

*Bellaviva*  
*Community Development District*

*Meeting Agenda*

*April 7, 2026*

# AGENDA

# *Bellaviva*

## *Community Development District*

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219 E. Livingston St., Orlando, Florida 32801

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

March 31, 2026

### **Board of Supervisors Meeting Bellaviva Community Development District**

Dear Board Members:

A meeting of the Board of Supervisors of the **Bellaviva Community Development District** will be held on **Tuesday, April 7, 2026 at 2:45 PM** at the **Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850.**

**Zoom Video Link:** <https://us06web.zoom.us/j/82893833736>

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

**Meeting ID:** 828 9383 3736

Following is the advance agenda for the meeting:

### **Board of Supervisors Meeting**

1. Roll Call
2. Public Comment Period (Public Comments will be limited to three (3) minutes each)
3. Approval of Minutes of the February 3, 2026 Organizational Meeting and the February 3, 2026 Landowners' Meeting
4. 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 2026-33 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 2026-34 Expressing the District's Intent to Utilize the Uniform Method of Collection
  - C. Public Hearing on the Adoption of the Fiscal Year 2025/2026 Budget
    - i. Consideration of Resolution 2026-35 Adopting the District's Fiscal Year 2025/2026 Budget and Appropriating Funds
  - D. Public Hearing on the Adoption of Rules of Procedure and Amenity Rates & Disciplinary Rules for the District
    - i. Consideration of Resolution 2026-36 Adopting Rules of Procedure and Amenity Rates & Disciplinary Rules for the District

5. Consideration of Resolution 2026-37 Approving the Proposed Fiscal Year 2026/2027 Budget and Setting the Public Hearing on the Adoption of the Fiscal Year 2026/2027 Budget (Suggested Date: July 7, 2026)
6. Review and Ranking of Proposals for District Engineering Services and Selection of a District Engineer
7. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
8. Other Business
9. Supervisors Requests and Audience Comments
10. Adjournment

# MINUTES

**MINUTES OF MEETING  
BELLAVIVA  
COMMUNITY DEVELOPMENT DISTRICT**

The Organizational meeting of the Board of Supervisors of the Bellaviva Community Development District was held **Tuesday, February 3, 2026**, at 2:45 p.m. at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida.

Present and constituting a quorum:

Lee Saunders	Chairman
Daniel Lewis	Vice Chairman
Lee Moore	Assistant Secretary
Duane “Rocky” Owen	Assistant Secretary
Tom Franklin	Assistant Secretary

Also present were:

Jill Burns	District Manager, GMS
Katie O’Rourke <i>by Zoom</i>	District Manager, GMS
Savannah Hancock	District Counsel, KVW
Mitchell Zwang <i>by Zoom</i>	District Counsel, KVW
Megan Birnholz-Couture <i>by Zoom</i>	District Counsel, KVW
George Smith <i>by Zoom</i>	Bond Counsel, Greenberg Traurig
Todd Amaden <i>by Zoom</i>	District Engineer, Landmark Engineering

**FIRST ORDER OF BUSINESS**

**Introduction**

**A. Call to Order**

Ms. Burns called the meeting to order at 2:45 p.m. and called roll. All five Board members were in attendance.

**B. Public Comment Period**

Ms. Burns stated there were no members of the public present nor were any members of the public attending by Zoom.

**C. Oath of Office**

Ms. Burns administered the oath of office to Lee Moore, Lee Saunders, Duane “Rocky” Owen, Tom Franklin, and Daniel Lewis.

**SECOND ORDER OF BUSINESS**

**Organizational Matters**

**A. Confirmation of Notice of Meeting**

Ms. Burns confirmed the notice for this meeting has run in the paper.

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

Ms. Hancock reminded Board members of the Sunshine law and ethics law.

**C. Election of Officers**

**1. Consideration of Resolution 2026-01 Electing Officers**

Ms. Burns stated Lee Saunders will serve as Chairman, Daniel Lewis will serve as Vice Chair, and Duane “Rocky” Owen, Lee Moore and Tom Franklin will serve as Assistant Secretaries, along with George Flint from her office. Ms. Burns will serve as Secretary.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, Resolution 2026-01 Electing Officers as slated above, was approved.

**2. Consideration of Resolution 2026-02 Appointing Treasurer and Assistant Treasurer**

Ms. Burns noted this would appoint George Flint, Katie Costa, and Darrin Mossing as those officers that are outlined which authorize them to sign checks for regular District business.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, Resolution 2026-02 Appointing Officers Treasurer and Assistant Treasurer, was approved.

**3. Consideration of Resolution 2026-03 Canvassing and Certifying the Results of the Landowners’ Election**

Ms. Burns noted the results from the Landowners election will be filled into this resolution as read out at the Landowners election.

On MOTION by Mr. Moore, seconded by Mr. Saunders, with all in favor, Resolution 2026-03 Canvassing and Certifying the Results of the Landowners’ Election, was approved.

**THIRD ORDER OF BUSINESS**

**Consent Agenda**

- A. Consideration of Contract for District Management Services**
  - 1. Consideration of Resolution 2026-04 Appointing District Manager**
- B. Consideration of Contract for District Counsel Services**
  - 1. Consideration of Resolution 2026-05 Appointing District Counsel**
- C. Consideration of Resolution 2026-06 Selection of Registered Agent and Office**
- D. Consideration of Resolution 2026-07 Appointing Interim District Engineer**
- E. Consideration of Interim District Engineering Agreement**
- F. Request Authorization to Issue RFQ for Engineering Services**
- G. Consideration of Resolution 2026-08 Designating a Qualified Public Depository**
- H. Consideration of Resolution 2026-09 Authorization of Bank Account Signatories**
- I. Consideration of Resolution 2026-10 Relating to Defense of Board Members**
- J. Consideration of Resolution 2026-11 Spending Authorization Resolution**
- K. Consideration of Resolution 2026-12 Adopting Investment Guidelines**
- L. Consideration of Resolution 2026-13 Authorizing Execution of Public Depositor Report**
- M. Consideration of Resolution 2026-14 Designating a Policy for Public Comment**
- N. Consideration of Resolution 2026-15 Adopting Prompt Payment Policy**
- O. Consideration of Resolution 2026-16 Adopting a Records Retention Policy**
- P. Consideration of Compensation to Board Members**
- Q. Consideration of Resolution 2026-17 Selecting District Records Office Within Sumter County**
- R. Consideration of Resolution 2026-18 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 Sumter County**
- U. Consideration of Resolution 2026-19 Granting the Chairperson and Vice Chairperson the Authority to Execute Plats and Documents Related to the Development of the District's Improvements**
- V. Consideration of Resolution 2026-20 Direct Purchase Resolution**
- W. Consideration of Resolution 2026-21 Authorizing the Use of Electronic Documents and Signatures**
- X. Consideration of Resolution 2026-22 Adopting an Internal Controls Policy**
- Y. Consideration of Resolution 2026-23 Public Facilities Resolution**
- Z. Adopting Goals and Objectives for the District**

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

**FOURTH ORDER OF BUSINESS**

**New Business**

**A. Consideration of Resolution 2026-24 Designation of a Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2026 Meetings**

Ms. Burns stated the meetings will be the first Tuesday of the month at 2:45 p.m.

On MOTION by Mr. Moore, seconded by Mr. Franklin, with all in favor, Resolution 2026-24 Designation of the Regular Monthly Meeting on the First Tuesday of the Month at 2:45 p.m., was approved.

**B. Consideration of Resolution 2026-25 Ratifying Staff’s Actions in Noticing the Initial Landowners’ Meeting**

Ms. Burns stated this is an old District that was established with an existing Board so in order for this Board to come, the landowner election had to be advertised as part of that. This is just ratifying placing the ad for the landowners’ election.

On MOTION by Mr. Saunders, seconded by Mr. Moore, with all in favor, Resolution 2026-25 Ratifying Staff’s Actions in Noticing the Initial Landowners’ Meeting, was approved.

**C. Designation of Date of Public Hearing to Adopt Rules of Procedure and Amenity Rates & Disciplinary Rules in accordance with Section 120.54 and Chapter 190, Florida Statutes**

**1. Consideration of Resolution 2026-26 Setting the Public Hearing to Consider the Adoption of Proposed Rules and Amenity Rates & Disciplinary Rules of the District**

- a. Rules of Procedure**
- b. Amenity Rates & Disciplinary Rules**

Ms. Burns stated several public hearings will be set today with a suggested date of April 7<sup>th</sup> which would allow all notices to be sent in time for that hearing. It would be April 7<sup>th</sup> at 2:45 p.m. at this location.

On MOTION by Mr. Moore, seconded by Mr. Franklin, with all in favor, Resolution 2026-26 Setting a Public Hearing to Consider the Adoption of Proposed Rules of Procedure and Amenity Rates & Disciplinary Rules on April 7, 2026 at 2:45 p.m., was approved.

**D. Designation of Date of Public Hearing on the Budget for Fiscal Year 2025/2026**

**1. Consideration of Resolution 2026-27 Setting the Public Hearing and Approving the Proposed Fiscal Year 2025/2026 Budget**

Ms. Burns noted this will be the remainder of Fiscal Year 2026 from now through the end of September. Resolution 2026-27 is included in the package for review. A standard admin budget for the remainder of the fiscal year. The hearing will be April 7<sup>th</sup>.

On MOTION by Mr. Moore, seconded by Mr. Lewis, with all in favor, Resolution 2026-27 Setting the Public Hearing for April 7, 2026 and Approving the Proposed Fiscal Year 2025/2026 Budget, was approved.

**2. Approval of the Fiscal Year 2025/2026 Developer Funding Agreement**

Ms. Burns stated under this agreement the entity listed will agree to fund the operations and maintenance of the District based on the budget that the Board will adopt at the April 7, 2026 hearing.

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

**E. Consideration of Resolution 2026-28 Setting Date of Public Hearing Expressing the District’s Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes**

Ms. Burns stated this will allow the District to collect assessments on the Polk County tax bill when they are ready to do so. The suggested date for this hearing is April 7<sup>th</sup>.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, Resolution 2026-28 Setting April 7, 2026 for the Public Hearing Expressing the District’s Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad-Valorem Assessments in Accordance with Section 197.3632, Florida Statutes, was approved.

**FIFTH ORDER OF BUSINESS**

**Capital Improvements**

**A. Appointment of Financing Team**

**1. Consideration of Resolution 2026-29 Appointing Bond Counsel**

Ms. Burns stated this is appointing bond counsel. There is a proposal from Greenberg Traurig that George Smith has sent in for the District. She noted Mr. Smith is on the line to answer any Board questions.

On MOTION by Mr. Moore, seconded by Mr. Saunders, with all in favor, Resolution 2026-29 Appointing Bond Counsel, was approved.

**2. Consideration of Resolution 2026-30 Appointing Investment Banker**

Ms. Burns stated this is with FMS bonds and that proposal is in the agenda package for review. She offered to take questions otherwise she was seeking a motion to approve.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, Resolution 2026-30 Appointing FMS Bonds as Investment Banker, was approved.

**3. Assessment Administrator**

Ms. Burns stated this is already covered in the management agreement that was previously approved by the Board so just looking for a motion to appoint GMS.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, GMS as Assessment Administrator, was approved.

**4. Trustee**

Ms. Burns stated there is a proposal from US Bank included in the agenda package for review. She offered to take any questions on this proposal otherwise a motion to approve.

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

**B. Approval of Financing Team Agreement**

Ms. Burns stated this is with Bellaviva of Polk County, LLC. That entity will fund the cost associated with the construction which can then be reimbursed from a future bond issuance.

On MOTION by Mr. Moore, seconded by Mr. Lewis, with all in favor, Approval of Financing Team Agreement, was approved.

**SIXTH ORDER OF BUSINESS**

**Financing Matters**

**A. Consideration of the Engineer’s Report**

Mr. Amaden reviewed the Engineer’s Report for the Board.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, the Engineer’s Report, was approved.

**B. Consideration of Master Assessment Methodology**

Ms. Burns stated this report allocates debt to the properties within the community that benefit from the Capital Improvement Plan that Todd reviewed in his Engineer’s report. She provided an overview of the tables. Table 1 shows 66 single family attached 32 ft. units and 237 single family detached 50 ft. lots for a total of 303 total units within the project. Table 2 shows the infrastructure cost estimate at \$14,000,000. Table 3 shows an estimated bond sizing of \$18,685,000. Table 4 shows the improvement cost per unit listed for each product types. Table 5 shows a par debt per unit for the single family attached \$42,825 and for single family detached \$66,914 which would be the most amount of debt issued on any of these lots. Table 6 breaks down the net and gross annual debt assessment for each of the product types. The gross annual debt assessment when collected on the Polk County tax bill that takes into account the 7% gross for collection fees and early payment discount on the 32 ft. attached it is \$3,526 and on the single family detached it’s \$5,510. Table 7 shows the preliminary assessment roll. There is a single landowner and all of the parcels are listed and the debt is allocated by acre. The only property owner is Bellaviva of Polk County, LLC. There is also a legal description of the entire District attached.

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

**C. Consideration of Resolution 2026-31 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings**

Mr. Smith stated this authorizes bonds in an amount NTE \$18,685,000 as well as authorizes and approves the form of the Master Trust Indenture and approves appointment of US Bank Trust

Company as the Trustee. It also authorizes that validation be filed by the District Attorney. It requires that once the validation has been completed and prior to issuing the actual bonds, they will come back to the District with the final terms of the bonds and seek further authority that has been approved by resolution.

On MOTION by Mr. Saunders, seconded by Mr. Lewis, with all in favor, Resolution 2026-31 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

**D. Consideration of Resolution 2026-32 Declaring Special Assessments and Setting a Public Hearing on Special Assessments**

Ms. Burns noted the date is April 7<sup>th</sup> at this location. It will be advertised in the newspaper and mailed notice will be sent to the single property owner as well notifying of the hearing on April 7, 2026 at 2:45 p.m. at this location.

On MOTION by Mr. Franklin, seconded by Mr. Lewis, with all in favor, Resolution 2026-32 Declaring Special Assessments and Setting a Public Hearing on Special Assessments for April 7, 2026 at 2:45 p.m., was approved.

**SEVENTH ORDER OF BUSINESS**

**Other Business**

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

Ms. Burns noted this is the initial funding request to set up all the accounts, for advertising to be placed for all of the hearings set today, to get the District insurance, and get a bank account open.

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

**B. Staff Reports**

**i. Attorney**

**a) E-Verify Memorandum**

Ms. Hancock reviewed a memo in the agenda package regarding E-Verify in the state of Florida for Special Districts. They are planning to file for validating next week.

**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. Saunders seconded by Mr. Lewis, with all in favor, the meeting was adjourned.

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

\_\_\_\_\_  
Chairman/Vice Chairman

**MINUTES OF MEETING  
BELLAVIVA  
COMMUNITY DEVELOPMENT DISTRICT**

The Landowners meeting of the Board of Supervisors of the Bellaviva Community Development District was held **Tuesday, February 3, 2026**, at 2:45 p.m. at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida.

Present for the meeting were:

Lee Moore  
Lee Saunders  
Rocky Owen  
Tom Franklin  
Daniel Lewis  
Jill Burns (GMS)  
Katie O'Rourke *by Zoom* (GMS)  
Savannah Hancock (KVW Law)  
Mitchell Zwang *by Zoom* (KVW Law)  
Megan Birnholz-Couture *by Zoom* (KVW Law)

**FIRST ORDER OF BUSINESS**

**Determination of Number of Voting Units  
Represented**

Ms. Burns stated Lee Saunders is authorized to cast votes on behalf of Bellaviva of Polk County, LLC that owns 139.26 acres within the community which authorizes him to cast up to 140 votes for each of the five seats that are up for election. She noted that there are no other landowners within the District.

**SECOND ORDER OF BUSINESS**

**Call to Order**

Ms. Burns called the meeting to order.

**THIRD ORDER OF BUSINESS**

**Election of Chairman for the Purpose of  
Conducting the Landowners' Meeting**

Ms. Burns noted that she will act as Chair for the purpose of conducting the meeting.

**FOURTH ORDER OF BUSINESS**

**Nominations for the Position of Supervisor**

Mr. Saunders nominated Lee Saunders, Daniel Lewis, Lee Moore, Duane “Rocky” Owen, and Tom Franklin as Supervisors.

**FIFTH ORDER OF BUSINESS**

**Casting of Ballots**

Mr. Saunders cast 100 votes for Lee Saunders, 100 votes for Daniel Lewis, 75 votes for Lee Moore, 75 votes for Duane “Rocky” Owen, and 75 votes for Tom Franklin.

**SIXTH ORDER OF BUSINESS**

**Ballot Tabulation**

Ms. Burns stated that Daniel Lewis and Lee Saunders will serve 4-year terms. Lee Moore, Duane “Rocky” Owen, and Tom Franklin will serve 2-year terms.

**SEVENTH ORDER OF BUSINESS**

**Landowner’s Questions and Comments**

There being no comments or questions, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

Ms. Burns adjourned the meeting.

