, are fair and reasonable, and that the District-funded improvements are assessable improvements within the meaning of Chapter 190, Florida Statutes. We have no reason to believe that the CIP improvements cannot be constructed at the cost described in this Report. We expect the improvements to be constructed or acquired by the District with bond proceeds, as indicated within this Report. We believe that the District will be well served by the improvements discussed in this Report.

I hereby certify that the foregoing is a true and correct copy of the Engineer's Report for the Davis Reserve Community Development District.

Kenneth L. Ward, P.E.

Florida License No. 88609

No. 88607

STATE OF

ORIDA

ORIDA

ORIGINALITY

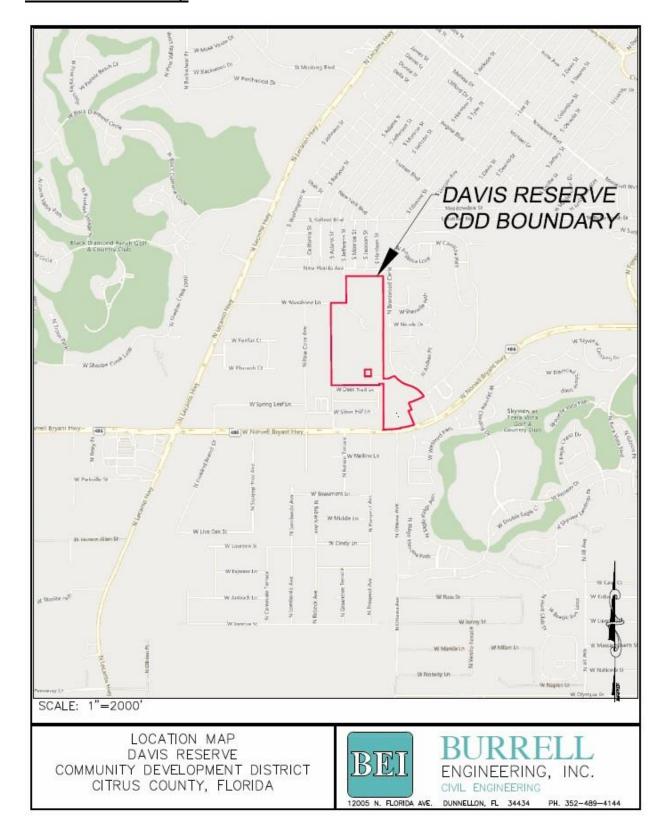
STATE OF



# **Exhibits**

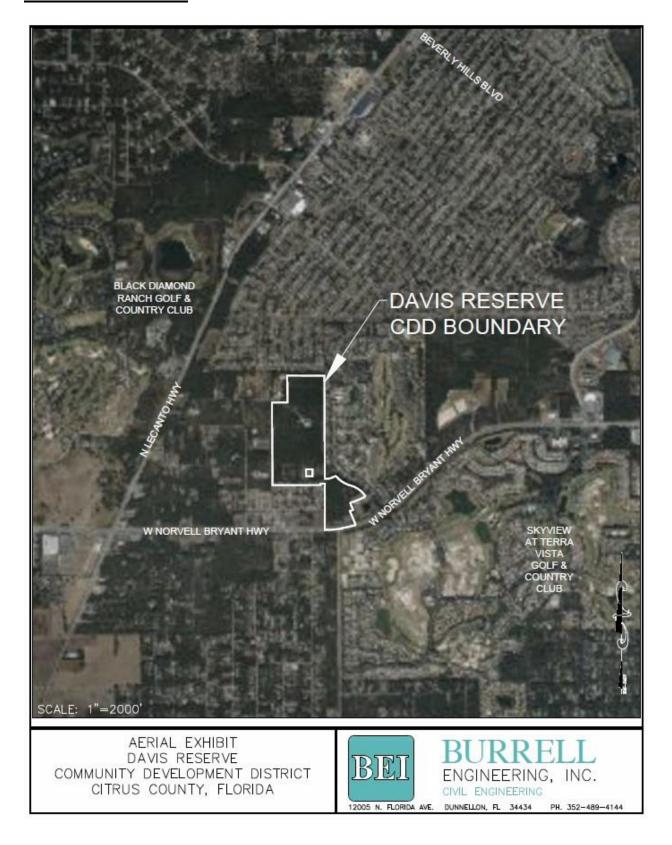


# Exhibit 1: Location Map





# Exhibit 2: Aerial Exhibit





#### **Exhibit 3: Legal Description**

# PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, RUN S00°11'50"E. A DISTANCE OF 1,268.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22, AND THE POINT OF BEGINNING. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 161, BEVERLY HILLS UNIT-6, SECTION TWO; THENCE CONTINUE ALONG SAID EAST LINE AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, S00°12'25"E, 1370.84 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN S00° 08'58"E, 1222.03 FEET; THENCE N89°49'37"E, 100.00 FEET; THENCE N57°13'45"E, 137.83 FEET TO A POINT OF CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°07'38", AND A CHORD BEARING AND DISTANCE OF N13°09'25"E, 34.77 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.45 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH BRENTWOOD CIRCLE, AND THE POINT OF CURVATURE OF A NON-TANGENT CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 43°54'35", AND A CHORD BEARING AND DISTANCE OF \$52°50'40"E, 553.34 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 567.11 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 42°07'22", AND A CHORD BEARING AND DISTANCE OF \$53°43'23"E, 474.37 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 485.22 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 2214.93 FEET, A CENTRAL ANGLE OF 11°06'20", AND A CHORD BEARING AND DISTANCE OF \$67°31'43"W, 428.65 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 429.32 FEET; THENCE \$23° 09'16"E, 193.30 FEET; THENCE \$66°48'34"W, 87.64 FEET; THENCE \$22°40'53"E, 400.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD #486 (WEST NORVELL BRYANT HIGHWAY). SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS 2814.00 FEET, A CENTRAL ANGLE OF 16°09'59", AND A CHORD BEARING AND DISTANCE OF \$81°45'16"W, 791.36 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 793.99 FEET; THENCE N89°32'59"W, 13.95 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG SAID EAST LINE. AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF FLYING DUTCHMAN ESTATES, PHASE I, AS RECORDED IN PLAT BOOK 12, PAGE 118, OF THE



PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN N00°09'42"W, 1184.51 FEET; THENCE DEPARTING SAID EAST LINE, RUN ALONG THE NORTHERLY BOUNDARY OF THE AFOREMENTIONED FLYING DUTCHMAN ESTATES PHASE I, S89°49'29"W, 104.97 FEET; THENCE S00°06'24"E, 34.85 FEET; THENCE S89°51'38"W, 1237.39 FEET TO THE EAST LINE OF CRYSTAL RIVER COUNTRY ESTATES, AS RECORDED IN PLAT BOOK 7, PAGES 147-154, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST BOUNDARY OF SAID CRYSTAL RIVER COUNTRY ESTATES, RUN N00°22'25"W, 1444.50 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE CONTINUE ALONG SAID EAST LINE N00°22'25"W, 679.84 FEET; THENCE N89°44'27"E, 396.04 FEET; THENCE N00°12'08"W, 689.61 FEET TO A POINT ON THE SOUTH LINE OF BEVERLY HILLS, UNIT NUMBER SIX, SECTION TWO, AS RECORDED IN PLAT BOOK 11, PAGES 132-134, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE, RUN S89°44'19"E, 954.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.08 ACRES, MORE OR LESS.

