

# **CFM COMMUNITY DEVELOPMENT DISTRICT**

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DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

**CFM  
COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS' MEETING  
FEBRUARY 20, 2014**

**CFM COMMUNITY  
DEVELOPMENT DISTRICT AGENDA  
February 20, 2014 at 11:00 a.m.**

At the office of Rizzetta & Company, Inc., 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912

<b>District Board of Supervisors</b>	Mike Dady Bob Bishop Brian Wasser Christina Southwick John Blakley	Chairman Vice Chairman Assistant Secretary Assistant Secretary Assistant Secretary
<b>District Manager</b>	Molly Syvret	Rizzetta & Company, Inc.
<b>District Counsel</b>	Chuck Bowen	Hopping Green & Sams, P.A.
<b>District Engineer</b>	David K. Robson	Johnson Engineering, Inc.

**All Cellular phones and pagers must be turned off while in the meeting room.**

**The District Agenda is comprised of five different sections:**

The meeting will begin promptly at **11:00 a.m.** with the first section which is called **Audience Comments**. The Audience Comment portion of the agenda is where individuals may comment on matters for which the Board may be taking action or that may otherwise concern the District. Each individual is limited to three **(3) minutes** for such comment. The Board of Supervisors or Staff is not obligated to provide a response until sufficient time for research or action is warranted. **IF THE COMMENT CONCERNS A MAINTENANCE RELATED ITEM, THE ITEM WILL NEED TO BE ADDRESSED BY THE DISTRICT MANAGER OUTSIDE THE CONTEXT OF THIS MEETING.** The second section is called **Business Administration**. The Business Administration section contains items that require the review and approval of the District Board of Supervisors as a normal course of business. The third section is called **Business Items**. The business items section contains items for approval by the District Board of Supervisors that may require discussion, motion and votes on an item-by-item basis. Occasionally, certain items for decision within this section are required by Florida Statute to be held as a Public Hearing. During the Public Hearing portion of the agenda item, each member of the public will be permitted to provide one comment on the issue, prior to the Board of Supervisors' discussion, motion and vote. The fourth section is called **Staff Reports**. This section allows the District Manager, Engineer, and Attorney to update the Board of Supervisors on any pending issues that are being researched for Board action. The final section is called **Supervisor Requests and Comments**. This is the section in which the Supervisors may request Staff to prepare certain items in an effort to meet residential needs. Agendas can be reviewed by contacting the Manager's office at (239) 936-0913 at least seven days in advance of the scheduled meeting. Requests to place items on the agenda must be submitted in writing with an explanation to the District Manager at least fourteen (14) days prior to the date of the meeting.

Public workshops sessions may be advertised and held in an effort to provide informational services. These sessions allow staff or consultants to discuss a policy or business matter in a more informal manner and allow for lengthy presentations prior to scheduling the item for approval. Typically no motions or votes are made during these sessions.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (239) 936-0913, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that this same 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.

**CFM COMMUNITY DEVELOPMENT DISTRICT**  
**DISTRICT OFFICE • 9530 MARKETPLACE ROAD, SUITE 206, FORT MYERS, FL 33912**

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February 12, 2014

Board of Supervisors  
**CFM Community  
Development District**

**AGENDA**

Dear Board Members:

The regular meeting of the Board of Supervisors of the CFM Community Development District will be held on **Thursday, February 20, 2014 at 11:00 a.m.**, at the office of Rizzetta & Company, Inc. located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912. The following is the advance agenda for the meeting.

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS**
- 3. BUSINESS ADMINISTRATION**
  - A. Consideration of the Minutes of the Board of Supervisors Meeting held on October 17, 2013 ..... Tab 1
  - B. Consideration of Operation and Maintenance Expenditures for the Months of October, November, and December 2013 and January 2014 ..... Tab 2
- 4. BUSINESS ITEMS**
  - A. Consideration of Professional Services Supplemental Agreement No. 011 between CFM CDD and Johnson Engineering Related to Water Use Monitoring ..... Tab 3
  - B. Consideration of Resolution 2014-01, Resetting the Public Hearing Related to the Rules of Procedure..... Tab 4
  - C. Public Hearing Related to Rules of Procedure ..... Tab 5
    1. Consideration of Resolution 2014-02, Adopting Revised Rules of Procedure ..... Tab 6
  - D. Consideration of Disclosure of Public Financing (under separate cover)
- 5. STAFF REPORTS**
  - A. District Counsel
  - B. District Engineer
  - C. District Manager
- 6. SUPERVISOR REQUESTS AND COMMENTS**
- 7. ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (239) 936-0913.

Very truly yours,



Molly A. Syvret  
District Manager

cc: Jere Earlywine, Hopping Green & Sams

# Tab 1

**MINUTES OF MEETING**

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

**CFM COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the CFM Community Development District was held on **Thursday, October 17, 2013 at 11:16 a.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912.

Present and constituting a quorum:

Mike Dady	<b>Board Supervisor, Chairman</b>
Bob Bishop	<b>Board Supervisor, Vice Chairman</b>
John Blakley	<b>Board Supervisor, Assistant Secretary</b>
Brian Wasser	<b>Board Supervisor, Assistant Secretary</b>
Christina Southwick	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Molly Syvret	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Chuck Bowen	<b>District Counsel, Hopping Green &amp; Sams, P.A. (via speaker phone)</b>
Jere Earlywine	<b>District Counsel, Hopping Green &amp; Sams, P.A. (via speaker phone)</b>
David Robson	<b>District Engineer, Johnson Engineering</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Syvret called the meeting to order and read the roll call.

**SECOND ORDER OF BUSINESS**

**Audience Comments**

Ms. Syvret stated for the record that there was no audience present.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the  
Special Board of Supervisors' Meeting  
held on August 29, 2013**

Ms. Syvret presented the minutes of the special Board of Supervisors' meeting held on August 29, 2013. She asked if there were any questions related to the minutes. Mr. Bowen provided revisions to the minutes.

On a Motion by Mr. Bishop, seconded by Mr. Dady, with all in favor, the Board approved the Minutes of the Special Board of Supervisors' Meeting held on August 29, 2013, subject to the revision noted on the record, for CFM Community Development District.
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**FOURTH ORDER OF BUSINESS**

**Consideration of the Operation and  
Maintenance Expenditures for the  
Months of August and September 2013**

Ms. Syvret provided an overview of the expenditures paid for the period of August 1-31, 2013 which totaled \$7,933.16 and the period of September 1-30, 2013 which totaled \$61,761.75. She asked if there were any questions related to any item of expenditure. Discussion ensued regarding various items of expenditure.

On a Motion by Mr. Dady, seconded by Mr. Bishop, with all in favor, the Board approved the Operation and Maintenance Expenditures for the Period of August 1-31, 2013, which totaled \$7,933.16 and the period of September 1-30, 2013 which totaled \$61,761.75, for CFM Community Development District.

**FIFTH ORDER OF BUSINESS**

**Presentation of Arbitrage Rebate  
Calculations, Series 2004 A&B as of April  
30, 2013, as Prepared by LLS Tax  
Solutions**

Ms. Syvret provided an overview of the Arbitrage Rebate Calculations for Capital Improvement Revenue Bonds, Series 2004 A & B as prepared by LLS Tax Solutions.

**SIXTH ORDER OF BUSINESS**

**Discussion Concerning NPDES MS4  
Permit and Ratification of Standard  
Operating Procedures**

Mr. Robson provided an overview of the report that was submitted and the Standard Operating Procedures. Discussion ensued.

On a motion by Mr. Dady, seconded by Mr. Blakley, with all in favor, the Board ratified the Standard Operating Procedures related to the NPDES MS4 Permit, for CFM Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
Mr. Bowen advised the District's petition to the Lee County Board of County Commissioners to consent to the exercise of additional powers by the District is scheduled to first appear on the County agenda on October 29<sup>th</sup>, at which time the petition should be approved and set to Public Hearing, which should occur on November 26<sup>th</sup>.
  
- B. District Engineer  
Mr. Robson advised he had no report.

C. District Manager

Ms. Syvret stated that the next meeting of the Board of Supervisors is scheduled for November 21, 2013 at 11:00am, at which time there will be a public hearing related to the Rules of Procedure.

Discussion ensued regarding aerators that were reported to not be functioning properly. Discussion ensued. The Board provided direction to District Staff to proceed with repair to the timer on the one aerator that is having to be turned on manually.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

Ms. Syvret opened the floor for Supervisor requests and comments. There were none.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. Dady, seconded by Ms. Southwick, with all in favor, the Board adjourned the meeting at 11:49 a.m. for CFM Community Development District.

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

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

# Tab 2



# CFM COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

## Operation and Maintenance Expenditures October 2013 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from October 1, 2013 through October 31, 2013. This does not include expenditures previously approved by the Board.

The total items being presented: **\$41,834.70**

Approval of Expenditures:

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Chairman

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Vice Chairman

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Assistant Secretary

**CFM Community Development District**  
**Paid Operation & Maintenance Expenses**  
**October 1, 2013 Through October 31, 2013**

*10101 - Cash-Operating Account*

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Hopping Green & Sams	1665	72637	General Legal Services 08/13	\$ 8,944.54
Johnson Engineering Inc	1666	20044888-010 Inv 8	Water Use Monitoring 08/13	\$ 125.00
Lake Masters Aquatic Weed Control, Inc.	1667	13-06414	Lake Maintenance 09/13	\$ 1,803.00
LCEC	1668	6571809552 09/13	Street Lights 3000 Magnolia Landing Ln 09/13	\$ 1,627.25
Magnolia Landing Golf, LLC	1670	287	Aerator Maintenance/Water Use 09/13	\$ 625.00
Magnolia Landing Golf, LLC	1670	288	Aerator/ Utility Cost 09/13	\$ 1,400.00
Magnolia Landing Golf, LLC	1670	289	Patchwork & Pothold Repair	\$ 2,000.00
Magnolia Landing Master Association	1669	222	Landscape Maintenance 11/12-4/13	\$ 18,532.00
Magnolia Landing Master Association	1669	286	Landscape Maintenance 09/13	\$ 3,494.58
Rizzetta & Company, Inc.	1671	15626	District Management Fees 10/13	\$ 3,283.33
<b>Report Total</b>				<b><u>\$ 41,834.70</u></b>

# Hopping Green & Sams

Attorneys and Counselors

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

===== STATEMENT =====

September 26, 2013

CFM Community Development District  
c/o Accounts Payable  
9530 Marketplace Road  
Suite 206  
Fort Myers, FL 33912

Bill Number 72637  
Billed through 08/31/2013

**General Counsel/Monthly Meeting**

**CFMCDD 00001 JLE 8/13**

Date Rec'd Rizzetta & Co., OCT 04 2013  
D/M approval MAJ Date 10/9/13  
Date entered OCT 06 2013  
Fund C01 51400 3107

**FOR PROFESSIONAL SERVICES RENDERED** Check!!

05/31/13	MCE	Research and revise rules of procedure.	0.20 hrs
05/31/13	AEH	Research rules of procedure regarding possible changes due to passed legislation; revise rules of procedure.	1.00 hrs
08/01/13	JLE	Prepare for and attend conference call regarding O&M assessment methodology.	0.60 hrs
08/02/13	CBO	Confer with Robson regarding revision to operations and maintenance assessment methodology; confer with Barreto regarding assessment roll and follow up on same; analyze issue and draft correspondence regarding revised operations and maintenance assessment methodology; draft mailed notice of operations and maintenance assessments; research issue regarding same.	3.20 hrs
08/05/13	JLE	Review draft assessment and budget notices.	0.50 hrs
08/05/13	CBO	Draft affidavit of mailing; confer with Syvret regarding published notice and budget revisions; confer with Cox regarding revised O&M assessment methodology.	1.90 hrs
08/05/13	KEM	Prepare memorandum and resolution regarding opportunity to be heard.	0.10 hrs
08/06/13	CBO	Review proof of published notice; confer with Hardwick regarding same; draft correspondence regarding mailed notice; confer with Syvret regarding revised budget and O&M assessment methodology; analyze issue regarding security bonds; confer with Wasser regarding same; confer with county planning department regarding surveys and legal descriptions; revise engineer's certificate and resolution declaring assessments and draft correspondence regarding same; prepare and review policy regarding right to speak.	3.70 hrs
08/07/13	JLE	Prepare for and attend call with Cox, et al., regarding operations and maintenance budget and assessments; prepare mailed notice regarding the same; review assessment tables from Cox and confer with Cox regarding the same.	2.30 hrs
08/08/13	JLE	Multiple conferences with staff regarding assessment notices; review various draft notices, and revise language for the same.	1.20 hrs

