

*Premium Pointe
Community Development District*

*Agenda
March 26, 2021*

AGENDA

Premium Pointe

Community Development District

219 East Livingston Street, Orlando, Florida 32801

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

March 19, 2021

**Board of Supervisors
Premium Pointe
Community Development District**

Dear Board Members:

The regular meeting of the Board of Supervisors of **Premium Pointe Community Development District** will be held **Friday, March 26, 2021 at 9:30 AM at the Offices of GMS-NF, LLC, 475 West Town Place, Suite 114, St. Augustine, Florida 32092**. Following is the advance agenda for the meeting:

1. Roll Call
2. Public Comment Period
3. Organizational Matters
 - A. Administration of Oaths of Office to Newly Elected Board Members
 - B. Consideration of Resolution 2021-25 Canvassing and Certifying the Results of the Landowners' Election
 - C. Election of Officers
 - D. Consideration of Resolution 2021-26 Electing Officers
4. Approval of Minutes of January 22, 2021 Meeting and Acceptance of Minutes of the February 26, 2021 Landowners' Meeting
5. Public Hearings
 - A. Public Hearing on the Rules of Procedure
 - i. Consideration of Resolution 2021-27 Adopting the District's Rules of Procedure
 - B. Public Hearing on the Uniform Collection Method
 - i. Consideration of Resolution 2021-28 Expressing the District's Intent to Utilize the Uniform Method of Collection
 - C. Public Hearing on the Fiscal Year 2021 Budget
 - i. Consideration of Resolution 2021-29 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations
6. Ranking of Proposals for District Engineering Services and Selection of District Engineer
7. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. District Manager's Report
 - i. Balance Sheet and Income Statement
 - ii. Ratification of FY2021 Funding Request #2
8. Other Business
9. Supervisors Requests
10. Adjournment

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

The third order of business is organizational matters. Section A is Administration of Oaths of Office to Newly Elected Board Members. Section B is Consideration of Resolution 2021-25 Canvassing and Certifying the Results of the Landowners Election. A copy of the resolution is enclosed for your review. Section C is election of officers. Section D is consideration of Resolution 2021-26 electing officers. A copy of the resolution is enclosed for your review.

The third order of business is approval of the minutes of the January 22, 2021 Board of Supervisors Meeting and acceptance of the minutes of the February 26, 2021 Landowners' meeting. The minutes are enclosed for your review.

The fourth order of business is public hearings. Section A is the public hearing on the rules of procedure. Section 1 is consideration of Resolution 2021-27 adopting the District's Rules of Procedure. Section B is the public hearing on the uniform collection method. Section 1 is consideration of Resolution 2021-28 Expressing the District's intent to utilize the uniform method of collection. Section C is the public hearing on the Fiscal Year 2021 Budget. Section 1 is consideration of Resolution 2021-29 adopting the Fiscal Year 2021 budget and relating to the annual appropriations. A copy of the resolution is enclosed for your review.

The sixth order of business is ranking of proposals for District Engineering services and selection of District Engineer.

The seventh order of business is staff reports. Section C is the District Manager's report. Section 1 includes the balance sheet and income statement for your review. Section 2 is ratification of FY2021 funding request #2. A copy of the funding request is enclosed for your review. A copy of the funding request is enclosed for your review.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. S. Flint', with a stylized flourish at the end.

George S. Flint
District Manager

CC: Jonathan Johnson, District Counsel
Darrin Mossing, GMS

Enclosures

SECTION III

SECTION B

RESOLUTION 2021-25

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

WHEREAS, the Premium Pointe Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within St. Johns County, Florida; and

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

WHEREAS, such landowners meeting was held on February 26, 2021 and at which the below recited persons were duly elected by virtue of the votes cast in his/her favor; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT:

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

Owais Khanani	Seat 1	Votes <u>100</u>
Jawaad Khanani	Seat 2	Votes <u>99</u>
Shaman Foradi	Seat 3	Votes <u>100</u>
Michael Rich	Seat 4	Votes <u>99</u>
Kristen Banks	Seat 5	Votes <u>99</u>

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

Owais Khanani	4 Year Term
Shaman Foradi	4 Year Term
Jawaad Khanani	2 Year Term
Michael Rich	2 Year Term
Kristen Banks	2 Year Term

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

PASSED AND ADOPTED this 26th day of March, 2021.

ATTEST:

**PREMIUM POINTE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

SECTION D

RESOLUTION 2021-26

**A RESOLUTION ELECTING THE OFFICERS OF THE PREMIUM
POINTE COMMUNITY DEVELOPMENT DISTRICT, ST. JOHNS
COUNTY, FLORIDA.**

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

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

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

SECTION 1. The following persons are elected to the offices shown:

Chairperson	_____
Vice Chairperson	_____
Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Treasurer	_____
Assistant Treasurer	_____

PASSED AND ADOPTED this 26th day of March, 2021.

ATTEST:

**PREMIUM POINTE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

SECTION IV

MINUTES OF MEETING
PREMIUM POINTE
COMMUNITY DEVELOPMENT DISTRICT

The Organizational meeting of the Board of Supervisors of the Premium Pointe Community Development District was held Friday, January 22, 2021 at 1:00 p.m. at the Offices of GMS-NF, LLC, 475 West Town Place, Suite 114, St. Augustine, Florida.

Present and constituting a quorum were:

Owais Khanani	Chairman
Shaman Foradi	Vice Chairman
Michael Rich	Assistant Secretary
Kristin Banks <i>by phone</i>	Assistant Secretary (via phone)

Also present were:

George Flint	District Manager
Jonathan Johnson <i>by phone</i>	District Counsel
Brett Sealy <i>by phone</i>	MBS Capital Markets

FIRST ORDER OF BUSINESS

Introduction

A. Call to Order

Mr. Flint called the meeting to order and called the roll. Four Board members were present constituting a quorum. Ms. Banks participated by phone.

B. Public Comment Period

There were no members of the public present for the meeting.

C. Oath of Office

Mr. Flint swore in three Supervisors; Mr. Owais Khanani, Mr. Shaman Foradi, and Mr. Michael Rich. For the record, Kristin Banks could not be sworn in because she was not physically present. Mr. Flint noted that Form 1 the Statement of Financial Interest has to be filed within 30 days of today.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Confirmation of Notice of Meeting

Mr. Flint noted that the meeting was advertised in the newspaper in accordance with the statutes.

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

Mr. Flint reminded all Supervisors that as members of the Board of Supervisors they are public officials of the State of Florida and are subject to the Sunshine Law and Public Records laws. Mr. Flint reviewed the Sunshine law and Public Records law and the effects of those laws for Board members. The agenda included information on both.

C. Election of Officers**1. Resolution 2021-01 Appointing Officers**

Mr. Flint stated that the Board is required to elect officers and it could be handled individually or as a slate. Mr. Flint stated the District Manager is typically the Secretary and the Accountant, Ariel Lovera, is the Treasurer. The motion was made for officers to include Mr. Owais Khanani as Chairman, Mr. Foradi as Vice Chairman, and Mr. Rich, Ms. Banks, and Mr. Jawaad Khanani as Assistant Secretaries.

On MOTION by Mr. Owais Khanani, seconded by Mr. Foradi, with all in favor, Resolution 2021-01 Appointing Officers with Mr. Owais Khanani as Chairman, Mr. Foradi as Vice Chairman, Mr. Rich, Ms. Banks, Mr. Jawaad Khanani as Assistant Secretaries, Mr. Flint as Secretary, and Mr. Lovera as Treasurer, was approved.

THIRD ORDER OF BUSINESS**Retention of District Staff****A. Consideration of Agreement for District Management Services****1. Consideration of Resolution 2021-02 Appointing District Manager**

Mr. Flint reported that this resolution would appoint GMS as the District Manager. Mr. Flint reviewed the history of GMS. A question was asked about the CDD name and Mr. Flint replied the District Counsel would move to change the name of the CDD. The District pays a fee to maintain the list of Districts and also a fee would be required to change the name.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-02 Appointing GMS as the District Manager, was approved.

B. Consideration of Agreement for District Counsel Services

1. Consideration of Resolution 2021-03 Appointing District Counsel

Mr. Flint stated that this resolution will appoint Hopping Green & Sams as District Counsel. Mr. Johnson attended the meeting by phone and for the record wanted it noted he was representing Hopping Green & Sam's for the establishment of the Premium Pointe Community Development District. A copy of their proposal was included in the agenda package and their fee agreement was attached to the resolution. There were no questions on the contract.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-03 Appointing Hopping Green & Sams as District Counsel, was approved.

C. Consideration of Resolution 2021-04 Selection of Registered Agent and Office

Mr. Flint stated that it is required by the state to have a registered agent and designate the office of this agent. Mr. Flint recommended the Board appoint himself as a registered agent and his office address at 219 E. Livingston Street in Orlando as the registered office location. This is for communication from the State.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-04 Selecting Mr. Flint as the Registered Agent and his office at 219 E. Livingston Street in Orlando as the Registered Office, was approved.

D. Consideration of Resolution 2021-05 Appointing Interim District Engineer

Mr. Flint stated this would appoint Kimley-Horn as the Interim District Engineer. The rates were in the agenda as an exhibit. For the record, Exhibit 'A' would be revised.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-05 Appointing Kimley-Horn as the Interim District Engineer, was approved.

E. Consideration of Interim District Engineering Agreement

Mr. Flint stated the fee schedule was attached as an exhibit. The Board had no questions.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, the Interim District Engineering Agreement, was approved.

F. Request Authorization to Issue RFQ for Engineering Services

Mr. Flint stated that there is a need to go through the RFQ process in order to solicit proposals for a District Engineer as required by the statutes. Mr. Flint clarified the Board could select whoever they liked as long as it was less than \$30,000 and explained the role of the District Engineer in the development of the District and how fees were associated.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Authorization of Staff to Issue an RFQ for Engineering Services, was approved.

FOURTH ORDER OF BUSINESS

Designation of Meetings and Hearing Dates

A. Consideration of Resolution 2021-06 Designation of Regular Monthly Meeting Date, Time and Location for Fiscal Year 2021

Mr. Flint stated the District is required to develop a meeting schedule. Mr. Flint suggested the fourth Friday of the month at 1:00 p.m. at 475 West Town Place, Suite 114, St. Augustine, FL. 32092. He explained this could be adjusted with proper notice. After discussion the Board agreed for the meeting time be 9:30 a.m. on the fourth Friday of the month.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Resolution 2021-06 Designating the Regular Monthly Meeting Date for the Fourth Friday of the Month at 9:30 a.m., at the St. Augustine, Florida, was approved.

B. Consideration of Resolution 2021-07 Designation of Landowner's Meeting Date, Time and Location

Mr. Flint stated the District is required to hold an initial Landowner election within 90 days of formation. Mr. Flint recommended that the Landowner meeting be held at the next regular meeting which would be on February 26, 2021. Mr. Flint recommended that on February 26th the Board start the Assessment process.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, Resolution 2021-07 Designating the Landowners' Meeting for February 26, 2021 at 9:30 a.m., location at 475 West Town Place, Suite 114, St. Augustine, Florida 32092, was approved.

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

1. Consideration of Resolution 2021-08 Setting a Public Hearing to Consider the Proposed Rules of the District

Mr. Flint stated this would set the date for the Public Hearing to consider the rules that cover basic operation of the District. There is a 30-day notice requirement and he recommended the rule hearing be held at the March 26th meeting.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-08 Setting the Public Hearing to Consider the Proposed Rules of the District for March 26, 2021 at 9:30 a.m., was approved.

D. Designation of Dates of Public Hearing on the Budget for Fiscal Year 2021

1. Consideration of Resolution 2021-09 Setting the Public Hearing and Approving the Proposed Budgets for Fiscal Year 2021

Mr. Flint noted this would set the date of the Public Hearing to consider the proposed budget and Mr. Flint noted this is prorated for the 8 remaining months. He recommended setting the public hearing for March 26, 2021, at 9:30 a.m. at the St. Augustine location.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-09 Setting the Public Hearing on the Fiscal Year 2021 Budget for March 26, 2021 at 9:00 a.m. and the Proposed Budget for Fiscal Year 2021, was approved.