LESS AND EXCEPT LOTS 1 THROUGH 3 OF THE PLAT OF BRENTWOOD VILLAS WEST I, AS RECORDED IN PLAT BOOK 19, PAGES 9 & 10 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. BEING FURTHER DESCRIBE AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, RUN S00°08'58"E, 1035.25 FEET; THENCE LEAVING SAID EAST LINE RUN N89°50'55"W, 317.66 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BRENTWOOD VILLAS WEST I, AND THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID LOT 3, RUN S00°00'48"E, 176.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3 AND LOT 2, RUN N86°06'08"W, 98.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT. SAID CURVE BEING CONCAVED TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 76°26'51", AND A CHORD BEARING AND DISTANCE OF S51°54'34"E, 61.87 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 66.71 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE, RUN N89°58'48"W, 14.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, RUN N00°13'31"W, 208.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOTS 1THROUGH 3, RUN S89°50'555"W, 161.72 FEET TO THE POINT OF BEGINNING.

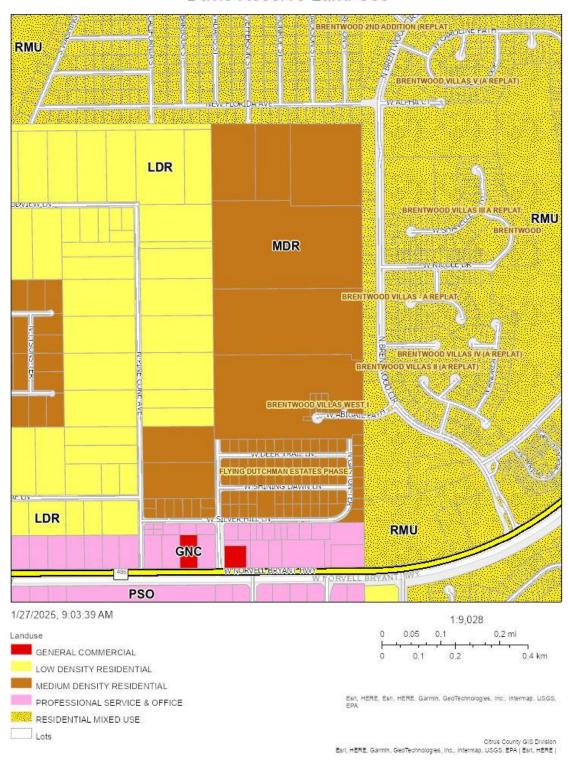
CONTAINING 0.66 ACRES, MORE OR LESS.

CDD BNDY CONTAINING 102.41 ACRES NET



# Exhibit 4: Future Land Use

# Davis Reserve Land Use





# Exhibit 5: Utility Access Map

# Davis Reserve Util

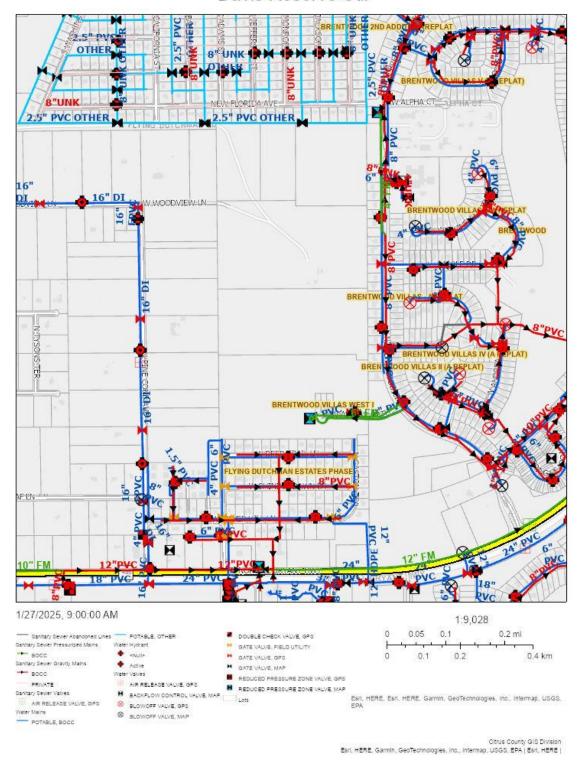




Exhibit 6: Davis Reserve Master Plan

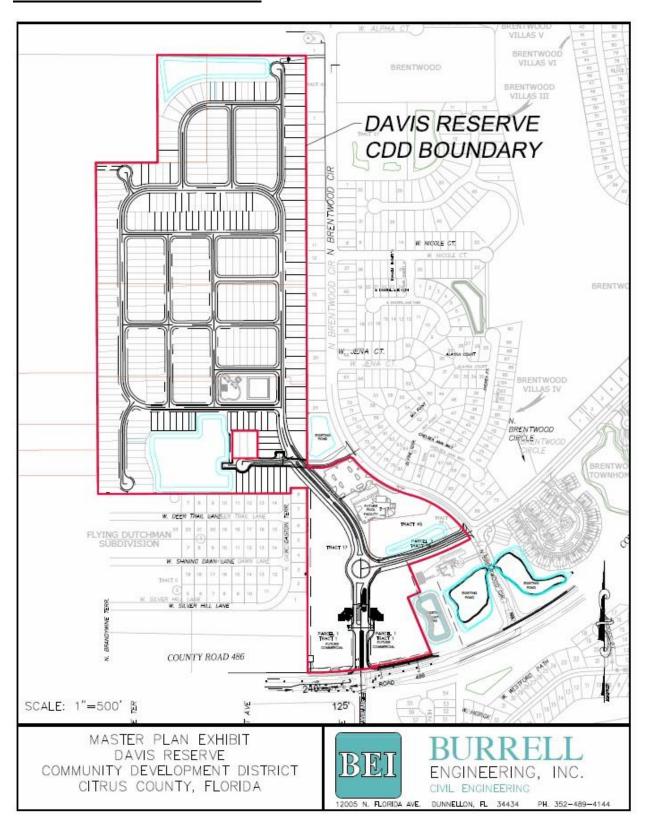
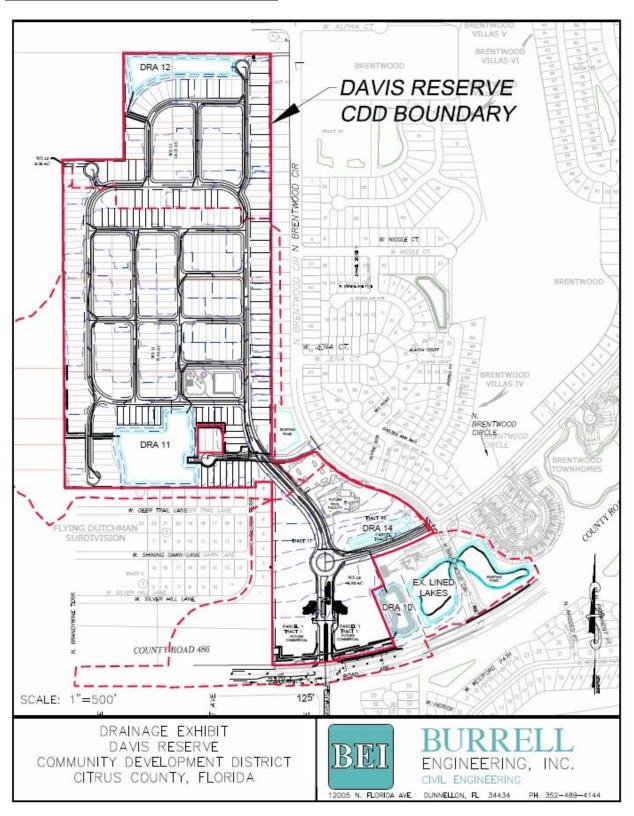