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08/09/13	JLE	Conferences with Cox, Dady, Hardwick and Syvret regarding assessment notices; follow-up regarding the same.	1.40 hrs
08/12/13	CBO	Review correspondence and analyze issue regarding reallocation of assessments.	0.60 hrs
08/15/13	CBO	Confer with Syvret and Robson regarding landscape maintenance property issues and analyze issues regarding same; confer with district staff regarding escrow agreement.	1.30 hrs
08/16/13	CBO	Analyze issue regarding proposed plats; draft correspondence regarding same; confer with County Attorney regarding petition for security powers; analyze issue regarding ownership of lands near entry to project.	1.40 hrs
08/16/13	KEM	Research deeds.	0.10 hrs
08/19/13	CBO	Review and revise new rules of procedure and related resolutions and notices; analyze issue regarding reallocation of assessments.	1.10 hrs
08/20/13	CBO	Research and draft resolution levying reallocated assessments; draft assessment resolution and appropriation resolution; research issues regarding ownership of landscape maintenance areas.	4.30 hrs
08/21/13	JLE	Analyze issues regarding upcoming board meeting and assessment hearings.	0.30 hrs
08/21/13	CBO	Analyze issue regarding reallocation process; confer with Cox regarding same; research and draft memorandum regarding property issues relevant to landscape maintenance; review and revise reallocation resolution and budget documents; review tentative agenda; confer with Hardwick regarding same.	3.40 hrs
08/23/13	CBO	Confer with district staff regarding August agenda package; review tentative agenda and provide comments regarding same; draft resolution setting public hearing on rules of procedure.	1.20 hrs
08/26/13	JLE	Review and revise debt assessment resolution.	0.40 hrs
08/26/13	CBO	Confer with Robson regarding landscape maintenance exhibit; analyze issue regarding assessment and reallocation resolutions; revise reallocation resolution.	1.40 hrs
08/27/13	CBO	Research issue regarding true-up responsibilities under district assessments; research issue regarding previous assessments; confer with Gremont regarding fiscal year 2013/2014 assessment roll; review draft assessment roll; follow up with county staff regarding timing of petition for security powers.	2.70 hrs
08/28/13	JLE	Review and revise assessment resolution; analyze issues regarding the same.	0.80 hrs
08/28/13	CBO	Draft revisions to reallocation resolution to account for true-up responsibilities, sale of land to governments, and collection provisions; confer with district staff regarding August board meeting; review agenda package and prepare agenda memorandum for August board meeting.	2.40 hrs
08/29/13	CBO	Prepare for, travel to and from, and attend August board meeting; confer with Syvret, Johson, and Dady regarding landscape maintenance exhibit and property issues arising from same.	6.40 hrs

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Total fees for this matter \$8,432.00

**DISBURSEMENTS**

Long Distance	5.82
Travel	450.75
Travel - Meals	35.84
Conference Calls	19.24
Mileage	0.89
 Total disbursements for this matter	 \$512.54

**MATTER SUMMARY**

Holway, Andrew E.	1.00 hrs	180 /hr	\$180.00
Bowen, Chuck	35.00 hrs	180 /hr	\$6,300.00
Earlywine, Jere L.	7.50 hrs	250 /hr	\$1,875.00
Ibarra, Katherine E. - Paralegal	0.20 hrs	125 /hr	\$25.00
Eckert, Michael C.	0.20 hrs	260 /hr	\$52.00

TOTAL FEES	\$8,432.00
TOTAL DISBURSEMENTS	\$512.54

**TOTAL CHARGES FOR THIS MATTER**

**\$8,944.54**

**BILLING SUMMARY**

Holway, Andrew E.	1.00 hrs	180 /hr	\$180.00
Bowen, Chuck	35.00 hrs	180 /hr	\$6,300.00
Earlywine, Jere L.	7.50 hrs	250 /hr	\$1,875.00
Ibarra, Katherine E. - Paralegal	0.20 hrs	125 /hr	\$25.00
Eckert, Michael C.	0.20 hrs	260 /hr	\$52.00

TOTAL FEES	\$8,432.00
TOTAL DISBURSEMENTS	\$512.54

**TOTAL CHARGES FOR THIS BILL**

**\$8,944.54**

**Please include the bill number on your check.**

Johnson Engineering, Inc.

Remit To:

P.O. Box 2112

Fort Myers, FL 33902

Ph: 239.334.0046 Fax: 239.334.3661

# Invoice

September 20, 2013

Project No: 20044888-010

Invoice No: 8

Project Manager Timothy Denison

FEID #59-1173834

Accounts Payable

CFM CDD

c/o Rizzetta & Company, Inc.

9530 Marketplace Road, Suite 206

Fort Myers, FL 33912

Project 20044888-010 CFM CDD Water Use Monitoring 2012-2013

Supplemental Agreement No. 10, dated 10/10/12

Professional Services through August 11, 2013

### PROFESSIONAL SERVICES

Phase No.	Phase Description	Contract Amount	Fee Type	%	Total Inv To-Date	Previously Invoiced	Current Inv Amount	Balance to Complete
01	Water Use Monitoring	2,500.00	LS	80 %	2,000.00	1,875.00	125.00	500.00
02	Flowmeter Calibration/Verification	900.00	LS	100 %	900.00	900.00	0.00	0.00
REIM	Reimbursable Expenses	100.00	T&M	0 %	0.00	0.00	0.00	100.00
Totals		3,500.00			2,900.00	2,775.00	125.00	600.00

SUB-TOTAL PROFESSIONAL SERVICES:

125.00

INVOICE TOTAL:

125.00

OCT 04 2013

Date Rec'd Rizzetta & Co., Inc.

D/M approval MB Date 10/9/13

Date entered OCT 04 2013

Fund 001 GL 53800 OC 4607

Check#

Lake Masters Aquatic Weed Control, Inc.  
P.O. Box 2300  
Palm City, FL 34991  
Toll Free: 1-877-745-5729  
Fax: 772-220-6603 Local: 772-220-2224

# Invoice

DATE	INVOICE #
9/1/2013	13-06414

<b>BILL TO</b>
CFM CDD - MAGNOLIA LANDING 9530 MARKETPLACE RD., STE 206 FORT MYERS, FL 33912

E-mail	P.O. NO.	TERMS	REP	MAIL STOP ID
susano1@aol.com		Net 30		4696

QUANTITY	DESCRIPTION	RATE	AMOUNT
	MONTHLY SERVICE - AQUATIC WEED CONTROL  <p style="text-align: right;">09/13</p>	1,803.00	1,803.00
SEP 0 4 2013 Date Rec'd Rizzetta & Co., inc. _____ D/M approval <u>MMB</u> Date <u>9/11/13</u> Date entered <u>SEP 0 9 2013</u> Fund <u>001 GL 53800 OC 4605</u> Check# _____			

THIS INVOICE AND SERVICE IS FOR THE MONTH INDICATED IN THE DATE SECTION ABOVE.	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	<b>\$1,803.00</b>

Customer Name: **CFM COMMUNITY DEVELOPMENT DISTRICT**

Account Number: **6571809552**

Due Date: **10/17/2013**

**Account Summary as of September 26, 2013**

Previous Balance	1627.25
Corrections	0.00
<b>Past Due Balance</b>	<b>\$1,627.25</b>
Current Charges - ELECTRIC	1627.25
Adjustments & Other Charges	0.00
<b>Total Amount Due</b>	<b>\$3,254.50</b>

Service Address: **3000 MAGNOLIA LANDING LN CASE ID#6806754959-T69628 NORTH FORT MYERS, FL 33917**

SA ID# 6571809975 Security Lt-Comm

Service From **08/28/2013 to 09/26/2013**

46 13' Decorative Pole at \$12.75 each	586.50
46 units 150 Decorative Lights at \$20.91 each	961.86
Power Cost Adj. (2,943.9995 kWh at \$0.01796)	52.87
<b>Summary Of Light Related Charges</b>	<b>1014.73</b>
<b>Summary Of Pole Related Charges</b>	<b>586.50</b>
Gross Receipts Tax	26.02
<b>Current Charge Subtotal</b>	<b>\$1,627.25</b>

Date Rec'd Rizzetta & Co., Inc. OCT 01 2013  
 M approval MM Date 10/2/13  
 Date entered OCT 01 2013  
 Fund 001 GI 53100 OC 4307  
 Check# \_\_\_\_\_

tear here

tear here

Past Due Balance of \$1627.25 subject to late fee, disconnection, and/or deposit if not paid immediately.

Pay your electric bill with your MasterCard, VISA, Discover or American Express card by calling 239-656-2300 or at www.lcec.net. Payments made before 4 pm post to your LCEC account within 6 hours; after 4 pm post the next day.

Page 1 of 1

Please check box if address is incorrect and indicate change(s) on back



Past Due/Prev Balance	Current Charges	Total Amount Due	Current Charges Due	Amount Paid
<b>\$1,627.25</b>	<b>\$1,627.25</b>	<b>\$3,254.50</b>	<b>10/17/2013</b>	1627.25

Please detach and return with your payment. Make checks payable to LCEC. Checks must be in U.S. funds and drawn on a U.S. bank.

ACCOUNT NUMBER: **6571809552**

ADDRESSEE

4628 1 AT 0.381 21-18



CFM COMMUNITY DEVELOPMENT DISTRICT  
 C/O RIZZETTA & COMPANY  
 9530 MARKETPLACE RD STE 206  
 FORT MYERS, FL 33912-0393



REMIT TO



LCEC  
 P.O. BOX 31477  
 TAMPA, FL 33631-3477



Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
9/30/2013	287

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
September 2013	10/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Aerator Agreement & Water Use	1	625.00	625.00
Date Rec'd Rizzetta & Co., Inc. <u>SEP 13 2013</u> D/M approval <u>mas</u> Date <u>9/18/13</u> Date entered <u>SEP 17 2013</u> Fund <u>001 GL 53800 OC 4614</u> Check# _____				
			Subtotal	625.00
			6% Tax	
			<b>Total</b>	<b>625.00</b>

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, FL 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
9/30/2013	288

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, FL 33912

Billing Period	DUE DATE
September 2013	10/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Utility Cost	1	1,400.00	1,400.00
Date Rec'd Rizzetta & Co., Inc. <u>SEP 13 2013</u> D/M approval <u>mas</u> Date <u>9/18/13</u> Date entered <u>SEP 17 2013</u> Fund <u>001 GL 53100.00 4304</u> Check# _____				
			Subtotal	1,400.00
			6% Tax	
			<b>Total</b>	<b>1,400.00</b>

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
8/31/2013	289

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
August 30, 2013	9/30/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Asphalt	Patchwork & Pothole Repair	1	2,000.00	2,000.00
Date Rec'd Rizzetta & Co., Inc. <u>SEP 17 2013</u> O/M approval <u>MRS</u> Date <u>9/18/13</u> Date entered <u>SEP 17 2013</u> Fund <u>001 GLS4100 OC 4620</u> Check# _____				
			Subtotal	2,000.00
			6% Tax	
			<b>Total</b>	<b>2,000.00</b>

Magnolia Landing Master Association  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, FL 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
3/22/2013	222

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, FL 33912

Billing Period	DUE DATE
2012-2013	4/21/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Landscape Maintenance	November 2012-March 2013	5	3,494.58	17,472.90
Landscape Maintenance	April 2013	1	3,494.58	3,494.58
APR 15 2013 Date rec'd Rizzetta & Co., inc. D/M approval <u>mas</u> Date <u>4/25/13</u> Date entered <u>APR 25 2013</u> Fund <u>081 GL 5390000 4604</u> Check# _____				
			Subtotal	20,967.48
			6% Tax	
			<b>Total</b>	<b>20,967.48</b>

Paid \$2435.48 on 4/24/13 (2435.48)  
 Amount due (\$18,532.00)

Magnolia Landing Master Association  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
9/30/2013	286

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
September 2013	10/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Landscape Maintenance	CDD Landscape Maintenance	1	3,494.58	3,494.58
<p style="text-align: right;">SEP 13 2013</p> <p>Date Rec'd Rizzetta &amp; Co., Inc. _____</p> <p>D/M approval <u>mas</u> Date <u>9/18/13</u></p> <p>Date entered <u>SEP 17 2013</u></p> <p>Fund <u>001 GL 53900 OC 4604</u></p> <p>Check# _____</p>				
			Subtotal	3,494.58
			6% Tax	
			<b>Total</b>	<b>3,494.58</b>

**RIZZETTA & COMPANY, INC.**  
 5020 W Linebaugh Avenue  
 Suite 200  
 Tampa, FL 33624

# Invoice

DATE	INVOICE NO.
10/1/2013	15626

<b>BILL TO</b>
CFM COMMUNITY DEVELOPMENT DISTRICT 3434 Colwell Avenue, Suite 200 Tampa, Florida 33614

TERMS	PROJECT
Due Upon Rec't	545 - CDD

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	<b>PROFESSIONAL FEES:</b>			
DM	District Management Services		1,500.00	1,500.00
ADMIN	Administrative Services		500.00	500.00
ACTG	Accounting Services		1,200.00	1,200.00
FC	Financial Consulting Services		83.33	83.33
	Services for the period October 1, 2013 - October 31, 2013			

SEP 27 2013

Date Rec'd Rizzetta & Co., Inc. \_\_\_\_\_

D/M approval MRJ Date 10/2/13

Date entered OCT 01 2013

Fund 001 GL 51300 OC 3101

Check# \_\_\_\_\_ 3100

3201

3111

<b>Total</b>	<b>\$3,283.33</b>
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# CFM COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

## Operation and Maintenance Expenditures November 2013 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from November 1, 2013 through November 30, 2013. This does not include expenditures previously approved by the Board.

The total items being presented: **\$3,456.69**

Approval of Expenditures:

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\_\_\_\_\_ Chairman

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

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

# CFM Community Development District

## Paid Operation & Maintenance Expenses

November 1, 2013 Through November 30, 2013

10101 - Cash-Operating Account

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Department of Economic Opportunity	1672	29123	Special District Fee FY 2013/2014	\$ 175.00
Magnolia Landing Golf, LLC	1673	242	Aerator Maintenance/Water Use 06/13	\$ 625.00
Magnolia Landing Golf, LLC	1673	248	Aerator/ Utility Cost 06/13	\$ 1,400.00
Magnolia Landing Golf, LLC	1673	249	Aerator Repairs	\$ 1,256.69
<b>Report Total</b>				<b><u>\$ 3,456.69</u></b>



Instructions: In accordance with Sections 189.412 and 189.427, F.S., and Chapter 73C-24, F.A.C., please remit the fee due payable to the Department of Economic Opportunity OR complete the Zero Annual Fee Certification Section, as appropriate. In addition, review the information below about the district and update as necessary. Provide backup documentation if the district's name or status has changed. By the postmarked due date, mail the payment and this signed form to the Department of Economic Opportunity, Office of Financial Mgmt., 107 E. Madison Street, MSC 120, Tallahassee, Florida 32399-4124. Direct questions to (850) 717-8430.