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

\_\_\_\_\_  
Chairman/Vice Chairman

# SECTION IV

# SECTION A

# SECTION 1

# **BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**

## **MASTER ENGINEER'S REPORT**

February 3, 2026

PREPARED FOR:

**BOARD OF SUPERVISORS  
BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**

PREPARED BY:

**LANDMARK ENGINEERING & SURVEYING CORPORATION**  
8515 Palm River Road  
Tampa, Florida 33619

**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT  
MASTER ENGINEER’S REPORT**

**1. INTRODUCTION**

The purpose of this report is to provide a description of the Capital Improvement Plan (“CIP”), and estimated costs of the CIP, for the Bellaviva Community Development District (the “District” or “CDD”). The District plans to design, permit, finance, acquire and/or construct, operate, and maintain all or part of certain infrastructure necessary for community development within the District.

The District was established pursuant to Ordinance No. 21-1743 adopted by the City Commission of the City of Haines City, Florida, on August 19, 2021. The sole owner of all lands within the District is Bellaviva of Polk County, LLC, and the developer is also Bellaviva of Polk County, LLC (the “Developer”).

**2. GENERAL SITE DESCRIPTION**

The District is located entirely within Haines City, Florida (“City”), and covers approximately 139.26 acres of land, more or less. **Exhibit A** is a metes and bounds legal description of the District’s boundaries. The District is generally located north of Little Lake Hamilton, east of U.S. Highway 27, south of State Road 544, and west of Lake Hamilton Drive. A Vicinity Map is included as **Exhibit B**. The project areas, and surrounding areas, land use and zoning classifications are depicted in **Exhibit C**.

**3. PROPOSED CAPITAL IMPROVEMENT PLAN**

The CIP is intended to provide public infrastructure improvements for the lands within the District, which are planned for 303 residential units. The proposed site plan for the District is attached as **Exhibit D**. The following tables show the planned product types and land uses for the District:

**PRODUCT TYPES**

Product Type	Total Units
Single Family Detached (50')	237
Single Family Attached (32')	66
<b>TOTAL</b>	303

**LAND USE**

Land Use	Acreage
Lot Development	76.19
Roads	11.64
Common Areas	11.39
Stormwater Ponds	19.14
Open Space	20.90
<b>TOTAL</b>	139.26 +/-

The CIP infrastructure includes the following:

### **Stormwater Improvements**

The stormwater collection and outfall system are a combination of roadway curbs, curb inlets, pipe, control structures, and open ponds designed to treat and attenuate stormwater runoff from District lands. The stormwater collection system within the District discharges to the on-site retention ponds. The stormwater system will be designed consistent with the criteria established by the Southwest Florida Water Management District (“**SWFWMD**”) and the City for stormwater/floodplain management systems. The District will finance, own, operate and maintain the stormwater system, including inlets and storm sewer systems within the right-of-way.

### **Roadways**

The CIP includes the construction of subdivision roads within the District. The roads will include a two-lane primary boulevard serving as the main thoroughfare within the District. All other roads internal to the District will generally be single-lane undivided roads. The construction of such roads includes the roadway asphalt, base, and subgrade, roadway curb and gutter, striping, signage, and sidewalks. All roads will be designed in accordance with City standards and all roadway improvements financed by the District will be available for use by the general public.

### **Water, Sewer & Wastewater Utilities**

As part of the CIP, the District intends to construct and/or acquire water and wastewater infrastructure. In particular, the on-site water supply improvements include water mains that will be located within rights-of-way and used for potable water service and fire protection. The water and wastewater systems for all phases will be completed by the District and then dedicated to the City for operation and maintenance.

### **Landscape & Irrigation**

The District will construct and/or install landscaping and hardscaping within District common areas and rights-of-way. The hardscaping will consist of entry features and landscaping. All such hardscaping and landscaping will be owned, maintained, and funded by the District. Such infrastructure shall be within the rights-of-way, owned by the District and maintained by the District in order to be funded by the District. The District will also fund the maintenance, preservation, and improvement of wetlands, lakes, and wildlife links within District lands, as well as any reporting that may be required by the City, Polk County, or other governmental agencies.

The District intends to construct an irrigation system for the development that will provide a lower cost alternative to potable water for District landowners. The system will also provide water for the common areas, pond side slopes, etc. Installation, operation, and maintenance of any irrigation system will be the responsibility of the District.

### **Streetlights**

The CIP includes the under-grounding of electrical utility lines within right-of-way utility easements. It is anticipated that the District will lease streetlights from Duke Energy. Any lines and transformers located in such areas will be owned, operated, and maintained by Duke Energy.

### **Common Area Improvements**

In conjunction with the CIP, the District intends to construct amenity facilities including a clubhouse, tot lot, walking trails, dog parks, other similar facilities, and other passive recreational park areas. These improvements will be funded, owned, and maintained by the District.

The Developer may also choose to privately construct and finance such amenity facilities. All such improvements will be considered common elements for the exclusive benefit of the District landowners.

### **Soft Costs (Professional Services)**

The CIP includes various professional services. These include: (i) engineering, surveying, architectural and legal fees associated with implementation of the CIP, and (ii) permitting and plan review costs that are required for the design, permitting, construction, and maintenance of the public improvements and community facilities.

As noted, the CIP functions as a system of improvements benefiting all lands within the District.

### **Permitting**

The status of the applicable permits necessary for the CIP is as follows:

<b>Agency/Permit</b>	<b>Approval/Expected Approval Date</b>
City of Haines City	09/25/2024
SWFWMD	12/01/2023
Polk County Health Dept (Water)	05/10/2019
FDEP (Sewer)	05/2/2019
FDOT Access (SR 25)	TBD
FDOT Drainage (SR 25)	TBD
FDOT Access (SR 544 @ Hwy 27)	8/10/2023
FDOT Drainage (SR 544 @ Hwy 27)	TBD

#### 4. OPINION OF PROBABLE CONSTRUCTION COSTS

The table below presents, among other things, the cost estimate for the CIP. It is our professional opinion that the costs set forth in the table below are reasonable and consistent with market pricing.

Facility Description	Total Cost*	Construction Entity	Operation and Maintenance Entity
Public Earthwork & Site Preparation	\$ 950,000	CDD	CDD
Stormwater Improvements	\$ 1,100,000	CDD	CDD
Roadways	\$ 3,750,000	CDD	City
Water, Sewer & Wastewater Utilities	\$ 3,150,000	CDD	City
Landscape & Irrigation	\$ 400,000	CDD	CDD
Common Area Improvements	\$ 1,150,000	CDD	CDD
Streetlights	\$ 100,000	Conduit - CDD	Conduit – CDD Lights – Duke Energy
Soft Costs (Professional Services)	\$ 950,000		
Contingency	\$ 2,450,000		
<b>TOTAL</b>	<b>\$ 14,000,000</b>		

\*The probable costs estimated herein are subject to change and do not include anticipated carrying costs, interest reserves, or other anticipated CDD expenditures that may be incurred. All cost estimates are based on current market conditions as of the date of this Report and may require adjustment based on actual conditions at the time of construction.

#### 5. CONCLUSION

The CIP will be designed in accordance with current governmental regulations and requirements. The CIP will serve its intended function so long as the construction is in substantial compliance with the design.


It is further our opinion that:

- the estimated cost of the CIP as set forth herein is reasonable based on prices currently being experienced in the jurisdiction in which the District is located, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- all of the improvements comprising the CIP are required by applicable development approvals issued pursuant to Section 380.06, *Florida Statutes*;
- the CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course; and
- the assessable property within the District will receive a special benefit from the CIP that is at least equal to the costs of the CIP.

As described above, this report identifies the benefits from the CIP to the lands within the District. The general public, property owners, and property outside the District will benefit from the provisions of the District's CIP; however, these are incidental to the District's CIP, which is designed solely to provide special benefits peculiar to property within the District. Special and peculiar benefits accrue to property within the District and enable properties within its boundaries to be developed.

The CIP will be owned by the District or other governmental units, and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on perpetual easements in favor of the District or other governmental entity. The CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property. The District will pay the lesser of the cost of the components of the CIP or the fair market value.

Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water, etc.) to support the development and sale of the planned residential units in the District, which (subject to true-up determinations) number and type of units may be changed with the development of the site. Stated differently, during development and implementation of the public infrastructure improvements as described for the District, it may be necessary to make modifications and/or deviations to the plans, provided such modifications comply with all applicable governmental regulations and approvals, and the District expressly reserves the right to do so subject to these conditions.

 Digitally signed  
by Todd C  
Amaden  
Date: 2026.01.22  
13:49:35-05'00'

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Todd Amaden, P.E. (Florida License No. 3967)

- EXHIBIT A:** Legal Descriptions and Sketch of the District
- EXHIBIT B:** Vicinity Map
- EXHIBIT C:** Land Use Map
- EXHIBIT D:** Proposed Site Plan

# Legal Description and Sketch

Exhibit A

Section 05, Township 28 South, Range 27 East  
Polk County, Florida

## Description:

A parcel of land being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

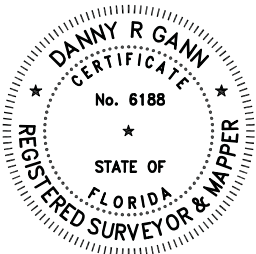
Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 03°09'47", and a chord distance of 160.89 feet; the southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.79 feet, a central angle of 17°04'16", a chord bearing of North 84°23'23" East, and a chord distance of 868.21 feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 871.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 832.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.11 feet, a central angle of 17°37'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 900.01 feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,330.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°23'26" East, 880.21 feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'26" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

## Surveyor's Notes:

1. This is not a boundary survey as defined in Florida Administrative Code 5J-17.052
2. Not valid without the original signature and seal of a Florida licensed Surveyor and Mapper unless affixed with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
3. This Legal Description and Sketch has been prepared without benefit of Title Commitment and is subject to any Dedications, Limitations, Restrictions, Reservations, Easements, Right-of-Ways, Agreements and/or other matters of record in Polk County, Florida, other than those shown hereon.
4. Bearings shown hereon are grid, based on the Florida State Plane Coordinate System, North American Datum of 1983 (2011 Adjustment), Florida West Zone, having a bearing of South 00°16'40" East along the west line of the Northwest 1/4 of Section 05, Township 28 South, Range 27 East, Polk County, Florida.
5. The parcel id (identification) numbers and ownership information shown hereon was obtained from the Polk County Property Appraisers web site.
6. The signed and sealed copies of this survey will be the record drawing for this project.

See sheet 2 of 2 for sketch

SHEET JOB NO. DATE  
1 of 2 3247 04/06/2021



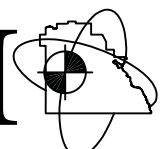
CREW CHIEF \_\_\_\_\_ FIELD DATE \_\_\_\_\_ DRAWN BY LSS

I, THE UNDERSIGNED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Danny R  
Gann

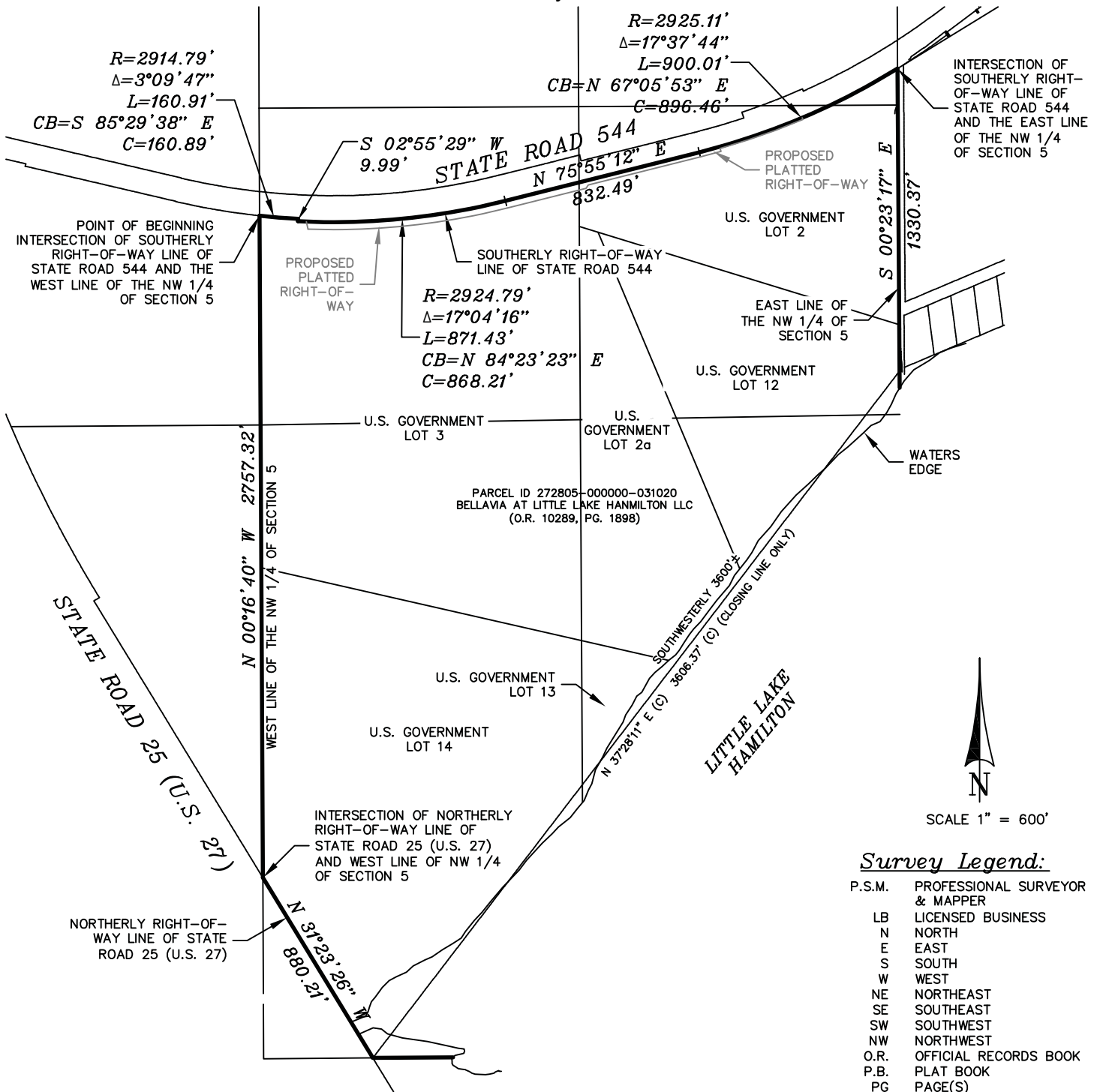
Digitally signed by  
Danny R Gann  
Date: 2021.04.06  
20:52:43 -04'00'

DANNY R. GANN, P.S.M. NO. 6188 STATE OF FLORIDA DATE

**RSI**   
**Rapid Surveying, Inc.**  
2000 East Edgewood Drive, Suite 106B  
Lakeland, Florida 33803  
PROFESSIONAL SURVEYORS & MAPPERS  
LICENSED BUSINESS L.B. #7568  
EMAIL: RSI@RAPIDSURVEYING.NET  
PHONE (863)668-9124 FAX (863) 668-9091

# Legal Description and Sketch

Section 05, Township 28 South, Range 27 East  
Polk County, Florida



SCALE 1" = 600'

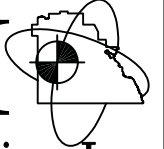
### Survey Legend:

P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
LB	LICENSED BUSINESS
N	NORTH
E	EAST
S	SOUTH
W	WEST
NE	NORTHEAST
SE	SOUTHEAST
SW	SOUTHWEST
NW	NORTHWEST
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG	PAGE(S)
ID	IDENTIFICATION