Exhibit 7: Preliminary Drainage Exhibit



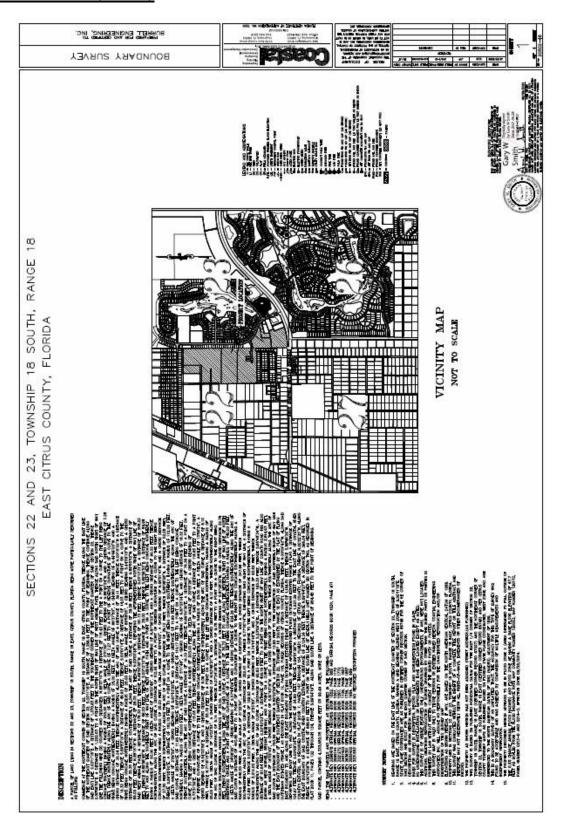


# Exhibit 8: Opinion of Probable Construction Costs

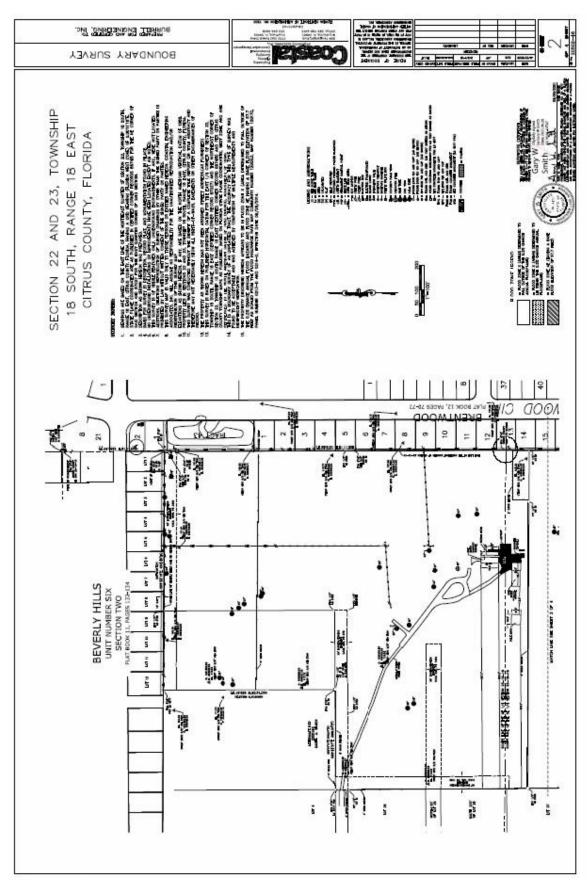
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT									
COST ESTIMATE EXHIBIT AND O&M INFORMATION									
Facility Description	Total Cost	Ownership Entity	Maintenance Entity						
Roadways	\$4,500,000.00 CDD		CDD						
Stormwater System	\$2,000,000.00 CDD		CDD						
Water/Wastewater Utilities	\$3,000,000.00 Citrus County Utilities		Citrus County Utilities						
Landscaping/Hardscaping/Entry	\$6,000,000.00	CDD	CDD						
Gatehouse	\$1,500,000.00	CDD	CDD						
Precast Walls	\$1,600,000.00	CDD	CDD						
Mail Kiosk	\$200,000.00	CDD	CDD						
Retaining Walls	\$1,200,000.00	CDD	CDD						
Contingency (15%)	\$3,000,000.00								
Total	\$23,000,000.00	N/A	N/A						