ANNUAL FEE: \$175.00	LATE FEE: \$0.00	RECEIVED: \$0.00	FEE DUE, POSTMARKED BY 12/03/2013: \$175.00
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District's Name, Registered Agent & Office\*:

CFM Community Development District Telephone: (813) 933-5571  
 Mr. William Rizzetta Fax: (813) 935-6212  
 3434 Colwell Avenue, Suite 200 Status\*: Independent  
 Tampa, FL 33614 Creation Document: On File  
 Map: On File  
 Last Update: 01/31/2013

Website:  
 E-mail: brizzetta@rizzetta.com  
 County(ies): Lee  
 Local Governing Authority\*: Lee County  
 Function(s)\*: Community Development  
 Date Established: 01/08/2002  
 Creation Documents\*: County Ordinance 02-01  
 Statutory Authority\*: Chapter 190, Florida Statutes  
 Board Selection\*: Elected  
 Authority to Issue Bonds\*: Yes  
 Revenue Source\*: Assessments

\*Explanations

Registered Agent: The person designated by the special district to accept due process on behalf of the special district  
 Status: Independent or Dependent - see Section 189.403, F.S.  
 Local Governing Authority: The governing body of a unit of local general-purpose government  
 Functions: The function/purpose of the special district  
 Creation Documents: Ordinance, Resolution, Statute, Special Act, Court Decree, Interlocal Agreement, etc.  
 Statutory Authority: The Florida Statute governing the function of the special district  
 Board Selection: Appointed, Appointed/Elected, Elected, Governor Appoints, Local Governing Authority Appoints, Same as Local Governing Authority, Similar to Local Governing Authority, Other  
 Authority to Issue Bonds: Yes or No  
 Revenue Sources: Ad Valorem, Agreement, Assessments, Bond Issuer Fees, Co., Donations, Fed, Fees, Other, Investments, Grants, Municipality, Non-Ad Valorem, Priv. Enterprise, Sales Surtax, Sales/Leases, State, TIF, Tolls, None

CERTIFICATION: I, the undersigned registered agent, do hereby certify that the information above is accurate and complete as of this date. It does \_\_\_\_\_ or does not \_\_\_\_\_ need to be changed.

Registered Agent's Signature: William J. Rizzetta Date: \_\_\_\_\_

NOV 0 4 2013  
 MRS. [Signature]  
 NOV 0 6 2013  
 Fund 001 of 51306 00 41902

ZERO ANNUAL FEE CERTIFICATION SECTION - If eligible, the special district may request a zero annual fee instead of making a payment by having the registered agent certify to the following:

- This special district is not a component unit of a general purpose local government as defined in the Governmental Accounting Standards Board's Statement No. 14, issued in June 1991 effective after December 15, 1992, as amended.
- This special district is in compliance with the reporting requirements of the Department of Financial Services.
- This special district reported \$3,000.00 or less in annual revenues to the Department of Financial Services on its Annual Financial Report for Fiscal Year 2011/2012 (special districts created after that fiscal year must attach a current income statement verifying \$3,000.00 or less in revenues for the current fiscal year).
- This certification will be returned to the Department at the address above postmarked by 12/03/2013 and,
- This special district understands that if the Department determines any of these items to be inaccurate, this special district must pay the appropriate fee when invoiced. The Department will verify these statements within 30 days of receiving this form.

I, the undersigned registered agent, do hereby certify that to the best of my knowledge and belief, ALL of the above 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 investigated and verified with the Department of Financial Services and the Auditor General.

SIGN ONLY IF ELIGIBLE FOR AND REQUESTING A ZERO ANNUAL FEE:

Registered Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department Use Only:  Verified and Approved  Denied - Reason(s): \_\_\_\_\_

ETACH AND RETURN THIS PORTION WITH YOUR PAYMENT. DEO-SDIP-001 Effective 10/01/2011  
 ETACH AND KEEP THIS PORTION FOR YOUR RECORDS.

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY Invoice No.: 29123 Date Invoiced: 10/01/2013		FY 2013/2014 SPECIAL DISTRICT FEE INVOICE AND UPDATE FORM RECEIPT Postmarked Due Date: 12/03/2013	
CFM Community Development District	ANNUAL FEE \$175.00	LATE FEE \$0.00	RECEIVED \$0.00
			FEE DUE \$175.00

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
6/30/2013	242

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
June 2013	7/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Aerator Agreement & Water Use <i>06/13</i>	1	625.00	625.00
Date Rec'd <i>Hizzetta &amp; Co., Inc.</i> <u>OCT 28 2013</u> D/M approval <i>MRS</i> Date <u>10/29/13</u> Date entered <u>OCT 29 2013</u> Fund <u>001</u> <u>53800</u> <u>004614</u> Check# _____				
			Subtotal	625.00
			6% Tax	
			<b>Total</b>	<b>625.00</b>

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
6/30/2013	248

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
June 2013	7/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Utility Cost	1	1,400.00	1,400.00
OCT 28 2013 Date Rec'd Pizzetti & Co., Inc. O/M approval <i>mna</i> date <i>10/29/13</i> Date entered <i>OCT 29 2013</i> Prod. <i>001</i> # <i>53100</i> # <i>4304</i> Myrtle				
			Subtotal	1,400.00
			6% Tax	
			<b>Total</b>	<b>1,400.00</b>

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
6/30/2013	249

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
June 2013	7/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Repair Parts-see attachment	1	1,056.69	1,056.69
Aerator Maintenance	Repair Labor	10	20.00	200.00
OCT 28 2013 Date of Invoice O/M approved mas 10/29/13 Date of approval OCT 29 2013 Job # 001 53800 4614				
			Subtotal	1,256.69
			6% Tax	
			<b>Total</b>	<b>1,256.69</b>

Sales Invoice



**JOHN DEERE**  
LANDSCAPES

CAPE CORAL FL #409  
909 Se 14th Ave  
Cape Coral, FL 33990-  
W: (239)574-4500

Sold To:

CASH WHOLESAL ( #52781)  
THANK YOU FOR YOUR ORDER  
THI  
CAPE CORAL, FL 33990  
W: (703)834-1567  
F: (703)834-1567

Ordered	Order#	PO#	Invoiced	Invoice#
06/18/2013	69978132	charlie	06/24/2013	65174041
Printed	Requested for	Ship Via	Customer Contact	Sales Associate
06/24/2013		Customer Pick up	CASH SALE	Marijayne Roberts

Ship To:

CASH WHOLESAL ( #52781)  
THANK YOU FOR YOUR ORDER  
THI  
CAPE CORAL, FL 33990  
W: (703)834-1567  
F: (703)834-1567

#6  
#2

LN	Item #	Description	Qty	Ship	B/O	Unit Price	Ext. Price
1	DCL	DC LATCHING SOLENOID IBOC CONTROLLER IRRITROL <i>Item Note:</i> <i>charlie 239-216-0853</i>	5	5	0	24.699 / EA	123.495
2	NODE100	NODE 100 CONTROLLER	5	5	0	105.741 / EA	528.705
3	6KVN6	CARBON ZINC BATTERY 9V	10	10	0	1.247 /	12.470

Subtotal: \$664.68  
Sales Tax: \$39.89  
Freight: \$0.00  
Discount: \$0.00  

---

Total: \$704.57  
Total Payment: \$704.57  
Amount Due: \$0.00

PAYMENT: Discover \$704.57  
Acct#: \*\*\*\*\*3572  
Auth# 02436Q

For Chemical Emergency Spill, Leak, Fire, Exposure, or Accident Emergency Response Assistance, call:  
CHEMTREC Day or Night - 1 (800) 424-9300

CUSTOMER SIGNATURE:

John Deere Landscapes warrants that all products conform to the description on the label. Because conditions of use, which are of critical importance are beyond our control, seller makes no warranty, expressed or implied, concerning the use of these products. No employee of the corporation is authorized to make any warranty or representation, expressed or implied, concerning our products. Always follow directions and carefully observe all precautions on the label or manufacturer's instructions. Products used contrary to directions may cause serious plant or personal injury. Buyer assumes all risk of use of handling whether in accordance with direction or not and accepts the products sold to him by this corporation on these conditions.

Sales Invoice



**JOHN DEERE**  
LANDSCAPES

CAPE CORAL FL #409  
909 Se 14th Ave  
Cape Coral, FL 33990-  
W: (239)574-4500

Sold To:

CASH WHOLESALE (#52781)  
THANK YOU FOR YOUR ORDER  
THI  
CAPE CORAL, FL 33990  
W: (703)834-1567  
F: (703)834-1567

Ordered	Order#	PO#	Invoiced	Invoice#
06/18/2013	69978051	Magnolia Landings	06/18/2013	65101815
Printed	Requested for	Ship Via	Customer Contact	Sales Associate
06/18/2013		Customer Pick up	cash sale	Marlijayne Roberts

Ship To:

CASH WHOLESALE (#52781)  
THANK YOU FOR YOUR ORDER  
THI  
CAPE CORAL, FL 33990  
W: (703)834-1567  
F: (703)834-1567

LN	Item #	Description	Qty	Ship	B/O	Unit Price	Ext. Price
1	407-101	3/4 X 1/2 RED 90 DEG. ELL SOC X FIPT PVC FITTING	25	25	0	0.698 / EA	17.450
2	NODE100	NODE 100 CONTROLLER	1	1	0	105.741 / EA	105.741
3	DCL	DC LATCHING SOLENOID IBOC CONTROLLER IRRITROL	3	3	0	24.699 / EA	74.097
4	270672	3M DBRY-6 BULK, 600V DIRECT BURY-SPLICE KIT	10	10	0	1.491 / EA	14.910

Subtotal: \$212.20  
Sales Tax: \$12.74  
Freight: \$0.00  
Discount: \$0.00  

---

Total: \$224.94  
Total Payment: \$224.94  

---

Amount Due: \$0.00

PAYMENT: Discover \$224.94  
Acct#: \*\*\*\*\*3572  
Auth# 01855Q

For Chemical Emergency Spill, Leak, Fire, Exposure, or Accident Emergency Response Assistance, call:  
CHEMTREC Day or Night - 1 (800) 424-9300

*Charlie B.*

CUSTOMER SIGNATURE:

John Deere Landscapes warrants that all products conform to the description on the label. Because conditions of use, which are of critical importance are beyond our control, seller makes no warranty, expressed or implied, concerning the use of these products. No employee of the corporation is authorized to make any warranty or representation, expressed or implied, concerning our products. Always follow directions and carefully observe all precautions on the label or manufacturer's instructions. Products used contrary to directions may cause serious plant or personal injury. Buyer assumes all risk of use of handling whether in accordance with direction or not and accepts the products sold to him by this corporation on these conditions.

Sales Invoice



**JOHN DEERE**  
LANDSCAPES

CAPE CORAL FL #409  
909 Se 14th Ave  
Cape Coral, FL 33990-  
W: (239)574-4500

Sold To:

CASH WHOLESALE (#52781)  
THANK YOU FOR YOUR ORDER  
THI  
CAPE CORAL, FL 33990  
W: (703)834-1567  
F: (703)834-1567

Ordered	Order#	PO#	Invoiced	Invoice#
05/09/2013	69341402	MAGNOLIA	05/09/2013	64582901
Printed	Requested for	Ship Via	Customer Contact	Sales Associate
05/09/2013		Customer Pick up	CHARLIE	Matthew Schiavi

Ship To:

CASH WHOLESALE (#52781)  
THANK YOU FOR YOUR ORDER  
THI  
CAPE CORAL, FL 33990  
W: (703)834-1567  
F: (703)834-1567

AE  
IAE

LN	Item #	Description	Qty	Ship	B/O	Unit Price	Ext. Price
1	ICD100	1 STA DECODER USE W/ACC CONTROLLER	2	2	0	106.423 / EA	212.846
2	10165	725 QT WET R DRY MED BODY AQUA BLUE PVC CEMENT	1	1	0	17.324 / EA	17.324
3	NODE100 <i>BS</i>	NODE 100 CONTROLLER	2	2	0	105.741 / EA	211.482
4	6KWN6 <i>BS</i>	CARBON ZINC BATTERY 9V	12	12	0	1.247 /	14.964

Subtotal: \$456.61  
Sales Tax: \$27.40  
Freight: \$0.00  
Discount: \$0.00  

---

Total: \$484.01  
Total Payment: \$484.01  

---

Amount Due: \$0.00

PAYMENT: Discover \$484.01  
Acct#: \*\*\*\*\*3572  
Auth# 00959Q

For Chemical Emergency Spill, Leak, Fire, Exposure, or Accident Emergency Response Assistance, call:  
CHEMTREC Day or Night - 1 (800) 424-9300

CUSTOMER SIGNATURE: \_\_\_\_\_

John Deere Landscapes warrants that all products conform to the description on the label. Because conditions of use, which are of critical importance are beyond our control, seller makes no warranty, expressed or implied, concerning the use of these products. No employee of the corporation is authorized to make any warranty or representation, expressed or implied, concerning our products. Always follow directions and carefully observe all precautions on the label or manufacturer's instructions. Products used contrary to directions may cause serious plant or personal injury. Buyer assumes all risk of use of handling whether in accordance with direction or not and accepts the products sold to him by this corporation on these conditions.