2. Approval of the Fiscal Year 2021 Budget Funding Agreement

Mr. Flint presented the Budget Funding Agreement with Elevation Premium Pointe, LLC. The Board had no questions on the agreement. Mr. Johnson noted for the record that one of the changes was at the request of the seller/landowner, which made it very clear they were not obligated to fund the activities under the Funding Agreement. Mr. Khanani asked when the District

needed to start the funding, and Mr. Flint replied that today they would approve funding request No. 1 and that's on the agenda.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, the Fiscal Year 2021 Budget Funding Agreement, was approved.

E. Consideration of Resolution 2021-10 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

Mr. Flint noted this Resolution was needed to allow the District to utilize the tax bill and suggested that the meeting be held on March 26, 2021 at 9:30 a.m. The Board had no questions.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, Resolution 2021-10 Setting Date of Public Hearing for March 26, 2021 at 9:30 a.m., 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

Other Organizational Matters

A. Resolution 2021-11 Designating a Qualified Public Depository

Mr. Flint stated that generally SunTrust is used at all of the Districts. The Board had no objection to using SunTrust.

On MOTION by Mr. Rich, seconded by Mr. Owais Khanani, with all in favor, Resolution 2021-11 Designating SunTrust Bank as the District Depository, was approved.

B. Resolution 2021-12 Authorization of Bank Account Signatories

Mr. Flint asked that the signatories be himself and the District Accountant, Ariel Lovera. The Board had no questions.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-12 Authorizing George Flint and Ariel Lovera as Bank Account Signatories, was approved.

C. Consideration of Resolution 2021-13 Relating to Defense of Board Members

Mr. Flint noted that this resolution will allow the District to provide legal support to Board members and staff as outlined in the resolution when acting in their capacity as Board members. Mr. Johnson pointed out several provisions of the resolution.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Resolution 2021-13 Relating to Defense of Board Members, was approved.

D. Consideration of Resolution 2021-14 Authorizing the District Counsel to Record in the Property Records of St. Johns County the “Notice of Establishment” in in accordance with Chapter 190.0485, Florida Statutes**1. Notice of Establishment**

Mr. Flint reported that the Notice of Establishment had been filed and that it needs to be ratified. This is a statutory requirement.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-14 Authorizing District Counsel to Record in the Property Records of St. Johns County the Notice of Establishment in Accordance with Chapter 190.0485, Florida Statutes, was ratified.

E. Consideration of Resolution 2021-15 Adopting Investment Guidelines

Mr. Flint states this would be adopting alternative investment guidelines. The District is required to adopt an investment policy and the four investment options were listed in the resolution.

On MOTION by Mr. Rich, seconded by Mr. Owais Khanani, with all in favor, Resolution 2021-15 Adopting Alternative Investment Guidelines, was approved.

F. Consideration of Resolution 2021-16 Authorizing Execution of Public Depositor Report

Mr. Flint reported that this authorizes the District Manager or Treasurer to file the report with the Treasurer of the State of Florida. The Board had no questions.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, Resolution 2021-16 Authorizing Execution of Public Depositor Report, was approved.

G. Consideration of Resolution 2021-17 Designating a Policy for Public Comment

Mr. Flint stated that this resolution sets forth guidelines and rules to govern public comment at public meetings. This has been adjusted to allow comments prior to voting. A question was asked about how the public know about meetings. Mr. Flint responded that notices are required for all meetings. He also noted the location could be determined by the Board.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Resolution 2021-17 Designating a Policy for Public Comment, was approved.

H. Consideration of Resolution 2021-18 Adopting a Travel and Reimbursement Policy

Mr. Flint stated that this policy is standard for travel reimbursement rates, procedures, and limitations outlined in Florida law. The Board had no questions.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, Resolution 2021-18 Adopting a Travel and Reimbursement Policy, was approved.

I. Consideration of Resolution 2021-19 Adopting Prompt Payment Policy

Mr. Flint presented Resolution 2021-19 and noted that the District is required by state statute to submit timely payment to vendors and contractors and this policy outlines the terms. Mr. Flint explained the Financing Team Funding Agreement and the issuance of bonds and reimbursement.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-19 Adopting Prompt Payment Policy, was approved.

J. Consideration of Resolution 2021-20 Adopting a Records Retention Policy

Mr. Flint stated that Resolution 2021-20 provides the time frame to destroy records. This allows the District to be in compliance with State and Federal laws and allows them keep everything. He added that at some point later the District can amend this policy. Mr. Johnson commented on electronic versions and noted they could be transferred over. Mr. Flint added GMS kept everything electronic and as far as hard copies, they were not archived.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor Resolution 2021-20 Adopting a Records Retention Policy, was approved.

K. Consideration of Compensation to Board Members

Mr. Flint reviewed the subject of Board compensation of \$200 per meeting and all Board members elected to waive compensation.

L. Resolution 2021-21 Designating the Primary Administrative Office, Principal Headquarters of the District, and Local Records Office

Mr. Flint stated the Primary Administrative Office would be GMS's office in Orlando at 219 East Livingston Street, Orlando, Florida 32801 and the District's Principal Headquarters and local records office will be GMS's office in St. Augustine at 475 West Town Place, Suite 114, St. Augustine, Florida 32092.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor Resolution 2021-21 Designating the Primary Administrative Office, Principal Headquarters of the District, and Local Records Office, was approved.

M. Consideration of Website Services Agreement

Mr. Flint stated the agreement with Realign Web Design is to create the District's ADA compliant website. The fee is \$1,750. The Board had no questions.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, the Website Agreement with Realign Web Design, was approved.

N. Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1st for St. Johns County

Mr. Flint stated this will authorize staff to prepare a Public Facilities Report to be filed before August 1st.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Authorization for staff to prepare a Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1st in St. Johns County, was approved.

O. Consideration of Resolution 2021-22 Authorizing Chairperson & Vice Chairperson to Execute Plats, Permits and Conveyances

Mr. Flint stated this will authorize staff to execute documents as needed without the Board meeting, and they can be ratified at a later date.

On MOTION by Mr. Owais Khanani, seconded by Mr. Rich, with all in favor, Resolution 2021-22 Authorizing the Chairperson and Vice Chairperson to Execute Plats, Permits and Conveyances, was approved.

P. Consideration of Resolution 2021-23 Adopting an Internal Controls Policy

Mr. Johnson stated this was a recently created statute that mandates for Districts to develop an Internal Control Policy for cross checks.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, Resolution 2021-23 Adopting an Internal Controls Policy, was approved.

SIXTH ORDER OF BUSINESS

Capital Improvements

A. Appointment of the Financing Team

1. Bond Counsel

Mr. Flint reported that the first agreement in the package is for bond counsel from Akerman, LLP and the fees of \$44,000 are included in the agreement.

On MOTION by Mr. Owais Khanani, seconded by Mr. Foradi, with all in favor, the Agreement with Akerman, LLP to Serve as Bond Counsel, was approved.

2. Underwriter

Mr. Flint presented the agreement with MBS Capital Markets for underwriting services. Mr. Flint stated their disclosure is also included in the agenda package for review. The underwriter gets paid out of an underwriter's discount which is the indicated percentage of 2% associated with their fee. Mr. Brett Sealy introduced himself and asked the Board for any questions. He summarized the company's history and expressed that he would be honored to serve in the capacity of the underwriter to the District.

On MOTION by Mr. Owais Khanani, seconded by Mr. Foradi with all in favor, the Agreement with MBS Capital Markets to Serve as the Underwriter, was approved.

3. Assessment Administrator

Mr. Flint stated the fees for this were outlined in the GMS contract that was approved so there is just a need to appoint GMS as the Assessment Administrator. No action was needed.

4. Trustee

Mr. Flint stated they have an agreement from US Bank to serve as the Trustee. This was in line with what is seen in other districts. The Board had no questions.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, the Proposal from US Bank to Serve as the Trustee, was approved.

B. Approval of Financing Team Funding Agreement

Mr. Flint stated this agreement is, to the extent any of the professionals have to be compensated during the process of issuing the bonds, the Developer agrees that they would pay those expenses.

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

SEVENTH ORDER OF BUSINESS**Financing Matters****A. Consideration of Engineer's Report – ADDED**

Mr. Flint stated that this report was emailed out for review and is attached to the agenda. It is dated December 20, 2020 from Kimberly Horn. The report gives background on the District. Page 7, Table 2 describes the categories of the improvements eligible to be funded which totals \$12,763,160. This needs approval for purposes of the bond validation process.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, the Engineer's Report, was approved.

B. Consideration of Validation Report

Mr. Flint stated the Methodology Report was included in the package and outlines the benefit that will be distributed to the properties in the District and this will be supplemented by one or more supplemental reports that will outline the actual terms of the bond. The Board further discussed the options and pricing.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, the Validation Report, was approved.

C. Consideration of Resolution 2021-24 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings

Mr. Johnson noted this resolution kicks off the issuance of bonds. He noted that the Engineer's Report and the Assessment Methodology considers the construction cost and financing costs. It was noted a change was needed in the documents, 2020 will be changed to 2021.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, Resolution 2021-24 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

EIGHTH ORDER OF BUSINESS**Other Business****A. Staff Reports****i. Attorney**

Mr. Flint reviewed the various financial forms for the Board. Mr. Johnson asked the Board's authorization to file the documents needed to change the name of the District to Elevation Pointe Community Development District.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Authorizing District Counsel to change the name of the CDD to Elevation Pointe Community Development District, was approved.

ii. Manager

There being none, the next item following.

B. Supervisors Requests

There being none, the next item followed.

C. Approval of Funding Request No. 1

Mr. Flint added that he needs approval of Funding Request No.1 for \$20,250. These are funds to open the operating account, pay for the insurance, pay for all the legal advertising costs for the assessment hearings, and for creation of the District's website.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Funding Request No. 1 for \$20,250, was approved.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Flint adjourned the meeting at 2:16 p.m.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, the meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairman

MINUTES OF MEETING
PREMIUM POINTE
COMMUNITY DEVELOPMENT DISTRICT

The Landowner meeting of the Premium Pointe Community Development District was held on Friday, February 26, 2021 at 9:30 a.m. at the Offices of GMS-NF, LLC, 475 West Town Place, Suite 114, St. Augustine, Florida 32092.

Present were:

George Flint
Owais Khanani

Chairman
Elevation Development

FIRST ORDER OF BUSINESS

**Determination of Number of Voting Units
Represented**

Mr. Flint: I've been provided a landowner proxy signed by an authorized representative of the landowner of Anderson (1995) Limited Partnership. It represents 150.10 acres for 151 votes.

SECOND ORDER OF BUSINESS

Call to Order

Mr. Flint: At this time I will call the landowner meeting to order.

THIRD ORDER OF BUSINESS

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

Mr. Flint: The proxy names Mr. Owais Khanani as the proxy holder. Mr. Khanani would you designate me as Chairman for purposes of running the landowner election?

Mr. Khanani: Yes.

FOURTH ORDER OF BUSINESS

Nominations for the Position of Supervisor

Mr. Flint: Mr. Khanani has provided me with a ballot nominating Owais Khanani, Jawaad Khanani, Shaman Foradi, Michael Rich and Kristin Banks. Are there any other nominations at this time?

Mr. Khanani: No others.

FIFTH ORDER OF BUSINESS

Casting of Ballots

Mr. Flint: Based on the ballot provided by Mr. Khanani, he is casting 100 votes for Owais Khanani, 100 votes for Shaman Foradi, 99 votes for Jawaad Khanani, 99 votes for Michael Rich, and 99 votes for Kristin Banks.