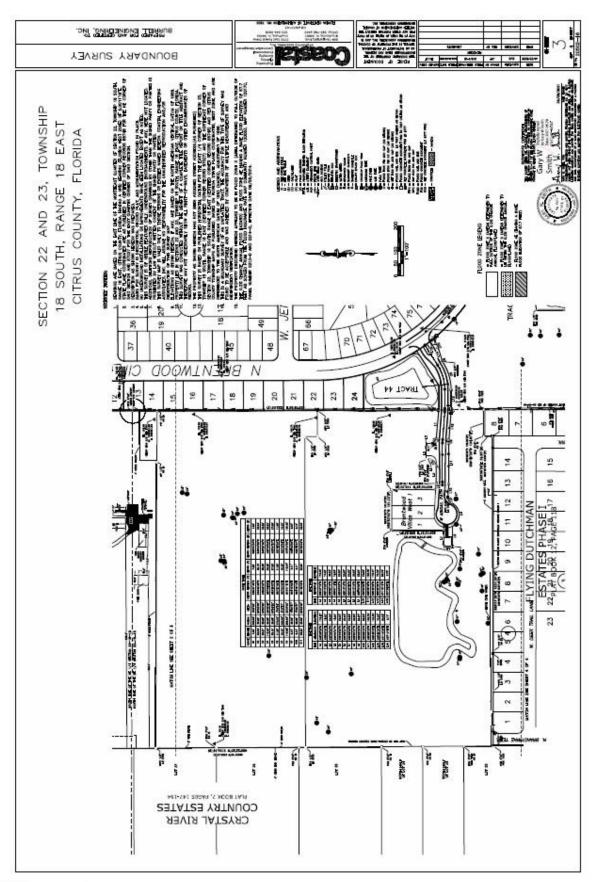
Exhibit 9: Boundary Survey



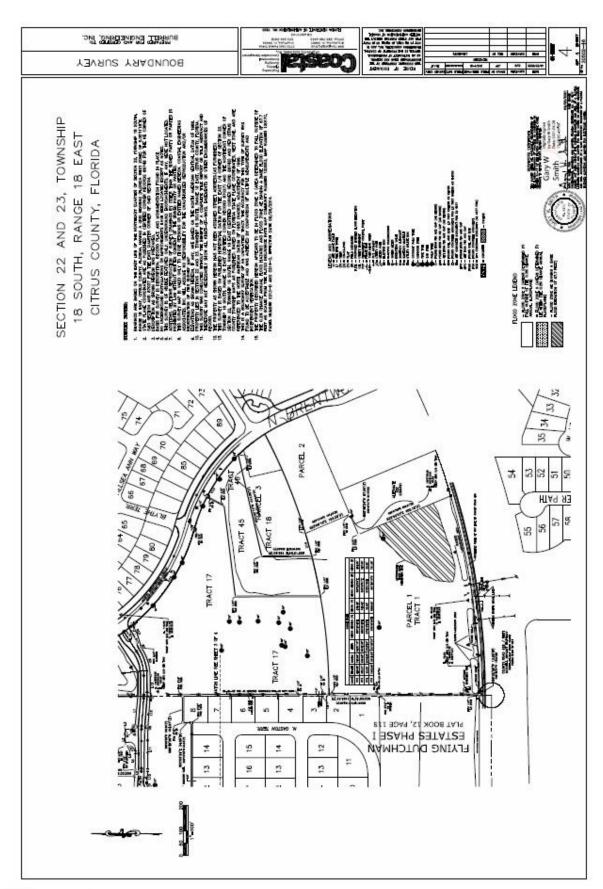














# **Exhibit B**:

Master Assessment Methodology for Davis Reserve Community Development District, dated April 2, 2025

# MASTER

# ASSESSMENT METHODOLOGY

# **FOR**

# **DAVIS RESERVE**

# COMMUNITY DEVELOPMENT DISTRICT

Date: April 2, 2025

# Prepared by

Governmental Management Services - Central Florida, LLC 219 E. Livingston Street Orlando, FL 32801



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

#### 1.0 Introduction

The Davis Reserve Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes, as amended (the "District"). The District plans to issue up to \$30,815,000 of tax exempt bonds in one or more series (the "Bonds") for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Engineer's Report dated April 2, 2025 prepared by Burrell Engineering, Inc. as may be amended and supplemented from time to time (the "Engineer's Report"). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

# 1.1 Purpose

This Master Assessment Methodology Report (the "Assessment Report") provides for an assessment methodology for allocating the debt to be incurred by the District to benefiting properties within the District. This Assessment Report allocates the debt to properties based on the special benefits each receives from the District's capital improvement plan ("CIP"). This Assessment Report will be supplemented with one or more supplemental methodology reports to reflect the actual terms and conditions at the time of the issuance of each series of Bonds. This Assessment Report is designed to conform to the requirements of Chapters 170, 190, and 197, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

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

# 1.2 Background

The District currently includes approximately 102.41 acres within Citrus County, Florida. The development program currently envisions approximately 399 units (herein the "Development"). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the

Engineer's Report. Specifically, the District will construct and/or acquire certain roadways, stormwater systems, water/wastewater utilities, landscaping/hardscaping/entry, gatehouse, precast walls, mail kiosk, retaining walls, and contingency. The acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

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

# 1.3 Special Benefits and General Benefits

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

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

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

# 1.4 Requirements of a Valid Assessment Methodology

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

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

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

# 1.5 Special Benefits Exceed the Costs Allocated

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIP that is necessary to support full development of property will cost approximately \$23,000,000. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$30,815,000. Additionally, funding required to complete the CIP which is not financed with Bonds will be funded by Brentwood Farms LLC or a related entity (the "Developer"). Without the CIP, the property would not be able to be developed and occupied by future residents of the community.

# 2.0 Assessment Methodology

#### 2.1 Overview

The District is planning to issue up to \$30,815,000 in Bonds, in one or more series to fund the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$30,815,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer and current landowners of the land within the District. The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development; these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$23,000,000. Based on the estimated costs, the size of the Bond issue under current market conditions needed to generate funds to pay for the CIP and related costs was determined by the District's Underwriter to total approximately \$30,815,000. Table 3 shows the breakdown of the bond sizing.

#### 2.2 Allocation of Debt

Allocation of debt is a continuous process until the development plan is completed. The CIP funded by District Bonds benefits all developable acres within the District.

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

Once platting, site planning, or the recording of declaration of condominium, ("Assigned Properties") has begun, the assessments will be levied to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis ("Unassigned Properties"). Eventually the development plan will be completed and the debt relating to the Bonds will be allocated to the planned 399 residential units within the District, which are the beneficiaries of the CIP, as depicted in Table 5 and Table 6. If there are changes to the development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Developer is required. The process is outlined in Section 3.0

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

#### 2.3 Allocation of Benefit

The CIP consists of roadways, stormwater systems, water/wastewater utilities, landscaping/hardscaping/entry, gatehouse, precast walls, mail kiosk, retaining walls, and contingency. There is <u>one</u> residential product type within the planned development. The single family home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of benefit to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

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

Construction and/or acquisition by the District of its proposed CIP will provide several types of systems, facilities, and services for its residents. These include roadways, stormwater systems, water/wastewater utilities, landscaping/hardscaping/entry, gatehouse, precast walls, mail kiosk, retaining walls, and contingency. These improvements accrue in differing amounts and are somewhat

dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

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

For the provision of CIP, the special and peculiar benefits are:

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

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

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

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

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

Accordingly, no acre or parcel of property within the boundaries of the District will have a lien for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property and therefore, the debt allocation will not be increased more than the debt allocation set forth in this Assessment Report.

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

#### 3.0 True Up Mechanism

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

#### 4.0 Assessment Roll

The District will initially distribute the liens across the property within the District boundaries on a gross acreage basis. As Assigned Property becomes known with certainty, the District will refine its allocation of debt from a per acre basis to a per unit basis as shown in Table 7. If the land use plan changes, then the District will update Tables 1, 4, 5 and 6 to reflect the changes. As a result, the assessment liens are neither fixed nor are they determinable with certainty on any acre of land in the District prior to the time final Assigned Properties become known. At this time the debt associated with the District's CIP will be distributed evenly across the acres within the District. As the development process occurs, the debt will be distributed against the Assigned Property in the manner described in this Assessment Report. The current assessment roll is depicted in Table 7.