See sheet 1 of 2 for surveyor's notes, legal description and signature block

SHEET 2 of 2    JOB NO. 3247    DATE 04/06/2021

CREW CHIEF \_\_\_\_\_ FIELD DATE \_\_\_\_\_ DRAWN BY LSS

**RSI** 

**Rapid Surveying, Inc.**  
 2000 East Edgewood Drive, Suite 106B  
 Lakeland, Florida 33803  
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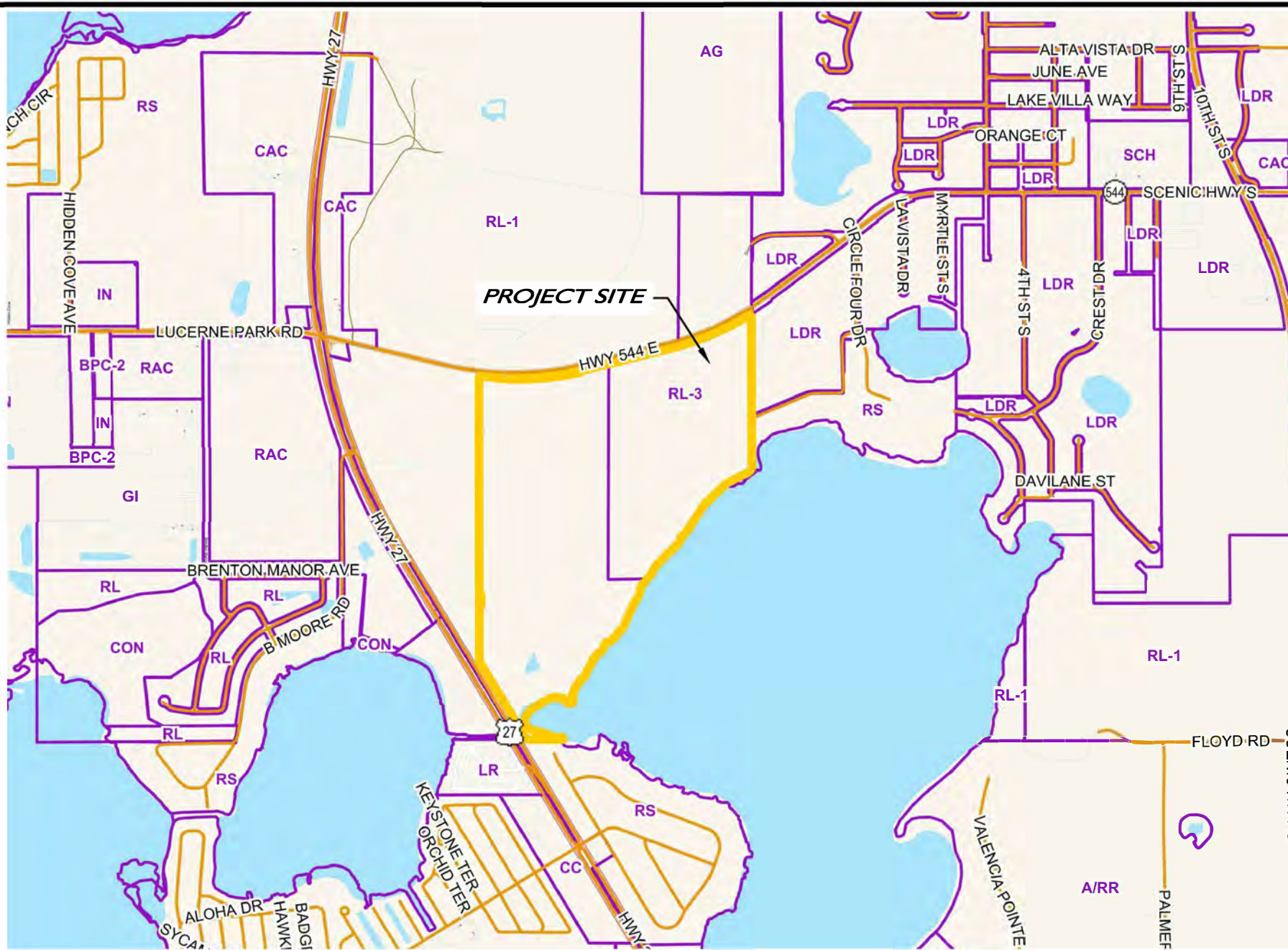
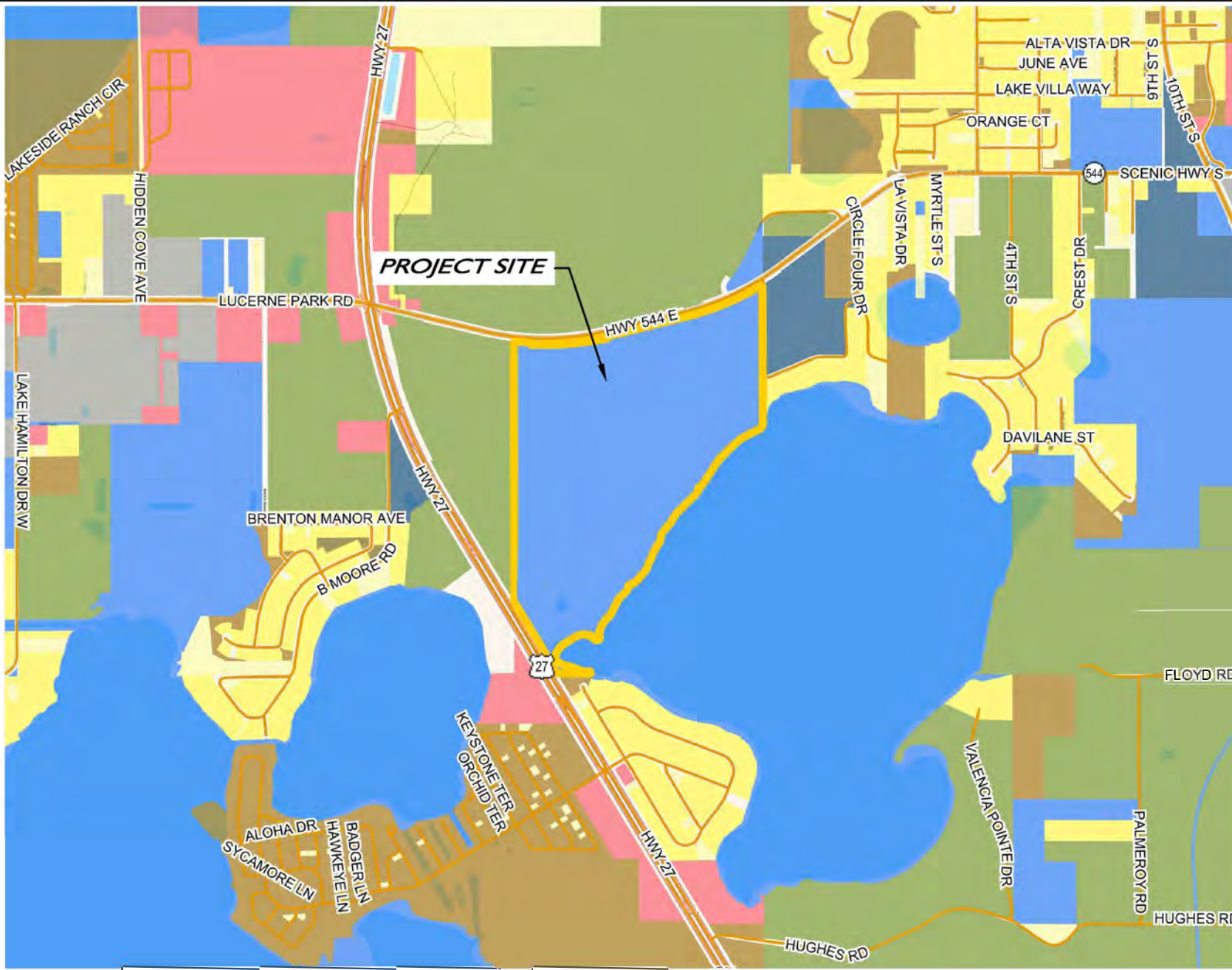


Exhibit B

**BELLAVIVA AT  
HAINES CITY  
HAINES CITY, FL.**



ENGINEERS • SURVEYORS • PLANNERS  
6700 South Florida Avenue,  
Suite 4, Lakeland, Florida 33813  
(863) 686-0544 • Fax: (863) 680-1434  
• SURVEYING AND MAPPING BUSINESS - LB 7454  
• PROFESSIONAL ENGINEERING SERVICES - CA#26683



Existing Land Use

Yellow	Vacant Residential
Light Yellow	Single Family
Orange	Condo
Brown	Other Residential
Pink	Commercial
Grey	Industrial
Green	Agricultural
Blue	Institutional
Dark Blue	Government / Other



Exhibit C

**BELLAVIVA AT  
HAINES CITY  
HAINES CITY, FL.**



ENGINEERS • SURVEYORS • PLANNERS  
6700 South Florida Avenue,  
Suite 4, Lakeland, Florida 33813  
(863)686-0544 • Fax: (863) 680-1434  
• SURVEYING AND MAPPING BUSINESS - LB 7454  
• PROFESSIONAL ENGINEERING SERVICES - CA#26683



# SECTION 2

**MASTER  
ASSESSMENT METHODOLOGY**

**FOR  
BELLAVIVA  
COMMUNITY DEVELOPMENT DISTRICT**

**Date: February 3, 2026**

**Prepared by**

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



**V3 2.16.2026**

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**GMS-CF, LLC does not represent the Bellaviva 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 Bellaviva Community Development District with financial advisory services or offer investment advice in any form.**

**1.0 Introduction**

The Bellaviva 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 \$18,685,000 of special assessment bonds in one or more series (the “Bonds”) for the purpose of financing certain infrastructure improvements within the District, more specifically described in the *Bellaviva Community Development District Master Engineer’s Report*, dated February 3, 2026 prepared by Landmark Engineering & Surveying Corporation, 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 190, 197 and 170, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

The District intends to impose non ad valorem special assessments on the benefited lands within the District based on this Assessment Report. It is anticipated that all of the proposed special assessments will be collected through the Uniform Method of Collection described in Section 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 139.26 acres located entirely within Haines City, Polk County, Florida. The development program currently envisions approximately 303 residential 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

public earthwork & site preparation, stormwater improvements, roadways, water, sewer, & wastewater utilities, landscape & irrigation, common area improvements, undergrounding conduit, soft costs (professional services) 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 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 equal to or 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 \$14,000,000. 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 \$18,685,000. Additionally, funding required to complete the CIP which is not financed with Bonds will be funded by Bellavia of Polk County, 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 \$18,685,000 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 \$18,685,000 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 and 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 \$14,000,000. 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 \$18,685,000. 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 303 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

Until all the land within the District has been platted and sold, the assessments on the portion of the land that has not been platted and sold are not fixed and determinable. The reasons for this are (1) until the lands are platted, the number of developable acres within each tract against which the assessments are levied is not determined; (2) the lands are subject to re-plat, which may result in changes in development density and product type; and (3) until the lands are sold it is unclear of the timing of the absorptions. Only after the property has been platted and sold will the developable acreage be determined, the final plat be certain, the developable density known, the product types be confirmed, and the timing of the sales solidified.

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 public earthwork & site preparation, stormwater improvements, roadways, water, sewer, & wastewater utilities, landscape & irrigation, common area improvements, undergrounding of conduit, soft costs (professional services) and contingency. There are *two* residential product types within the planned development. The Single Family 50' Lot 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 equals or 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 public earthwork & site preparation, stormwater improvements, roadways, water, sewer, & wastewater utilities, landscape & irrigation, common area improvements, undergrounding of conduit, soft costs (professional services) 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**

As of the date of this Assessment Report, there are no platted units within the District boundaries. Thus, 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. 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**  
**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**  
**DEVELOPMENT PROGRAM**  
**MASTER ASSESSMENT METHODOLOGY**

Product Types	No. of Units*	ERUs per Unit (1)	Total ERUs	ERU %
Single Family Attached (32')	66	0.64	42	15.13%
Single Family Detached (50')	237	1.00	237	84.87%
<b>Total Units</b>	<b>303</b>		<b>279</b>	<b>100.00%</b>

(1) Benefit is allocated on an ERU basis based on the special benefit received from the CIP improvements. The allocation is based on density of planned development, with a Single Family 50' Unit equal to 1 ERU. The District has determined that this allocation methodology provides a fair and reasonable apportionment of the debt among the benefited properties in accordance with Section 170.201, Florida Statutes.

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 2  
 BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT  
 INFRASTRUCTURE COST ESTIMATES  
 MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Public Earthwork & Site Preparation	\$950,000
Stormwater Improvements	\$1,100,000
Roadways	\$3,750,000
Water, Sewer & Wastewater Utilities	\$3,150,000
Landscape & Irrigation	\$400,000
Common Area Improvements	\$1,150,000
Streetlights	\$100,000
Soft Costs (Professional Services)	\$950,000
Contingency	\$2,450,000
<b>Total</b>	<b>\$14,000,000</b>

(1) A detailed description of these improvements is provided in the *Bellaviva Community Development District Master Engineer's Report*, dated February 3, 2026

Prepared by: Governmental Management Services - Central Florida, LLC

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

<b>Description</b>	<b>Total</b>
Construction Funds	\$14,000,000
Debt Service Reserve	\$1,430,850
Capitalized Interest	\$2,429,050
Underwriters Discount	\$373,700
Cost of Issuance	\$450,000
Rounding	\$1,400
<b>Par Amount*</b>	<b>\$18,685,000</b>

Bond Assumptions:

Average Coupon	6.50%
Amortization	30 years
Capitalized Interest	24 months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

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

Prepared by: Governmental Management Services - Central Florida, LLC

**TABLE 4**  
**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**  
**ALLOCATION OF BENEFIT**  
**MASTER ASSESSMENT METHODOLOGY**

Product Types	No. of Units *	ERU Factor	Total ERUs	% of Total ERUs	Total Improvements Costs Per Product Type	Improvement Costs Per Unit
Single Family Attached (32')	66	0.64	42	15.13%	\$2,117,748	\$32,087
Single Family Detached (50')	237	1.00	237	84.87%	\$11,882,252	\$50,136
Totals	303		279	100.00%	\$14,000,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

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

Product Types	No. of Units *	Total Improvements Costs Per Product Type	Allocation of Par Debt Per Product Type	Par Debt Per Unit
Single Family Attached (32')	66	\$2,117,748	\$2,826,437	\$42,825
Single Family Detached (50')	237	\$11,882,252	\$15,858,563	\$66,914
Totals	303	\$14,000,000	\$18,685,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

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

Product Types	No. of Units *	Allocation of Par Debt Per Product Type	Total Par Debt Per Unit	Maximum Annual Debt Service	Net Annual Debt Assessment Per Unit	Gross Annual Debt Assessment Per Unit (1)
Single Family Attached (32')	66	\$2,826,437	\$42,825	\$216,441	\$3,279	\$3,526
Single Family Detached (50')	237	\$15,858,563	\$66,914	\$1,214,408	\$5,124	\$5,510
Totals	303	\$18,685,000		\$1,430,850		

(1) This amount includes 7% for collection fees and early payment discounts when collected on the Polk County Tax Bill

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

Prepared by: Governmental Management Services - Central Florida, LLC

**TABLE 7**  
**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**  
**PRELIMINARY ASSESSMENT ROLL**  
**MASTER ASSESSMENT METHODOLOGY**

Owner	Parcel ID*	Net Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0003-1020	91.55	\$134,173	\$12,283,395	\$940,631	\$1,011,431
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0003-4020	12.71	\$134,173	\$1,705,063	\$130,569	\$140,397
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0004-4020	14.28	\$134,173	\$1,915,984	\$146,721	\$157,765
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0004-1010	4.04	\$134,173	\$542,557	\$41,548	\$44,675
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0003-4010	7.08	\$134,173	\$949,841	\$72,736	\$78,211
KOSH PROPERTIES LLC	27-28-05-0000-0003-4040	9.60	\$134,173	\$1,288,159	\$98,644	\$106,069
<b>Totals</b>		<b>139.26</b>		<b>\$17,396,841</b>	<b>\$1,430,850</b>	<b>\$1,538,548</b>

(1) This amount includes 7% to cover collection costs and early payment discounts as authorized by Section 197.3632, Florida Statutes, when collected utilizing the uniform method of collection pursuant to Chapter 197, Florida Statutes.

Annual Assessment Periods	30
Average Coupon Rate (%)	6.50%
Maximum Annual Debt Service	\$1,430,850

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

Prepared by: Governmental Management Services - Central Florida, LLC

**Exhibit A  
Property Description**

## *Legal Description and Sketch*

Section 05, Township 28 South, Range 27 East  
Polk County, Florida

**Description:**



A parcel of land being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 0°39'47", and a chord distance of 150.89 feet; thence southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.70 feet, a central angle of 17°04'16", a chord bearing of North 04°23'23" East, and a chord distance of 858.2' feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 674.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 632.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.1' feet, a central angle of 17°57'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 800.0' feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,353.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°25'26" East, 880.2' feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'26" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

**Surveyor's Notes:**

1. This is not a boundary survey as defined in Florida Administrative Code 5J-17.052
2. Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper unless attized with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
3. This Legal Description and Sketch has been prepared without benefit of Title Commitment and is subject to any Dedications, Limitations, Restrictions, Reservations, Easements, Rights-of-Ways, Agreements and/or other matters of record in Polk County, Florida, other than those shown hereon.
4. Bearings shown hereon are grid, based on the Florida State Plane Coordinate System, North American Datum of 1983 (20' Adjustment), Florida West Zone, having a bearing of South 00°16'40" East along the west line of the Northwest 1/4 of Section 05, Township 28 South, Range 27 East, Polk County, Florida.
5. The parcel id (identification) numbers and ownership information shown hereon was obtained from the Polk County Property Appraisers web site.
6. The signed and sealed copies of this survey will be the record drawing for this project.

See sheet 2 of 2 for sketch

<p>SHEET JOB NO. DATE 1 of 2 3247 04/20/2021</p> 	<p>CREW CHIEF _____ FIELD DATE _____ DRAWN BY <u>LSS</u></p> <p>I, THE LICENSED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.327 FLORIDA STATUTES</p> <p>_____ DANNY R. GANN, P.S.M. NO. 6188 STATE OF FLORIDA DATE _____</p>	 <p><b>Rapid Surveying, Inc.</b> 2005 East Edgewood Drive, Suite 106P Lakeland, Florida 33803 PROFESSIONAL SURVEYORS &amp; MAPPERS LICENSED BUSINESS LB #7568 EMAIL: RSHR@RSISURVEYING.NET PHONE (863)666-9124 FAX (863) 666-9091</p>
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# SECTION 3

**RESOLUTION 2026-33**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT PROJECTS FOR CONSTRUCTION AND/OR ACQUISITION OF 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**, Bellaviva 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 BELLAVIVA 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; offsite roadway improvements; stormwater management system; water and wastewater utilities; irrigation system; hardscaping and landscaping; amenity facilities; undergrounding of electrical utility lines; 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 *Bellaviva Community Development District Master Engineer's Report*, dated February 3, 2026 (the “**Engineer's Report**”) (attached as **Exhibit A** hereto and incorporated herein by this reference), and which plans and specifications are on file and available for public inspection during normal business hours 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 2026-32, 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 2026-32 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 2026-32, said Resolution was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher's affidavit of publication is on file with the Secretary of the Board.