SIXTH ORDER OF BUSINESS

Ballot Tabulation

Mr. Flint: As a result of the ballots casted, Owais Khanani and Shaman Foradi will serve four-year terms, and Jawaad Khanani, Michael Rich and Kristen Banks will serve two-year terms.

SEVENTH ORDER OF BUSINESS

Landowners Questions and Comments

Mr. Flint: Are there any questions of the landowner? Hearing none,

EIGHTH ORDER OF BUSINESS

Adjournment

Mr. Flint: Hearing no other questions, I will adjourn the landowner meeting.

SECTION V

SECTION A

SECTION 1

RESOLUTION 2021-27

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

WHEREAS, Premium Pointe Community Development District (“**District**”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within unincorporated St. Johns County, Florida; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT:

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

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

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

PASSED AND ADOPTED this 26th day of March, 2021.

ATTEST:

**PREMIUM POINTE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary

Chairperson, Board of Supervisors

Exhibit A: Rules of Procedure

**RULES OF PROCEDURE
PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF _____, 2021

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Rule 1.0 General.

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

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

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

Rule 1.1 Board of Supervisors; Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (the “Board”) shall consist of five (5) members. Members of the Board (“Supervisors”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected 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.
- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
 - (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

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

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

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

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

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

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

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

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

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

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

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

- (5) 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 his or her affiliation with the District ("Reporting Individual"). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person's name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person's e-mail address.

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

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

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days, but no more than thirty (30) days public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week. Each Notice shall state, as applicable:
 - (a) The date, time and place of the meeting, hearing or workshop;
 - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
 - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
 - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours 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.”
- (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. Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into “meeting materials.” For good cause, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

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

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business
- Staff reports
 - (a) District Counsel
 - (b) District Engineer
 - (c) District Manager
 - 1. Financial Report
 - 2. Approval of Expenditures
- Supervisor’s requests and comments
- Public comment
- Adjournment

- (4) 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, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section 190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.
- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and

published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.

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

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

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

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

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

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

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

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

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

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing

by submitting a written request within twenty-one (21) days after the date of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

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

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

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

(11) Petitions to Challenge Existing Rules.

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

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

raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner's written request, to process the petition.

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

- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.
- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
 - (i) The ability and adequacy of the professional personnel employed by the entity/individual;
 - (ii) The past performance of the entity/individual for the District and in other professional employment;
 - (iii) The willingness of the entity/individual to meet time and budget requirements;
 - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
 - (v) The recent, current, and projected workloads of the entity/individual;
 - (vi) The volume of work previously awarded to the entity/individual;
 - (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
 - (viii) Whether the entity/individual is a certified minority business enterprise.

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

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

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

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

- (1) Scope. The following procedures are adopted for the selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, for the negotiation of such contracts, and to provide for protest of actions of the Board under this Rule. As used in this Rule, "Project" means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FIVE, or for a planning study activity when the fee for Professional Services is estimated by the District to exceed the threshold amount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) Qualifying Procedures. In order to be eligible to provide Professional Services to the District, a consultant must, at the time of receipt of the firm's qualification submittal:
 - (a) Hold all required applicable 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, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

(5) Competitive Negotiation.

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

- (6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

Rule 3.2 Procedure Regarding Auditor Selection.

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

(1) Definitions.

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

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

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

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

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

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

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

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

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

determines is necessary for the firm to prepare a proposal. The RFP shall state the time and place for submitting proposals.

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

(7) Board Selection of Auditor.

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

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

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

Rule 3.3 Purchase of Insurance.

- (1) 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, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase

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

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

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

Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

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

responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

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

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

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

(j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

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

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

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

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

Examples of factors affecting the seriousness of a deficiency are:

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

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

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

Rule 3.5 Construction Contracts, Not Design-Build.

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

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

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

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

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in

accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

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

- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the 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, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
 - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
 - b. Hold all required applicable federal licenses in good standing, if any;
 - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;
 - d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

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

be considered ineligible by the District to submit a bid, response, or proposal for a District project.

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

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the 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, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the

Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm 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, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of goods, supplies, and materials, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

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

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

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

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

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

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

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct

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

- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.
- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) 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, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of maintenance services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, and responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

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

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

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

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

- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
 - (4) 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.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
 - (a) Administer oaths and affirmations;
 - (b) Rule upon offers of proof and receive relevant evidence;
 - (c) Regulate the course of the hearing, including any pre-hearing matters;

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

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

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, 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 _____, 2021, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

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

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

SECTION B

SECTION 1

RESOLUTION 2021-28

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

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

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

WHEREAS, pursuant to Section 197.3632, *Florida Statutes*, the District has caused notice of a public hearing on the District’s intent to use the Uniform Method to be advertised weekly in a newspaper of general circulation within St. Johns 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 THE PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Premium Pointe 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 as provided in

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

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

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

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

PASSED AND ADOPTED this 26th day of March, 2021.

ATTEST:

**PREMIUM POINTE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Legal Description of Premium Pointe Community Development District

EXHIBIT A
Legal Description of Premium Pointe Community Development District

LEGAL DESCRIPTIONLEGAL DESCRIPTION: PARCEL A (DEVELOPMENT AREA)

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY FLORIDA, SAID PARCEL BEING A PORTION OF THOSE LANDS AS INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS BOOK 1152, PAGE 882, OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FOR A POINT OF REFERENCE, COMMENCE AT A NAIL AND DISK IDENTIFIED AS "LB #6824", SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINE OF THE RIGHT OF WAY OF COUNTY ROAD S-208 (FORMERLY STATE ROAD NO. S-208) WITH THE WEST LINE OF SECTION 6, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 73°58'58" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 304.81 FEET; THENCE NORTH 16°01'02" EAST, DEPARTING SAID CENTERLINE, A DISTANCE OF 33.00 FEET TO A TO A 1/2" IRON PIPE IDENTIFIED AS "RLS 3295", SAID 1/2" IRON PIPE IDENTIFIED AS "RLS 3295" BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD NO. S-208 AND THE SOUTHWESTERLY LINE OF GREY HAWK ESTATES AS RECORDED IN MAP BOOK 72, PAGE 93 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 16°01'02" EAST, CONTINUING ALONG THE SAID SOUTHWESTERLY LINE OF SAID GREY HAWKS ESTATES, A DISTANCE OF 17.00 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824", SAID MAG NAIL AND DISK ALSO BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,587.02 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°53'19", A DISTANCE OF 273.90 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 78°54'48" EAST, 273.56 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LS#894", SAID CONCRETE MONUMENT BEING AT THE SOUTHEAST CORNER OF SAID GREY HAWKS ESTATES; THENCE NORTH 01°08'35" WEST, ALONG THE EASTERLY LINE OF SAID GREY HAWK ESTATES, A DISTANCE OF 970.03 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LS#894", SAID CONCRETE MONUMENT BEING THE NORTHEAST CORNER OF SAID GREY HAWKS ESTATES; THENCE SOUTH 88°51'25" WEST, ALONG THE NORTHERLY LINE OF SAID GREY HAWKS ESTATES, A DISTANCE OF 573.25 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LS#894", SAID CONCRETE MONUMENT BEING ON THE WESTERLY LINE OF SAID SECTION 6; THENCE NORTH 01°08'35" WEST, DEPARTING SAID NORTH LINE AND ALONG SAID WESTERLY LINE OF SAID SECTION 6, A DISTANCE OF 2,206.91 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LS#261 D.D. MOODY", SAID CONCRETE MONUMENT BEING THE NORTHWEST CORNER OF SAID SECTION 6 AND THE SOUTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1187, PAGE 1257 OF SAID PUBLIC RECORDS; THENCE NORTH 89°05'38" EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 6 AND THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1187, PAGE 1257, A DISTANCE OF 786.41 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LB#6824", SAID CONCRETE MONUMENT BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16 (A 200 FOOT WIDE RIGHT OF WAY AS NOW ESTABLISHED) AND BEING THE SOUTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1187, PAGE 1257; THENCE

SOUTH 56°01'39" EAST, DEPARTING SAID NORTHERLY LINE OF SECTION 6 AND ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1,073.87 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LB#6824", SAID MONUMENT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1,839.86 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 19°46'11", AN ARC LENGTH OF 634.84 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 46°08'33" EAST, 631.70 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LB#6824"; THENCE SOUTH 36°15'28" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2,508.11 FEET TO A 1/2" IRON PIPE IDENTIFIED AS "LB#6824", SAID IRON PIPE BEING AT ON THE NORTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 4311, PAGE 1736, OF SAID PUBLIC RECORDS; THENCE SOUTH 53°36'42" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 224.15 FEET TO A 1/2" IRON PIPE IDENTIFIED AS "LB#6824", SAID IRON PIPE BEING ON THE WESTERLY LINE OF SAID LANDS AND ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 121.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY LINE THROUGH A DELTA ANGLE OF 25°09'39", AN ARC LENGTH OF 53.14 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 25°02'43" EAST, 52.71 FEET TO A 1/2" IRON PIPE IDENTIFIED AS "LB#6824"; THENCE SOUTH 09°29'10" EAST, A DISTANCE OF 34.62 FEET TO A POINT ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 32.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 78°38'46", AN ARC LENGTH OF 44.61 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 86°55'53" EAST, 41.19 FEET; THENCE NORTH 53°44'32" EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 218.13 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16; THENCE SOUTH 36°15'28" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB#6824", SAID MAG NAIL AND DISK BEING ON THE NORTH LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 4684, PAGE 196, OF SAID PUBLIC RECORDS; THENCE SOUTH 53°44'32" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 293.14 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824", SAID MAG NAIL AND DISK BEING ON THE WEST LINE OF SAID LANDS; THENCE SOUTH 37°45'51" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2.00 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824" SAID MAG NAIL BEING A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 05°48'58", AN ARC LENGTH OF 7.61 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 17°42'16" EAST, 7.61 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824"; THENCE SOUTH 20°36'48" EAST, A DISTANCE OF 307.80 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824", SAID MAG NAIL AND DISK BEING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 34°23'13", AND ARC LENGTH OF 15.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 37°48'34" EAST, 14.78 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824"; THENCE SOUTH 55°00'20" EAST, A DISTANCE OF 15.35 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824", SAID MAG NAIL AND DISK BEING ON THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2851, PAGE 1931, OF SAID PUBLIC RECORDS; THENCE NORTH 73°59'37" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 54.46 FEET TO A MAG NAIL AND DISK IDENTIFIED AS "LB 6824", SAID MAG NAIL AND DISK BEING ON THE WESTERLY LINE OF SAID LANDS; THENCE SOUTH 16°17'44" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 66.02 FEET TO A 1/2" IRON PIPE IDENTIFIED AS

"LB#6824", SAID IRON PIPE BEING ON THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1137, PAGE 1300 OF SAID PUBLIC RECORDS; THENCE NORTH 73°58'58" WEST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS, A DISTANCE OF 691.54 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "RLS#4690", SAID MONUMENT BEING THE NORTHWESTERLY CORNER OF SAID LANDS; THENCE SOUTH 16°01'02" WEST, ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 300.00 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "RLS#4690"; THENCE CONTINUE SOUTH 16°01'02" WEST, A DISTANCE OF 17.00 FEET TO A 4"X4" CONCRETE MONUMENT IDENTIFIED AS "LB#6824", SAID MONUMENT BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD NO. S-208; THENCE NORTH 73°58'58" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2,509.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,246,872 SQUARE FEET OR 189.32 ACRES, MORE OR LESS.