TABLE 1
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM
MASTER ASSESSMENT METHODOLOGY

Product Types	Units	Totals	ERUs per Unit (1)	Total ERUs
Single Family	399	399	1.00	399.00
Total Units	399	399		399.00

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

Prepared by: Governmental Management Services - Central Florida, LLC

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 2
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
INFRASTRUCTURE COST ESTIMATES
MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total C	Cost Estimate
Roadways	\$	4,500,000
Stormwater System	\$	2,000,000
Water/Wastewater Utilities	\$	3,000,000
Landscaping/Hardscaping/Entry	\$	6,000,000
Gatehouse	\$	1,500,000
Precast Walls	\$	1,600,000
Mail Kiosk	\$	200,000
Retaining Walls	\$	1,200,000
Contingency	\$	3,000,000
	\$	23,000,000

(1) A detailed description of these improvements is provided in the Engineer's Report dated April 2, 2025

TABLE 3
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
BOND SIZING
MASTER ASSESSMENT METHODOLOGY

Description	Total
Construction Funds	\$ 23,000,000
Debt Service Reserve	\$ 2,483,270
Capitalized Interest	\$ 4,314,100
Underwriters Discount	\$ 616,300
Cost of Issuance	\$ 400,000
Rounding	\$ 1,330
Par Amount*	\$ 30,815,000

### Bond Assumptions:

Average Coupon	7.00%
Amortization	30 years
Capitalized Interest	24 Months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

<sup>\*</sup> Par amount is subject to change based on the actual terms at the sale of the Bonds

TABLE 4
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF BENEFIT
MASTER ASSESSMENT METHODOLOGY

						Total		
					Im	provements		
	No. of	ERU	Total		Cos	ts Per Product	Impr	rovement
Product Types	Units *	Factor	ERUs	% of Total ERUs		Туре	Costs	s Per Unit
Single Family	399	1.0	399	100.00%	\$	23,000,000	\$	57,644
Totals	399		399	100.00%	\$	23,000,000		

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 5
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF TOTAL BENEFIT/PAR DEBT TO EACH PRODUCT TYPE
MASTER ASSESSMENT METHODOLOGY

			I Improvements ts Per Product		ocation of Par bt Per Product	P	ar Debt
Product Types	No. of Units *	Type		Туре		Per Unit	
Single Family	399	\$	23,000,000	\$	30,815,000	\$	77,231
Totals	399	\$	23,000,000	\$	30,815,000		

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

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

Product Types	No. of Units *	 cation of Par Debt er Product Type	 otal Par t Per Unit	 imum Annual ebt Service	_	t Annual Debt sessment Per Unit	ross Annual Debt essment Per Unit (1)
Single Family	399	\$ 30,815,000	\$ 77,231	\$ 2,483,270	\$	6,224	\$ 6,621
Totals	399	\$ 30,815,000		\$ 2,483,270			

<sup>(1)</sup> This amount includes collection fees and early payment discounts when collected on the Citrus County Tax Bill

<sup>\*</sup> Unit mix is subject to change based on marketing and other factors

TABLE 7
DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
PRELIMINARY ASSESSMENT ROLL
MASTER ASSESSMENT METHODOLOGY

Owner	Property*	Net Acres	Total Par Debt Allocation Per Net Acres Acre		Total Par Debt Allocated	Α	t Annual Debt Assessment Allocation	Deb	ross Annual t Assessment location (1)
Brentwood Farms LLC	Davis Reserve CDD	102.41	\$	300,898	\$ 30,815,000	\$	2,483,270	\$	2,641,777
Totals		102.41			\$ 30,815,000	\$	2,483,270	\$	2,641,777

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

Annual Assessment Periods	30
Average Coupon Rate (%)	7.00%
Maximum Annual Debt Service	\$2,483,270

 $<sup>\</sup>ensuremath{^*}$  - See Metes and Bounds, attached as Exhibit A

### Exhibit A: Legal Description

### PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, RUN S00°11'50"E. A DISTANCE OF 1,268.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22, AND THE POINT OF BEGINNING. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 161, BEVERLY HILLS UNIT-6, SECTION TWO; THENCE CONTINUE ALONG SAID EAST LINE AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, S00°12'25"E, 1370.84 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN S00° 08'58"E, 1222.03 FEET; THENCE N89°49'37"E, 100.00 FEET; THENCE N57°13'45"E, 137.83 FEET TO A POINT OF CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°07'38", AND A CHORD BEARING AND DISTANCE OF N13°09'25"E, 34.77 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.45 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH BRENTWOOD CIRCLE, AND THE POINT OF CURVATURE OF A NON-TANGENT CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 43°54'35", AND A CHORD BEARING AND DISTANCE OF S52°50'40"E, 553.34 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 567.11 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 42°07'22", AND A CHORD BEARING AND DISTANCE OF \$53°43'23"E, 474.37 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 485.22 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 2214.93 FEET, A CENTRAL ANGLE OF 11°06'20", AND A CHORD BEARING AND DISTANCE OF \$67°31'43"W, 428.65 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 429.32 FEET; THENCE \$23° 09'16"E, 193.30 FEET; THENCE \$66°48'34"W, 87.64 FEET; THENCE \$22°40'53"E, 400.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD #486 (WEST NORVELL BRYANT HIGHWAY). SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS 2814.00 FEET, A CENTRAL ANGLE OF 16°09'59", AND A CHORD BEARING AND DISTANCE OF \$81°45'16"W, 791.36 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 793.99 FEET; THENCE N89°32'59"W, 13.95 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG SAID EAST LINE. AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF FLYING DUTCHMAN ESTATES, PHASE I, AS RECORDED IN PLAT BOOK 12, PAGE 118, OF THE



PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN N00°09'42"W, 1184.51 FEET; THENCE DEPARTING SAID EAST LINE, RUN ALONG THE NORTHERLY BOUNDARY OF THE AFOREMENTIONED FLYING DUTCHMAN ESTATES PHASE I, S89°49'29"W, 104.97 FEET; THENCE S00°06'24"E, 34.85 FEET; THENCE S89°51'38"W, 1237.39 FEET TO THE EAST LINE OF CRYSTAL RIVER COUNTRY ESTATES, AS RECORDED IN PLAT BOOK 7, PAGES 147-154, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST BOUNDARY OF SAID CRYSTAL RIVER COUNTRY ESTATES, RUN N00°22'25"W, 1444.50 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE CONTINUE ALONG SAID EAST LINE N00°22'25"W, 679.84 FEET; THENCE N89°44'27"E, 396.04 FEET; THENCE N00°12'08"W, 689.61 FEET TO A POINT ON THE SOUTH LINE OF BEVERLY HILLS, UNIT NUMBER SIX, SECTION TWO, AS RECORDED IN PLAT BOOK 11, PAGES 132-134, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE, RUN S89°44'19"E, 954.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.08 ACRES, MORE OR LESS.