(i) As directed by Resolution 2026-32, 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 2026-32, 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.

(l) On April 7, 2026, at the time and place specified in Resolution 2026-32 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 *Master Assessment Methodology for Bellaviva Community Development District*, dated February 3, 2026, as may be supplemented from time to time (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. 2026-32, 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; DEFAULT AND REMEDIES.**

(a) The Assessments may be paid in not more than thirty (30) substantially equal consecutive annual installments of principal and interest, calculated in accordance with the Assessment Report and any applicable bond indenture or supplemental resolution. The Assessments may be paid in full without interest at any time within thirty (30) days after both (i) the completion of the Capital Improvements and (ii) 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, except as may be expressly provided in the applicable bond indenture or supplemental resolution for a particular series of Bonds.

(b) The District hereby elects to use the method of collecting Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* (the “**Uniform Method**”), unless the Board determines by subsequent resolution that an alternative collection method is in the District's best interest. The District has heretofore taken or hereby commits to take within the timeframes required by law, all 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, including but not limited to filing foreclosure proceedings pursuant to Chapter 170, *Florida Statutes*, or pursuing any other available legal or equitable remedies.

(c) For the period the District uses the Uniform Method, the District shall enter into an agreement with the Tax Collector of Polk County, Florida, 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.

(c) The foregoing is based on the District's understanding with landowner and/or 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 written consent thereto from the applicable governmental unit. 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 Polk 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.

**APPROVED AND ADOPTED** this 7<sup>th</sup> day of April, 2026.

Attest:

**BELLAVIVA COMMUNITY  
DEVELOPMENT DISTRICT**

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

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

**Exhibit A:** *Bellaviva Community Development District Master Engineer's Report*, dated February 3, 2026

**Exhibit B:** *Master Assessment Methodology for Bellaviva Community Development District*, dated February 3, 2026

**Exhibit A:**

*Bellaviva Community Development District Master Engineer's Report, dated February 3, 2026*

**BELLAVIVA COMMUNITY  
DEVELOPMENT DISTRICT**

**MASTER ENGINEER'S REPORT**

February 3, 2026

PREPARED FOR:

**BOARD OF SUPERVISORS  
BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**

PREPARED BY:

**LANDMARK ENGINEERING & SURVEYING CORPORATION**  
8515 Palm River Road  
Tampa, Florida 33619

**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT  
MASTER ENGINEER’S REPORT**

**1. INTRODUCTION**

The purpose of this report is to provide a description of the Capital Improvement Plan (“CIP”), and estimated costs of the CIP, for the Bellaviva Community Development District (the “District” or “CDD”). The District plans to design, permit, finance, acquire and/or construct, operate, and maintain all or part of certain infrastructure necessary for community development within the District.

The District was established pursuant to Ordinance No. 21-1743 adopted by the City Commission of the City of Haines City, Florida, on August 19, 2021. The sole owner of all lands within the District is Bellaviva of Polk County, LLC, and the developer is also Bellaviva of Polk County, LLC (the “Developer”).

**2. GENERAL SITE DESCRIPTION**

The District is located entirely within Haines City, Florida (“City”), and covers approximately 139.26 acres of land, more or less. **Exhibit A** is a metes and bounds legal description of the District’s boundaries. The District is generally located north of Little Lake Hamilton, east of U.S. Highway 27, south of State Road 544, and west of Lake Hamilton Drive. A Vicinity Map is included as **Exhibit B**. The project areas, and surrounding areas, land use and zoning classifications are depicted in **Exhibit C**.

**3. PROPOSED CAPITAL IMPROVEMENT PLAN**

The CIP is intended to provide public infrastructure improvements for the lands within the District, which are planned for 303 residential units. The proposed site plan for the District is attached as **Exhibit D**. The following tables show the planned product types and land uses for the District:

**PRODUCT TYPES**

<b>Product Type</b>	<b>Total Units</b>
Single Family Detached (50’)	237
Single Family Attached (32’)	66
<b>TOTAL</b>	<b>303</b>

**LAND USE**

<b>Land Use</b>	<b>Acreage</b>
Lot Development	76.19
Roads	11.64
Common Areas	11.39
Stormwater Ponds	19.14
Open Space	20.90
<b>TOTAL</b>	<b>139.26 +/-</b>

The CIP infrastructure includes the following:

### **Stormwater Improvements**

The stormwater collection and outfall system are a combination of roadway curbs, curb inlets, pipe, control structures, and open ponds designed to treat and attenuate stormwater runoff from District lands. The stormwater collection system within the District discharges to the on-site retention ponds. The stormwater system will be designed consistent with the criteria established by the Southwest Florida Water Management District (“**SWFWMD**”) and the City for stormwater/floodplain management systems. The District will finance, own, operate and maintain the stormwater system, including inlets and storm sewer systems within the right-of-way.

### **Roadways**

The CIP includes the construction of subdivision roads within the District. The roads will include a two-lane primary boulevard serving as the main thoroughfare within the District. All other roads internal to the District will generally be single-lane undivided roads. The construction of such roads includes the roadway asphalt, base, and subgrade, roadway curb and gutter, striping, signage, and sidewalks. All roads will be designed in accordance with City standards and all roadway improvements financed by the District will be available for use by the general public.

### **Water, Sewer & Wastewater Utilities**

As part of the CIP, the District intends to construct and/or acquire water and wastewater infrastructure. In particular, the on-site water supply improvements include water mains that will be located within rights-of-way and used for potable water service and fire protection. The water and wastewater systems for all phases will be completed by the District and then dedicated to the City for operation and maintenance.

### **Landscape & Irrigation**

The District will construct and/or install landscaping and hardscaping within District common areas and rights-of-way. The hardscaping will consist of entry features and landscaping. All such hardscaping and landscaping will be owned, maintained, and funded by the District. Such infrastructure shall be within the rights-of-way, owned by the District and maintained by the District in order to be funded by the District. The District will also fund the maintenance, preservation, and improvement of wetlands, lakes, and wildlife links within District lands, as well as any reporting that may be required by the City, Polk County, or other governmental agencies.

The District intends to construct an irrigation system for the development that will provide a lower cost alternative to potable water for District landowners. The system will also provide water for the common areas, pond side slopes, etc. Installation, operation, and maintenance of any irrigation system will be the responsibility of the District.

### **Streetlights**

The CIP includes the under-grounding of electrical utility lines within right-of-way utility easements. It is anticipated that the District will lease streetlights from Duke Energy. Any lines and transformers located in such areas will be owned, operated, and maintained by Duke Energy.

### **Common Area Improvements**

In conjunction with the CIP, the District intends to construct amenity facilities including a clubhouse, tot lot, walking trails, dog parks, other similar facilities, and other passive recreational park areas. These improvements will be funded, owned, and maintained by the District.

The Developer may also choose to privately construct and finance such amenity facilities. All such improvements will be considered common elements for the exclusive benefit of the District landowners.

### **Soft Costs (Professional Services)**

The CIP includes various professional services. These include: (i) engineering, surveying, architectural and legal fees associated with implementation of the CIP, and (ii) permitting and plan review costs that are required for the design, permitting, construction, and maintenance of the public improvements and community facilities.

As noted, the CIP functions as a system of improvements benefiting all lands within the District.

### **Permitting**

The status of the applicable permits necessary for the CIP is as follows:

<b>Agency/Permit</b>	<b>Approval/Expected Approval Date</b>
City of Haines City	09/25/2024
SWFWMD	12/01/2023
Polk County Health Dept (Water)	05/10/2019
FDEP (Sewer)	05/2/2019
FDOT Access (SR 25)	TBD
FDOT Drainage (SR 25)	TBD
FDOT Access (SR 544 @ Hwy 27)	8/10/2023
FDOT Drainage (SR 544 @ Hwy 27)	TBD

#### 4. OPINION OF PROBABLE CONSTRUCTION COSTS

The table below presents, among other things, the cost estimate for the CIP. It is our professional opinion that the costs set forth in the table below are reasonable and consistent with market pricing.

Facility Description	Total Cost*	Construction Entity	Operation and Maintenance Entity
Public Earthwork & Site Preparation	\$ 950,000	CDD	CDD
Stormwater Improvements	\$ 1,100,000	CDD	CDD
Roadways	\$ 3,750,000	CDD	City
Water, Sewer & Wastewater Utilities	\$ 3,150,000	CDD	City
Landscape & Irrigation	\$ 400,000	CDD	CDD
Common Area Improvements	\$ 1,150,000	CDD	CDD
Streetlights	\$ 100,000	Conduit - CDD	Conduit – CDD Lights – Duke Energy
Soft Costs (Professional Services)	\$ 950,000		
Contingency	\$ 2,450,000		
<b>TOTAL</b>	<b>\$ 14,000,000</b>		

\*The probable costs estimated herein are subject to change and do not include anticipated carrying costs, interest reserves, or other anticipated CDD expenditures that may be incurred. All cost estimates are based on current market conditions as of the date of this Report and may require adjustment based on actual conditions at the time of construction.

#### 5. CONCLUSION

The CIP will be designed in accordance with current governmental regulations and requirements. The CIP will serve its intended function so long as the construction is in substantial compliance with the design.


It is further our opinion that:

- the estimated cost of the CIP as set forth herein is reasonable based on prices currently being experienced in the jurisdiction in which the District is located, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- all of the improvements comprising the CIP are required by applicable development approvals issued pursuant to Section 380.06, *Florida Statutes*;
- the CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course; and
- the assessable property within the District will receive a special benefit from the CIP that is at least equal to the costs of the CIP.

As described above, this report identifies the benefits from the CIP to the lands within the District. The general public, property owners, and property outside the District will benefit from the provisions of the District's CIP; however, these are incidental to the District's CIP, which is designed solely to provide special benefits peculiar to property within the District. Special and peculiar benefits accrue to property within the District and enable properties within its boundaries to be developed.

The CIP will be owned by the District or other governmental units, and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on perpetual easements in favor of the District or other governmental entity. The CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property. The District will pay the lesser of the cost of the components of the CIP or the fair market value.

Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water, etc.) to support the development and sale of the planned residential units in the District, which (subject to true-up determinations) number and type of units may be changed with the development of the site. Stated differently, during development and implementation of the public infrastructure improvements as described for the District, it may be necessary to make modifications and/or deviations to the plans, provided such modifications comply with all applicable governmental regulations and approvals, and the District expressly reserves the right to do so subject to these conditions.

 Digitally signed  
by Todd C  
Amaden  
Date: 2026.01.22  
13:49:35-05'00'

---

Todd Amaden, P.E. (Florida License No. 3967)

- EXHIBIT A:** Legal Descriptions and Sketch of the District
- EXHIBIT B:** Vicinity Map
- EXHIBIT C:** Land Use Map
- EXHIBIT D:** Proposed Site Plan

# Legal Description and Sketch

Exhibit A

Section 05, Township 28 South, Range 27 East  
Polk County, Florida

## Description:

A parcel of land being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

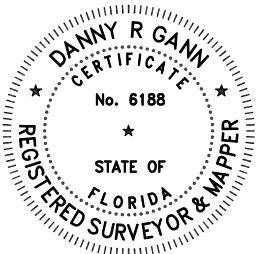
Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 03°09'47", and a chord distance of 160.89 feet; the southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.79 feet, a central angle of 17°04'16", a chord bearing of North 84°23'23" East, and a chord distance of 868.21 feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 871.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 832.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.11 feet, a central angle of 17°37'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 900.01 feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,330.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°23'26" East, 880.21 feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'26" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

## Surveyor's Notes:

1. This is not a boundary survey as defined in Florida Administrative Code 5J-17.052
2. Not valid without the original signature and seal of a Florida licensed Surveyor and Mapper unless affixed with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
3. This Legal Description and Sketch has been prepared without benefit of Title Commitment and is subject to any Dedications, Limitations, Restrictions, Reservations, Easements, Right-of-Ways, Agreements and/or other matters of record in Polk County, Florida, other than those shown hereon.
4. Bearings shown hereon are grid, based on the Florida State Plane Coordinate System, North American Datum of 1983 (2011 Adjustment), Florida West Zone, having a bearing of South 00°16'40" East along the west line of the Northwest 1/4 of Section 05, Township 28 South, Range 27 East, Polk County, Florida.
5. The parcel id (identification) numbers and ownership information shown hereon was obtained from the Polk County Property Appraisers web site.
6. The signed and sealed copies of this survey will be the record drawing for this project.

See sheet 2 of 2 for sketch

SHEET JOB NO. DATE  
1 of 2 3247 04/06/2021



CREW CHIEF \_\_\_\_\_ FIELD DATE \_\_\_\_\_ DRAWN BY LSS

I, THE UNDERSIGNED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Danny R  
Gann

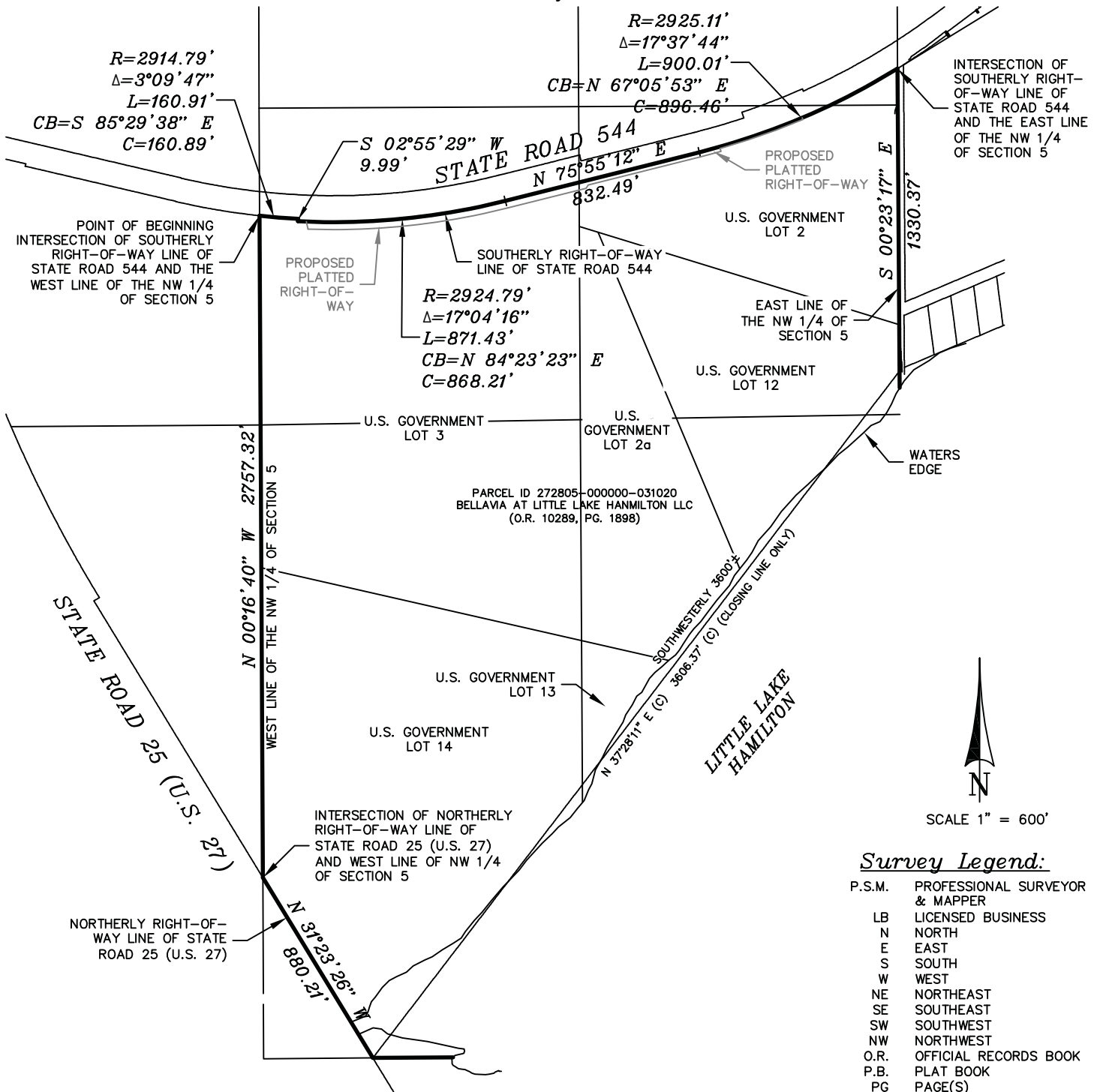
Digitally signed by  
Danny R Gann  
Date: 2021.04.06  
20:52:43 -04'00'

DANNY R. GANN, P.S.M. NO. 6188 STATE OF FLORIDA DATE

**RSI**  
Rapid Surveying, Inc.  
2000 East Edgewood Drive, Suite 106B  
Lakeland, Florida 33803  
PROFESSIONAL SURVEYORS & MAPPERS  
LICENSED BUSINESS L.B. #7568  
EMAIL: RSI@RAPIDSURVEYING.NET  
PHONE (863)668-9124 FAX (863) 668-9091