SECTION C

SECTION 1

RESOLUTION 2021-29

THE ANNUAL APPROPRIATION RESOLUTION OF THE PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has submitted to the Board of Supervisors (“**Board**”) of the Premium Pointe Community Development District (“**District**”) proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2020, and ending September 30, 2021 (“**Fiscal Year 2021**”) 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, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

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

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

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st of each year, 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 a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET

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

- b. The Proposed Budget, attached hereto as **Exhibit “A,”** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (“**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, as amended, shall be maintained in the office of the District Manager and at the District’s Local Records Office and identified as “The Budget for the Premium Pointe Community Development District for the Fiscal Year Ending September 30, 2021.”
- 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

There is hereby appropriated out of the revenues of the District for Fiscal Year 2021, the sum of \$ 75,630 to be raised by the levy of assessments 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 FY21	\$ <u>75,630</u>
TOTAL ALL FUNDS FY21	\$ <u>75,630</u>

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2021 or within 60 days following the end of the Fiscal Year 2021 may amend its Adopted Budget for that fiscal year as follows:

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

- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraphs c. and d. 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 26th DAY OF MARCH, 2021.

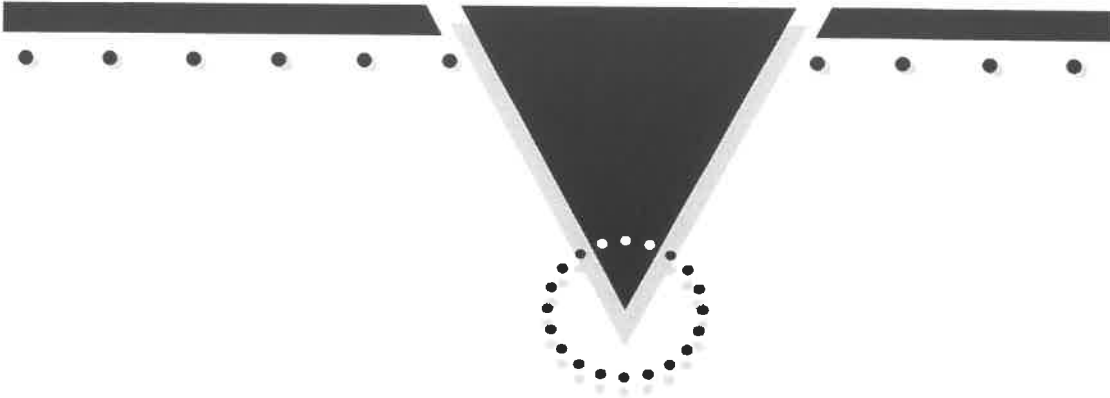
ATTEST:

**PREMIUM POINTE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Proposed Budget FY2021



*Premium Pointe
Community Development District*

Approved Budget

FY 2021

March 26, 2021



*Premium Pointe
Community Development District*

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

Premium Pointe

Community Development District

<u>Description</u>	<u>Approved Budget FY 2021</u>
<u>Revenues</u>	
Developer Contributions	\$75,630
Total Revenues	<u>\$75,630</u>
<u>Expenditures</u>	
<u>Administrative</u>	
Supervisors Fees	\$8,000
FICA Expense	\$612
Engineering	\$8,000
Attorney	\$16,667
Assessment Administration	\$0
Management Fees	\$23,333
Information Technology	\$1,000
Website Creation/ADA Compliance	\$1,750
Telephone	\$200
Postage	\$667
Insurance	\$3,500
Printing & Binding	\$667
Legal Advertising	\$10,000
Other Current Charges	\$667
Office Supplies	\$417
Dues, Licenses & Subscriptions	\$150
Total Expenditures	<u>\$75,630</u>
Excess Revenues/(Expenditures)	<u>\$0</u>

*All expenses prorated amount represents 8 months of fiscal year.

Premium Pointe
Community Development District
BUDGET

REVENUES:

Developer Contributions

The District will enter into a Funding Agreement with the developer to fund the general fund expenditures for the fiscal year.

EXPENDITURES:

Administrative:

Supervisors Fees

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

FICA Expense

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

Engineering

The District contracts with Kimley-Horn to serve as District Engineer to provide general engineering services to the District, e.g., attendance and preparation for monthly board meetings, reviewing requisitions, etc.

Attorney

The District contracts with Hopping, Green and Sams to serve as District Counsel to provide general legal services to the District, e.g., attendance and preparation for monthly meetings, preparation and review of agreements, resolutions, etc.

Assessment Administration

The District contracts with an Assessment Administrator to administer the collection of non-ad valorem assessments on all assessable property within the District.

Management Fees

The District contracts with Governmental Management Services to serve as District Manager to provide management, accounting and administrative services.

Information Technology

Costs related to the District's accounting and information systems, including website maintenance, electronic compliance with Florida Statutes and other electronic data requirements.

Premium Pointe
Community Development District
BUDGET

Website Creation/ADA Compliance

Costs to create the initial District website and ensure the District meets ADA compliance guidelines.

Telephone

Telephone and fax machine.

Postage

Costs related to mailing of agenda packages, overnight deliveries, correspondence, etc.

Insurance

General liability, public officials liability and property insurance coverages.

Printing & Binding

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

Legal Advertising

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

Other Current Charges

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

Office Supplies

Miscellaneous office supplies.

Dues, Licenses & Subscriptions

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

SECTION VI

**PREMIUM POINTE
COMMUNITY DEVELOPMENT DISTRICT**

DISTRICT ENGINEER PROPOSALS

COMPETITIVE SELECTION CRITERIA

1) Ability and Adequacy of Professional Personnel (Weight: 25 Points)

Consider the capabilities and experience of key personnel within the firm including certification, training, and education; affiliations and memberships with professional organizations; etc.

2) Consultant's Past Performance (Weight: 25 Points)

Past performance for other Community Development Districts in other contracts; amount of experience on similar projects; character, integrity, reputation, of respondent; etc.

3) Geographic Location (Weight: 20 Points)

Consider the geographic location of the firm's headquarters, offices and personnel in relation to the project.

4) Willingness to Meet Time and Budget Requirements (Weight: 15 Points)

Consider the consultant's ability and desire to meet time and budget requirements including rates, staffing levels and past performance on previous projects; etc.

5) Certified Minority Business Enterprise (Weight: 5 Points)

Consider whether the firm is a Certified Minority Business Enterprise. Award either all eligible points or none.

6) Recent, Current and Projected Workloads (Weight: 5 Points)

Consider the recent, current and projected workloads of the firm.

7) Volume of Work Previously Awarded to Consultant by District (Weight: 5 Points)

Consider the desire to diversify the firms that receive work from the District; etc.



Request for Qualifications for
Engineering Services

THE PREMIUM POINTE COMMUNITY DEVELOPMENT DISTRICT

PREPARED BY: **Kimley»Horn**

LDH040005-2021

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Standard Form 330

Ability and Adequacy of Professional Personnel

Kimley-Horn's Past Performance

Geographic Location

Willingness to Meet Time and Budget Requirements

Certified Minority Business Enterprise

Recent, Current, and Projected Workloads

Volume of Work Previously Awarded to Kimley-Horn by the District

STANDARD FORM 330

Kimley-Horn's Ability and Adequacy of Professional Personnel and Past Performance

Kimley-Horn is pleased to submit our team's qualifications for your consideration in response to your Request for Qualifications for Engineering Services for The Premium Pointe Community Development District. On the following pages you will find our Standard Form 330 that displays our professional qualifications for this project.

ARCHITECT – ENGINEER QUALIFICATIONS

PART I – CONTRACT SPECIFIC QUALIFICATIONS

A. CONTRACT INFORMATION

1. TITLE AND LOCATION (City and State)

Professional Services for The Premium Pointe Community Development District

2. PUBLIC NOTICE DATE

3. SOLICITATION OR PROJECT NUMBER

2020-03

B. ARCHITECT - ENGINEER POINT OF CONTACT

4. NAME AND TITLE

Brian Deitsch, P.E., District Engineer

5. NAME OF FIRM

Kimley-Horn and Associates, Inc.

6. TELEPHONE NUMBER

904.828.3900

7. FAX NUMBER

8. E-MAIL ADDRESS

Brian.Deitsch@kimley-horn.com

C. PROPOSED TEAM

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

	(Check)			9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	J-V	SUBCON-TRACTOR			
a.	<input checked="" type="checkbox"/>			Kimley-Horn and Associates, Inc. <input checked="" type="checkbox"/> CHECK IF BRANCH OFFICE	12740 Gran Bay Parkway West, Suite 2350 Jacksonville, FL 32258	Prime consultant
b.				CHECK IF BRANCH OFFICE		
c.				CHECK IF BRANCH OFFICE		
d.				CHECK IF BRANCH OFFICE		
e.				CHECK IF BRANCH OFFICE		
f.				CHECK IF BRANCH OFFICE		

D. ORGANIZATIONAL CHART OF PROPOSED TEAM

☒ (Attached)

Elevation Point CDD

Principal in Charge QC/QA
Bill Schilling, P.E.



E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME William (Bill) Schilling, P.E.	13. ROLE IN THIS CONTRACT Principal-in-Charge/ Quality Control, Quality Assurance (QC/QA)	14. YEARS EXPERIENCE a. TOTAL 25 b. WITH CURRENT FIRM 22	
15. FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Jacksonville, FL			
16. EDUCATION (Degree and Specialization) Master of Engineering / Civil Engineering Bachelor of Science / Civil Engineering		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) FL / Professional Engineer	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) <ul style="list-style-type: none"> Professional affiliations include: Chairman, City of Jacksonville's Downtown Development Review Board (DDRB); Past Chairman, Technical Advisory Committee, City of Jacksonville's Concurrency and Mobility Management Systems Office; Member, Institute of Transportation Engineers (ITE) 			

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Parkland Preserve Community and Community Development District (CDD) St. Johns County, FL	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable) Ongoing
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project manager. Kimley-Horn is providing professional services for this proposed single-family, age-restricted subdivision and its CDD in St. Johns County. When complete, the subdivision will feature 363 residential units on 114 acres and a four-acre amenity center. Our team is providing master infrastructure civil engineering design and associated civil engineering services; landscape architectural design services including a tree inventory and mitigation and irrigation plans; a master development plan map; project support and coordination; floodplain/Federal Emergency Management Agency (FEMA) assistance; permitting through St. Johns County and St. Johns River Water Management District (SJRWMD); construction phase services and bidding assistance and additional services on an as-needed basis.	[X] Check if project performed with current firm	
b. (1) TITLE AND LOCATION (City and State) Parrish Farms St. Johns County, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2019	
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer who is leading the roadway and transportation aspects of the project including the new I-95 interchange at the nexus of what will become Parrish Farms Town Center. After three years of master planning and conceptualization, Heritage Development Group has officially closed on 2,782-acres of the Parrish Farm Property, located along both sides of Interstate 95 and South of Florida 207, the "Gateway to St. Augustine" and the Nation's Oldest City. Ultimately featuring 1,700 single-family lots, 2,000 multifamily units, 3 million square feet of commercial retail, 500,000 square feet of office space, and 650 hotel rooms, Parrish Farms is not only vast in scale but also unique in that it will not be just another "max-yield" development. A new look at roadway design and how pathways interact within the vast network of multi-modal elements, parks, trails, and amenities have all been foundational program elements of the development from the start.	[X] Check if project performed with current firm	
c. (1) TITLE AND LOCATION (City and State) World Golf Village St. Augustine, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES Ongoing	
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Principal-in-charge (PIC). Kimley-Horn has been providing transportation, planning, and civil engineering services for the World Golf Village master-planned community (Saint Johns' Development of Regional Impact (DRI)) since 2004. Our services have included traffic monitoring and modeling, the design of off-site transportation improvements, and site civil design. World Golf Village is entitled for up to 6,300 residential units, more than five million square feet of non-residential uses, the Professional Golfers' Association of America (PGA) Hall of Fame, and 36 holes of golf. Kimley-Horn anticipates providing ongoing traffic monitoring and modeling services as needed through the build-out of the project, which is planned for 2030.	[X] Check if project performed with current firm	
d. (1) TITLE AND LOCATION (City and State) The District Community Development District (CDD) Jacksonville, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES Ongoing	
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project manager. Kimley-Horn partnered with The District's CDD to provide professional consulting services for The District project, a 32-acre mixed-use development that's planned to transform downtown Jacksonville's Southbank. The project is proposed to include 1,170 residential units, 200,000 square feet of office space, 200,000 square feet of retail space, a 125-slip marina, a 3.5-acre riverfront park, a 1,950-foot addition to the Riverwalk, riverfront bars and restaurants, and a hotel. Our services include the civil roadway and utility infrastructure design and the landscape/hardscape concept and design of the public roadways, parks, and Riverwalk expansion that is intended to serve the future private developments. We also provided sea wall and bulkhead design, brownfield environmental services, and permitting services.	[X] Check if project performed with current firm	
e. (1) TITLE AND LOCATION (City and State) Julington Lakes St. Johns County, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES Ongoing	
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this planned luxury home community in St. Johns County, Florida. A majority of this unique neighborhood is conserved as a nature preserve, featuring several beautiful lakes for residents and their guests to enjoy. Our team is providing civil engineering services including plat coordination and construction phase services.	[X] 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 Brian Deitsch, P.E.	13. ROLE IN THIS CONTRACT District Engineer	14. YEARS EXPERIENCE a. TOTAL 14 b. WITH CURRENT FIRM 3	
15. FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Jacksonville, FL			
16. EDUCATION (Degree and Specialization) Bachelor of Science / Civil Engineering		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) FL and GA/ Professional Engineer	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) <ul style="list-style-type: none"> • More than 14 years of civil engineering experience • Representative experience includes industrial sites, commercial projects, mixed-use developments, and residential communities 			