LESS AND EXCEPT LOTS 1 THROUGH 3 OF THE PLAT OF BRENTWOOD VILLAS WEST I, AS RECORDED IN PLAT BOOK 19, PAGES 9 & 10 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. BEING FURTHER DESCRIBE AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, RUN S00°08'58"E, 1035.25 FEET; THENCE LEAVING SAID EAST LINE RUN N89°50'55"W, 317.66 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BRENTWOOD VILLAS WEST I, AND THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID LOT 3, RUN S00°00'48"E, 176.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3 AND LOT 2, RUN N86°06'08"W, 98.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT. SAID CURVE BEING CONCAVED TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 76°26'51", AND A CHORD BEARING AND DISTANCE OF S51°54'34"E, 61.87 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 66.71 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE, RUN N89°58'48"W, 14.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, RUN N00°13'31"W, 208.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOTS 1THROUGH 3, RUN S89°50'555"W, 161.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.66 ACRES, MORE OR LESS.

CDD BNDY CONTAINING 102.41 ACRES NET



## SECTION 4

This instrument was prepared by:

Jennifer Kilinski, Esq. Kilinski | Van Wyk PLLC 517 E. College Avenue Tallahassee, Florida 32301

# DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT NOTICE OF MASTER SPECIAL ASSESSMENTS / GOVERNMENTAL LIEN OF RECORD (Master Debt Assessments)

PLEASE TAKE NOTICE that the Board of Supervisors of the Davis Reserve Community Development District ("District") in accordance with Chapters 170, 190, and 197, Florida Statutes, previously adopted Resolution Nos. 2025-32 and 2025-\_\_ (together, "Master Assessment Resolutions"). The Master Assessment Resolutions levy and impose one or more non-ad valorem, debt service special assessment lien(s) ("Master Assessments"), which are levied on the property described in Exhibit A ("Master Assessment Area") and are intended to secure the District's repayment of debt service on future special assessment revenue bonds ("Master Bonds"). Such Master Bonds are intended to finance all or a portion of the District's capital improvement plan, which is defined in the Master Assessment Resolutions and described in the Davis Reserve Community Development District Engineer's Report, dated April 2, 2025, as may be amended or supplemented from time to time ("Master Engineer's Report"). The Master Assessments are further described in the Master Assessment Methodology for Davis Reserve Community Development District, dated April 2, 2025 ("Master Assessment Report").

A copy of the Master Engineer's Report, Master Assessment Report and Master Assessment Resolutions may be obtained from the registered agent of the District as designated to the Florida Department of Commerce in accordance with Section 189.014, *Florida Statutes*, or by contacting the District Manager by mail at c/o Governmental Management Services – Central Florida, LLC, 219 E. Livingston Street, Orlando, Florida 32801, or by phone at (407) 841-5524.

The Master Assessments were legally and validly determined and levied in accordance with all applicable requirements of Florida law and constitute and will at all relevant times in the future constitute, legal, valid, and binding first liens on the land against which assessed until paid, coequal with the lien of all state, county, district, and municipal taxes, and superior in dignity to all other liens, titles, and claims. Please note that, as part of the Master Assessments, the Master Assessment Resolutions require that certain "True-Up Payments" be made in certain circumstances, and landowners should familiarize themselves with those requirements, as they constitute a requirement under the liens.

The District is a special purpose form of local government established pursuant to and governed by Chapter 190, *Florida Statutes*. This notice shall remain effective even if the District undergoes merger, boundary amendment, or name change. Further, this notice shall constitute a lien of record under Florida law, including but not limited to Chapter 197, *Florida Statutes*, and Sections 197.552 and 197.573, *Florida Statutes*, among others.

Pursuant to Section 190.048, Florida Statutes, you are hereby notified that: THE DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THE ASSESSMENT AREA. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND

SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.

**IN WITNESS WHEREOF**, this Notice shall be effective as of the 7<sup>th</sup> day of May 2025 and shall be recorded in the Public Records of Citrus County, Florida.

WITNESSES	DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
By:Name:Address:	Name: Title:
By:	
	as acknowledged before me by means of □ physical presence or □ ay 2025, by of the
Board of Supervisors for the <b>Davis Re</b>	eserve Community Development District, who appeared before me r \( \sigma\) personally known to me, or \( \sigma\) produced as
	NOTARY PUBLIC, STATE OF FLORIDA
(NOTARY SEAL)	Name:  (Name of Notary Public, Printed, Stamped or Typed as Commissioned)

#### **EXHIBIT A**

Legal Description of Master Assessment Area (District Boundaries)

A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, RUN S00°11'50"E. A DISTANCE OF 1,268.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22, AND THE POINT OF BEGINNING. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 161, BEVERLY HILLS UNIT-6, SECTION TWO; THENCE CONTINUE ALONG SAID EAST LINE AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, S00°12'25"E, 1370.84 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN S00°08'58"E, 1222.03 FEET; THENCE N89°49'37"E, 100.00 FEET; THENCE N57°13'45"E, 137.83 FEET TO A POINT OF CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°07'38", AND A CHORD BEARING AND DISTANCE OF N13°09'25"E, 34.77 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.45 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH BRENTWOOD CIRCLE, AND THE POINT OF CURVATURE OF A NON-TANGENT CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 43°54'35", AND A CHORD BEARING AND DISTANCE OF S52°50'40"E, 553.34 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 567.11 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 42°07'22", AND A CHORD BEARING AND DISTANCE OF \$53°43'23"E, 474.37 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 485.22 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2214.93 FEET, A CENTRAL ANGLE OF 11°06'20", AND A CHORD BEARING AND DISTANCE OF \$67°31'43"W, 428.65 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 429.32 FEET; THENCE S23°09'16"E, 193.30 FEET; THENCE S66°48'34"W, 87.64 FEET; THENCE S22°40'53"E, 400.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD #486 (WEST NORVELL BRYANT HIGHWAY). SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS 2814.00 FEET, A CENTRAL ANGLE OF 16°09'59", AND A CHORD BEARING AND DISTANCE OF S81°45'16"W, 791.36 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 793.99 FEET; THENCE N89°32'59"W, 13.95 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG SAID EAST LINE, AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF FLYING DUTCHMAN ESTATES, PHASE I, AS RECORDED IN PLAT BOOK 12, PAGE 118, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN N00°09'42"W, 1184.51 FEET; THENCE DEPARTING SAID EAST LINE, RUN ALONG THE NORTHERLY BOUNDARY OF

THE AFOREMENTIONED FLYING DUTCHMAN ESTATES PHASE I, S89°49'29"W, 104.97 FEET; THENCE S00°06'24"E, 34.85 FEET; THENCE S89°51'38"W, 1237.39 FEET TO THE EAST LINE OF CRYSTAL RIVER COUNTRY ESTATES, AS RECORDED IN PLAT BOOK 7, PAGES 147-154, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST BOUNDARY OF SAID CRYSTAL RIVER COUNTRY ESTATES, RUN N00°22'25"W, 1444.50 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE CONTINUE ALONG SAID EAST LINE N00°22'25"W, 679.84 FEET; THENCE N89°44'27"E, 396.04 FEET; THENCE N00°12'08"W, 689.61 FEET TO A POINT ON THE SOUTH LINE OF BEVERLY HILLS, UNIT NUMBER SIX, SECTION TWO, AS RECORDED IN PLAT BOOK 11, PAGES 132-134, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE, RUN S89°44'19"E, 954.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.08 ACRES, MORE OR LESS.