# Legal Description and Sketch

Section 05, Township 28 South, Range 27 East  
Polk County, Florida



**Survey Legend:**

P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
LB	LICENSED BUSINESS
N	NORTH
E	EAST
S	SOUTH
W	WEST
NE	NORTHEAST
SE	SOUTHEAST
SW	SOUTHWEST
NW	NORTHWEST
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG	PAGE(S)
ID	IDENTIFICATION

See sheet 1 of 2 for surveyor's notes, legal description and signature block

SHEET 2 of 2    JOB NO. 3247    DATE 04/06/2021

CREW CHIEF \_\_\_\_\_ FIELD DATE \_\_\_\_\_ DRAWN BY LSS

**RSI** 

**Rapid Surveying, Inc.**  
2000 East Edgewood Drive, Suite 106B  
Lakeland, Florida 33803  
PROFESSIONAL SURVEYORS & MAPPERS  
LICENSED BUSINESS L.B. #7568  
EMAIL: [RSI@RAPIDSURVEYING.NET](mailto:RSI@RAPIDSURVEYING.NET)  
PHONE (863)668-9124 FAX (863) 668-9091

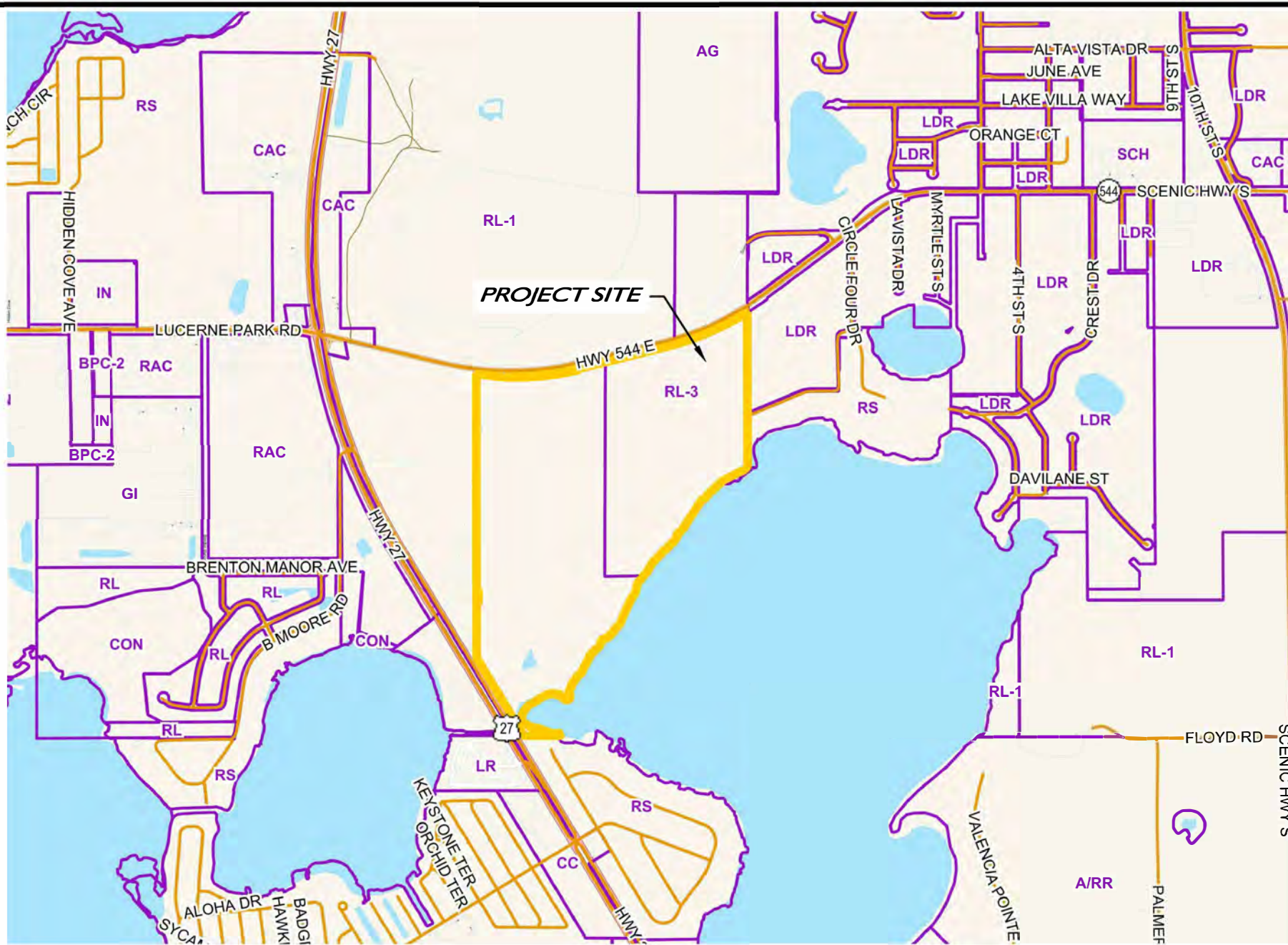
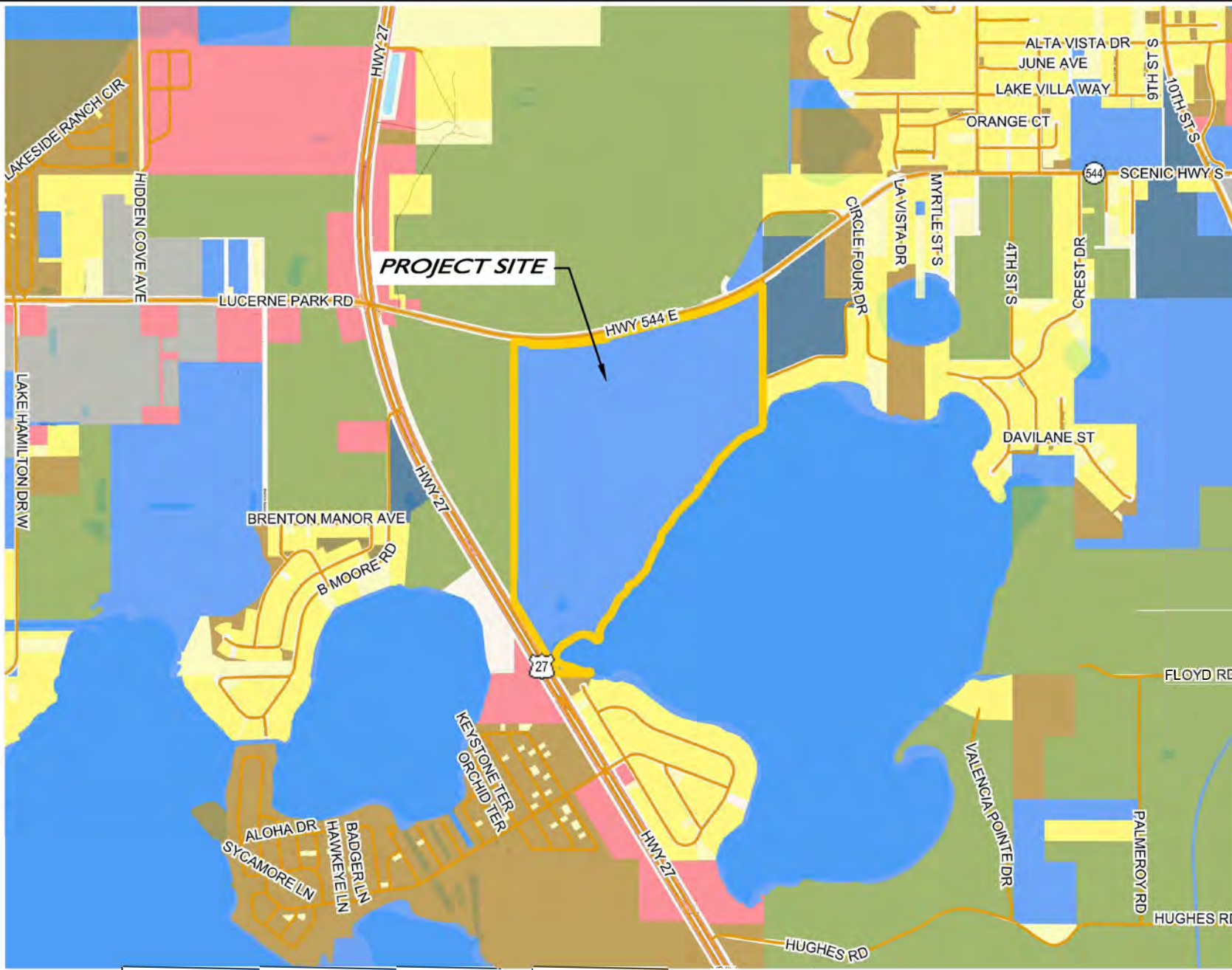


Exhibit B

**BELLAVIVA AT  
HAINES CITY  
HAINES CITY, FL.**



ENGINEERS • SURVEYORS • PLANNERS  
6700 South Florida Avenue,  
Suite 4, Lakeland, Florida 33813  
(863) 686-0544 • Fax: (863) 680-1434  
• SURVEYING AND MAPPING BUSINESS - LB 7454  
• PROFESSIONAL ENGINEERING SERVICES - CA#26683



Existing Land Use	
	Vacant Residential
	Single Family
	Condo
	Other Residential
	Commercial
	Industrial
	Agricultural
	Institutional
	Government / Other

Exhibit C

**BELLAVIVA AT  
HAINES CITY  
HAINES CITY, FL.**



ENGINEERS • SURVEYORS • PLANNERS  
6700 South Florida Avenue,  
Suite 4, Lakeland, Florida 33813  
(863) 686-0544 • Fax: (863) 680-1434  
• SURVEYING AND MAPPING BUSINESS - LB 7454  
• PROFESSIONAL ENGINEERING SERVICES - CA#26683



**Exhibit B:**

*Master Assessment Methodology for Bellaviva Community Development District*, dated February 3, 2026

**MASTER  
ASSESSMENT METHODOLOGY**

**FOR  
BELLAVIVA  
COMMUNITY DEVELOPMENT DISTRICT**

**Date: February 3, 2026**

**Prepared by**

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



**V3 2.16.2026**

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**GMS-CF, LLC does not represent the Bellaviva 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 Bellaviva Community Development District with financial advisory services or offer investment advice in any form.**

**1.0 Introduction**

The Bellaviva 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 \$18,685,000 of special assessment bonds in one or more series (the “Bonds”) for the purpose of financing certain infrastructure improvements within the District, more specifically described in the *Bellaviva Community Development District Master Engineer’s Report*, dated February 3, 2026 prepared by Landmark Engineering & Surveying Corporation, 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 190, 197 and 170, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

The District intends to impose non ad valorem special assessments on the benefited lands within the District based on this Assessment Report. It is anticipated that all of the proposed special assessments will be collected through the Uniform Method of Collection described in Section 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 139.26 acres located entirely within Haines City, Polk County, Florida. The development program currently envisions approximately 303 residential 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

public earthwork & site preparation, stormwater improvements, roadways, water, sewer, & wastewater utilities, landscape & irrigation, common area improvements, undergrounding conduit, soft costs (professional services) 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 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 equal to or 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 \$14,000,000. 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 \$18,685,000. Additionally, funding required to complete the CIP which is not financed with Bonds will be funded by Bellavia of Polk County, 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 \$18,685,000 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 \$18,685,000 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 and 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 \$14,000,000. 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 \$18,685,000. 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 303 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

Until all the land within the District has been platted and sold, the assessments on the portion of the land that has not been platted and sold are not fixed and determinable. The reasons for this are (1) until the lands are platted, the number of developable acres within each tract against which the assessments are levied is not determined; (2) the lands are subject to re-plat, which may result in changes in development density and product type; and (3) until the lands are sold it is unclear of the timing of the absorptions. Only after the property has been platted and sold will the developable acreage be determined, the final plat be certain, the developable density known, the product types be confirmed, and the timing of the sales solidified.

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 public earthwork & site preparation, stormwater improvements, roadways, water, sewer, & wastewater utilities, landscape & irrigation, common area improvements, undergrounding of conduit, soft costs (professional services) and contingency. There are *two* residential product types within the planned development. The Single Family 50’ Lot 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 equals or 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 public earthwork & site preparation, stormwater improvements, roadways, water, sewer, & wastewater utilities, landscape & irrigation, common area improvements, undergrounding of conduit, soft costs (professional services) 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**

As of the date of this Assessment Report, there are no platted units within the District boundaries. Thus, 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. 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**  
**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**  
**DEVELOPMENT PROGRAM**  
**MASTER ASSESSMENT METHODOLOGY**

Product Types	No. of Units*	ERUs per Unit (1)	Total ERUs	ERU %
Single Family Attached (32')	66	0.64	42	15.13%
Single Family Detached (50')	237	1.00	237	84.87%
<b>Total Units</b>	<b>303</b>		<b>279</b>	<b>100.00%</b>

(1) Benefit is allocated on an ERU basis based on the special benefit received from the CIP improvements. The allocation is based on density of planned development, with a Single Family 50' Unit equal to 1 ERU. The District has determined that this allocation methodology provides a fair and reasonable apportionment of the debt among the benefited properties in accordance with Section 170.201, Florida Statutes.

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 2  
 BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT  
 INFRASTRUCTURE COST ESTIMATES  
 MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Public Earthwork & Site Preparation	\$950,000
Stormwater Improvements	\$1,100,000
Roadways	\$3,750,000
Water, Sewer & Wastewater Utilities	\$3,150,000
Landscape & Irrigation	\$400,000
Common Area Improvements	\$1,150,000
Streetlights	\$100,000
Soft Costs (Professional Services)	\$950,000
Contingency	\$2,450,000
<b>Total</b>	<b>\$14,000,000</b>

(1) A detailed description of these improvements is provided in the *Bellaviva Community Development District Master Engineer's Report*, dated February 3, 2026

Prepared by: Governmental Management Services - Central Florida, LLC

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

<b>Description</b>	<b>Total</b>
Construction Funds	\$14,000,000
Debt Service Reserve	\$1,430,850
Capitalized Interest	\$2,429,050
Underwriters Discount	\$373,700
Cost of Issuance	\$450,000
Rounding	\$1,400
<b>Par Amount*</b>	<b>\$18,685,000</b>

Bond Assumptions:

Average Coupon	6.50%
Amortization	30 years
Capitalized Interest	24 months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

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

Prepared by: Governmental Management Services - Central Florida, LLC

**TABLE 4  
 BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT  
 ALLOCATION OF BENEFIT  
 MASTER ASSESSMENT METHODOLOGY**

Product Types	No. of Units *	ERU Factor	Total ERUs	% of Total ERUs	Total Improvements Costs Per Product Type	Improvement Costs Per Unit
Single Family Attached (32')	66	0.64	42	15.13%	\$2,117,748	\$32,087
Single Family Detached (50')	237	1.00	237	84.87%	\$11,882,252	\$50,136
Totals	303		279	100.00%	\$14,000,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

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

Product Types	No. of Units *	Total Improvements Costs Per Product Type	Allocation of Par Debt Per Product Type	Par Debt Per Unit
Single Family Attached (32')	66	\$2,117,748	\$2,826,437	\$42,825
Single Family Detached (50')	237	\$11,882,252	\$15,858,563	\$66,914
Totals	303	\$14,000,000	\$18,685,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

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

Product Types	No. of Units *	Allocation of Par Debt Per Product Type	Total Par Debt Per Unit	Maximum Annual Debt Service	Net Annual Debt Assessment Per Unit	Gross Annual Debt Assessment Per Unit (1)
Single Family Attached (32')	66	\$2,826,437	\$42,825	\$216,441	\$3,279	\$3,526
Single Family Detached (50')	237	\$15,858,563	\$66,914	\$1,214,408	\$5,124	\$5,510
Totals	303	\$18,685,000		\$1,430,850		

(1) This amount includes 7% for collection fees and early payment discounts when collected on the Polk County Tax Bill

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

Prepared by: Governmental Management Services - Central Florida, LLC

**TABLE 7**  
**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**  
**PRELIMINARY ASSESSMENT ROLL**  
**MASTER ASSESSMENT METHODOLOGY**

Owner	Parcel ID*	Net Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0003-1020	91.55	\$134,173	\$12,283,395	\$940,631	\$1,011,431
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0003-4020	12.71	\$134,173	\$1,705,063	\$130,569	\$140,397
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0004-4020	14.28	\$134,173	\$1,915,984	\$146,721	\$157,765
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0004-1010	4.04	\$134,173	\$542,557	\$41,548	\$44,675
BELLAVIA OF POLK COUNTY LLC	27-28-05-0000-0003-4010	7.08	\$134,173	\$949,841	\$72,736	\$78,211
KOSH PROPERTIES LLC	27-28-05-0000-0003-4040	9.60	\$134,173	\$1,288,159	\$98,644	\$106,069
<b>Totals</b>		<b>139.26</b>		<b>\$17,396,841</b>	<b>\$1,430,850</b>	<b>\$1,538,548</b>

(1) This amount includes 7% to cover collection costs and early payment discounts as authorized by Section 197.3632, Florida Statutes, when collected utilizing the uniform method of collection pursuant to Chapter 197, Florida Statutes.