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Parkland Preserve Community and Community Development District (CDD) St. Johns County, FL	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable) Ongoing
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this proposed single-family, age-restricted subdivision and its CDD in St. Johns County. When complete, the subdivision will feature 363 residential units on 114 acres and a four-acre amenity center. Our team is providing master infrastructure civil engineering design and associated civil engineering services; landscape architectural design services including a tree inventory and mitigation and irrigation plans; a master development plan map; project support and coordination; floodplain/Federal Emergency Management Agency (FEMA) assistance; permitting through St. Johns County and St. Johns River Water Management District (SJRWMD); construction phase services and bidding assistance; and additional services on an as-needed basis.	[X] Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) Brookside Preserve St. Johns County, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES Ongoing CONSTRUCTION (If applicable) Ongoing	
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project manager. Kimley-Horn is currently providing professional engineering services for the development of Brookside Preserve, a 140-unit single-family residential subdivision located on 36 acres in St. Johns County's northwest sector. Our services include site and design planning; project support and coordination; landscape architectural design services including preparing mitigation and irrigation plans; permitting through St. Johns County and St. Johns River Water Management District (SJRWMD); and construction phase services and bidding assistance.	[X] Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) Coastal Oaks at Nocatee Ponte Vedra, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES 2018 CONSTRUCTION (If applicable) 2018	
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this luxury community in Ponte Vedra. A portion of Coastal Oaks is naturally preserved including several walking and hiking trails. The project's amenities include a 300-acre park featuring basketball, tennis, and volleyball courts, a playground, and a water park; a 6,500-square-foot clubhouse that houses a fitness center and meeting spaces; three pools, including an infant/children's wading pool; and several picnic areas for residents and their guests to enjoy. Our team's services include bid preparation/contractor notification; conferences/meetings; site visits; observation of construction; recommendation with respect to defective work; clarifications and interpretations; shop drawings and samples; inspections and tests; and as-built reviews.	[X] Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) Julington Lakes St. Johns County, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES Ongoing CONSTRUCTION (If applicable)	
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this planned luxury home community in St. Johns County, Florida. A majority of this unique neighborhood is conserved as a nature preserve, featuring several beautiful lakes for residents and their guests to enjoy. Our team is providing civil engineering services including plat coordination and construction phase services.	[X] Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) Mill Creek Forest St. Johns County, FL	(2) YEAR COMPLETED PROFESSIONAL SERVICES Ongoing CONSTRUCTION (If applicable) Ongoing	
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is currently providing professional engineering services for a 300-unit single-family subdivision. This subdivision is located in the northwest sector of St. Johns County and is zoned as a planned unit development (PUD). Our services on this multiphase project include on-site and off-site water and sewer design, a stormwater management system consisting of ten detention ponds, off-site roadway improvements, and construction phase services. Design services that began in mid-2019 were completed for Phase I early last year. Design services for Phases II through V are ongoing. Construction phase services, which began in mid-2020, will be ongoing until final build-out.	[X] 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 Stephen (Brett) Kuzoian, RLA	13. ROLE IN THIS CONTRACT Landscape Architect	14. YEARS EXPERIENCE <table border="1"> <tr> <td>a. TOTAL</td> <td>b. WITH CURRENT FIRM</td> </tr> <tr> <td>14</td> <td>9</td> </tr> </table>		a. TOTAL	b. WITH CURRENT FIRM	14	9
a. TOTAL	b. WITH CURRENT FIRM						
14	9						
15. FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Jacksonville, FL							
16. EDUCATION (Degree and Specialization) Bachelor of Science / Horticulture		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) FL / Registered Landscape Architect					
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) <ul style="list-style-type: none"> • More than 14 years of planning and landscape architecture experience throughout Florida • Specialized experience includes site planning, multi-modal connectivity, Complete Streets, historically sensitive design, and hardscape and landscape design 							

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
Parkland Preserve Community and Community Development District (CDD) St. Johns County, FL	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable) Ongoing
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <p>Project manager. Kimley-Horn is providing professional services for this proposed single-family, age-restricted subdivision and its CDD in St. Johns County. When complete, the subdivision will feature 363 residential units on 114 acres and a four-acre amenity center. Our team is providing master infrastructure civil engineering design and associated civil engineering services; landscape architectural design services including a tree inventory and mitigation and irrigation plans; a master development plan map; project support and coordination; floodplain/Federal Emergency Management Agency (FEMA) assistance; permitting through St. Johns County and St. Johns River Water Management District (SJRWMD); construction phase services and bidding assistance; and additional services on an as-needed basis.</p>	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) Parrish Farms St. Johns County, FL	PROFESSIONAL SERVICES 2019	CONSTRUCTION (If applicable)
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <p>Project manager who is leading the master planning aspect of the project. After three years of master planning and conceptualization, Heritage Development Group has officially closed on 2,782-acres of the Parrish Farm Property, located along both sides of Interstate 95 and South of Florida 207, the "Gateway to St. Augustine" and the Nation's Oldest City. Ultimately featuring 1,700 single-family lots, 2,000 multifamily units, 3 million square feet of commercial retail, 500,000 square feet of office space, and 650 hotel rooms, Parrish Farms is not only vast in scale but also unique in that it will not be just another "max-yield" development. A new look at roadway design and how pathways interact within the vast network of multi-modal elements, parks, trails, and amenities have all been foundational program elements of the development from the start.</p>	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) South Hampton Community Irrigation Renovation St. Johns County, FL	PROFESSIONAL SERVICES 2019	CONSTRUCTION (If applicable) 2019
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <p>Landscape architect. Kimley-Horn provided professional irrigation design for this 700-acre residential community. We updated South Hampton's 20-year-old failing irrigation system with a modern, cloud-based central control system capable of operating and diagnosing system failure and issues from a single remote location. This enables the community to save on costly water loss through previously unforeseen failures and breakages, combined with the addition of the latest technology in water-saving drip tubing, spray heads, and rotors.</p>	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) The District Community Development District (CDD) Jacksonville, FL	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable) Ongoing
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <p>Landscape architect. Kimley-Horn partnered with The District's CDD to provide professional consulting services for The District project, a 32-acre mixed-use development that's planned to transform downtown Jacksonville's Southbank. The project is proposed to include 1,170 residential units, 200,000 square feet of office space, 200,000 square feet of retail space, a 125-slip marina, a 3.5-acre riverfront park, a 1,950-foot addition to the Riverwalk, riverfront bars and restaurants, and a hotel. Our services include the civil roadway and utility infrastructure design and the landscape/hardscape concept and design of the public roadways, parks, and Riverwalk expansion that is intended to serve the future private developments. We also provided sea wall and bulkhead design, brownfield environmental services, and permitting services.</p>	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) Pedestrian Connectivity Study St. Augustine, FL	PROFESSIONAL SERVICES 2020	CONSTRUCTION (If applicable) 2020
(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <p>Project manager on the Kimley-Horn team responsible for a pedestrian connectivity study provides schematic design for a dozen residential roads within the historic Lincolnville neighborhood. More specifically, our design effort included recommendations for converting two-way streets to one-way streets, the addition or removal of on-street parking, where sidewalks and crosswalks are needed and where they are dedicated, and, in some cases, identifying where protected bike lanes would be a highly valuable neighborhood addition.</p>	<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 Christopher (Chris) Reuther, P.E.	13. ROLE IN THIS CONTRACT Civil Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 4	b. WITH CURRENT FIRM 4
15. FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Jacksonville, FL			
16. EDUCATION (Degree and Specialization) Bachelor of Science / Civil Engineering		17. CURRENT PROFESSIONAL REGISTRATION (State and Discipline) FL / Professional Engineer	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.)			
<ul style="list-style-type: none"> • More than four years of civil engineering experience • Experienced with all aspects of civil design including site layout and grading design, stormwater management and drainage design, agency permitting, and construction phase services 			

19. RELEVANT PROJECTS

	(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION (If applicable)
a.	Parkland Preserve Community and Community Development District (CDD) St. Johns County, FL	Ongoing	Ongoing
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this proposed single-family, age-restricted subdivision and its CDD in St. Johns County. When complete, the subdivision will feature 363 residential units on 114 acres and a four-acre amenity center. Our team is providing master infrastructure civil engineering design and associated civil engineering services; landscape architectural design services including a tree inventory and mitigation and irrigation plans; a master development plan map; project support and coordination; floodplain/Federal Emergency Management Agency (FEMA) assistance; permitting through St. Johns County and St. Johns River Water Management District (SJRWMD); construction phase services and bidding assistance; and additional services on an as-needed basis.		
b.	Stone Creek St. Johns County, FL	2017	2017
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn provided professional services for this luxury community that features 44 wooded estate homes spanning between 2,200 and 4,400 square feet per unit. Our scope of services included due diligence reviews; site planning; entitlement planning and applications; the preparation of construction documents; coordination with review agency staff; the review of agency staff comments and project team responses; and attendance at project team meetings.		
c.	The District Community Development District (CDD) Jacksonville, FL	Ongoing	Ongoing
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn partnered with The District's CDD to provide professional consulting services for The District project, a 32-acre mixed-use development that's planned to transform downtown Jacksonville's Southbank. The project is proposed to include 1,170 residential units, 200,000 square feet of office space, 200,000 square feet of retail space, a 125-slip marina, a 3.5-acre riverfront park, a 1,950-foot addition to the Riverwalk, riverfront bars and restaurants, and a hotel. Our services include the civil roadway and utility infrastructure design and the landscape/hardscape concept and design of the public roadways, parks, and Riverwalk expansion that is intended to serve the future private developments. We also provided sea wall and bulkhead design, brownfield environmental services, and permitting services.		
d.	Julington Lakes St. Johns County, FL	Ongoing	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this planned luxury home community in St. Johns County, Florida. A majority of this unique neighborhood is conserved as a nature preserve, featuring several beautiful lakes for residents and their guests to enjoy. Our team is providing civil engineering services including plat coordination and construction phase services.		
e.	Southside Quarters Jacksonville, FL	Ongoing	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE Project engineer. Kimley-Horn is providing professional services for this proposed 10.9-acre residential community in Jacksonville. At completion, Southside Quarters will include 134 residential units (46 single family homes and 88 townhomes), garage spaces for residents, and 43 guest parking spaces. Our team is providing site design, permitting, and construction phase services.		