LESS AND EXCEPT LOTS 1 THROUGH 3 OF THE PLAT OF BRENTWOOD VILLAS WEST I, AS RECORDED IN PLAT BOOK 19, PAGES 9 & 10 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. BEING FURTHER DESCRIBE AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, RUN S00°08'58"E, 1035.25 FEET; THENCE LEAVING SAID EAST LINE RUN N89°50'55"W, 317.66 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BRENTWOOD VILLAS WEST I, AND THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID LOT 3, RUN S00°00'48"E, 176.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3 AND LOT 2, RUN N86°06'08"W, 98.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT. SAID CURVE BEING CONCAVED TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 76°26'51", AND A CHORD BEARING AND DISTANCE OF S51°54'34"E, 61.87 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 66.71 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE ALONG SAID SOUTH LINE, RUN N89°58'48"W, 14.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1, RUN N00°13'31"W, 208.23 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 3, RUN S89°50'55"W, 161.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.66 ACRES, MORE OR LESS.

CDD BNDY CONTAINING 102.41 ACRES NET

# SECTION B

# SECTION 1

#### **RESOLUTION 2025-36**

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

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

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

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

**WHEREAS,** the District's Board of Supervisors hereby ratifies all actions taken by the District Manager and District staff in noticing a public hearing for the adoption of the District's resolution expressing its intent to utilize the uniform method of levying, collecting, and enforcing non-ad valorem assessments in accordance with Section 197.3632, *Florida Statutes*, for the May 7, 2025, Board of Supervisors meeting.

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT:

**SECTION 1.** Davis Reserve Community Development District, upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its need and intent to use the Uniform Method of collecting assessments imposed by the District over the lands described in **Exhibit A**, as provided in Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments may be collected annually pursuant to the provisions of Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District's use of the Uniform Method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the uniform method for that year is in the best interests of the District.

**SECTION 2.** The District's Secretary is authorized to provide the Property Appraiser and Tax Collector of Citrus County and the Department of Revenue of the State of Florida with a copy of this Resolution and enter into any agreements with the Property Appraiser and/or Tax Collector necessary to carry out the provisions of this Resolution.

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

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

**PASSED AND ADOPTED** this 7<sup>th</sup> day of May, 2025.

ATTEST:	DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
Secretary/Assistant Secretary	Chairperson, Board of Supervisors

**Exhibit A:** Legal Description of Davis Reserve Community Development District

#### **EXHIBIT A:**

#### **Legal Description of Davis Reserve Community Development District**

A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, RUN S00°11'50"E. A DISTANCE OF 1,268.88 FEET TO THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22, AND THE POINT OF BEGINNING. SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 161, BEVERLY HILLS UNIT-6, SECTION TWO; THENCE CONTINUE ALONG SAID EAST LINE AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, S00°12'25"E, 1370.84 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE WEST LINE OF BRENTWOOD SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGES 70-73 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, RUN S00°08'58"E, 1222.03 FEET; THENCE N89°49'37"E, 100.00 FEET; THENCE N57°13'45"E, 137.83 FEET TO A POINT OF CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°07'38", AND A CHORD BEARING AND DISTANCE OF N13°09'25"E, 34.77 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.45 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH BRENTWOOD CIRCLE, AND THE POINT OF CURVATURE OF A NON-TANGENT CURVATURE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 43°54'35", AND A CHORD BEARING AND DISTANCE OF S52°50'40"E, 553.34 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 567.11 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTHWEST. HAVING A RADIUS OF 660.00 FEET, A CENTRAL ANGLE OF 42°07'22", AND A CHORD BEARING AND DISTANCE OF \$53°43'23"E, 474.37 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 485.22 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2214.93 FEET, A CENTRAL ANGLE OF 11°06'20", AND A CHORD BEARING AND DISTANCE OF S67°31'43"W, 428.65 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 429.32 FEET; THENCE S23°09'16"E, 193.30 FEET; THENCE S66°48'34"W, 87.64 FEET; THENCE S22°40'53"E, 400.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD #486 (WEST NORVELL BRYANT HIGHWAY). SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS 2814.00 FEET, A CENTRAL ANGLE OF 16°09'59", AND A CHORD BEARING AND DISTANCE OF S81°45'16"W, 791.36 FEET: THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 793.99 FEET: THENCE N89°32'59"W, 13.95 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE ALONG SAID EAST LINE, AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF FLYING

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CONTAINING 0.66 ACRES, MORE OR LESS.

CDD BOUNDARY CONTAINING 102.41 NET ACRES, MORE OR LESS.

# SECTION C

# SECTION 1

#### **RESOLUTION 2025-37**

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

**WHEREAS,** the Davis Reserve Community Development District ("**District**") is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Citrus County, Florida; and

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

WHEREAS, to provide for efficient and effective District operations and to maintain compliance with Florida law, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Rules of Procedure attached hereto as Exhibit A for immediate use and application; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT:

**SECTION 1.** The attached Rules of Procedure are hereby adopted pursuant to this resolution as necessary for the conduct of District business. These Rules of Procedure shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*.

**SECTION 2.** If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 3.** This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 7th day of May 2025.

ATTEST:	DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT
Secretary / Assistant Secretary	Chairperson, Board of Supervisors
j j	1 / 1

**Exhibit A:** Rules of Procedure

## **Exhibit A:** Rules of Procedure

[ATTACHED BEGINNING ON FOLLOWING PAGE]

## RULES OF PROCEDURE DAVIS RESERVE COMMUNITY DEVELOPMENT DISTRICT

### **EFFECTIVE AS OF MAY 7, 2025**

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#### Rule 1.0 General.

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

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

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

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

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

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

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

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that

the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

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

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

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

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

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

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

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

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

- due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.
- (5) <u>Records Retention.</u> The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.
- (6) <u>Policies.</u> The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- Financial Disclosure Coordination. Unless specifically designated by Board resolution otherwise, the Secretary shall serve as the Financial Disclosure Coordinator ("Coordinator") for the District as required by the Florida Commission on Ethics ("Commission"). The Coordinator shall create, maintain and update a list of the names, e-mail addresses, physical addresses, and names of the agency of, and the office or position held by, all Supervisors and other persons required by Florida law to file a statement of financial interest due to his or her affiliation with the District ("Reporting Individual"). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person's name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person's e-mail address.

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

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

### **Rule 1.3** Public Meetings, Hearings, and Workshops.

- Notice. Except in emergencies, or as otherwise required by statute or these Rules, (1) at least seven (7) days' public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week, and shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:
  - (a) The date, time and place of the meeting, hearing or workshop;
  - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
  - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
  - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least three (3) business days before the meeting/hearing/workshop by contacting the District Manager toll free at (877) 276-0889 or (407) 841-5524. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
  - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

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

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

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

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

Call to order
Roll call
Public comment
Organizational matters
Review of minutes
Specific items of old business
Specific items of new business
Staff reports

- (a) District Counsel
- (b) District Engineer
- (c) District Manager
  - 1. Financial Report
  - 2. Approval of Expenditures

Supervisor's requests and comments

### Public comment Adjournment

- (4) <u>Minutes.</u> 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) <u>Special Requests.</u> Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office. Such persons shall furnish a mailing address in writing and shall be required to prepay the cost of the copying and postage.
- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) <u>Public Comment.</u> The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) <u>Budget Hearing.</u> Notice of hearing on the annual budget(s) shall be in accord with Section 190.008, *Florida Statutes*. Once adopted in accord with Section 190.008, *Florida Statutes*, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.
- (9) <u>Public Hearings.</u> Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager

shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.

- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist.
- (11) <u>Board Authorization.</u> The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.
- (12) <u>Continuances.</u> Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
  - (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
  - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
  - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.
- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session,

and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

(14) Security and Fire safety Board Discussions. Portions of a meeting which relate to or would reveal a security or fire safety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

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

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

#### **Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse**

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

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

#### **Rule 2.0** Rulemaking Proceedings.

(1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A "rule" is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District ("Rule"). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.

# (2) <u>Notice of Rule Development.</u>

- (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
- (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.

## (3) Notice of Proceedings and Proposed Rules.

(a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District's statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date

- of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.
- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
- (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) <u>Rule Development Workshops.</u> Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.
- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
  - (a) The text of the proposed rule, or any amendment or repeal of any existing rules;

- (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
  - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
  - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.
- (10) <u>Rulemaking Record.</u> In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:
  - (a) The texts of the proposed rule and the adopted rule;
  - (b) All notices given for a proposed rule;

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

#### (11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within 10 days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.
- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
  - (i) Administer oaths and affirmations;
  - (ii) Rule upon offers of proof and receive relevant evidence;
  - (iii) Regulate the course of the hearing, including any pre-hearing matters;

- (iv) Enter orders; and
- (v) Make or receive offers of settlement, stipulation, and adjustment.
- (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) <u>Variances and Waivers.</u> A "variance" means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A "waiver" means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
  - (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
  - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District's Rule. Each petition shall specify:
    - (i) The rule from which a variance or waiver is requested;
    - (ii) The type of action requested;
    - (iii) The specific facts that would justify a waiver or variance for the petitioner; and
    - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
  - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner's written request, to process the petition.

- (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) <u>Rates, Fees, Rentals and Other Charges.</u> All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

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

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

# **Rule 3.0** Competitive Purchase.

- (1) <u>Purpose and Scope.</u> In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, designbuild services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) <u>Board Authorization.</u> Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.

#### (3) Definitions.

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

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

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

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

provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.

- (p) "Responsive and Responsible Bidder" means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. "Responsive and Responsible Vendor" means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
  - (i) The ability and adequacy of the professional personnel employed by the entity/individual;
  - (ii) The past performance of the entity/individual for the District and in other professional employment;
  - (iii) The willingness of the entity/individual to meet time and budget requirements;
  - (iv) The geographic location of the entity's/individual's headquarters or office in relation to the project;
  - (v) The recent, current, and projected workloads of the entity/individual;
  - (vi) The volume of work previously awarded to the entity/individual;
  - (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
  - (viii) Whether the entity/individual is a certified minority business enterprise.
- (q) "Responsive Bid," "Responsive Proposal," "Responsive Reply," and "Responsive Response" all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or

Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

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

# **Rule 3.1** Procedure Under the Consultants' Competitive Negotiations Act.

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

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

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

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

# (4) <u>Competitive Selection.</u>

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

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

# (5) <u>Competitive Negotiation.</u>

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

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 119.0701, 190.011(3), 190.033, 287.055, Fla. Stat.

#### **Rule 3.2** Procedure Regarding Auditor Selection.

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

#### (1) Definitions.

- (a) "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b) "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.
- (2) Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.
- (3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
  - (a) <u>Minimum Qualifications.</u> In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:

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

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

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

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

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

place for submitting proposals.

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

### (7) Board Selection of Auditor.

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

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

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

#### **Rule 3.3** Purchase of Insurance.

- (1) <u>Scope.</u> 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) <u>Procedure.</u> For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
  - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
  - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
  - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
  - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
  - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
  - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
  - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance

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

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

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

Law Implemented: § 112.08, Fla. Stat.

# **Rule 3.4** Pre-qualification

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

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

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

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

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

# (3) Suspension, Revocation, or Denial of Qualification

- (a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:
  - i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
  - ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
  - iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
  - iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
  - v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
  - vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
  - vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status

- shall remain suspended, revoked, or denied until the documents are furnished.
- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
- ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
- x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
- xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
- xii. The vendor or affiliate(s) has been convicted of a contract crime.
  - 1. The term "contract crime" means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
  - 2. The term "convicted" or "conviction" means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.

- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 190.033, 255.0525, 255.20, Fla. Stat.

#### **Rule 3.5** Construction Contracts, Not Design-Build.

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

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

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

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

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

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

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

proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.

- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) <u>Contracts; Public Records.</u> In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) <u>Emergency Purchases.</u> The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) <u>Exceptions.</u> This Rule is inapplicable when:
  - (a) The project is undertaken as repair or maintenance of an existing public facility;
  - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
  - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
  - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

# Rule 3.6 Construction Contracts, Design-Build.

(1) <u>Scope.</u> The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:

# (2) Procedure.

- (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
- (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
- (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
  - (i) <u>Qualifications-Based Selection.</u> If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
  - (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:

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

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

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

- 4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the In consultation with the Design Criteria District. Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
- 5. The Board shall have the right to reject all proposals if the proposals are too high, or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
- 6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.
- 7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the

- District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- 8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm Should the Board be unable to must be terminated. negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
- 9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
- 10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) <u>Contracts; Public Records.</u> In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (4) <u>Emergency Purchase.</u> The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.

- (5) <u>Exceptions.</u> This Rule is inapplicable when:
  - (a) The project is undertaken as repair or maintenance of an existing public facility;
  - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
  - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
  - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

# **Rule 3.7** Payment and Performance Bonds.

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

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

Law Implemented: § 255.05, Fla. Stat.

# Rule 3.8 Goods, Supplies, and Materials.

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

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

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

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

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

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

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

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.
- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has

undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.

- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) <u>Renewal.</u> Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) <u>Emergency Purchases.</u> The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

### **Rule 3.9 Maintenance Services.**

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

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

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

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

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

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

## **Rule 3.10** Contractual Services.

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat. Law Implemented: §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

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

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

# (1) <u>Filing.</u>

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

- 3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.
- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (2) <u>Contract Execution.</u> Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) <u>Informal Proceeding.</u> If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) <u>Formal Proceeding.</u> If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
  - (a) Administer oaths and affirmations;
  - (b) Rule upon offers of proof and receive relevant evidence;
  - (c) Regulate the course of the hearing, including any pre-hearing matters;
  - (d) Enter orders; and

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

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

- (5) <u>Intervenors.</u> Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) <u>Settlement.</u> 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 May 7, 2025, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

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

# SECTION VI

# Item will be provided under separate cover.