Annual Assessment Periods	30
Average Coupon Rate (%)	6.50%
Maximum Annual Debt Service	\$1,430,850

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

Prepared by: Governmental Management Services - Central Florida, LLC

**Exhibit A  
Property Description**

*Legal Description and Sketch*

Section 05, Township 28 South, Range 27 East  
Polk County, Florida

Description:

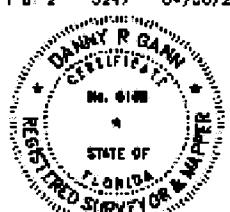

A parcel of land being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 0°39'47", and a chord distance of 150.89 feet; thence southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.70 feet, a central angle of 1°04'16", a chord bearing of North 04°23'23" East, and a chord distance of 858.2' feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 674.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 632.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.1' feet, a central angle of 1°37'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 800.0' feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,353.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°23'26" East, 880.2' feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'26" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

Surveyor's Notes:

1. This is not a boundary survey as defined in Florida Administrative Code 5J-17.052
2. Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper unless attized with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
3. This Legal Description and Sketch has been prepared without benefit of Title Commitment and is subject to any Dedications, Limitations, Restrictions, Reservations, Easements, Rights-of-Ways, Agreements and/or other matters of record in Polk County, Florida, other than those shown hereon.
4. Bearings shown hereon are grid based on the Florida State Plane Coordinate System, North American Datum of 1983 (20' Adjustment), Florida West Zone, having a bearing of South 00°16'40" East along the west line of the Northwest 1/4 of Section 05, Township 28 South, Range 27 East, Polk County, Florida.
5. The parcel id (identification) numbers and ownership information shown hereon was obtained from the Polk County Property Appraisers web site.
6. The signed and sealed copies of this survey will be the record drawing for this project.

See sheet 2 of 2 for sketch

<p>SHEET JOB NO. DATE 1 of 2 3247 04/20/2021</p> 	<p>CREW CHIEF _____ FIELD DATE _____ DRAWN BY <u>LSS</u></p> <p>I, THE LICENSED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.327 FLORIDA STATUTES</p> <p>_____ DANNY R. GANN, P.S.M. NO. 6188 STATE OF FLORIDA DATE _____</p>	 <p><b>RSI</b> <b>Rapid Surveying, Inc.</b></p> <p>2005 East Edgewood Drive, Suite 106P Lakeland, Florida 33803</p> <p>PROFESSIONAL SURVEYORS &amp; MAPPERS LICENSED BUSINESS LB #7568 EMAIL: RSHR@RSISURVEYING.NET PHONE (863)666-9124 FAX (863) 666-9091</p>
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# SECTION 4

This instrument was prepared by:

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

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**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT  
NOTICE OF MASTER SPECIAL ASSESSMENTS / GOVERNMENTAL LIEN OF RECORD  
(Master Debt Assessments)**

**PLEASE TAKE NOTICE** that the Board of Supervisors of Bellaviva Community Development District (“**District**”) in accordance with Chapters 170, 190, and 197, *Florida Statutes*, previously adopted Resolution Nos. 2026-32 and 2026-36 (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 *Bellaviva Community Development District Master Engineer’s Report*, dated February 3, 2026, as may be amended or supplemented from time to time (“**Master Engineer’s Report**”). The Master Assessments are further described in the District’s *Master Assessment Methodology for Bellaviva Community Development District*, dated February 3, 2026, as may be amended or supplemented from time to time (“**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, except for liens of state, county, district, and municipal taxes. Please note that, as part of the Master Assessments, the Master Assessment Resolutions require that certain “True-Up Payments” be made in certain circumstances including those described in the Master Assessment Report, and landowners should familiarize themselves with those requirements, as they constitute a requirement under the liens. Failure to make required True-Up Payments when due shall constitute a default under the Master Assessments and may result in foreclosure proceedings.

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, upon recording, this notice shall constitute a lien of record under Florida law, including but not limited to Chapters 170, 190 and 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: **BELLAVIVA 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 April 2026 and shall be recorded in the Public Records of Polk County, Florida.

**WITNESSES**

**BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this \_\_\_ day of \_\_\_\_\_ 2026, by Jill Burns, as District Manager of **Bellaviva Community Development District**, who appeared before me this day in person, and who is either personally known to me, or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
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 being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 03°09'47", and a chord distance of 160.89 feet; the southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.79 feet, a central angle of 17°04'16", a chord bearing of North 84°23'23" East, and a chord distance of 868.21 feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 871.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 832.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.11 feet, a central angle of 17°37'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 900.01 feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,330.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°23'26" East, 880.21 feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'26" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

# SECTION B

# SECTION 1

**RESOLUTION 2026-34**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF BELLAVIVA 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 BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, *FLORIDA STATUTES*; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Bellaviva 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**, the Board has previously adopted a resolution declaring the intent to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, over certain lands within the District as described therein; 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 Polk County for four (4) consecutive weeks prior to such hearing; and

**WHEREAS**, the District has held a public hearing pursuant to Section 197.3632, *Florida Statutes*, 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 BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** Bellaviva 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 Polk 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 April 2026.

ATTEST:

**BELLAVIVA COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairperson, Board of Supervisors

**EXHIBIT A:** Legal Description of Bellaviva Community Development District

**EXHIBIT A:**  
**Legal Description of Bellaviva Community Development District**

A parcel of land being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 03°09'47", and a chord distance of 160.89 feet; the southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.79 feet, a central angle of 17°04'16", a chord bearing of North 84°23'23" East, and a chord distance of 868.21 feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 871.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 832.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.11 feet, a central angle of 17°37'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 900.01 feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,330.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°23'26" East, 880.21 feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'26" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

# SECTION C

# SECTION 1

## RESOLUTION 2026-35

### RESOLUTION OF BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Bellaviva Community Development District (“**District**”) was established by the City Commission of the City of Haines City, Florida effective August 19, 2021; and

**WHEREAS**, the District Manager has submitted to the Board of Supervisors (“**Board**”) of the District a proposed budget for the remainder of the fiscal year beginning October 1, 2025 and ending September 30, 2026 (“**Fiscal Year 2026 Proposed Budget**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, to the extent practical and recognizing the establishment date of the District, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed copies of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

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

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

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

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

#### **SECTION 1. BUDGET**

- a. The Board has reviewed the Proposed Budget, copies of which are on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto as necessary, as shown in Section 2 below.

- b. The Proposed Budget, attached hereto as **Exhibit A**, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (“**Adopted Budget**”), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget shall be maintained in the office of the District Manager and at the District’s Local Records Office and identified as “The Budget for Bellaviva Community Development District for the Fiscal Year Ending September 30, 2026.”
- d. The Adopted Budget shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption and shall remain on the website for at least 2 years.

**SECTION 2. APPROPRIATIONS**

- a. There is hereby appropriated out of the revenues of the District, for Fiscal Year 2026, the sum of \$\_\_\_\_\_ to be raised by developer funding and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$ _____
TOTAL ALL FUNDS	\$ _____

**SECTION 3. BUDGET AMENDMENTS**

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within the Fiscal Year 2026, or within 60 days following the end of that Fiscal Year, may amend its Adopted Budget for that same fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraph c. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL 2026.**

ATTEST:

**BELLAVIVA COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairperson, Board of Supervisors

**Exhibit A:** Fiscal Year 2026 Budget

***Bellaviva***  
***Community Development District***

***Proposed Budget***  
***FY2026***



# Table of Contents

1 General Fund

2-3 General Fund Narrative

**Bellaviva**  
**Community Development District**  
**Proposed Budget**  
**General Fund**

Description	Proposed Budget FY2026*
<b>Revenues</b>	
Developer Contributions	\$ 95,819
<b>Total Revenues</b>	<b>\$ 95,819</b>
<b>Expenditures</b>	
<i>General &amp; Administrative</i>	
Supervisor Fees	\$ 9,000
FICA Expense	\$ 675
Engineering	\$ 11,250
Attorney	\$ 18,750
Management Fees	\$ 30,000
Information Technology	\$ 1,350
Website Maintenance **	\$ 2,650
Postage & Delivery	\$ 750
Insurance	\$ 5,000
Copies	\$ 750
Legal Advertising	\$ 11,250
Other Current Charges	\$ 3,750
Office Supplies	\$ 469
Dues, Licenses & Subscriptions	\$ 175
<b>Total Expenditures</b>	<b>\$ 95,819</b>
<b>Excess Revenues/(Expenditures)</b>	<b>\$ -</b>

\*Budget is prorated from January 2026 to September 2026.

\*\* FY26 Budget amount includes a one-time website creation fee.

# Bellaviva

## Community Development District

### General Fund Budget

**Revenues:**

*Developer Contributions*

The District will enter into a funding agreement with the Developer to fund the General Fund expenditures for the Fiscal Year.

---

**Expenditures:**

**General & Administrative:**

*Supervisor Fees*

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

*FICA Expense*

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

*Engineering*

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

*Attorney*

The District's legal counsel, Cob Cole, provides general legal services to the District, e.g. attendance and preparation for meetings, preparation and review of agreements, resolutions, etc. as directed by the Board of Supervisors and the District Manager.

*Arbitrage*

The District will contract with an independent certified public accountant to annually calculate the District's Arbitrage Rebate Liability on an anticipated bond issuance.

*Dissemination*

The District is required by the Security and Exchange Commission to comply with Rule 15c2-12(b)(5) which relates to additional reporting requirements for unrated bond issues. This cost is based upon an anticipated bond issuance.

*Trustee Fees*

The District will incur trustee related costs with the issuance of its' anticipated issued bonds.

# Bellaviva

## Community Development District

### General Fund Budget

#### Management Fees

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

#### Information Technology

Represents costs related to the District's information systems, which include but are not limited to video conferencing services, cloud storage services and servers, security, accounting software, etc. Governmental Management Services – Central Florida, LLC provides these systems.

#### Website Maintenance

Represents the costs associated with monitoring and maintaining the District's website created in accordance with Chapter 189, Florida Statutes. These services include site performance assessments, security and firewall maintenance, updates, document uploads, hosting and domain renewals, website backups, etc. Governmental Management Services – Central Florida, LLC provides these services.

#### Postage & Delivery

The District incurs charges for mailing of Board meeting agenda packages, overnight deliveries, correspondence, etc.

#### Insurance

The District's general liability and public official's liability insurance coverage is provided by the Florida Insurance Alliance (FIA). FIA specializes in providing insurance coverage to governmental agencies.

#### Printing & Binding

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

#### Legal Advertising

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

#### Other Current Charges

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

#### Office Supplies

Any supplies that may need to be purchased during the fiscal year, e.g., paper, minute books, file folders, labels, paper clips, etc.

#### Dues, Licenses & Subscriptions

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

# SECTION D

# SECTION 1

## RESOLUTION 2026-36

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT ADOPTING RULES OF PROCEDURE; ADOPTING AMENITY DISCIPLINARY RULES; ADOPTING RATES, FEES AND CHARGES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Bellaviva Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, which owns, operates and maintains, or anticipates owning, operating and maintaining, certain amenity facilities and other public facilities (collectively, “Amenity Facilities”); and

**WHEREAS**, Chapters 190 and 120, *Florida Statutes*, authorize the District to adopt rules, rates, charges and fees 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 District’s Board of Supervisors (“Board”) 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 also desires to adopt rules relating to the suspension and/or termination of patrons’ rights to utilize the Amenity Facilities; and

**WHEREAS**, the Board finds that it is in the best interests of the District and necessary for the efficient operation of the District to adopt by resolution the *Suspension and Termination of Access Rule* (“Disciplinary Rule”), which is attached hereto as **Exhibit B** and incorporated herein by this reference, for immediate use and application; and

**WHEREAS**, the Board finds that it is in the best interests of the District and necessary for the efficient operation of the District to adopt by resolution the fee schedule, which is attached hereto as **Exhibit C** and incorporated herein by this reference, for immediate use and application (“Fee Schedule”); and

**WHEREAS**, the Board finds that the Fee Schedule outlined in **Exhibit C** is just and equitable having been based upon (i) the amount of service furnished; and (ii) other factors affecting the use of the facilities furnished; and

**WHEREAS**, the Board of Supervisors has complied with applicable Florida law concerning rule development, ratemaking, and rule and rate adoption, including without limitation the requirements of Sections 120.54 and 190.035, *Florida Statutes*, and the holding of public hearings thereon.

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

**SECTION 1.** The Rules of Procedure set forth in **Exhibit A** are hereby adopted pursuant to this Resolution as necessary for the conduct of District business. The Rules of Procedure shall stay in full force and effect until such time as the Board may amend these rules in accordance with Chapters 120 and 190, *Florida Statutes*.

**SECTION 2.** The Disciplinary Rule set forth in **Exhibit B** is hereby adopted pursuant to this Resolution as necessary for the conduct of District business and shall remain in full force and effect unless revised or repealed by the District in accordance with Chapters 120 and 190, *Florida Statutes*.

**SECTION 3.** The Fee Schedule set forth in **Exhibit C** is hereby adopted pursuant to this Resolution as necessary for the conduct of District business and the Board of Supervisors hereby finds the rates, fees and charges contained in the Fee Schedule as reasonable, just, equitable and in the District's best interests. The Fee Schedule shall remain in full force and effect unless revised or repealed by the District in accordance with Chapters 120 and 190, *Florida Statutes*.

**SECTION 4.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 5.** 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 April, 2026.

ATTEST:

**BELLAVIVA COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairperson, Board of Supervisors

**Exhibit A:** Rules of Procedure  
**Exhibit B:** Disciplinary Rule  
**Exhibit C:** Fee Schedule

**EXHIBIT A:**  
RULES OF PROCEDURE

[BEGINS AT FOLLOWING PAGE]

**RULES OF PROCEDURE  
BELLAVIA COMMUNITY DEVELOPMENT DISTRICT**

**EFFECTIVE AS OF APRIL 7, 2026**

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**Rule 1.0      General.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Approval of Expenditures

Supervisor's requests and comments

Public comment

Adjournment

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

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

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

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

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

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

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

(1) Internal Controls. The District shall establish and maintain internal controls designed to:

- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), *Florida Statutes*; and
- (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
- (c) Support economical and efficient operations; and
- (d) Ensure reliability of financial records and reports; and
- (e) Safeguard assets.

(2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

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

**Law Implemented:** § 218.33(3), Fla. Stat.

## **Rule 2.0 Rulemaking Proceedings.**

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

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

- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule and any material proposed to be incorporated by reference shall be available for inspection and copying by the public at the time of the publication of notice.
  - (c) The notice shall be mailed, delivered electronically to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to publication of the notice, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than thirty (30) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.

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

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

- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:
- (a) The texts of the proposed rule and the adopted rule;
  - (b) All notices given for a proposed rule;
  - (c) Any statement of estimated regulatory costs for the rule;
  - (d) A written summary of hearings, if any, on the proposed rule;
  - (e) All written comments received by the District and responses to those written comments; and
  - (f) All notices and findings pertaining to an emergency rule.
- (11) Petitions to Challenge Existing Rules.
- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
  - (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
  - (c) The petition shall be filed with the District. Within ten (10) days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other qualified person as a hearing officer who shall conduct a hearing within thirty (30) days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
  - (d) Within thirty (30) days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.

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

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

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

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

**Rule 3.0 Competitive Purchase.**

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

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

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

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

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

- (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
- (viii) Whether the entity/individual is a certified minority business enterprise as defined in Section 287.0943, *Florida Statutes*.
- (q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

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

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

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

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

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

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

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

(4) Competitive Selection.

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

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

(5) Competitive Negotiation.

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

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

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

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

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

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

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

(1) Definitions.

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

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

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

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

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

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

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

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

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

place for submitting proposals.

- (6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed at least seven (7) days in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.
  
- (7) Board Selection of Auditor.
  - (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
  - (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
  - (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

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

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

**Rule 3.3 Purchase of Insurance.**

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

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

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

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

**Law Implemented:** § 112.08, Fla. Stat.

### **Rule 3.4 Pre-qualification**

- (1) Scope. In its discretion, the District may undertake a pre-qualification process in accordance with this Rule for vendors to provide construction services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Procedure. When the District seeks to pre-qualify vendors, the following procedures shall apply:
  - (a) The Board shall cause to be prepared a Request for Qualifications.
  - (b) For construction services exceeding the thresholds described in Section 255.20 of the Florida Statutes, the Board must advertise the proposed prequalification criteria and procedures and allow at least seven (7) days' notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
  - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
  - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, 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, or overnight delivery service. The notice shall

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

(3) Suspension, Revocation, or Denial of Qualification

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

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

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

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

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

Examples of factors affecting the seriousness of a deficiency are:

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

(4) Reapplication and Reinstatement

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

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

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

(5) Emergency Suspension and Revocation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Rule 3.6 Construction Contracts, Design-Build.**

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

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

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

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

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

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

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

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

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

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

**Rule 3.7      Payment and Performance Bonds.**

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

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

**Law Implemented:** § 255.05, Fla. Stat.

**Rule 3.8 Goods, Supplies, and Materials.**

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
  - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
  - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
  - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, or hand delivery, 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 percent (5%). If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsible and Responsive Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

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

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

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

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

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

**Rule 3.9 Maintenance Services.**

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

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

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

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

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

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

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

**Rule 3.10 Contractual Services.**

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

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

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

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

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

(1) Filing.

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

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

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

- (d) Enter orders; and
- (e) Make or receive offers of settlement, stipulation, and adjustment.