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) Mills Park Community Development District (CDD) Orlando, FL	22. YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2010</td> <td>CONSTRUCTION <i>(If applicable)</i></td> </tr> </table>		PROFESSIONAL SERVICES 2010	CONSTRUCTION <i>(If applicable)</i>
PROFESSIONAL SERVICES 2010	CONSTRUCTION <i>(If applicable)</i>			

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER Pelloni Development Corporation	b. POINT OF CONTACT NAME Justin Pelloni	c. POINT OF CONTACT TELEPHONE NUMBER 407.585.7111
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Kimley-Horn provided comprehensive civil engineering services for this Orlando mixed-use project that includes multifamily residential units, office space, and retail space, as well as a more than 2,000-space parking garage. The services included a comprehensive plan revision, rezoning, master plan development, public involvement, site design, and the formation of a Community Development District (CDD). We also provided permitting through the South Florida Water Management District (SFWMD), the City of Orlando, the Florida Department of Environmental Protection (FDEP), and Orlando Utilities Commission (OUC). We also provided general engineering services with respect to grading, paving, drainage, and underground utilities, including water and sewer, as well as construction phase services.



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Orlando, FL	(3) ROLE Civil engineering services
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

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) Kenmare at Lake Annie Community Development District (CDD) Dundee, FL	22. YEAR COMPLETED	
	PROFESSIONAL SERVICES 2009	CONSTRUCTION (If applicable)

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER Kenmare at Lake Annie Community Development District	b. POINT OF CONTACT NAME Marty Goodman	c. POINT OF CONTACT TELEPHONE NUMBER 863.353.0016
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Kimley-Horn was selected to provide professional engineering services on a continuing basis for a residential development located on 165 acres and consisting of approximately 450 new dwelling units comprised of townhomes and single-family lots. Our engineering services consisted of reports, plans, and survey designs and specifications; construction administration for water management facilities, as well as water, wastewater, and irrigation facilities, bridges or culverts, roadways, landscaping, conservation, and mitigation areas; and other public improvements and community facilities.

Kimley-Horn's landscape architectural services involved the preparation of site landscaping for county compliance including the development of enhanced landscaping, hardscaping, entry signage, internal visual features, pocket parks and sitting areas, and a complete amenity center overlooking the existing Lake Annie. The project also included the preparation of marketing graphics consisting of blow-up renderings of the amenity center area, streetscape, and entryway features. Kimley-Horn developed the project's identity through the use of the aforementioned improvements to achieve a higher level of marketability for the client.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Lakeland, FL	(3) ROLE Civil engineering services
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

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) The Village Center Community Development District (VCCDD) Paradise Park The Villages, FL		22. YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2015</td> <td>CONSTRUCTION <i>(If applicable)</i></td> </tr> </table>	PROFESSIONAL SERVICES 2015	CONSTRUCTION <i>(If applicable)</i>
PROFESSIONAL SERVICES 2015	CONSTRUCTION <i>(If applicable)</i>			

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER Village Center Community Development District (VCCDD)	b. POINT OF CONTACT NAME Janet Tutt	c. POINT OF CONTACT TELEPHONE NUMBER 352.751.3939
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Kimley-Horn led a team of engineers, planners, and landscape architects to prepare the design of Paradise Park in The Villages. The scope of services included conceptual planning, public involvement, design, permitting, and construction phase administration. Park features included multimodal transportation paths, walking paths constructed of flexible surfaces, landscaping and irrigation system design, parking, lighting, golf practice areas, and exercise stations specifically designed for the senior population.



25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Ocala, FL	(3) ROLE Civil engineering services
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

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) Engineering Services Coastal Lake Community Development District (CDD) Walton County, FL		22. YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES 2009</td> <td>CONSTRUCTION <i>(If applicable)</i></td> </tr> </table>	PROFESSIONAL SERVICES 2009	CONSTRUCTION <i>(If applicable)</i>
PROFESSIONAL SERVICES 2009	CONSTRUCTION <i>(If applicable)</i>			

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER The St. Joe Company	b. POINT OF CONTACT NAME Lisa Purul	c. POINT OF CONTACT TELEPHONE NUMBER 850.231.6415
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

Kimley-Horn served the Coastal Lake CDD for professional engineering services on a continuing basis. Our services included planning, preparing reports and plans, designs and specifications, and construction supervision services for:

- Water management system and facilities
- Water and sewer system and facilities
- Roads, landscaping, and street lighting
- Other community infrastructure provided by the District as authorized in Chapter 190, Florida Statutes
- Affiliated projects for engineering contract management and inspection services during construction

One of the projects under this contract was WaterSound North, a planned community, where we provided design, permitting, and construction observation.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Tallahassee, FL	(3) ROLE Civil engineering services
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

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) Parkland Preserve Community and Community Development District (CDD) St. Johns County, FL	22. YEAR COMPLETED	
	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (if applicable) Ongoing
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER DPFG Management & Consulting	b. POINT OF CONTACT NAME Patricia Thibault	c. POINT OF CONTACT TELEPHONE NUMBER 321.263.0132; ext. 738
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)		

Kimley-Horn is providing professional services for this proposed single-family, age-restricted subdivision and its Community Development District (CDD) in St. Johns County. When complete, the subdivision will feature 363 residential units on 114 acres and a four-acre amenity center. Our team is providing master infrastructure civil engineering design and associated civil engineering services; landscape architectural design services including a tree inventory and mitigation and irrigation plans; a master development plan map; project support and coordination; floodplain/Federal Emergency Management Agency (FEMA) assistance; permitting through St. Johns County and St. Johns River Water Management District (SJRWMD); construction phase services and bidding assistance.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION (City and State) Jacksonville, FL
		(3) ROLE Civil engineering services
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)
		(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)
		(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)
		(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)
		(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)
		(3) ROLE

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) The District Community Development District (CDD) Jacksonville, FL		22. YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES Ongoing</td> <td>CONSTRUCTION (if applicable) Ongoing</td> </tr> </table>	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (if applicable) Ongoing
PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (if applicable) Ongoing			
23. PROJECT OWNER'S INFORMATION				
a. PROJECT OWNER DPMG Management & Consulting	b. POINT OF CONTACT NAME Patricia Thibault	c. POINT OF CONTACT TELEPHONE NUMBER 321.263.0132; ext. 738		
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)				

Kimley-Horn partnered with The District's CDD to provide professional consulting services for The District project, a 32-acre mixed-use development that's planned to transform downtown Jacksonville's Southbank. The project is proposed to include 1,170 residential units, 200,000 square feet of office space, 200,000 square feet of retail space, a 125-slip marina, a 3.5-acre riverfront park, a 1,950-foot addition to the Riverwalk, riverfront bars and restaurants, and a hotel. Our services include the civil roadway and utility infrastructure design and the landscape/hardscape concept and design of the public roadways, parks, and Riverwalk expansion that is intended to serve the future private developments. We also provided sea wall and bulkhead design, brownfield environmental services, and permitting services.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION (City and State) Jacksonville, FL	(3) ROLE Civil engineering services
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <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 (City and State) Elevation Pointe St. Augustine, FL		22. YEAR COMPLETED <table border="1"> <tr> <td>PROFESSIONAL SERVICES Ongoing</td> <td>CONSTRUCTION (If applicable)</td> </tr> </table>	PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable)
PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If applicable)			
23. PROJECT OWNER'S INFORMATION				
a. PROJECT OWNER Elevation Development, LLC	b. POINT OF CONTACT NAME Michael Rich	c. POINT OF CONTACT TELEPHONE NUMBER 407.270.8866 ext. 107		
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT (Include scope, size, and cost)				

Kimley-Horn is providing professional services for the proposed Elevation Pointe multipurpose project that includes a section of the St. Johns County Major Collector roadway (CR-208), townhome subdivisions, multifamily apartments, and commercial project parcels in St. Augustine. When complete, the project will include over a half mile of new CR-208, 420 townhomes, 320 apartment units, and 20 acres of commercial development. We played an instrumental role in obtaining zoning approvals for the project. Currently Kimley-Horn is providing master infrastructure civil engineering, roadway and traffic engineering design, landscape architecture, traffic and school concurrency entitlement planning, and permitting services.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION (City and State) Jacksonville, FL	(3) ROLE Civil engineering services
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

[illegible]

29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (From Section F)	NO.	TITLE OF EXAMPLE PROJECT (From Section F)
1	Mills Park Community Development District (CDD)	6	The District Community Development District (CDD)
2	Kenmare at Lake Annie Community Development District (CDD)	7	Elevation Pointe
3	The Village Center Community Development District (VCCDD) Paradise Park	8	
4	Engineering Services Coastal Lake Community Development District (CDD)	9	
5	Parkland Preserve Community and Community Development District (CDD)	10	

H. ADDITIONAL INFORMATION

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

Overview and History

Founded in 1967, Kimley-Horn is a full-service, employee-owned, multidisciplinary consulting firm offering a broad range of engineering, planning, landscape architecture, and environmental services to clients in both the private and public sectors. Over the years, we have grown from a small group of engineers and planners to one of the most respected consulting engineering firms in the nation—and a recognized leader in land development. Today, Kimley-Horn has over 4,600 employees in more than 90 offices across the United States and in Puerto Rico, offering a full range of consulting services to local, regional, national, and international clients.

Engineering News-Record (ENR) annually compiles and publishes the rankings of the 500 largest U.S. design firms (architectural and engineering firms), measured by gross revenues. Kimley-Horn's sound growth and stability is reflected in its steady rise on ENR's top 500 list. The firm first appeared on the list in 1981, when it ranked 421st. In 2020, Kimley-Horn ranked 17th overall and 8th among the top 100 "pure design firms." This growth has been accompanied by a steadfast commitment to providing responsive client service and pursuing continuous quality improvement.

In addition, *ENR* named Kimley-Horn the **2015 Southeast Design Firm of the Year**. The following awards provide even more insight into Kimley-Horn's culture:

- The firm has appeared on *Fortune* magazine's list of the **100 Best Companies To Work For** 13 times: for six years from 2005 through 2010, and from 2014 through 2020. In 2020, we ranked 16th.
- Ranked the **#1 Civil Engineering Firm To Work For** by *CE News* in 2004, 2006, and 2007. Kimley-Horn is the only firm to have been selected for this honor three times.
- Each year since 2008, Kimley-Horn has also been recognized by *ENR* as one of the nation's "**Top Green Design Firms.**" More than 100 of our professionals across the firm have earned LEED accreditations.

As consultants, we take pride in building real partnerships with clients. That means you get an expert Kimley-Horn team that delivers high quality results on time and on budget, advocates for your best interests, and works closely with you and your entire development team throughout the site development process—from the earliest stages of due diligence and entitlements to construction bidding, inspection, and final punch lists. And because Kimley-Horn makes deliberate business-planning decisions on hiring, growth, and client selection, we remain financially strong, independent, and stable.


Kimley-Horn offers a broad range of engineering, planning, landscape architectural, and environmental services including:

- | | |
|--|---|
| ▪ Site civil engineering | ▪ Roadway and bridge design |
| ▪ Stormwater management | ▪ Advanced traffic management systems |
| ▪ Water/wastewater treatment and collection systems | ▪ Areawide traffic signal systems |
| ▪ Paving and drainage | ▪ Parking planning and design |
| ▪ Utilities | ▪ Public involvement programs |
| ▪ Land development services | ▪ Geographic Information Systems (GIS) |
| ▪ Landscape architecture | ▪ Environmental permitting, assessment, and remediation |
| ▪ Urban design and planning | ▪ Wetland delineation, assessment, and mitigation |
| ▪ Predevelopment services | ▪ Construction administration/observation |
| ▪ Comprehensive planning | ▪ Building structures |
| ▪ Permitting and approvals | ▪ Surveying/platting |
| ▪ Transportation planning/engineering and traffic operations | ▪ Aviation planning and design |

I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

31. SIGNATURE



32. DATE

3/18/2021

33. NAME AND TITLE

David W. Walthall, P.E., Senior Vice President

GEOGRAPHIC LOCATION

Local Office

Kimley-Horn will serve this project from our local and fully-staffed Jacksonville office. This office is located at 12740 Gran Bay Parkway West, Suite 2350, Jacksonville, Florida 32258. The proximity of our Jacksonville office to the project site is 18 miles. We know that a strong commitment to client satisfaction must be the foundation of our service to you. Because our office is close to the project site, we can respond quickly to your questions and concerns. Our team is available on short notice to assist with any engineering challenges you may encounter.