# CFM COMMUNITY DEVELOPMENT DISTRICT

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DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

## Operation and Maintenance Expenditures December 2013 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from December 1, 2013 through December 31, 2013. This does not include expenditures previously approved by the Board.

The total items being presented: **\$46,020.36**

Approval of Expenditures:

\_\_\_\_\_

\_\_\_\_\_ Chairman

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

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



# CFM Community Development District

## Paid Operation & Maintenance Expenses

December 1, 2013 Through December 31, 2013

10101 - Cash-Operating Account

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Breeze Corporation	1689	93678	Acct # L03434 Legal Advertising 10/13	\$ 49.50
Breeze Corporation	1689	93731	Acct # L03434 Legal Advertising 10/13	\$ 50.50
Breeze Corporation	1689	93821	Acct # L03434 Legal Advertising 10/13	\$ 112.00
Breeze Corporation	1689	94001	Acct # L03434 Legal Advertising 11/13	\$ 44.50
Brian J. Wasser	1691	BW101713	Board of Supervisors Meeting 10/17/13	\$ 200.00
Christina Southwick	1688	CS101713	Board of Supervisors Meeting 10/17/13	\$ 200.00
Hopping Green & Sams	1679	73530	General/Monthly Legal Services 10/13	\$ 3,165.90
John Blakley	1677	JB101713	Board of Supervisors Meeting 10/17/13	\$ 200.00
Johnson Engineering Inc	1680	20044888-001 Inv 71	General Engineering Services 09/13	\$ 5,140.00
Johnson Engineering Inc	1680	20044888-001 Inv 72	General Engineering Services 10/13	\$ 5,280.00
Johnson Engineering Inc	1680	20044888-001 Inv 73	General Engineering Services 10/13	\$ 2,483.75
Johnson Engineering Inc	1680	20044888-010 Inv 9	Water Use Monitoring 10/13	\$ 250.00
Lake Masters Aquatic Weed Control, Inc.	1674	13-017192	Lake Maintenance 10/13	\$ 1,803.00
Lake Masters Aquatic Weed Control, Inc.	1681	13-08029	Lake Maintenance 11/13	\$ 1,803.00
LCEC	1682	6571809552 10/13	Street Lights 3000 Magnolia Landing Ln 10/13	\$ 1,627.25
LCEC	1682	6571809552 11/13	Street Lights 3000 Magnolia Landing Ln 11/13	\$ 1,627.25
Lee County Property Appraiser	1684	005209	2013 Non Ad Valorem Roll	\$ 287.00
Lee County Tax Collector	1683	04-43-24-00- 00003.1020	2013 Non Ad Valorem Assessment Roll	\$ 10.41
Magnolia Landing Golf, LLC	1686	301	Aerator Repairs	\$ 181.43
Magnolia Landing Golf, LLC	1686	312	Aerator/ Utility Cost 11/13	\$ 1,400.00
Magnolia Landing Golf, LLC	1686	313	Aerator Maintenance/Water Use 11/13	\$ 625.00
Magnolia Landing Master Association	1675	240	Landscape Maintenance 06/13	\$ 3,494.58
Magnolia Landing Master Association	1685	300	Landscape Maintenance 10/13	\$ 3,494.58

# CFM Community Development District

## Paid Operation & Maintenance Expenses

December 1, 2013 Through December 31, 2013

10101 - Cash-Operating Account

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Magnolia Landing Master Association	1685	301	Landscape Maintenance 11/13	\$ 3,494.58
Michael Dady	1678	MD101713	Board of Supervisors Meeting 10/17/13	\$ 200.00
Rizzetta & Company, Inc.	1687	15736	Assessment Roll Preparation 2013/2014	\$ 5,000.00
Rizzetta & Company, Inc.	1687	15782	District Management Fees 11/13	\$ 3,283.33
Robert Bishop	1676	BB101713	Board of Supervisors Meeting 10/17/13	\$ 200.00
The News-Press	1690	L110813-08	Legal Advertising 11/13	\$ <u>312.80</u>
Report Total				\$ <u><u>46,020.36</u></u>

**Classified/Legal Advertising Invoice**

**The Breeze Legals**

2510 DEL PRADO BLVD.

CAPE CORAL, FL  
33904  
(239) 574-1110

**CFM**  
**9530 MARKETPLACE ROAD**  
**SUITE 206**  
**FORT MYERS, FL**

10/08/2013 2:50:11PM

**33912**

**No: 93678**

**Phone: 813 933-5571**

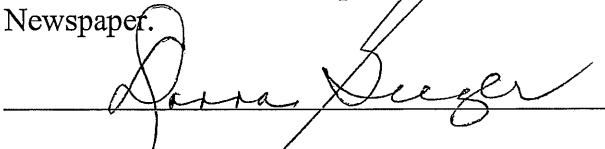
Ad No <b>93678</b>	Customer No: <b>L03434</b>	Start Date <b>10-09-2013</b>	Stop Date <b>10-09-2013</b>	Category: <b>Legals</b>		Classification: <b>MISCELLANEOUS</b>				
Order No	Rate: <b>LA</b>	Lines: <b>99</b>	Words: <b>327</b>	Inches: <b>9.63</b>		Cost <b>49.50</b>	Payments <b>.00</b>	Balance <b>49.50</b>		
Publications ... Runs <b>Breeze Legals ... 1</b> <b>Online Legals ... 1</b>		Solicitor: <b>SM</b>	Origin: <b>17</b>	Sales Rep: <b>3</b>	Credit Card	Credit Card Number	Card Expire			
		<table border="1"> <tr> <td align="center">Identifier</td> </tr> <tr> <td>                     NOTICE OF PUBLIC MEETING DATES                      CFM                      COMMUNITY DEVELOPMENT DISTRICT                       The Board of Supervisors of                 </td> </tr> </table>						Identifier	NOTICE OF PUBLIC MEETING DATES CFM COMMUNITY DEVELOPMENT DISTRICT  The Board of Supervisors of	
Identifier										
NOTICE OF PUBLIC MEETING DATES CFM COMMUNITY DEVELOPMENT DISTRICT  The Board of Supervisors of										
		<p align="right">OCT 14 2013</p> <p align="right">Rate Rec: Mazzoni &amp; Co., Inc.</p> <p align="right">D/M approval <u>MPA</u> Date <u>10/16/13</u></p> <p align="right">Date entered <u>OCT 15 2013</u></p> <p align="right">Fund <u>001</u> GL <u>51300</u> OC <u>4801</u></p> <p align="right">Check# _____</p>								
		* = Extend Expiration Date								

**CAPE CORAL BREEZE  
PUBLISHED CAPE CORAL, FLA**


**Affidavit of Publication**

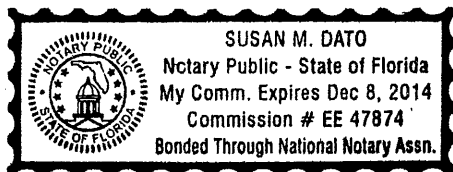
State of Florida  
County of Lee

Before the undersigned authority personally appeared Donna Guyer, who on oath says that he/she is the ADVERTISING REPRESENTATIVE of the Cape Coral Breeze newspaper, published at Cape Coral, Lee County, Florida that the attached copy of advertisement, being a Legal Notice, in the matter of Notice of Public Meeting Dates CFM Community Development District, as published in said newspaper in the issues, October 9, 2013. Affiant further says that the Cape Coral Breeze is a newspaper published at Cape Coral, said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, and has been entered as a second class periodicals matter at the post office in Fort Myers in said Lee County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said Newspaper.



SWORN TO AND SUBSCRIBED before me this  
October 9, 2013  
Notary Public

  
93678



**NOTICE OF PUBLIC MEETING  
DATES  
CFM  
COMMUNITY DEVELOPMENT  
DISTRICT**

The Board of Supervisors of CFM Community Development District will hold their regular monthly meetings for the Fiscal Year 2013/2014 on the dates as follows:

- October 17, 2013
- November 21, 2013
- December 19, 2013
- January 16, 2014
- February 20, 2014
- March 20, 2014
- April 17, 2014
- May 15, 2014
- June 19, 2014
- July 17, 2014
- August 21, 2014
- September 18, 2014

All meetings will convene at 11:00 am at the office of Rizzetta and Company, Inc. located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912. The meetings are open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts. There may be occasions when one or more Supervisors will participate by telephone. At the above location there will be present a speaker telephone so that any Supervisor can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication. Each meeting may be continued to a date, time, and place to be specified on the record at the meeting.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (239) 936-0913, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1(800)955-8770, who can aid you in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that this same 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.

Molly Syvret  
District Manager  
Run Date 10/9/13  
93678

**Classified/Legal Advertising Invoice**

**The Breeze Legals**

2510 DEL PRADO BLVD.

CAPE CORAL, FL  
33904  
(239) 574-1110

**CFM**  
**9530 MARKETPLACE ROAD**  
**SUITE 206**  
**FORT MYERS, FL**

10/16/2013 11:10:38AM

**33912**

**No: 93731**

**Phone: 813 933-5571**

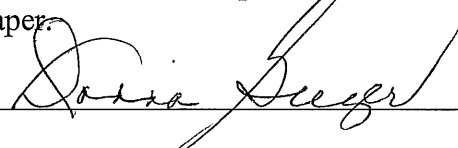
Ad No <b>93731</b>	Customer No: <b>L03434</b>	Start Date <b>10-16-2013</b>	Stop Date <b>10-16-2013</b>	Category: <b>Legals</b>	Classification: <b>MISCELLANEOUS</b>				
Order No	Rate: <b>LA</b>	Lines: <b>101</b>	Words: <b>297</b>	Inches: <b>9.82</b>	Cost <b>50.50</b>	Payments <b>.00</b>	Balance <b>50.50</b>		
Publications ... Runs <b>Breeze Legals ... 1</b> <b>Online Legals ... 1</b>		Solicitor: <b>SM</b>	Origin: <b>17</b>	Sales Rep: <b>3</b>	Credit Card	Credit Card Number	Card Expire		
		<table border="1"> <tr> <td align="center">Identifier</td> </tr> <tr> <td>                     NOTICE OF RULE DEVELOPMENT BY THE CFM COMMUNITY DEVELOPMENT DISTRICT                       In accord with Chapters 120 and 190, Florida Statutes, the                 </td> </tr> </table>						Identifier	NOTICE OF RULE DEVELOPMENT BY THE CFM COMMUNITY DEVELOPMENT DISTRICT  In accord with Chapters 120 and 190, Florida Statutes, the
Identifier									
NOTICE OF RULE DEVELOPMENT BY THE CFM COMMUNITY DEVELOPMENT DISTRICT  In accord with Chapters 120 and 190, Florida Statutes, the									
		Date Rec'd Rizzotta & Co., inc <u>OCT 22 2013</u> D/M approval <u>MMA</u> Date <u>10/23/13</u> Date entered <u>OCT 23 2013</u> Fund <u>001 GL51300 04801</u> Check# _____							
		* = Extend Expiration Date							

**CAPE CORAL BREEZE  
PUBLISHED CAPE CORAL, FLA**

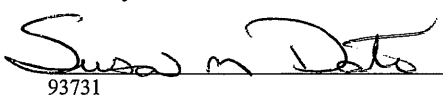
**Affidavit of Publication**

State of Florida  
County of Lee

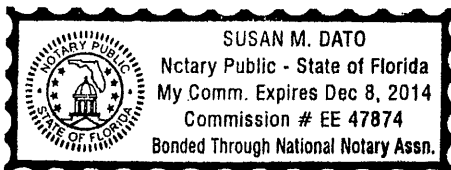
Before the undersigned authority personally appeared Donna Guyer, who on oath says that he/she is the ADVERTISING REPRESENTATIVE of the Cape Coral Breeze newspaper, published at Cape Coral, Lee County, Florida that the attached copy of advertisement, being a Legal Notice, in the matter of Notice of Rule Development by the CFM Community Development District, as published in said newspaper in the issues, October 16, 2013. Affiant further says that the Cape Coral Breeze is a newspaper published at Cape Coral, said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, and has been entered as a second class periodicals matter at the post office in Fort Myers in said Lee County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said Newspaper.



SWORN TO AND SUBSCRIBED before me this  
October 16, 2013  
Notary Public



93731



**NOTICE OF RULE DEVELOPMENT BY  
THE CFM COMMUNITY DEVELOPMENT DISTRICT**

In accord with Chapters 120 and 190, Florida Statutes, the CFM Community Development District ("District") hereby gives notice of its intention to repeal its existing Rules of Procedure in total and to develop new Rules of Procedure to govern the operations of the District.

The Rules of Procedure address such areas as: the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

The purpose and effect of the Rules of Procedure is to provide for efficient and effective District operations. The purpose and effect of the repeal of the District's current Rules of Procedure is to, among other things, repeal rules rendered obsolete by statutory changes. Specific legal authority for the repeal of the existing Rules of Procedure and the adoption of the proposed Rules of Procedure includes Sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2012). The specific laws implemented in the Rules of

Procedure include, but are not limited to, Sections 112.08, 112.3143, 119.07, 189.4221, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.931, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 287.017, 287.055 and 287.084, Florida Statutes (2012), and Ch. 2013-227, Laws of Florida.

A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912, or by calling (239) 936-0913.