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

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors by filing a motion to intervene within 10 calendar days of the initial protest filing, on terms that shall not unduly delay the proceedings.
- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

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

**Rule 4.0      Effective Date.**

These Rules shall be effective April 7, 2026, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

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

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

**EXHIBIT B:**  
DISCIPLINARY RULE

[BEGINS AT FOLLOWING PAGE]

# SUSPENSION AND TERMINATION OF PRIVILEGES

## SUSPENSION AND TERMINATION OF ACCESS RULE

Law Implemented: ss. 120.69, 190.011, 190.012, Fla. Stat. (2025)

Effective Date: April 7, 2026

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**In accordance with Chapters 190 and 120 of the Florida Statutes, and on April 7, 2026, at a duly noticed public meeting, the Board of Supervisors (“Board”) of Bellaviva Community Development District (“District”) adopted the following rules to govern disciplinary and enforcement matters. All prior rules / policies of the District governing this subject matter are hereby rescinded for any violations occurring after the date stated above.**

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**1. Introduction.** This rule addresses disciplinary and enforcement matters relating to the use of recreational facilities and other properties owned and managed by the District (“Amenity Center” or “Amenity Facilities”).

**2. General Rule.** All persons using the Amenity Facilities and entering District properties are responsible for compliance with all policies established for the safe operations of the District’s Amenity Facilities (“Policies” which may be amended from time to time as determined to be in the best interests of the District). Capitalized terms not herein defined shall have the meaning ascribed to them in the District’s adopted Policies.

**3. Access Card.** Access Cards are the property of the District. The District may request surrender of, or may deactivate, an Access Card for violation of the District’s Policies.

**4. Suspension and Termination of Rights.** The District, through its Board of Supervisors (“Board”) and District Manager (or other designee of the District as determined by the Board) shall have the right to restrict or suspend, and after a hearing as set forth herein, terminate the Amenity Facilities access of any Patron and members of their household or Guests to use all or a portion of the Amenity Facilities for any of the following acts (each, a “Violation”):

- a. Submitting false information on any application for use of the Amenity Facilities, including but not limited to facility rental applications;
- b. Failing to abide by the terms of rental applications;
- c. Permitting the unauthorized use of an Access Card or otherwise facilitating or allowing unauthorized use of the Amenity Facilities;
- d. Exhibiting inappropriate behavior or repeatedly wearing inappropriate attire, as defined in the District’s Amenity Policies;
- e. Failing to pay amounts owed to the District for amenity-related fees, charges, or damages in a proper and timely manner (with the exception of

- special assessments);
- f. Failing to abide by any District rules or policies (e.g., Amenity Policies);
  - g. Treating District Staff, contractors, representatives, residents, Patrons or Guests, in a harassing or abusive manner;
  - h. Damaging, destroying, rendering inoperable or interfering with the operation of District property, Amenities or other property located on District property;
  - i. Failing to reimburse the District for Amenities or property damaged by such person, or a minor for whom the person has charge, or a Guest;
  - j. Engaging in conduct that is likely to endanger the health, safety, or welfare of the District, District Staff, contractors, representatives, landowners, Patrons or Guests;
  - k. Committing or being alleged, in good faith, to have committed a crime on District property that leads the District to reasonably believe the health, safety or welfare of the District, District Staff, contractors, representatives, landowners, Patrons or Guests is likely endangered;
  - l. Engaging in another Violation after a verbal warning has been given by staff (which verbal warning is not required); or
  - m. Such person's Guest or a member of their household committing any of the above Violations.

Permanent termination of access to the District's Amenity Facilities shall only be considered and implemented by the Board in situations where the Board finds, based on competent evidence, that the person poses a long term or continuing threat to the health, safety and/or welfare of the District, District Staff, contractors, representatives, landowners, Patrons or Guests. The Board, in its sole discretion and upon motion of any Board member, may vote to rescind a termination of access to the Amenity Facilities.

## **5. Suspension Procedures.**

- a. ***Immediate Suspension.*** The District Manager or his or her designee has the ability to immediately remove any person from one or all Amenities or issue a suspension for up to sixty (60) days for the Violations described above, or when such action is necessary to protect the health, safety and welfare of other Patrons and their Guests, or to protect the District's Amenities or property from damage. If, based on the nature of the offense, staff recommends a suspension longer than sixty (60) days, such suspension shall be considered at the next Board meeting. Criminal acts committed on District property, as determined by law enforcement through arrest or formal charge, or as determined by District staff based on substantial competent evidence, shall result in an immediate suspension until the next Board meeting.
- b. ***Notice of Suspension.*** The District Manager or his or her designee shall mail a letter via certified mail, return receipt requested, or other method providing proof of delivery, to the person suspended referencing the conduct at issue, the sections

of the District's rules and policies violated, the time, date, and location of the next regular Board meeting where the person's suspension will be presented to the Board, and a statement that the person has a right to appear before the Board and offer testimony and evidence why the suspension should be lifted. If the person is a minor, the letter shall be sent to the adults at the address within the community where the minor resides.

**6. Administrative Reimbursement.** The Board may, upon finding of a Violation and after providing written notice and reasonable opportunity for hearing, require payment of an administrative reimbursement not to exceed Five Hundred Dollars (\$500.00) to offset documented legal and/or administrative expenses actually incurred by the District as a direct result of a Violation ("Administrative Reimbursement"). Such Administrative Reimbursement shall be in addition to any suspension or termination of Amenity access, any applicable legal action warranted by the circumstances, and/or any Property Damage Reimbursement (defined below).

**7. Property Damage Reimbursement.** If damage to District property or Amenities occurred in connection with a Violation, the person or persons who caused the damage, or the person whose guest caused the damage, or the person who has charge of a minor that caused the damage, shall reimburse the District for the costs of cleaning, repairing, and/or replacing the property ("Property Damage Reimbursement"). Such Property Damage Reimbursement shall be in addition to any suspension or termination of Amenity access, any applicable legal action warranted by the circumstances, and/or any Administrative Reimbursement.

**8. Initial Hearing by the Board; Administrative Reimbursement; Property Damage Reimbursement.**

- a. If a person's Amenity Facilities privileges are suspended, as referenced in Section 5, such person shall be entitled to a hearing at the next regularly scheduled Board meeting that is at least eight (8) days after the initial suspension, as evidenced by the date of notice sent by certified mail, return receipt requested, or other method providing proof of delivery, or as soon thereafter as a Board meeting is held if the meeting referenced in the letter is canceled, during which both District staff and the person subject to the suspension shall be given the opportunity to appear, present testimony and evidence, cross examine witnesses present, and make arguments. The Board may also ask questions of District Staff, the person subject to the suspension, and witnesses present. All persons are entitled to be represented by a licensed Florida attorney at such hearing if they so choose. Any written materials should be submitted at least seven (7) calendar days before the hearing for consideration by the Board, provided that the Board shall consider any materials timely submitted and may, in its discretion, consider materials submitted less than seven (7) days before the hearing. If the date of the suspension is less than eight (8) days before a Board meeting, the hearing may be scheduled for the following Board meeting at the discretion of the person subject to the suspension.
- b. The person subject to the suspension may request an extension of the hearing date to a future Board meeting, which shall be granted upon a showing of good cause, but such extension shall not stay the suspension.

- c. After the presentations by District Staff, witnesses and the person subject to the suspension, the Board shall consider the facts and circumstances and determine whether to lift or extend the suspension or impose a termination. In determining the length of any suspension, or a termination, the Board shall consider the nature of the conduct, the circumstances of the conduct, the number of rules or policies violated, the person's escalation or de-escalation of the situation, and any prior Violations and/or suspensions.
- d. The Board shall also determine whether an Administrative Reimbursement is warranted and, if so, set the amount of such Administrative Reimbursement.
- e. The Board shall also determine whether a Property Damage Reimbursement is warranted and, if so, set the amount of such Property Damage Reimbursement. If the cost to clean, repair and/or replace the property is not yet available, the Property Damage Reimbursement shall be fixed at the next regularly scheduled Board meeting after the cost to clean, repair, and/or replace the property is known.
- f. After the conclusion of the hearing, the District Manager or his/her designee shall mail a letter to the person suspended identifying the Board's determination at such hearing.

**9. Suspension by the Board.** The Board on its own initiative acting at a noticed public meeting may elect to consider a suspension of a person's access for committing any of the Violations outlined in Section 4. In such circumstances, a letter shall be sent to the person suspended which contains all the information required by Section 5, and the hearing shall be conducted in accordance with Section 8.

**10. Automatic Extension of Suspension for Non-Payment.** Unless there is an affirmative vote of the Board otherwise, no suspension or termination will be lifted or expire until all Administrative Reimbursements and Property Damage Reimbursements have been paid to the District. If an Administrative Reimbursement or Property Damage Reimbursement is not paid by its due date, the District reserves the right to request surrender of, or deactivate, all Access Cards associated with an address within the District until such time as the outstanding amounts are paid.

**11. Appeal of Board Suspension.** After the hearing held by the Board required by Section 8, a person subject to a suspension or termination may appeal the suspension or termination, or the assessment or amount of an Administrative Reimbursement or Property Damage Reimbursement, to the Board by filing a written request for an appeal ("Appeal Request"). The filing of an Appeal Request shall not result in the stay of the suspension or termination. The Appeal Request shall be filed within thirty (30) calendar days after mailing the notice of the Board's determination as required by Section 8(f), above. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file an Appeal Request shall constitute a waiver of all rights to protest the District's suspension or termination and shall constitute a failure to exhaust administrative remedies. The District shall consider the appeal at a Board meeting and shall provide reasonable notice to the person of the Board meeting where the appeal will be considered. At the appeal stage, no new evidence shall be offered or considered. Instead, the appeal is an opportunity for the person subject to the suspension or termination to argue, based on the evidence elicited at the hearing, why the

suspension or termination should be reduced or vacated. The Board may take any action deemed by it in its sole discretion to be appropriate under the circumstances, including affirming, overturning, or otherwise modifying the suspension or termination. The Board's decision on appeal shall be final, subject to any applicable judicial review rights under Florida law.

**12. Legal Action; Criminal Prosecution; Trespass.** If any person is found to have committed a Violation, such person may additionally be subject to arrest for trespassing or other applicable legal action, civil or criminal in nature. If a person subject to suspension or termination is found at the Amenity Facilities, such person will be subject to arrest for trespassing. If a trespass warrant is issued to a person by a law enforcement agency, the District has no obligation to seek a withdrawal or termination of the trespass warrant even though the issuance of the trespass warrant may effectively prevent a person from using the District's Amenities after expiration of a suspension imposed by the District.

**13. Severability.** If any section, paragraph, clause or provision of this rule shall be held to be invalid or ineffective for any reason, the remainder of this rule shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this rule would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

**EXHIBIT C:**  
**FEE SCHEDULE**

<b>Fee</b>	<b>Adopted Fee Range</b>
Non-Resident Annual User Fee	\$2,500.00 – \$4,000.00
Lost Access Card Replacement	\$25.00 – \$50.00
Amenity Facilities Rental Deposit / Fee	Refundable Deposit \$250 Non-refundable rental fee \$0 - \$500
Returned Check/Insufficient Funds Fee (per occurrence)	\$50.00
Administrative Reimbursement	Up to \$500.00

# SECTION V

**RESOLUTION 2026-37**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2027 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the District Manager has, prior to June 15, 2026, prepared and submitted to the Board of Supervisors (“**Board**”) of the Bellaviva Community Development District (“**District**”) a proposed budget (“**Proposed Budget**”) for the Fiscal Year beginning October 1, 2026, and ending September 30, 2027 (“**Fiscal Year 2027**”); and

**WHEREAS**, the Board has considered the Proposed Budget and desires to set the required public hearing thereon.

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

1. **PROPOSED BUDGET APPROVED.** The Proposed Budget prepared by the District Manager for Fiscal Year 2027 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

2. **SETTING A PUBLIC HEARING.** A public hearing on said approved Proposed Budget is hereby declared and set for the following date, hour and location:

DATE:	Tuesday, July 7, 2026
HOUR:	2:45 p.m.
LOCATION:	Lake Alfred Public Library 245 N. Seminole Avenue Lake Alfred, Florida 33850

3. **TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL PURPOSE GOVERNMENT(S).** The District Manager is hereby directed to submit a copy of the Proposed Budget to the City of Haines City and Polk County at least sixty (60) days prior to the hearing set above.

4. **POSTING OF PROPOSED BUDGET.** In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved Proposed Budget on the District’s website at least two (2) days before the budget hearing date as set forth in Section 2, and shall remain on the website for at least forty-five (45) days.

5. **PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed in Florida law.

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

7. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL, 2026.**

ATTEST:

**BELLAVIVA COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary

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

**Exhibit A:** Proposed Budget for Fiscal Year 2027

***Bellaviva***  
***Community Development District***

***Proposed Budget***  
***FY2027***



# Table of Contents

1 General Fund

2-4 General Fund Narrative

**Bellaviva**  
**Community Development District**  
**Proposed Budget**  
**General Fund**

Description	Proposed Budget FY2026	Proposed Budget FY2027
<b>Revenues</b>		
Developer Contributions	\$ 95,819	\$ 388,150
<b>Total Revenues</b>	<b>\$ 95,819</b>	<b>\$ 388,150</b>
<b>Expenditures</b>		
<i>General &amp; Administrative</i>		
Supervisor Fees	\$ 9,000	\$ 12,000
FICA Expense	\$ 675	\$ 900
Engineering	\$ 11,250	\$ 15,000
Attorney	\$ 18,750	\$ 25,000
Management Fees	\$ 30,000	\$ 40,000
Information Technology	\$ 1,350	\$ 1,800
Website Maintenance	\$ 2,650	\$ 1,200
Postage & Delivery	\$ 750	\$ 1,000
Insurance	\$ 5,000	\$ 5,000
Copies	\$ 750	\$ 1,000
Legal Advertising	\$ 11,250	\$ 15,000
Other Current Charges	\$ 3,750	\$ 5,000
Office Supplies	\$ 469	\$ 625
Dues, Licenses & Subscriptions	\$ 175	\$ 175
<b>Total General &amp; Administrative:</b>	<b>\$ 95,819</b>	<b>\$ 138,150</b>
<i>Operations &amp; Maintenance</i>		
Field Contingency	\$ -	\$ 250,000
<b>Total Operations &amp; Maintenance:</b>	<b>\$ -</b>	<b>\$ 250,000</b>
<b>Total Expenditures</b>	<b>\$ 95,819</b>	<b>\$ 388,150</b>
<b>Excess Revenues/(Expenditures)</b>	<b>\$ -</b>	<b>\$ -</b>

# Bellaviva

## Community Development District

### General Fund Budget

#### **Revenues:**

##### *Developer Contributions*

The District will enter into a funding agreement with the Developer to fund the General Fund expenditures for the Fiscal Year.

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#### **Expenditures:**

##### **General & Administrative:**

##### *Supervisor Fees*

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

##### *FICA Expense*

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

##### *Engineering*

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

##### *Attorney*

The District's legal counsel, Cob Cole, provides general legal services to the District, e.g. attendance and preparation for meetings, preparation and review of agreements, resolutions, etc. as directed by the Board of Supervisors and the District Manager.

##### *Arbitrage*

The District will contract with an independent certified public accountant to annually calculate the District's Arbitrage Rebate Liability on an anticipated bond issuance.

##### *Dissemination*

The District is required by the Security and Exchange Commission to comply with Rule 15c2-12(b)(5) which relates to additional reporting requirements for unrated bond issues. This cost is based upon an anticipated bond issuance.

##### *Trustee Fees*

The District will incur trustee related costs with the issuance of its' anticipated issued bonds.

# Bellaviva

## Community Development District

### General Fund Budget

#### Management Fees

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

#### Information Technology

Represents costs related to the District's information systems, which include but are not limited to video conferencing services, cloud storage services and servers, security, accounting software, etc. Governmental Management Services – Central Florida, LLC provides these systems.

#### Website Maintenance

Represents the costs associated with monitoring and maintaining the District's website created in accordance with Chapter 189, Florida Statutes. These services include site performance assessments, security and firewall maintenance, updates, document uploads, hosting and domain renewals, website backups, etc. Governmental Management Services – Central Florida, LLC provides these services.

#### Postage & Delivery

The District incurs charges for mailing of Board meeting agenda packages, overnight deliveries, correspondence, etc.

#### Insurance

The District's general liability and public official's liability insurance coverage is provided by the Florida Insurance Alliance (FIA). FIA specializes in providing insurance coverage to governmental agencies.

#### Printing & Binding

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

#### Legal Advertising

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

#### Other Current Charges

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

#### Office Supplies

Any supplies that may need to be purchased during the fiscal year, e.g., paper, minute books, file folders, labels, paper clips, etc.

#### Dues, Licenses & Subscriptions

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

**Bellaviva**  
**Community Development District**  
**General Fund Budget**

**Operations & Maintenance:**

*Field Contingency*

Represents funds allocated to expenditures that the District could incur throughout the fiscal year that are field related.

# SECTION VI



8515 Palm River Road, Tampa, FL 33619-4315 | 813-621-7841 | Fax 813-621-6761 | mail@lesc.com | www.lesc.com

March 27, 2026

Ms. Jillian Burns, District Manager  
Bellaviva Community Development District

Via email: [JBurns@GMSCFL.com](mailto:JBurns@GMSCFL.com)

Re: **BELLAVIVA CDD**  
*Request for Qualifications for  
Engineering Services*

Ms. Burns:

Landmark Engineering & Surveying Corporation (“Landmark”) is pleased to submit our Qualifications for Engineering Services. Enclosed is one (1) copy of Standard Form 330 for your review and evaluation.