WILLINGNESS TO MEET TIME AND BUDGET REQUIREMENTS

Project Commitment and Understanding

Kimley-Horn recognizes that budget and cost control are critical to the success of your projects. We believe that cost and schedule control are inherently tied to people. Their experiences, vision, management styles, and philosophies all affect significant components of a project approach and its execution. One important cost and schedule control mechanism will be the team's previous experiences and lessons learned. Our extensive experience with similar community development district projects has provided us with an unparalleled knowledge and understanding of your needs. Identifying realistic goals, developing a focused action plan that addresses only those items necessary to accomplish those goals, anticipating the implications of

WILLINGNESS TO MEET TIME AND BUDGET REQUIREMENTS

Project Commitment and Understanding continued

decisions made early on in the project lifecycle, and preparing a mechanism for addressing unexpected challenges are crucial when establishing cost and schedule controls. They build the framework for completing a project successfully, within budget, and on schedule. Kimley-Horn is well suited to manage and administer projects. We are prepared to commit the necessary resources to ensure the success of your efforts and we have unlimited access to vast resources which will contribute to the overall success of your projects. Our local presence makes access to these resources simple.

Paramount to the success of any project is a continued partnering throughout the project to adapt as necessary to unforeseen circumstances. We work hand-in-hand with our clients, teaming partners, and construction managers during the design phase to evaluate the cost of our improvements and identify potential alternatives or opportunities for value engineering of the project. We will include critical decision-making points in our work plans so that the project team can agree upon the best course of action to keep the project on track.

CERTIFIED MINORITY BUSINESS ENTERPRISE

Project Involvement and Dedication

Kimley-Horn has a company policy of meeting or exceeding our clients' stated minority business participation goals. Kimley-Horn is not a certified Minority Business Enterprise (MBE) firm, but through corporate policies and philosophy, the firm actively seeks to encourage and promote the use of MBE firms. We provide interested minority firms with the opportunity to serve as a subconsultant on our teams and throughout the year, actively seeking to increase and update our large database of qualified MBE firms to use on future projects. Our aggressive MBE utilization policy ensures that Kimley-Horn is furthering the positive economic development momentum that the State of Florida advocates through the use of MBE businesses by its contractors.

Our commitment to retaining minority firms to assist on projects is demonstrated by the amounts Kimley-Horn has paid to minority businesses during the past five years.

Year	Total Paid	No. of Minority Businesses Utilized
2020	\$54.5 Million	553
2019	\$41.7 Million	364
2018	\$16.9 Million	149
2017	\$22.3 Million	164
2016	\$16.4 Million	186

RECENT, CURRENT, AND PROJECTED WORKLOADS

Project Involvement and Dedication

Kimley-Horn uses a proactive management system known as “cast-aheads” to detail every project's personnel needs and to determine the availability of each staff member. By matching project needs with staff availability weekly, our cast-ahead system is an accurate tool that allows us to keep our projects on schedule. After reviewing our current cast-aheads, we can assure you that the Kimley-Horn staff members selected for this team are available to serve you and are in an excellent position to handle the workload required to complete the scope of services outlined in your request for qualifications.

The proposed project team members have been selected for their specific expertise and availability to provide services to The Premium Pointe Community Development District. The percentages listed below are estimated averages — there will be fluctuations in workload that will dictate full-time effort to meet specific deadlines.

Team Member	Role	Percent Dedicated
Bill Schilling, P.E.	Principal-in-Charge, QA/QC	20%
Brian Deitsch, P.E.	District Engineer	50%
Chris Reuther, P.E.	Civil Engineer	50%
Brett Kuzoian, RLA	Landscape Architect	25%

VOLUME OF WORK PREVIOUSLY AWARDED TO KIMLEY-HORN BY THE DISTRICT

Previous Project History

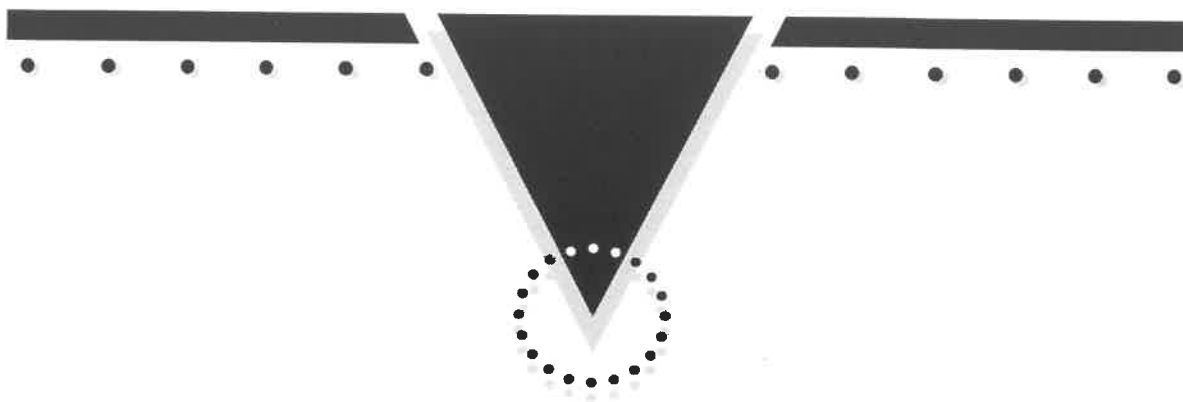
Kimley-Horn has had a local Jacksonville office for more than 25 years. Our team has a long history of successful development projects for a number of residential, commercial, industrial, and hospitality owners and developers. Our varied project history and extensive experience and relationships with local regulators illustrates our ability to manage projects of different sizes, types, and complexities. We are known for guiding our clients through increasingly complex regulatory processes.

Kimley-Horn is currently working with Elevation Development on the Elevation Pointe project. We are providing professional services for this mixed-use project that includes a proposed section of St. Johns County Major Collector Roadway (CR-208), townhome subdivisions, multifamily apartments, and commercial parcels in St. Augustine, Florida. When complete, the project will include over a half-mile of new CR-208, 420 townhomes, 320 apartment units, and 20 acres of commercial development. We played an instrumental role in obtaining zoning approvals for the project. Currently, Kimley-Horn is providing civil engineering services for the master infrastructure, roadway and traffic engineering design, landscape architecture, traffic and school concurrency entitlement planning, and permitting services.

SECTION VII

SECTION C

SECTION 1



**Premium Pointe
Community Development District**

Unaudited Financial Reporting

February 28, 2021



Table of Contents

1	<u>Balance Sheet</u>
2	<u>General Fund Income Statement</u>
3	<u>Month to Month</u>
4	<u>Developer Contributions Schedule</u>

Premium Pointe
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
February 28, 2021

	<u>General</u>
<u>ASSETS:</u>	
CASH	\$15,997
DUE FROM DEVELOPER	\$0
TOTAL ASSETS	<u>\$15,997</u>
<u>LIABILITIES:</u>	
ACCOUNTS PAYABLE	\$8,457
<u>FUND EQUITY:</u>	
FUND BALANCES:	
UNRESTRICTED	\$7,540
TOTAL LIABILITIES & FUND EQUITY	<u>\$15,997</u>

Premium Pointe
Community Development District

GENERAL FUND

Statement of Revenues & Expenditures

For The Period Ending

February 28, 2021

	PROPOSED BUDGET	PRORATED BUDGET 1/31/21	ACTUAL 1/31/21	VARIANCE
<u>REVENUES:</u>				
Developer Contributions	\$75,630	\$18,908	\$20,250	\$1,343
TOTAL REVENUES	\$75,630	\$18,908	\$20,250	\$1,343
<u>EXPENDITURES:</u>				
<u>ADMINISTRATIVE:</u>				
Supervisors Fees	\$8,000	\$0	\$0	\$0
FICA Expense	\$612	\$0	\$0	\$0
Engineering	\$8,000	\$2,000	\$0	\$2,000
Attorney	\$16,667	\$4,167	\$3,638	\$529
Bond Validation	\$0	\$0	\$1,778	(\$1,778)
Assessment Administration	\$0	\$0	\$0	\$0
Management Fees	\$23,333	\$5,833	\$2,917	\$2,917
Information Technology	\$1,000	\$250	\$125	\$125
Website Creation/ADA Compliance	\$1,750	\$438	\$0	\$438
Telephone	\$200	\$50	\$0	\$50
Postage	\$667	\$167	\$0	\$167
Insurance	\$3,500	\$3,500	\$3,452	\$48
Printing & Binding	\$667	\$167	\$0	\$167
Legal Advertising	\$10,000	\$2,500	\$651	\$1,849
Other Current Charges	\$667	\$167	\$0	\$167
Office Supplies	\$417	\$104	\$0	\$104
Dues, Licenses & Subscriptions	\$150	\$150	\$150	\$0
TOTAL EXPENDITURES	\$75,630	\$19,492	\$12,710	\$6,782
EXCESS REVENUES (EXPENDITURES)	\$0		\$7,540	
FUND BALANCE - Beginning	\$0		\$0	
FUND BALANCE - Ending	\$0		\$7,540	

Premium Pointe Community Development District

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Total
REVENUES													
Developer Contributions	\$0	\$0	\$0	\$0	\$20,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,250
TOTAL REVENUES	\$0	\$0	\$0	\$0	\$20,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,250
EXPENDITURES													
Supervisors Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FICA Expense	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Engineering	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Attorney	\$0	\$0	\$0	\$3,638	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,638
Bond Validation	\$0	\$0	\$0	\$1,778	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,778
Assessment Administration	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Management Fees	\$0	\$0	\$0	\$0	\$2,917	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,917
Information Technology	\$0	\$0	\$0	\$0	\$125	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$125
Website Creation/ADA Compliance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Telephone	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Postage	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance	\$0	\$0	\$0	\$0	\$3,452	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,452
Printing & Binding	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Legal Advertising	\$0	\$0	\$0	\$94	\$556	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$651
Other Current Charges	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Office Supplies	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dues, Licenses & Subscriptions	\$0	\$0	\$0	\$0	\$150	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150
TOTAL EXPENDITURES	\$0	\$0	\$0	\$5,510	\$7,200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,710
EXCESS REVENUES (EXPENDITURES)	\$0	\$0	\$0	\$5,510	\$13,050	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,540

**Premium Pointe Community Development District
Developer Contributions/Due from Developer**

Funding Request #	Date Prepared	Date Payment Received	Check Amount	Total Funding Request	General Fund Portion (21)	Over and (short) Balance Due
1	1/31/21	2/8/21	\$ 20,250.00	\$ 20,250.00	\$ 20,250.00	\$ -
Due from Developer						
			\$ 20,250.00	\$ 20,250.00	\$ 20,250.00	\$ -
Total Developer Contributions FY21				\$ 20,250.00		

SECTION 2

Premium Pointe

Community Development District

FY 21 Funding Request #2-Rev

March 22, 2021

PAYEE	CAPITAL	
	REIMBURSEMENT	GENERAL FUND
1 Department of Economic Opportunity		
Inv# 83735 - FY2021 Special District Fee - 4/13/2021	\$	150.00
2 Governmental Management Services		
Inv# 1 - Management Fees - February 2021	\$	3,041.67
Inv# 2 - Management Fees - March 2021	\$	3,041.67
3 Hopping Green & Sams		
Inv # 120577 - General Counsel January 2021	\$	3,638.00
Inv # 120522 - Bond Validation January 2021	\$ 1,777.81	
4 St Johns County BOCC		
Name Change Amendment Application Filing Fee	\$	1,558.00
	\$ 1,777.81	\$ 11,429.34
TOTAL		\$ 13,207.15

Please make check payable to:

Premium Pointe CDD
1408 Hamlin Ave Unit E
Saint Cloud FL 34771

Florida Department of Economic Opportunity, Special District Accountability Program
FY 2020/2021 Special District Fee Invoice and Update Form
 Required by Sections 189.064 and 189.018, Florida Statutes, and Chapter 73C-24, Florida Administrative Code

Invoice No.: 83735			Date Invoiced: 02/12/2021
Annual Fee: \$150.00	Late Fee: \$0.00	Received: \$0.00	Total Due, Postmarked by 04/13/2021: \$150.00

STEP 1: Review the following information, make changes directly on the form, and sign and date:

1. Special District's Name, Registered Agent's Name, and Registered Office Address:



Premium Pointe Community Development District
 Mr. George S. Flint
 Governmental Management Services - Central Florida, LLC
 219 East Livingston Street
 Orlando, FL 32801

2. Telephone: (407) 841-5524
 3. Fax: (407) 839-1526
 4. Email: gflint@gmscfl.com
 5. Status: Independent
 6. Governing Body: Elected
 7. Website Address: Not on file - please provide.
 8. County(ies): St. Johns
 9. Function(s): Community Development
 10. Boundary Map on File: 02/10/2021
 11. Creation Document on File: 02/10/2021
 12. Date Established: 12/22/2020
 13. Creation Method: Local Ordinance
 14. Local Governing Authority: St. Johns County
 15. Creation Document(s): County Ordinance 2020-65
 16. Statutory Authority: Chapter 190, Florida Statutes
 17. Authority to Issue Bonds: Yes
 18. Revenue Source(s): Assessments
 19. Most Recent Update: 02/12/2021

I do hereby certify that the information above (changes noted if necessary) is accurate and complete as of this date.