Molly Syvret  
District Manager  
Run Date: 10/16/2013  
93731

**Classified/Legal Advertising Invoice**

**The Breeze Legals**

2510 DEL PRADO BLVD.

CAPE CORAL, FL  
33904  
(239) 574-1110

**CFM**  
**9530 MARKETPLACE ROAD**  
**SUITE 206**  
**FORT MYERS, FL**

10/22/2013 3:36:53PM

**33912**

**No: 93821**

**Phone: 813 933-5571**

Ad No <b>93821</b>	Customer No: <b>L03434</b>	Start Date <b>10-23-2013</b>	Stop Date <b>10-23-2013</b>	Category: <b>Legals</b>		Classification: <b>MISCELLANEOUS</b>	
Order No	Rate: <b>LA</b>	Lines: <b>224</b>	Words: <b>721</b>	Inches: <b>21.78</b>	Cost <b>112.00</b>	Payments <b>.00</b>	Balance <b>112.00</b>
Publications ... Runs <b>Breeze Legals ... 1</b> <b>Online Legals ... 1</b>		Solicitor: <b>SM</b>	Origin: <b>17</b>	Sales Rep: <b>3</b>	Credit Card	Credit Card Number	Card Expire
		<table border="1"> <tr> <td align="center">Identifier</td> </tr> <tr> <td>                     NOTICE OF RULEMAKING                      REGARDING THE RULES OF                      PROCEDURE OF THE                      CFM COMMUNITY                      DEVELOPMENT DISTRICT                       A public hearing is scheduled                 </td> </tr> </table> <p align="right">OCT 25 2013</p> <p>Date Rec'd Rizzetta &amp; Co., Inc. _____</p> <p>D/M approval <u>mma</u> Date <u>10/29/13</u></p> <p>Date entered <u>OCT 29 2013</u></p> <p>Fund <u>601</u> GL <u>51300</u> OC <u>4801</u></p> <p>Check# _____</p>					
Identifier							
NOTICE OF RULEMAKING REGARDING THE RULES OF PROCEDURE OF THE CFM COMMUNITY DEVELOPMENT DISTRICT  A public hearing is scheduled							
*=-Extend Expiration Date							

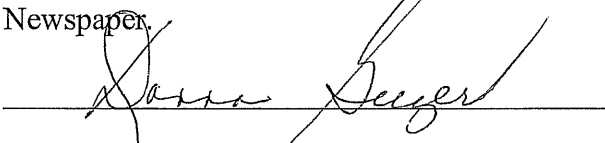
**CAPE CORAL BREEZE  
PUBLISHED CAPE CORAL, FLA**

**Affidavit of Publication**

State of Florida

County of Lee


Before the undersigned authority personally appeared Donna Guyer, who on oath says that he/she is the ADVERTISING REPRESENTATIVE of the Cape Coral Breeze newspaper, published at Cape Coral, Lee County, Florida that the attached copy of advertisement, being a Legal Notice, in the matter of Notice of Rulemaking Regarding the Rules of Procedure of the CFM Community Development District, as published in said newspaper in the issues, October 23, 2013. Affiant further says that the Cape Coral Breeze is a newspaper published at Cape Coral, said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, and has been entered as a second class periodicals matter at the post office in Fort Myers in said Lee County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said Newspaper.

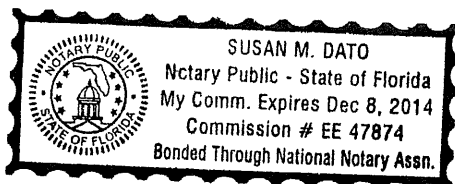


SWORN TO AND SUBSCRIBED before me this

October 23, 2013

Notary Public

  
93821



**NOTICE OF RULEMAKING  
REGARDING THE RULES OF  
PROCEDURE OF THE  
CFM COMMUNITY DEVELOP-  
MENT DISTRICT**

A public hearing is scheduled and may be conducted by the Board of Supervisors of the CFM Community Development District on Thursday, November 21, 2013 at 11:00 a.m. at the office of the District Manager, located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.

In accord with Chapters 120 and 190, Florida Statutes, the CFM Community Development District ("the District") hereby gives the public notice of its intent to repeal its existing Rules of Procedure in total and to adopt its proposed Rules of Procedure.

The purpose and effect of the proposed Rules of Procedure is to provide for efficient and effective District operations. Prior notice of rule development was published in The Breeze Newspaper on October 16, 2013. The purpose and effect of the repeal of the District's current Rules of Procedure is to, among other things, repeal rules rendered obsolete by statutory changes.

The Rules of Procedure may address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

Specific legal authority for the repeal of the existing Rules of Procedure and the adoption of the proposed Rules of Procedure includes Sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2012). The specific laws implemented in the Rules of Procedure include, but are not limited to, Sections 112.08, 112.3143, 119.07, 189.4221, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.931, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 287.017, 287.055 and 287.084, Florida Statutes (2012), and Ch. 2013-227, Laws of Florida.

Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), Florida Statutes, must

do so in writing within twenty- one (21) days after publication of this notice.

IF REQUESTED WITHIN TWENTY- ONE (21) DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING MAY NOT BE HELD):

TIME AND DATE: 11:00 a.m.  
November 21, 2013

PLACE: 9530 Marketplace Rd., Ste. 206  
Fort Myers, Florida 33912

A request for a public hearing on the District's intent to repeal its existing Rules of Procedure and adopt its proposed Rules of Procedure must be made in writing to the District Manager at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912, and received within twenty- one (21) days after the date of this Notice.

If a public hearing is requested, this public hearing may be continued to a date, time, and place to be specified on the record at the hearing. If anyone chooses to appeal any decision of the Board with respect to any matter considered at a public hearing held in response to a request for such a public hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based. At the hearing, one or more Supervisors may participate in the public hearing by telephone. At the above location, if a public hearing is requested, there will be present a speaker telephone so that any interested party can physically attend the public hearing at the above location and be fully informed of the discussions taking place either in person or by speaker telephone device.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (239) 936-0913 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770, for aid in contacting the District Office.

A copy of the proposed Rules of Procedure may be obtained by contacting the District Manager at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912, or by calling (239) 936-0913.

Molly Syvret  
District Manager  
Run Date: 10/23/2013  
93821



**Classified/Legal Advertising Invoice**

**The Breeze Legals**

2510 DEL PRADO BLVD.

CAPE CORAL, FL  
33904  
(239) 574-1110

**CFM**  
**9530 MARKETPLACE ROAD**  
**SUITE 206**  
**FORT MYERS, FL**

11/11/2013 3:56:29PM

**33912**

**No: 94001**

**Phone: 813 933-5571**

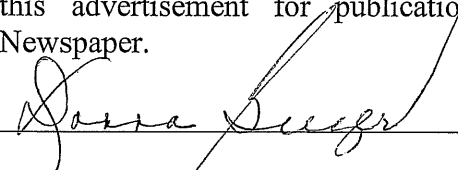
Ad No <b>94001</b>	Customer No: <b>L03434</b>	Start Date <b>11-13-2013</b>	Stop Date <b>11-13-2013</b>	Category: <b>Legals</b>		Classification: <b>MISCELLANEOUS</b>				
Order No	Rate: <b>LA</b>	Lines: <b>89</b>	Words: <b>302</b>	Inches: <b>8.65</b>		Cost <b>44.50</b>	Payments <b>.00</b>	Balance <b>44.50</b>		
Publications ... Runs <b>Breeze Legals ... 1</b> <b>Online Legals ... 1</b>		Solicitor: <b>SM</b>	Origin: <b>17</b>	Sales Rep: <b>3</b>	Credit Card	Credit Card Number	Card Expire			
		<table border="1"> <tr> <td align="center">Identifier</td> </tr> <tr> <td>                     Notice of Public Meeting                      CFM Community Development                      District                       The regular meeting of the                      Board of Supervisors of the                      CFM Community Development                 </td> </tr> </table>						Identifier	Notice of Public Meeting CFM Community Development District  The regular meeting of the Board of Supervisors of the CFM Community Development	
Identifier										
Notice of Public Meeting CFM Community Development District  The regular meeting of the Board of Supervisors of the CFM Community Development										
		<p align="right">NOV 18 2013</p> <p>Date Rec'd Fizzetta &amp; Co., Inc. _____</p> <p>D/M approval <u>mas</u> Date <u>11/20/13</u></p> <p>Date entered <u>NOV 19 2013</u></p> <p>Fund <u>601</u> GI <u>51300</u> OC <u>4801</u></p> <p>Check# _____</p>								
		* = Extend Expiration Date								

**CAPE CORAL BREEZE  
PUBLISHED CAPE CORAL, FLA**

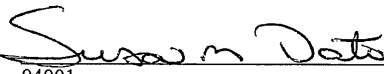
**Affidavit of Publication**

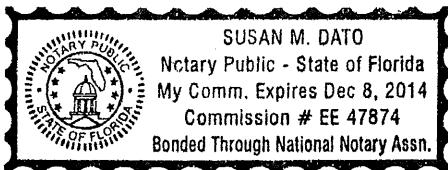
State of Florida  
County of Lee

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\_\_\_\_\_

SWORN TO AND SUBSCRIBED before me this  
November 13, 2013  
Notary Public

  
\_\_\_\_\_  
94001



**Notice of Public Meeting  
CFM Community Development  
District**

The regular meeting of the Board of Supervisors of the CFM Community Development District will be held on Thursday, November 21, 2013 at 11:00 a.m. at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.

The meeting is open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts. A copy of the agenda for this meeting may be obtained from the District Manager at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912 or by calling (239) 936-0913.

This meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when a Board Supervisor may participate by telephone. At the above location will be present a speaker telephone so that any Board Supervisor can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication.

Any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (239) 936-0913, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 955-8770, who can aid you in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that this same 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.

Molly Syvret  
District Manager

Run date: 11/13/13  
94001

**CFM CDD  
SUPERVISOR PAY REQUEST**

Meeting Date: October 17, 2013

	Name of Board Supervisor	Check if present	Travel Reimbursement
MD 101713	*Mike Dady	X	
BW 101713	*Brian Wasser	X	
BB 101713	*Bob Bishop	X	
CS 101713	*Christina Southwick	X	
JB 101713	*John Blakley	X	

\$200<sup>00</sup>  
each

\*Supervisors to be paid if present

Date Rec'd 10/18/2013  
 Date Rec'd may 10/17/13  
 D/M approval may Date 10/17/13  
 Date entered 10/23/2013  
 Fund 001 GL 51100001101  
 Check# \_\_\_\_\_

# Hopping Green & Sams

Attorneys and Counselors

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

===== STATEMENT =====

November 26, 2013

Bill Number 73530  
Billed through 10/31/2013

CFM Community Development District  
c/o Accounts Payable  
9530 Marketplace Road  
Suite 206  
Fort Myers, FL 33912

**General Counsel/Monthly Meeting**  
**CFMCDD 00001 JLE**

**FOR PROFESSIONAL SERVICES RENDERED**

10/01/13	CBO	Follow-up on notices of rulemaking and rule development for adoption of new rules of procedure; confer with Robson regarding standard operating procedures; analyze issue regarding same.	1.30 hrs
10/02/13	CBO	Draft correspondence regarding standard operating procedures under NPDES permit; follow-up on same.	0.60 hrs
10/04/13	CBO	Research and draft letter to SFWMD regarding district responsibility under communication services agreement.	1.40 hrs
10/07/13	JLE	Analyze issues regarding permit transfer.	0.40 hrs
10/07/13	CBO	Review and revise notice of annual meeting schedule; analyze issue regarding NPDES and SFWMD permits.	0.60 hrs
10/08/13	CBO	Confer with Wasser regarding assessments for golf course; research issue relating to same; confer with Robson regarding landscape maintenance exhibit; follow-up on same.	1.60 hrs
10/09/13	JLE	Review and revise letter regarding permit transfer.	0.30 hrs
10/09/13	CBO	Analyze issue regarding district enforcement of environmental resource permit conditions.	0.80 hrs
10/14/13	CBO	Confer with Wasser regarding contracts for landscape maintenance; follow-up on same; confer with Robson regarding ownership of certain landscape maintenance tracts; research issues regarding same; analyze issue regarding district authority to enforce environmental resource permit.	1.40 hrs
10/14/13	AHJ	Research property ownership.	1.50 hrs
10/15/13	JLE	Confer with Syvret regarding trust estate accounts; review issues for Board meeting.	0.30 hrs
10/15/13	CBO	Follow-up on petition for security powers; follow-up on items for October board meeting.	0.80 hrs

10/15/13	AHJ	Research property ownership.	1.10 hrs
10/16/13	JLE	Confer with Board Supervisor regarding maintenance question; review maintenance agreement.	0.40 hrs
10/16/13	CBO	Analyze issue regarding landscape maintenance agreements; prepare memorandum regarding ownership of landscape maintenance tracts; confer with Robson regarding same; review minutes for August board meeting; review agenda and prepare agenda memorandum for October board meeting; confer with Fredyma regarding status of petition for security powers; confer with Hume regarding transfer of permits.	2.80 hrs
10/16/13	AHJ	Research property ownership; prepare spreadsheet regarding same.	2.10 hrs
10/17/13	CBO	Confer with Robson regarding items for October board meeting; prepare for, attend by teleconference, and follow-up on October board meeting; review advertising request for rulemaking notices.	2.20 hrs
10/17/13	AHJ	Research property ownership.	0.60 hrs
10/18/13	CBO	Research and draft revisions to quarterly report to bondholders.	0.60 hrs
10/21/13	CBO	Confer with Hume and Syvret regarding SFWMD request for information.	0.20 hrs
10/28/13	CBO	Confer with Robson regarding sewage treatment plant parcel.	0.40 hrs
10/31/13	CBO	Research issue regarding disclosure requirements under continuing disclosure agreement; confer with dissemination agent regarding same; confer with Syvret regarding transfer of entry lands.	1.30 hrs

Total fees for this matter \$3,892.50

**DISBURSEMENTS**

Long Distance	2.40
Total disbursements for this matter	\$2.40

**MATTER SUMMARY**

Jaskolski, Amy H. - Paralegal	5.30 hrs	125 /hr	\$662.50
Bowen, Chuck	16.00 hrs	180 /hr	\$2,880.00
Earlywine, Jere L.	1.40 hrs	250 /hr	\$350.00
TOTAL FEES			\$3,892.50
TOTAL DISBURSEMENTS			\$2.40
LESS COURTESY DISCOUNT			\$729.00 CR
<b>TOTAL CHARGES FOR THIS MATTER</b>			<b>\$3,165.90</b>

**BILLING SUMMARY**

Jaskolski, Amy H. - Paralegal	5.30 hrs	125 /hr	\$662.50
Bowen, Chuck	16.00 hrs	180 /hr	\$2,880.00

Earlywine, Jere L.