LESC was founded in 1984 and focuses on residential developments such as **BELLAVIVA**. We currently serve as District Engineer for twelve (12) Community Development Districts and have been involved with the creation of ten (10) of those Districts. We appreciate the opportunity to present our qualifications and look forward to your favorable response.

If you have any questions regarding this submittal or require additional information, please feel free to contact me.

Sincerely,  
LANDMARK ENGINEERING &  
SURVEYING CORPORATION

A handwritten signature in blue ink, appearing to read "Todd C. Amaden".

Todd C. Amaden, P.E., EMBA  
President

TCA/

# ARCHITECT - ENGINEER QUALIFICATIONS

## PART I - CONTRACT-SPECIFIC QUALIFICATIONS

### A. CONTRACT INFORMATION

1. TITLE AND LOCATION <i>(City and State)</i> Bellaviva Community Development District		City of Haines City, FL
2. PUBLIC NOTICE DATE 03/16/2026	3. SOLICITATION OR PROJECT NUMBER Request for Qualifications for Engineering Services	

### B. ARCHITECT-ENGINEER POINT OF CONTACT

4. NAME AND TITLE Todd C. Amaden, P.E., EMBA, President		
5. NAME OF FIRM Landmark Engineering & Surveying Corporation		
6. TELEPHONE NUMBER (813) 621-7841	7. FAX NUMBER (813) 621-6761	8. E-MAIL ADDRESS tca@lesc.com

### C. PROPOSED TEAM

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

(Check)	(Check)			9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	J-V	PARTNER SUBCON- TRACTOR			
a.	<input checked="" type="checkbox"/>			Landmark Engineering & Surveying Corporation  <input type="checkbox"/> CHECK IF BRANCH OFFICE	8515 Palm River Road Tampa, FL 33619	Provider of services
b.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
c.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
d.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
e.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
f.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		

### D. ORGANIZATIONAL CHART OF PROPOSED TEAM

*(Attached)*

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

12. NAME E. Everett Morrow, P.E.	13. ROLE IN THIS CONTRACT District Engineer / Project Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 41	b. WITH CURRENT FIRM 41
15. FIRM NAME AND LOCATION (City and State) Landmark Engineering & Surveying Corporation Tampa, FL			
16. EDUCATION (DEGREE AND SPECIALIZATION) Bachelor of Civil Engineering Georgia Institute of Technology 1976		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE) Florida Registered Professional Engineer Civil Engineering License No. 30693	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) Member of Florida Engineering Society and American Society of Civil Engineers			

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED
Palm Bay Community Development Hillsborough District District County, FL	
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm a. Served as District Engineer since the formation of the CDD. Have provided various services requested by the CDD including budgets, access gates, boat lift repairs, utility billing rates for the master meter and other miscellaneous services.	
The Groves Community Development Pasco County, FL District	
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm b. Served as District Engineer since the formation of the CDD. Have provided various services requested by the CDD including budgets, stormwater inspections, attendance at CDD meetings, approval of payment requisitions, review and report on proposed CDD improvements and repairs and other miscellaneous services.	
Villages of Bloomingdale Community Hillsborough Development District District County, FL	
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm c. Served as District Engineer since the formation of the CDD. Have provided various services requested by the CDD including budgets, street lighting coordination, stormwater inspections, attendance at CDD meetings, approval of payment requisitions and other miscellaneous services.	
Wilderness Lake Preserve Pasco County, FL	
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm d. Project engineer for the initial phases of the project including the support documentation, budgets and preparation of the Engineer's Report for the formation for the CDD.	
The Groves Golf & Country Club Pasco County, FL	
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <input checked="" type="checkbox"/> Check if project performed with current firm e. Project engineer for the initial phases of the project including the support documentation, budgets and preparation of the Engineer's Report for the formation for the CDD.	

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

12. NAME Todd C. Amaden, P.E.	13. ROLE IN THIS CONTRACT District Engineer / Project Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 12	b. WITH CURRENT FIRM 12
15. FIRM NAME AND LOCATION <i>(City and State)</i> Landmark Engineering & Surveying Corporation Tampa, FL			
16. EDUCATION <i>(DEGREE AND SPECIALIZATION)</i> Bachelor of Civil Engineering Vanderbilt University 1997		17. CURRENT PROFESSIONAL REGISTRATION <i>(STATE AND DISCIPLINE)</i> Florida Registered Professional Engineer Civil Engineering License No. 57966	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i> N/A			

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION <i>(City and State)</i> The Groves Golf & Country Club Pasco County, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2017	CONSTRUCTION <i>(If applicable)</i> 2017
a. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE District Engineer for 520 acre / 1866 lot development; Design Engineer for Phases 2-5 (1239 lots)	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION <i>(City and State)</i> Wilderness Lake Preserve	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2014	CONSTRUCTION <i>(If applicable)</i> 2005
b. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Design engineer for the initial phases of the project and project engineer for the balance of the project including construction management.	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION <i>(City and State)</i> The Groves Community Development District	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
c. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Provide support services to requests made by the District Manager.	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION <i>(City and State)</i> The Heights CDD City of Tampa, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2018	CONSTRUCTION <i>(If applicable)</i> 2018
d. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Engineer of Record & District Engineer for 50 Acre Urban Mixed Use Project; Re-development in Historic Riverside Heights Neighborhood	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION <i>(City and State)</i> Highland Meadows II CDD City of Davenport, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2014	CONSTRUCTION <i>(If applicable)</i> 2014
e. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE District Engineer for 169 acre / 700 lot development	<input checked="" type="checkbox"/> Check if project performed with current firm	

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

12. NAME Todd C. Amaden, P.E.	13. ROLE IN THIS CONTRACT District Engineer / Project Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 12	b. WITH CURRENT FIRM 12
15. FIRM NAME AND LOCATION <i>(City and State)</i> Landmark Engineering & Surveying Corporation Tampa, FL			
16. EDUCATION <i>(DEGREE AND SPECIALIZATION)</i> Bachelor of Mechanical Engineering Georgia Institute of Technology 1993		17. CURRENT PROFESSIONAL REGISTRATION <i>(STATE AND DISCIPLINE)</i> Florida Registered Professional Engineer Civil Engineering License No. 53967	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i> N/A			

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION <i>(City and State)</i>	(2) YEAR COMPLETED		
		PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
Highlands CDD Hillsborough County, FL	2017		2017
a. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE District Engineer for 520 acre / 1866 lot development; Design Engineer for Phases 2-5 (1239 lots)			
<input checked="" type="checkbox"/> Check if project performed with current firm			
Avelar Creek CDD Hillsborough County, FL	2014		
b. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE District Engineer for 143 acre / 549 lot development			
<input checked="" type="checkbox"/> Check if project performed with current firm			
Cordoba Ranch CDD Hillsborough County, FL	2013		2013
c. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Engineer of Record for 800 acre / 286 lot conservation subdivision; District Engineer for project			
<input checked="" type="checkbox"/> Check if project performed with current firm			
The Heights CDD City of Tampa, FL	2018		2018
d. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Engineer of Record & District Engineer for 50 Acre Urban Mixed Use Project; Re-development in Historic Riverside Heights Neighborhood			
<input type="checkbox"/> Check if project performed with current firm			
Highland Meadows II CDD City of Davenport, FL	2014		2014
e. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE District Engineer for 169 acre / 700 lot development			
<input type="checkbox"/> Check if project performed with current firm			

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

12. NAME  Scott R. Fowler, P.S.M.	13. ROLE IN THIS CONTRACT  Professional Surveyor & Mapper	14. YEARS EXPERIENCE	
		a. TOTAL 40	b. WITH CURRENT FIRM 40
15. FIRM NAME AND LOCATION (City and State) Landmark Engineering & Surveying Corporation Tampa, FL 33619			
16. EDUCATION (DEGREE AND SPECIALIZATION) Associate of Applied Science in Forest Technology Alpena Community College 1983		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE) Florida Registered Professional Surveyor & Mapper License No. 5185	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) N/A			

**19. RELEVANT PROJECTS**

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED		
		PROFESSIONAL SERVICES	CONSTRUCTION (If applicable)
The Groves Golf & County Club Pasco County, FL	2004	2006	
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project surveyor for boundary, topographic and tree surveys, platting, construction staking and house staking.		<input checked="" type="checkbox"/> Check if project performed with current firm	
Wilderness Lake Preserve Pasco County, FL	2004	2005	
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project surveyor for boundary, topographic and tree surveys, platting and construction staking and house staking.		<input checked="" type="checkbox"/> Check if project performed with current firm	
Villages of Bloomingdale Hillsborough County, FL	2004	2005	
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project surveyor for boundary, topographic and tree surveys, platting, construction staking and house staking.		<input checked="" type="checkbox"/> Check if project performed with current firm	
River Hills Golf & Country Club Hillsborough County, FL	1995	1996	
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project surveyor for boundary, topographic and tree surveys, platting, construction staking and house staking.		<input checked="" type="checkbox"/> Check if project performed with current firm	
Basset Creek Estates Hillsborough County, FL	2011	2011	
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project surveyor for boundary, topographic and tree surveys, platting and construction staking.		<input checked="" type="checkbox"/> Check if project performed with current firm	

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 1
21. TITLE AND LOCATION <i>(City and State)</i> Palm Bay Community Development Hillsborough District County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES CONSTRUCTION <i>(If applicable)</i>

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Palm Bay CDD	b. POINT OF CONTACT NAME Chesley E. Adams, Jr.	c. POINT OF CONTACT TELEPHONE NUMBER 866-238-1579
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*  
 Served as District Engineer for the Palm Bay CDD since the formation of the District in 1994.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE District Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 2
21. TITLE AND LOCATION <i>(City and State)</i> The Groves Community Development District      Pasco County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES      CONSTRUCTION <i>(If applicable)</i>

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER The Groves CDD	b. POINT OF CONTACT NAME Matthew Huber	c. POINT OF CONTACT TELEPHONE NUMBER (813) 994-1001
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*  
 Served as District Engineer for The Groves CDD CDD since the formation of the District in 2000.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 3
21. TITLE AND LOCATION <i>(City and State)</i> The Groves Golf & Country Club                      Pasco County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES      CONSTRUCTION <i>(If applicable)</i> 2004                                      2006

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Florida Dream Communities	b. POINT OF CONTACT NAME Bob Brown	c. POINT OF CONTACT TELEPHONE NUMBER (813) 995-9545
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Rezoning support, surveying, design, permitting, platting, construction staking, construction inspection and construction management for the 755-lot golf course community. Prepared budgets and support documentation for creation of the Community Development District.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 4
21. TITLE AND LOCATION <i>(City and State)</i> Villages of Bloomingdale Community Hillsborough Development District County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES CONSTRUCTION <i>(If applicable)</i>

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Villages of Bloomingdale CDD	b. POINT OF CONTACT NAME Jonathan Miller	c. POINT OF CONTACT TELEPHONE NUMBER (813) 933-5571
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Served as District Engineer for the Villages of Bloomingdale CDD since the formation of the District in 2004.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 5
21. TITLE AND LOCATION <i>(City and State)</i> Villages of Bloomingdale Hillsborough County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES 2004 CONSTRUCTION <i>(If applicable)</i> 2006

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Premier Design Homes of Florida	b. POINT OF CONTACT NAME Eric Isenbergh	c. POINT OF CONTACT TELEPHONE NUMBER (813) 254-7276
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**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

Rezoning support, surveying, design, permitting, platting, construction staking, construction inspection and construction management for the 834-lot development including the clubhouse and amenity center.  
 Prepared budgets and support documentation for creation of the Community Development District.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 6
21. TITLE AND LOCATION <i>(City and State)</i> Wilderness Lake Preserve Pasco County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES 2004 CONSTRUCTION <i>(If applicable)</i> 2005

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Lindell Investments	b. POINT OF CONTACT NAME Ron Weisser	c. POINT OF CONTACT TELEPHONE NUMBER (813) 286-3809
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Rezoning support, surveying, design, permitting, platting, construction staking, construction inspection and construction management for the 950-lot development including the clubhouse. Prepared budgets and support documentation for creation of the Community Development District.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 7
21. TITLE AND LOCATION <i>(City and State)</i> River Hills Golf & Country Club Hillsborough County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES 1995 CONSTRUCTION <i>(If applicable)</i> 1996

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Arvida/JMB Partners	b. POINT OF CONTACT NAME William Gardner	c. POINT OF CONTACT TELEPHONE NUMBER (386) 740-3577
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Surveying, design, permitting, platting, construction staking, construction inspection and construction management for the 1238-lot golf course community development.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 8
21. TITLE AND LOCATION <i>(City and State)</i> Basset Creek Estates Hillsborough County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES 2011 CONSTRUCTION <i>(If applicable)</i> 2011

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER K-Bar 184, LLC	b. POINT OF CONTACT NAME Tim Mobley	c. POINT OF CONTACT TELEPHONE NUMBER (813) 960-8966
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Rezoning support, surveying, design, permitting, platting, construction staking, construction inspection and construction management for the 78 unit townhome project and 210 lot subdivision in Phases 1 & 2A.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 9
21. TITLE AND LOCATION <i>(City and State)</i> Bayou Pass - Phase III Hillsborough County, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES 2011 CONSTRUCTION <i>(If applicable)</i> 2011

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Florida Home Partnership	b. POINT OF CONTACT NAME Earl Pfeiffer	c. POINT OF CONTACT TELEPHONE NUMBER (813) 672-7860
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Design, permitting, platting, construction staking, construction inspection and construction management for the 158 lot subdivision.

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 10
21. TITLE AND LOCATION <i>(City and State)</i> Bahia Lakes Community Development District		22. YEAR COMPLETED PROFESSIONAL SERVICES 2013 CONSTRUCTION <i>(If applicable)</i>

**23. PROJECT OWNER'S INFORMATION**

a. PROJECT OWNER Bahia Lakes CDD	b. POINT OF CONTACT NAME Gregory Cox	c. POINT OF CONTACT TELEPHONE NUMBER (813) 933-5571
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i> Served as District Engineer for the Bahia Lakes CDD since 2013.		

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

a.	(1) FIRM NAME Landmark Engineering & Surveying Corporation	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Project Engineer
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE



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**H. ADDITIONAL INFORMATION**

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

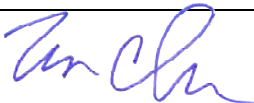
Landmark Engineering & Surveying Corporation is committed to assisting CDD's by realizing the unique issues that commonly affect Districts and by addressing those issues directly. Transitioning a District from developer-control to homeowner-control is a difficult process and requires District staff to take a more active role than before. Homeowners are typically inexperienced with Districts, and therefore need the District staff to be technically strong as well as good communicators. Along with this transition comes important tasks such as asset identification using visual aids such as maps and charts; attendance at meetings and District functions; developing workable solutions to problems within the community; and addressing engineering issues with infrastructure such as drainage, potable water and sewer facilities. We are uniquely qualified to serve a District in this capacity.

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**I. AUTHORIZED REPRESENTATIVE**

The foregoing is a statement of facts.

31. SIGNATURE



32. DATE

03/16/2026

33. NAME AND TITLE

Todd C. Amaden, P.E.

President

# ARCHITECT-ENGINEER QUALIFICATIONS

1. SOLICITATION NUMBER (If any)

## PART II - GENERAL QUALIFICATIONS

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

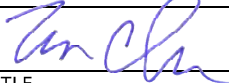
2a. FIRM (OR BRANCH OFFICE) NAME Landmark Engineering & Surveying Corporation			3. YEAR ESTABLISHED 1984	4. DUNS NUMBER 13-967-8049
2b. STREET 8515 Palm River Road			5. OWNERSHIP	
2c. CITY Tampa	2d. STATE FL	2e. ZIP CODE 33619	a. TYPE Corporation	
6a. POINT OF CONTACT NAME AND TITLE Todd C. Amaden, P.E., President			b. SMALL BUSINESS STATUS	
6b. TELEPHONE NUMBER (813) 621-7841			6c. E-MAIL ADDRESS tca@lesc.com	
8a. FORMER FIRM NAME(S) (If any)			8b. YR. ESTABLISHED	8c. DUNS NUMBER
7. NAME OF FIRM (If block 2a is a branch office)				

9. EMPLOYEES BY DISCIPLINE				10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS		
a. Function Code	b. Discipline	c. No. of Employees		a. Profile Code	b. Experience	c. Revenue Index Number (see below)
		(1) FIRM	(2) BRANCH			
08	CADD Technician	4		C05	Child Care/Development Facilities	1
12	Civil Engineer	5		C06	Chruches	1
29	GIS Specialist	1		C10	Commercial Building/ Shopping Ce+	1
38	Land Surveyor	2		C15	Construction Management	1
				C16	Construction Surveying	1
				H07	Parking Lots	1
				H11	Housing	2
				L02	Land Surveying	2
				P06	Planning	1
				S04	Sewage Collection	1
				S10	Surveying; Platting	1
				S13	Storm Water Facilities	2
				T03	Traffic & Transportation Eng.	1
				T04	Topographic Surveying & Mapping	2
				W03	Water Supply; Distribution	1
				Z01	Zoning	1
	Other Employees	38				
	<b>Total</b>	50				

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

### 12. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

a. SIGNATURE 	b. DATE 03/16/2026
c. NAME AND TITLE Todd C. Amaden, P.E. President	