Registered Agent's Signature:  Date 2/12/21

STEP 2: Pay the annual fee or certify eligibility for the zero fee:

- a. **Pay the Annual Fee:** Pay the annual fee online by following the instructions at www.Floridajobs.org/SpecialDistrictFee or by check payable to the Department of Economic Opportunity.
- b. **Or, Certify Eligibility for the Zero Fee:** By initialing each of the following items, I, the above signed registered agent, do hereby certify that to the best of my knowledge and belief, **ALL** of the following statements contained herein and on any attachments hereto are true, correct, complete, and made in good faith as of this date. I understand that any information I give may be verified.
1. ____ This special district and its Certified Public Accountant determined the special district is not a component unit of a local general-purpose government.
 2. ____ This special district is in compliance with the reporting requirements of the Department of Financial Services.
 3. ____ This special district reported \$3,000 or less in annual revenues to the Department of Financial Services on its Fiscal Year 2018/2019 Annual Financial Report (if created since then, attach an income statement verifying \$3,000 or less in revenues).

Department Use Only: Approved: ____ Denied: ____ Reason: _____

STEP 3: Make a copy of this form for your records.

STEP 4: Mail this form and payment (if paying by check) to the Department of Economic Opportunity, Bureau of Budget Management, 107 E. Madison Street, MSC 120, Tallahassee, FL 32399-4124. Direct any questions to (850) 717-8430.

Hopping Green & Sams

Attorneys and Counselors

119 S. Monroe Street, Ste. 300
P.O. Box 6526
Tallahassee, FL 32314
850.222.7500

===== STATEMENT =====

February 15, 2021

Premium Pointe CDD
c/o GMS - Central Florida
219 E Livingston Street
Orlando, FL 32801

Bill Number 120577
Billed through 01/31/2021

General Counsel
PPCDD 00001 JJ

FOR PROFESSIONAL SERVICES RENDERED

12/22/20	KFJ	Correspond with state agency regarding ordinance; correspond with district manager regarding proposed agenda.	0.60 hrs
01/06/21	JJ	Confer with Flint and Khanani regarding organizational meeting.	0.40 hrs
01/08/21	JJ	Review correspondence regarding landowner election and assessments; confer with Dunlap.	0.50 hrs
01/11/21	JJ	Prepare for and attend call with Anderson Columbia attorneys regarding CDD actions; follow up with client regarding same.	0.90 hrs
01/11/21	KFJ	Correspond with district manager regarding organizational meeting documents; confer with Johnson regarding notice of establishment; amend funding agreement; review underwriter engagement letter and meeting documents.	2.20 hrs
01/12/21	KFJ	Record notice of establishment; update corresponding resolution and correspond with district manager.	0.40 hrs
01/14/21	JJ	Review revisions to funding agreement from landowner and confer regarding same.	0.50 hrs
01/14/21	KFJ	Correspond with agency regarding certified ordinance.	0.20 hrs
01/18/21	JJ	Confer with Owais regarding landowner issues.	0.30 hrs
01/19/21	KFJ	Correspond with district manager regarding budget funding agreement.	0.20 hrs
01/20/21	KFJ	Amend election proxy form and correspond with landowner; confer with Fogle regarding agenda.	0.40 hrs
01/21/21	JJ	Confer with Dunlap regarding landowner election issues; review correspondence from Dunlap and Cheshire.	0.50 hrs
01/22/21	JJ	Review agenda package and prepare for organizational meeting; attend organizational board meeting and post meeting wrap up.	2.30 hrs
01/23/21	KFJ	Confer with Johnson regarding meeting schedule.	0.20 hrs

01/25/21	KFJ	Prepare name change request and draft ordinance; confer with Johnson.	1.30 hrs
01/28/21	KFJ	Prepare supervisor resignation letters, research funding agreement and confer with Johnson.	0.60 hrs
01/29/21	JJ	Confirm with Dunlap regarding agreement and LOE.	0.30 hrs
01/29/21	JLK	Review proposed legislation on CDD officers; monitor Amendment 12 implementation.	1.00 hrs
Total fees for this matter			\$3,638.00

MATTER SUMMARY

Johnson, Jonathan T.	5.70 hrs	410 /hr	\$2,337.00
Kilinski, Jennifer L.	1.00 hrs	325 /hr	\$325.00
Jusevitch, Karen F.- Paralegal	6.10 hrs	160 /hr	\$976.00
TOTAL FEES			\$3,638.00
TOTAL CHARGES FOR THIS MATTER			\$3,638.00

BILLING SUMMARY

Johnson, Jonathan T.	5.70 hrs	410 /hr	\$2,337.00
Kilinski, Jennifer L.	1.00 hrs	325 /hr	\$325.00
Jusevitch, Karen F.- Paralegal	6.10 hrs	160 /hr	\$976.00
TOTAL FEES			\$3,638.00
TOTAL CHARGES FOR THIS BILL			\$3,638.00

Please include the bill number with your payment.

Hopping Green & Sams

Attorneys and Counselors

119 S. Monroe Street, Ste. 300
P.O. Box 6526
Tallahassee, FL 32314
850.222.7500

===== STATEMENT =====

February 15, 2021

Premium Pointe CDD
c/o GMS - Central Florida
219 E Livingston Street
Orlando, FL 32801

Bill Number 120522
Billed through 01/31/2021

Bond Validation

PPCDD 00102 JJ

FOR PROFESSIONAL SERVICES RENDERED

01/12/21	JJ	Review validation report; confer with Flint; confer with Dame.	0.60 hrs
01/13/21	JJ	Review bond validation complaint and edit.	0.60 hrs
01/13/21	KFJ	Prepare bond validation complaint; confer with Lewis and Johnson.	1.50 hrs
01/14/21	JJ	Review revisions to complaint.	0.50 hrs
01/21/21	JJ	Confer with Flint and Sealy regarding financing structure and assessment issues.	1.00 hrs
01/26/21	JJ	Confer with Flint regarding assessment schedule.	0.30 hrs
01/28/21	KFJ	Update bond validation complaint; confer with Lewis.	1.30 hrs
01/29/21	KFJ	Amend bond validation complaint and confer with Lewis; correspond with district manager regarding bond resolution.	0.50 hrs
Total fees for this matter			\$1,758.00

DISBURSEMENTS

Travel	3.43
Conference Calls	16.38
Total disbursements for this matter	\$19.81

MATTER SUMMARY

Johnson, Jonathan T.	3.00 hrs	410 /hr	\$1,230.00
Jusevitch, Karen F.- Paralegal	3.30 hrs	160 /hr	\$528.00

TOTAL FEES	\$1,758.00
TOTAL DISBURSEMENTS	\$19.81

TOTAL CHARGES FOR THIS MATTER **\$1,777.81**

BILLING SUMMARY

Johnson, Jonathan T.	3.00 hrs	410 /hr	\$1,230.00
Jusevitch, Karen F.- Paralegal	3.30 hrs	160 /hr	\$528.00
TOTAL FEES			\$1,758.00
TOTAL DISBURSEMENTS			\$19.81
TOTAL CHARGES FOR THIS BILL			----- \$1,777.81

Please include the bill number with your payment.

From: Jonathan Johnson <jonathanj@hgslaw.com>
Subject: Fwd: Premium Pointe CDD
Date: March 18, 2021 at 9:34 AM
To: Karen Jusevitch <KarenJ@hgslaw.com>
Cc: George Flint <gflint@gmscf.com>



Karen

Would you call and follow up on the details of what they need.

George could you provide a filing fee check from the cdd?

Thanks!

Jonathan Johnson

.....
Hopping Green & Sams, P.A.

119 South Monroe Street, Suite 300
Tallahassee, FL 32301

[850.222.7500](tel:850.222.7500) | hgslaw.com | [Attorney Bio](#)

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Begin forwarded message:

From: Mike Roberson <mroberson@sjcfl.us>
Date: March 18, 2021 at 9:33:09 AM EDT
To: Jonathan Johnson <jonathanj@hgslaw.com>
Cc: Christine Valliere <cvalliere@sjcfl.us>
Subject: RE: Premium Pointe CDD

Notice: External

Hi Jonathan,

The application is a *CDD Amendment* and the fee is \$1,558.00. Please call the Planning and Zoning Desk at (904) 209-0675 for submittal and payment details.

Sincerely,
Michael Roberson
Assistant Director
Growth Management
St. Johns County
Wk: 904-209-0593 (direct)
Cell: 904-599-6078

From: Patrick McCormack
Sent: Friday, March 12, 2021 11:28 AM
To: 'Jonathan Johnson' <jonathanj@hgslaw.com>
Cc: Christine Valliere <cvalliere@sjcfl.us>; Mike Roberson <mroberson@sjcfl.us>
Subject: FW: Premium Pointe CDD

Hi Jonathon,

Good news! This will be handled by Christine (much smarter than me!) for this office. You had previewed this name change plan with our board, so should be a piece of cake. Mike can let us know what if any fee.

Best,
Pat

Patrick F. McCormack
County Attorney
St. Johns County

500 San Sebastian View
St. Augustine, Florida 32084
(904)209-0805 office
(904)209-0806 fax
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Practicing Law with Civility is the Rule!

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From: Jonathan Johnson <jonathanj@hgslaw.com>
Sent: Friday, March 12, 2021 11:10 AM
To: Patrick McCormack <pmccormack@sjcfl.us>
Subject: Fwd: Premium Pointe CDD

Good morning Pat,

It was good to catch up a couple of weeks ago. I am enclosing a draft ordinance as a formal request for a name change on behalf of the Premium Pointe CDD. The CDD board is requesting this change to avoid any confusion with the nearby premium point outlet mall project.

I look forward to working with you and your staff. As we discussed, if there is any appropriate filing fee that is applicable please let me know and we will forward.

All my best,

Jonathan Johnson

.....
Hopping Green & Sams, P.A.

119 South Monroe Street, Suite 300
Tallahassee, FL 32301

850.222.7500 | hgslaw.com | Attorney Bio

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Begin forwarded message:

From: Karen Jusevitch <karenj@hgslaw.com>
Date: March 12, 2021 at 10:55:26 AM EST
To: Jonathan Johnson <jonathanj@hgslaw.com>
Subject: Premium Pointe

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