1.40 hrs

250 /hr

\$350.00

TOTAL FEES

\$3,892.50

TOTAL DISBURSEMENTS

\$2.40

LESS COURTESY DISCOUNT

\$729.00 CR

**TOTAL CHARGES FOR THIS BILL**

**\$3,165.90**

**Please include the bill number on your check.**

RECEIVED  
DEC - 9 2013

Date Rec'd Rizzetta & Co, Inc. \_\_\_\_\_

D/M approval MDA Date 12/10/13

Date entered 12/9/13

Fund 001 GL 51450 OC 3107

Check# \_\_\_\_\_

**Johnson Engineering, Inc.**

**Remit To:**

**P.O. Box 2112**

**Fort Myers, FL 33902**

**Ph: 239.334.0046 Fax: 239.334.3661**

Project Manager David Robson

# Invoice

October 17, 2013

Project No: 20044888-001

Invoice No: 71

FEID #59-1173834

Accounts Payable  
CFM CDD  
9530 Marketplace Road  
Suite 206  
Fort Myers, FL 33912

Date Rec'd Rizzetta & Co. OCT 18 2013  
D/M approval mas Date 10/23/13  
Date entered OCT 23 2013  
Fund 001 GL 5130000 3103

Project 20044888-001 CFM CDD General Engineering

**Professional Services through September 15, 2013**

Phase 01 General Engineering

**Professional Personnel**

		Hours	Rate	Amount
Denison, Timothy	9/11/2013	1.00		0.00
Review graphs & WQ summary for annual report				
Engineer VI				
Robson, David	8/12/2013	1.50	150.00	225.00
Review revised Assessment certificates and sign District Engineer Certificate.				
Robson, David	8/22/2013	.30	150.00	45.00
Review and respond tp C Bowen Landcape Maintenance issues summary.				
Robson, David	8/23/2013	3.00	150.00	450.00
NPDES Year 1 Annual Report preparation.				
Robson, David	8/26/2013	1.00	150.00	150.00
REview Landscape Exhibit issues with M Syvret.				
Robson, David	8/27/2013	1.50	150.00	225.00
Prepare documents to show ownership and LME locations for 8/29 meeting.				
Robson, David	8/29/2013	2.00	150.00	300.00
Attend Board of Supervisor meeting.				
Robson, David	8/29/2013	1.00	150.00	150.00
Initiate technician effort to develop LME area summary.				
Robson, David	8/29/2013	1.00	150.00	150.00
NPDES Year 1 Annual Report document preparation.				
Robson, David	9/4/2013	.80	150.00	120.00
Send District counsel NPDES legal authority permit requirements.				
Robson, David	9/5/2013	1.00	150.00	150.00
Initiate technician assignment to use 1418 Site Plan to determine Developable acres in Additional Parcels.				
Robson, David	9/10/2013	3.00	150.00	450.00
NPDES Annual Report preparation.				
Robson, David	9/11/2013	2.00	150.00	300.00
NPDES Annual Report preparation.				
Robson, David	9/12/2013	3.00	150.00	450.00
Onsite meeting with B Wasser and C Riger re stormwater mauntenance activities and outfall inspections,				
Principal GIS Consultant				
Lohr, Michael	8/29/2013	1.50	170.00	255.00
Review platting and area calculations				

We accept American Express, Discover, Visa and Mastercard. Please call our Accounts Receivable Department at 239.461.2425 to make a payment. For Billing inquiries, please call our Billing Department at 239.461.2469.

Project	20044888-001	CFM CDD General Engineering			Invoice	71
Lohr, Michael		9/5/2013	1.00	170.00	170.00	
		CFM CDD Exhibits and meet w/ D Robson				
Lohr, Michael		9/9/2013	3.00	170.00	510.00	
		LME Valculations and start Developable Land exhibit				
Lohr, Michael		9/12/2013	.50	170.00	85.00	
		REview exhibits w/ D Robson				
Environmental Scientist I						
Nance, Annastacia		8/26/2013	3.50	55.00	192.50	
		Prepare documents for Section III, Monitoring Program, for inclusion in NPDES Year 1 Annual Report.				
Nance, Annastacia		8/29/2013	1.50	55.00	82.50	
		Prepare documents for Section III, Monitoring Program, for inclusion in NPDES Year 1 Annual Report.				
Nance, Annastacia		8/30/2013	7.00	55.00	385.00	
		Prepare documents for Section III, Monitoring Program, for inclusion in NPDES Year 1 Annual Report.				
Nance, Annastacia		9/3/2013	3.00	55.00	165.00	
		Prepare documents for Section III, Monitoring Program, for inclusion in NPDES Year 1 Annual Report.				
Nance, Annastacia		9/12/2013	1.75	55.00	96.25	
		Prepare documents for Section III, Monitoring Program, for inclusion in NPDES Year 1 Annual Report.				
Hydrogeologist IV						
Arnold, Kimberly		9/13/2013	.25	135.00	33.75	
		Water use permit golf course-residential landscape acreage and research				
		Totals	45.10		5,140.00	
		<b>Total Labor</b>				<b>5,140.00</b>
				<b>Total this Phase</b>		<b>\$5,140.00</b>
				<b>Total this Invoice</b>		<b>\$5,140.00</b>



**Johnson Engineering, Inc.**  
**Remit To:**  
**P.O. Box 2112**  
**Fort Myers, FL 33902**  
**Ph: 239.334.0046 Fax: 239.334.3661**  
 Project Manager David Robson

# Invoice

October 31, 2013  
 Project No: 20044888-001  
 Invoice No: 72  
 FEID #59-1173834

Accounts Payable  
 CFM CDD  
 9530 Marketplace Road  
 Suite 206  
 Fort Myers, FL 33912

Project 20044888-001 CFM CDD General Engineering

NOV 11 2013  
 Jate Red'd Rizzetta & Co., Inc.  
 VM approval *ms* Date 11/4/13  
 Date entered NOV 12 2013  
 Fund 001 G51300 OC 3103  
 Check#

**Professional Services through October 13, 2013** *10/13*

Phase 01 General Engineering

**Professional Personnel**

		Hours	Rate	Amount
Engineer VI				
Robson, David	9/16/2013	2.00	150.00	300.00
NPDES Year 1 Annual Report				
Robson, David	9/16/2013	1.00	150.00	150.00
Review and response to M Syvret re street flooding.				
Robson, David	9/20/2013	1.00	150.00	150.00
Review draft LME exhibit with ownership table.				
Robson, David	9/23/2013	.80	150.00	120.00
Review NPDES Legal Authority requirements with District Manager. Send copy to District Counsel.				
Robson, David	9/30/2013	.50	150.00	75.00
Provide C Bowen Requested SOP documents for NPDES Year 1 Annual Report.				
Robson, David	10/2/2013	2.00	150.00	300.00
Landscape, Undeveloped Lands, and LME Ownersip exhibits revisions review.				
Robson, David	10/3/2013	.80	150.00	120.00
Reciew and send Tract Ownership exhibit to C Bowen.				
Robson, David	10/4/2013	1.50	150.00	225.00
Incorporate C Bowen Legal authority documents into Year 1 Annual Report and send to M Syvret for signature.				
Robson, David	10/7/2013	1.00	150.00	150.00
assemble NPDES Year 1 Annual Report into package and transmit to lee County and FDEP.				
Robson, David	10/11/2013	1.00	150.00	150.00
Revise LME, Ownership, and Landscape Exhibits.				
Principal GIS Consultant				
Lohr, Michael	9/17/2013	1.50	170.00	255.00
LME Exhibit				
Lohr, Michael	9/18/2013	.50	170.00	85.00
Dev Parcels exhibit				
Lohr, Michael	9/26/2013	1.00	170.00	170.00
LME Areas Exhibit				
Lohr, Michael	9/27/2013	.50	170.00	85.00
Ownership mapping exhibit; w/P Lohr				
Lohr, Michael	10/2/2013	1.00	170.00	170.00
Ownership and LME exhibits				

We accept American Express, Discover, Visa and Mastercard. Please call our Accounts Receivable Department at 239.461.2425 to make a payment. For Billing inquiries, please call our Billing Department at 239.461.2469.

Project	20044888-001	CFM CDD General Engineering		Invoice	72
Lohr, Michael		10/7/2013	1.00	170.00	170.00
Ownership, LME and Dev Areas exhibits w/ J Madsen					
Lohr, Michael		10/8/2013	1.50	170.00	255.00
Review and mark up 3 exhibits for CFM CDD					
Technician IV					
Lohr, Paul		9/17/2013	6.25	100.00	625.00
Create feature class from tract CAD file, intersect lake easements, create lake easements table and exhibit. Requested by Mike Lohr.					
Lohr, Paul		9/19/2013	2.75	100.00	275.00
Working on site plan linework and labels to create shapefile for parcel based calculations. Requested by Mike Lohr.					
Lohr, Paul		9/20/2013	4.75	100.00	475.00
Cleaning up CAD geometry to create polygon layer for site plan. Clean up parcel geometry (included lands exhibit) to create polygon layer. Calculate areas for both, transfer results to Excel table. Create draft map. Requested by Mike Lohr.					
Lohr, Paul		9/26/2013	1.75	100.00	175.00
Review changes / additions needed to Lake Maintenance Easement map with Mike Lohr. Add owner name field to shapefile and set values for each tract. Create map showing tracts with unknown owners. Requested by Mike Lohr.					
Madsen, Joel		10/7/2013	4.00	100.00	400.00
Update to Exhibits for Tract Id's					
Madsen, Joel		10/8/2013	4.00	100.00	400.00
Update to Exhibits for Tract Id's					
Totals			42.10		5,280.00
<b>Total Labor</b>					<b>5,280.00</b>
<b>Total this Phase</b>					<b>\$5,280.00</b>
<b>Total this Invoice</b>					<b>\$5,280.00</b>

**Outstanding Invoices**

Number	Date	Balance
71	10/17/2013	5,140.00
<b>Total</b>		<b>5,140.00</b>

Johnson Engineering, Inc.  
 Remit To:  
 P.O. Box 2112  
 Fort Myers, FL 33902  
 Ph: 239.334.0046 Fax: 239.334.3661  
 Project Manager David Robson

# Invoice

November 30, 2013  
 Project No: 20044888-001  
 Invoice No: 73

FEID-#59-1173834

Accounts Payable  
 CFM CDD  
 9530 Marketplace Road  
 Suite 206  
 Fort Myers, FL 33912

Date Rec'd Hizzetta & Co., Inc. DEC 03 2013  
 D/M approval mas Date 12/10/13  
 Date entered 12/9/13  
 Fund 001 GL 5130000 3103  
 Check#

Project 20044888-001 CFM CDD General Engineering

**Professional Services through November 17, 2013**

Phase 01 General Engineering  
**Professional Personnel**

		Hours	Rate	Amount
Engineer VI				
Robson, David	10/15/2013	1.00	150.00	150.00
Additional ownership document research and review.				
Robson, David	10/17/2013	2.00	150.00	300.00
Attend Board of Supervisor meeting.				
Robson, David	10/28/2013	.80	150.00	120.00
Review updated Ownership Exhibit.				
Robson, David	10/30/2013	1.00	150.00	150.00
Response to M Syvret re FDEP YR 1 Comment letter.				
Robson, David	11/8/2013	1.00	150.00	150.00
Unplatted lake tract control elevation and tract line comparison for LME inclusion.				
Robson, David	11/14/2013	2.00	150.00	300.00
Draft response to FDEP YR 1 comment ltr and revise SOPs.				
Robson, David	11/15/2013	1.00	150.00	150.00
Review Warranty Deeds re land ownership.				
Principal GIS Consultant				
Lohr, Michael	10/16/2013	.50	170.00	85.00
Meeting Prep assistance				
Lohr, Michael	10/23/2013	.25	170.00	42.50
Review map change requests from D Robson				
Lohr, Michael	11/8/2013	1.00	170.00	170.00
Review swap parcel and new site plan layouts w/ D Robson				
Technician IV				
Madsen, Joel	10/22/2013	5.50	100.00	550.00
Landswap Parcel 4				
Madsen, Joel	10/28/2013	3.00	100.00	300.00
Overall Map and Mark-ups				
Technician II				
Keen, Cynthia	11/14/2013	.25	65.00	16.25
FDEP BMP for Golf Courses to C Riger per D Robson				
Totals		19.30		2,483.75
<b>Total Labor</b>				<b>2,483.75</b>

We accept American Express, Discover, Visa and Mastercard. Please call our Accounts Receivable Department at 239.461.2425 to make a payment.  
 For Billing inquiries, please call our Billing Department at 239.461.2469.

Project	20044888-001	CFM CDD General Engineering	Invoice	73
			<b>Total this Phase</b>	\$2,483.75
			<b>Total this Invoice</b>	\$2,483.75

**Outstanding Invoices**

Number	Date	Balance
71	10/17/2013	5,140.00
72	10/31/2013	5,280.00
<b>Total</b>		<b>10,420.00</b>

Johnson Engineering, Inc.  
 Remit To:  
 P.O. Box 2112  
 Fort Myers, FL 33902  
 Ph: 239.334.0046 Fax: 239.334.3661

# Invoice

October 31, 2013  
 Project No: 20044888-010  
 Invoice No: 9

Project Manager Timothy Denison

FEID #59-1173834

Accounts Payable  
 CFM CDD  
 c/o Rizzetta & Company, Inc.  
 9530 Marketplace Road, Suite 206  
 Fort Myers, FL 33912

Project 20044888-010 CFM CDD Water Use Monitoring 2012-2013  
 Supplemental Agreement No. 10, dated 10/10/12  
 Professional Services through October 13, 2013 *10/13*

**PROFESSIONAL SERVICES**

Phase No.	Phase Description	Contract Amount	Fee Type	%	Total Inv To-Date	Previously Invoiced	Current Inv Amount	Balance to Complete
01	Water Use Monitoring	2,500.00	LS	90 %	2,250.00	2,000.00	250.00	250.00
02	Flowmeter Calibration/Verification	900.00	LS	100 %	900.00	900.00	0.00	0.00
REIM	Reimbursable Expenses	100.00	T&M	0 %	0.00	0.00	0.00	100.00
Totals		3,500.00			3,150.00	2,900.00	250.00	350.00

SUB-TOTAL PROFESSIONAL SERVICES:

250.00

INVOICE TOTAL:

250.00

NOV 11 2013  
 Date Rec'd Rizzetta & Co., Inc.  
 O/M approval *MAR* Date *11/14/13*  
 Date entered *NOV 12 2013*  
 Fund *001* GL *53800* OC *4616*  
 Check#

# Invoice

Lake Masters Aquatic Weed Control, Inc.  
 P.O. Box 2300  
 Palm City, FL 34991  
 Toll Free: 1-877-745-5729  
 Fax: 772-220-6603 Local: 772-220-2224

DATE	INVOICE #
10/1/2013	13-07192

<b>BILL TO</b>
CFM CDD - MAGNOLIA LANDING 9530 MARKETPLACE RD., STE 206 FORT MYERS, FL 33912

E-mail	P.O. NO.	TERMS	REP	MAIL STOP ID
susano1@aol.com		Net 30		4696

QUANTITY	DESCRIPTION	RATE	AMOUNT
	MONTHLY SERVICE - AQUATIC WEED CONTROL	1,803.00	1,803.00
	OCT 0 4 2013		
	Date Rec'd Pizzetta & Co., Inc. _____		
	D/M approval <u>mas</u> Date <u>10/4/13</u>		
	Date entered <u>OCT 0 4 2013</u>		
	Fund <u>001 GL53800 OC 4605</u>		
	Check# _____		

THIS INVOICE AND SERVICE IS FOR THE MONTH INDICATED IN THE DATE SECTION ABOVE.

**Payments/Credits** \$0.00

**Balance Due** \$1,803.00



**Customer Name:** CFM COMMUNITY DEVELOPMENT DISTRICT  
**Account Number:** 6571809552

**Due Date:** 11/18/2013

**Account Summary as of October 28, 2013**

Previous Balance	3254.50
Payment Received - 09/30/2013	-1627.25
Corrections	0.00
<b>Past Due Balance</b>	<b>pd 10/24/13 → \$1,627.25</b>
Current Charges - ELECTRIC 10/13	1627.25
Adjustments & Other Charges	0.00
<b>Total Amount Due</b>	<b>\$3,254.50</b>

**Service Address:** 3000 MAGNOLIA LANDING LN CASE ID#6806754959-T69628 NORTH FORT MYERS, FL 33917

SA ID# 6571809975 Security Lt-Comm

**Service From 09/27/2013 to 10/28/2013**

46 13' Decorative Pole at \$12.75 each	586.50
46 units 150 Decorative Lights at \$20.91 each	961.86
Power Cost Adj. (2,943.9995 kWh at \$0.01796)	52.87
<b>Summary Of Light Related Charges</b>	<b>1014.73</b>
<b>Summary Of Pole Related Charges</b>	<b>586.50</b>
Gross Receipts Tax	26.02
<b>Current Charge Subtotal</b>	<b>\$1,627.25</b>

NOV 04 2013  
date rec'd RIZZETTA & CO., INC.  
MM approval *mmz* Date 11/6/13  
date entered NOV 06 2013  
fund 001 GI53100 004307  
bank#

tear here

tear here

**Past Due Balance of \$1627.25 subject to late fee, disconnection, and/or deposit if not paid immediately. Payments made before 4 pm post to your LCEC account within 6 hours; after 4 pm post the next day.**

Page 1 of 1

Please check box if address is incorrect and indicate change(s) on back



Past Due/Prev Balance	Current Charges	Total Amount Due	Current Charges Due	Amount Paid
\$1,627.25	\$1,627.25	\$3,254.50	11/18/2013	1627.25

ACCOUNT NUMBER: **6571809552**

ADDRESSEE

4670 1 AT 0.381 21-18



CFM COMMUNITY DEVELOPMENT DISTRICT  
C/O RIZZETTA & COMPANY  
9530 MARKETPLACE RD STE 206  
FORT MYERS, FL 33912-0393

Please detach and return with your payment. Make checks payable to LCEC. Checks must be in U.S. funds and drawn on a U.S. bank.

REMIT TO



LCEC  
P.O. BOX 31477  
TAMPA, FL 33631-3477





Customer Name: **CFM COMMUNITY DEVELOPMENT DISTRICT**

Account Number: **6571809552**

Due Date: **12/16/2013**

**Account Summary as of November 25, 2013**

Previous Balance	3254.50
Payment Received - 10/29/2013	-1627.25
Corrections	0.00
<b>Past Due Balance</b>	<b>\$1,627.25</b>
Current Charges - ELECTRIC	1627.25
Adjustments & Other Charges	0.00
<b>Total Amount Due</b>	<b>\$3,254.50</b>

Service Address: **3000 MAGNOLIA LANDING LN CASE ID#6806754959-T69628 NORTH FORT MYERS, FL 33917**

SA ID# 6571809975 Security Lt-Comm

Service From 10/29/2013 to 11/25/2013

46 13' Decorative Pole at \$12.75 each	586.50
46 units 150 Decorative Lights at \$20.91 each	961.86
Power Cost Adj. (2,943.9995 kWh at \$0.01796)	52.87
<b>Summary Of Light Related Charges</b>	<b>1014.73</b>
<b>Summary Of Pole Related Charges</b>	<b>586.50</b>
Gross Receipts Tax	26.02
<b>Current Charge Subtotal</b>	<b>\$1,627.25</b>

Nov 27 2013  
Date rec'd Rizzetta & Co., Inc.  
M/M approval *mma* Date *12/4/13*  
Date entered *DEC 03 2013*  
Fund *001 6153100 004307*  
Check# \_\_\_\_\_

tear here

tear here

Past Due Balance of \$1627.25 subject to late fee, disconnection, and/or deposit if not paid immediately. Payments made before 4 pm post to your LCEC account within 6 hours; after 4 pm post the next day.

Page 1 of 1

Please check box if address is incorrect and indicate change(s) on back



Past Due/Prev Balance	Current Charges	Total Amount Due	Current Charges Due	Amount Paid
\$1,627.25	\$1,627.25	\$3,254.50	12/16/2013	1627.25

Please detach and return with your payment. Make checks payable to LCEC. Checks must be in U.S. funds and drawn on a U.S. bank.

ACCOUNT NUMBER: **6571809552**

ADDRESSEE

4720 1 AT 0.381 21-18



CFM COMMUNITY DEVELOPMENT DISTRICT  
C/O RIZZETTA & COMPANY  
9530 MARKETPLACE RD STE 206  
FORT MYERS, FL 33912-0393



REMIT TO



LCEC  
P.O. BOX 31477  
TAMPA, FL 33631-3477



STATE OF FLORIDA  
**LEE COUNTY PROPERTY APPRAISER**  
 KEN NETH M. WILKINSON, C.F.A.



**Mailing Address:**  
 P.O. Box 1546  
 Fort Myers, Florida 33902-1546

**Physical Address:**  
 2400 Thompson Street  
 Fort Myers, Florida 33901-3074

**INVOICE**

<b>BILL TO</b>	
<b>CFM CDD</b> Rizzetta & Co, Inc 3434 Colwell Ave, Suite 200 Tampa, FL 33614	<b>Date:</b> 11/15/2013 <b>Invoice Number:</b> 005209 <b>Customer ID:</b> 000208 <b>Terms:</b> Due Upon Receipt <b>Tax Roll Mgr:</b> Nanci L. Erp, CFE

**District Authority:** CFM CDD  
**Pursuant to Resolution:** 2013-12  
**Dated:** August 29, 2013

DESCRIPTION	QUANTITY	UNIT DESC.	RATE	EXT. PRICE
2013 Non Ad Valorem Roll	287.00	Parcel	1.00	287.00

NOV 27 2013  
 Date Rec'd Rizzetta & Co, Inc.  
 D/M approval mmz Date 12/4/13  
 Date entered DEC 03 2013  
 Fund 001 GL 51300 OC 3106  
 Check# \_\_\_\_\_

Please make check payable to Lee County Property Appraiser

Remit To:  
 Lee County Property Appraisers Office  
 Attn: Accounts Receivable - 4th Floor  
 P.O. Box 1546  
 Fort Myers, FL 33902

<b>TOTAL:</b>	<b>287.00</b>
---------------	---------------

2013 REAL ESTATE NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS FOR LEE COUNTY, FLORIDA

Account Number:  
04-43-24-00-00003.1020

Site Address:  
RIGHT OF WAY (gatedhouse)

Values and Exemptions:  
MARKET ASSESSED VALUE 333610  
CAP ASSESSED VALUE 333610  
WHOLLY-EX VALUE 333610  
TAXABLE VALUE 0

Personal ID Number:  
13-00154737

Legal Description:  
ROAD RIGHT OF WAY IN S 1/2 OF  
SEC + PT OF HERONS GLEN GOLF  
COURSE DESC IN OR 4487 PG 521  
BOOK: 4487 PAGE: 521

District:  
039

★ See message below.



5 - 5736

Amount Due:	If Paid In:	
\$10.30	November	2013
\$10.41	December	2013
\$10.52	January	2014
\$10.62	February	2014
\$10.73	March	2014

CFM CDD  
9530 MARKETPLACE RD STE 206  
FORT MYERS FL 33912-0393



Ad Valorem Taxes Levying Authority	Telephone	Mill Rate	Assessed	Exempt	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239.533.2221	4.1506	333610	333610	0	0.00
PUBLIC SCHOOL - BY LOCAL BOARD	239.337.8215	2.2480	333610	333610	0	0.00
PUBLIC SCHOOL - BY STATE LAW	239.337.8215	5.3500	333610	333610	0	0.00
LEE COUNTY ALL HAZARDS - MSTU	239.533.2221	0.0693	333610	333610	0	0.00
LEE COUNTY LIBRARY FUND	239.533.2221	0.5956	333610	333610	0	0.00
LEE COUNTY UNINCORPORATED - MSTU	239.533.2221	0.8398	333610	333610	0	0.00
SFL WATER MGMT-DISTRICT LEVY	561.686.8800	0.1685	333610	333610	0	0.00
SFL WATER MGMT-EVERGLADE CONST	561.686.8800	0.0587	333610	333610	0	0.00
SFL WATER MGMT-OKEECHOBEE LEVY	561.686.8800	0.1838	333610	333610	0	0.00
LEE COUNTY HYACINTH CONTROL	239.694.2174	0.0291	333610	333610	0	0.00
LEE COUNTY MOSQUITO CONTROL	239.694.2174	0.2520	333610	333610	0	0.00
NORTH FORT MYERS FIRE DISTRICT	239.997.8654	2.5000	333610	333610	0	0.00
WEST COAST INLAND NAVIGATION DISTRICT	941.485.9402	0.0394	333610	333610	0	0.00

Non-Ad Valorem Assessments Levying Authority	Telephone	Rate	Basis	Amount
LEE COUNTY SOLID WASTE ASSESSMENT	239.533.8000	1.00	VARIES	10.73

Date Rec'd Account Col, Inc. NOV 04 2013  
 O/M approval *msa* Date 11/6/13  
 Date entered NOV 06 2013  
 Fund CO1 GI \$1300 OC 4905  
 Check#

Keep for your records

2013 Combined Total Ad Valorem and Non-Ad Valorem:

2013 Real Estate Notice

Phone/Email Contact: \_\_\_\_\_

★ If the address below is not correct, complete the Change of Mailing Address form on the reverse side or visit [www.leepa.org](http://www.leepa.org) to update your address.

CFM CDD  
9530 MARKETPLACE RD STE 206  
FORT MYERS FL 33966

Account: 04-43-24-00-00003.1020	
Site Address: RIGHT OF WAY	
Personal ID Number: 13-00154737	
For payment options and instructions refer to the back of this notice and any enclosures.	
If Paid In	Amount Due
November 2013	\$10.30
December 2013	\$10.41
January 2014	\$10.52
February 2014	\$10.62
March 2014	\$10.73

Make check payable to:  
LEE COUNTY TAX COLLECTOR  
P.O. BOX 1609  
FORT MYERS FL 33902-1609



Return when payment

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
10/24/2013	301

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Date World Hazzella & Co. Inc. OCT 25 2013  
 OVM approval MM date 10/29/13  
 Date entered OCT 29 2013  
 Fund 001 AF53800 0014614  
 Check# \_\_\_\_\_

Billing Period	DUE DATE
October 2013	11/23/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Aerator repair parts	1	141.43	141.43
Aerator Maintenance	Labor	2	20.00	40.00
Subtotal				181.43
6% Tax				
<b>Total</b>				<b>181.43</b>

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
11/30/2013	312

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
November 2013	12/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Utility Cost  11/13	1	1,400.00	1,400.00
Date Rec'd Pizzotta & Co., Inc. <u>NOV 27 2013</u> O/M approval <u>mm</u> Date <u>12/4/13</u> Date entered <u>DEC 03 2013</u> Fund <u>001 GL 53100 OC 4304</u> Check# _____				
			Subtotal	1,400.00
			6% Tax	
			<b>Total</b>	<b>1,400.00</b>

Magnolia Landing Golf, LLC.  
 3501 Avenida Del Vera Blvd  
 North Fort Myers, Fl 33917  
 Phone: 239-543-4146  
 Fax: 239-652-6676

# Invoice

DATE	INVOICE #
11/30/2013	313

BILL TO
CFM CDD 9530 Marketplace Rd Suite 206 Fort Myers, Fl 33912

Billing Period	DUE DATE
November 2013	12/1/2013

Item	DESCRIPTION	QTY	RATE	AMOUNT
Aerator Maintenance	Aerator Agreement & Water Use  11/13	1	625.00	625.00
NOV 27 2013 J/M approval <u>MB</u> Date <u>12/4/13</u> Date entered <u>DEC 03 2013</u> Fund <u>001</u> <u>0153800</u> <u>004614</u> Check# _____				
			Subtotal	625.00
			6% Tax	
			<b>Total</b>	<b>625.00</b>









**RIZZETTA & COMPANY, INC.**  
 5020 W Linebaugh Avenue  
 Suite 200  
 Tampa, FL 33624

# Invoice

DATE	INVOICE NO.
10/15/2013	15736

BILL TO
CFM COMMUNITY DEVELOPMENT DISTRICT 3434 Colwell Avenue, Suite 200 Tampa, Florida 33614

TERMS	PROJECT
Due Upon Rec't	545 - CDD

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
AR	<b>PROFESSIONAL FEES:</b>  Assessment Roll  Services related to the Assessment Roll preparation for 2013 - 2014 fiscal year.		5,000.00	5,000.00

REC-15736  
 OCT 15 2013  
 Date Rec'd Rizzetta & Co., Inc.  
 VM approval MMR Date 10/23/13  
 Date entered OCT 23 2013  
 Fund 001 GL 51300 OC 3111

<b>Total</b>	<b>\$5,000.00</b>
--------------	-------------------

RIZZETTA & COMPANY, INC.  
 Tampa, FL 33624  
 5020 W Linebaugh Avenue

# Invoice

DATE	INVOICE NO.
11/1/2013	15782

BILL TO
CFM COMMUNITY DEVELOPMENT DISTRICT 3434 Colwell Avenue, Suite 200 Tampa, Florida 33614

TERMS	PROJECT
Due Upon Rec't	545 - CDD

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	PROFESSIONAL FEES:			
DM	District Management Services		1,500.00	1,500.00
ADMIN	Administrative Services		500.00	500.00
ACTG	Accounting Services		1,200.00	1,200.00
FC	Financial Consulting Services		83.33	83.33
	Services for the period November 1, 2013 - November 30, 2013			
	11/13			
	OCT 29 2013			
	Date Rec'd Rizzetta & Co., Inc.			
	DM approval <u>MAA</u> Date <u>10/29/13</u>			
	Date entered <u>OCT 29 2013</u>			
	Fund <u>001</u> GL <u>51300</u> <u>003101</u>			
	Work # <u>3100</u>			
	<u>3201</u>			
	<u>3111</u>			

<b>Total</b>	<b>\$3,283.33</b>
--------------	-------------------

Delivering your world

# Memo Bill

To: <sup>CFM</sup> Maria M. Sanchez

From: Jessica Hanft 239-335-0258

CC:

Date: 11/13/2013

Re: NOTICE OF INTENT TO ENACT A LEE COUNTY ORDINANCE – Ad #1480173,  
Ref #L110813-08

Date	Description	Cost
11/8/13	AN ORDINANCE CONSENTING TO AND AUTHORIZING THE EXPANSION OF POWERS BY THE CFM COMMUNITY DEVELOPMENT DISTRICT	\$312.80

NOV 27 2013  
MVA approval Date 12/4/13  
rate entered DEC 03 2013  
fund 001 GL 51300 OC 4801

# CFM COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

## Operation and Maintenance Expenditures January 2014 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from January 1, 2014 through January 31, 2014. This does not include expenditures previously approved by the Board.

The total items being presented: **\$30,796.92**

Approval of Expenditures:

\_\_\_\_\_

\_\_\_\_\_ Chairman

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

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

# CFM Community Development District

## Paid Operation & Maintenance Expenses

January 1, 2014 Through January 31, 2014

10101 - Cash-Operating Account

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Hopping Green & Sams	1693	74022	General/Monthly Legal Services 11/13	\$ 966.60
Johnson Engineering Inc	1694	20044888-001 Inv 74	General Engineering Services 12/13	\$ 391.25
Johnson Engineering Inc	1694	20044888-010 Inv 10	Water Use Monitoring 11/13	\$ 250.00
Lake Masters Aquatic Weed Control, Inc.	1695	13-08863	Lake Maintenance 12/13	\$ 1,803.00
Lake Masters Aquatic Weed Control, Inc.	1695	14-00384	Lake Maintenance 01/14	\$ 1,803.00
LCEC	1692	6571809552 12/13	Street Lights 3000 Magnolia Landing Ln 12/13	\$ 1,627.25
Magnolia Landing Master Association	1696	302	Landscape Maintenance 12/13	\$ 3,494.58
Magnolia Landing Master Association	1696	303	Landscape Maintenance 01/14	\$ 3,494.58
Rizzetta & Company, Inc.	1697	15889	District Management Fees 12/13	\$ 3,283.33
Rizzetta & Company, Inc.	1697	16043	District Management Fees 01/14	\$ 3,283.33
Walker Exotic Tree Eradication & Mitigation LLC	1698	270	Preserve Maintenance	\$ 10,400.00
<b>Report Total</b>				<b><u>\$ 30,796.92</u></b>

# Hopping Green & Sams

Attorneys and Counselors

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

===== STATEMENT =====

December 31, 2013

CFM Community Development District  
c/o Accounts Payable  
9530 Marketplace Road  
Suite 206  
Fort Myers, FL 33912

Bill Number 74022  
Billed through 11/30/2013

**General Counsel/Monthly Meeting**  
**CFMCDD 00001 JLE**

**FOR PROFESSIONAL SERVICES RENDERED**

11/04/13	CBO	Analyze issue regarding plat submitted by homebuilder within the district; confer with Robson regarding same.	0.90 hrs
11/09/13	CBO	Prepare resolution adopting revised rules of procedure; review notice and advertising request for upcoming meeting.	0.50 hrs
11/12/13	CBO	Research issue regarding easements for plat submitted by landowner within the district.	1.20 hrs
11/12/13	JEM	Review platting issues.	0.30 hrs
11/14/13	CBO	Confer with Fredyma regarding public hearing for security powers; draft correspondence regarding same; confer with Syvret regarding November meeting.	0.80 hrs
11/18/13	CBO	Confer with county attorney regarding public hearing for security powers.	0.30 hrs
11/20/13	CBO	Follow up on public hearing regarding security powers; draft correspondence regarding same.	0.20 hrs
11/21/13	DCH	Monitor teleconference on MS4 permitting requirements.	0.30 hrs
11/25/13	CBO	Analyze issue regarding collection of debt assessments; confer with Gremontprez regarding same.	0.70 hrs

Total fees for this matter \$964.50

**DISBURSEMENTS**

Long Distance 2.10

Total disbursements for this matter \$2.10

**MATTER SUMMARY**

Bowen, Chuck 4.60 hrs 180 /hr \$828.00

Childs, David	0.30 hrs	210 /hr	\$63.00
Merritt, Jason E.	0.30 hrs	245 /hr	\$73.50

TOTAL FEES			\$964.50
TOTAL DISBURSEMENTS			\$2.10

**TOTAL CHARGES FOR THIS MATTER** **\$966.60**

**BILLING SUMMARY**

Bowen, Chuck	4.60 hrs	180 /hr	\$828.00
Childs, David	0.30 hrs	210 /hr	\$63.00
Merritt, Jason E.	0.30 hrs	245 /hr	\$73.50

TOTAL FEES			\$964.50
TOTAL DISBURSEMENTS			\$2.10

**TOTAL CHARGES FOR THIS BILL** **\$966.60**

**Please include the bill number on your check.**

RECEIVED  
JAN - 8 2014

Date Rec'd Rizzetta & Co., Inc. \_\_\_\_\_  
 D/M approval MMB Date 1/4/14  
 Date entered 1/10/14  
 Fund 001 GL 51400 OC 3107  
 Check# \_\_\_\_\_



Johnson Engineering, Inc.

Remit To:

P.O. Box 2112

Fort Myers, FL 33902

Ph: 239.334.0046 Fax: 239.334.3661

Project Manager David Robson

# Invoice

December 26, 2013

Project No: 20044888-001

Invoice No: 74

FEID #59-1173834

Accounts Payable  
CFM CDD  
9530 Marketplace Road  
Suite 206  
Fort Myers, FL 33912

Project 20044888-001 CFM CDD General Engineering

Professional Services through December 15, 2013

Phase 01 General Engineering

**Professional Personnel**

			Hours	Rate	Amount
Engineer VI					
Robson, David	11/18/2013	Review with M Syvret FDEP YR 1 comment response.	1.00	150.00	150.00
Robson, David	11/21/2013	Attend FDEP NPDES General meeting at lee County Public Works.	1.00	150.00	150.00
Robson, David	12/5/2013	Review of Unit C proposed plat history and tract ownership with C Bowen , H,G, & S	.50	150.00	75.00
Technician II					
Keen, Cynthia	11/19/2013	Finalized response letter to FDEP on NPDES SOP's per D Robson	.25	65.00	16.25
Totals			2.75		391.25
<b>Total Labor</b>					<b>391.25</b>
				<b>Total this Phase</b>	<b>\$391.25</b>
				<b>Total this Invoice</b>	<b>\$391.25</b>

**Outstanding Invoices**

Number	Date	Balance
71	10/17/2013	5,140.00
72	10/31/2013	5,280.00
73	11/30/2013	2,483.75
<b>Total</b>		<b>12,903.75</b>

Date Rec'd Pizzetta & Co., Inc. 1/2/14  
 V/M approval MNA Date 1/2/14  
 Date entered 1/2/14  
 Amount 001 51300 TO 3103

Johnson Engineering, Inc.  
 Remit To:  
 P.O. Box 2112  
 Fort Myers, FL 33902  
 Ph: 239.334.0046 Fax: 239.334.3661

# Invoice

December 03, 2013  
 Project No: 20044888-010  
 Invoice No: 10

Project Manager Timothy Denison

FEID #59-1173834

Accounts Payable  
 CFM CDD  
 c/o Rizzetta & Company, Inc.  
 9530 Marketplace Road, Suite 206  
 Fort Myers, FL 33912

Project 20044888-010 CFM CDD Water Use Monitoring 2012-2013  
 Supplemental Agreement No. 10, dated 10/10/12  
 Professional Services through November 17, 2013

**PROFESSIONAL SERVICES**

Phase No.	Phase Description	Contract Amount	Fee Type	%	Total Inv To-Date	Previously Invoiced	Current Inv Amount	Balance to Complete
01	Water Use Monitoring	2,500.00	LS	100 %	2,500.00	2,250.00	250.00	0.00
02	Flowmeter Calibration/Verification	900.00	LS	100 %	900.00	900.00	0.00	0.00
REIM	Reimbursable Expenses	100.00	T&M	0 %	0.00	0.00	0.00	100.00
Totals		3,500.00			3,400.00	3,150.00	250.00	100.00

SUB-TOTAL PROFESSIONAL SERVICES: 250.00

INVOICE TOTAL:

250.00

Outstanding Invoices

Number	Date	0 - 30	31 - 60	61 - 90	91 - 120	121 +	Balance
9	10/31/2013	0.00	250.00	0.00	0.00	0.00	250.00
Total		0.00	250.00	0.00	0.00	0.00	250.00

**RECEIVED**  
 DEC - 9 2013

Date Rec'd Rizzetta & Co., Inc. \_\_\_\_\_  
 D/M approval MDA Date 12/9/13  
 Date entered 12/9/13  
 Fund 001 GL 53800 OC 46116  
 Check# \_\_\_\_\_

# Invoice

Lake Masters Aquatic Weed Control, Inc.  
 P.O. Box 2300  
 Palm City, FL 34991  
 Toll Free: 1-877-745-5729  
 Fax: 772-220-6603 Local: 772-220-2224

DATE	INVOICE #
12/1/2013	13-08863

<b>BILL TO</b>
CFM CDD - MAGNOLIA LANDING 9530 MARKETPLACE RD., STE 206 FORT MYERS, FL 33912

E-mail	P.O. NO.	TERMS	REP	MAIL STOP ID
susano1@aol.com		Net 30		4696

QUANTITY	DESCRIPTION	RATE	AMOUNT
	MONTHLY SERVICE - AQUATIC WEED CONTROL	1,803.00	1,803.00

Date Rec'd Fizzella & Co, Inc. DEC 03 2013  
 D/M approval mma Date 12/10/13  
 Date entered 12/9/13  
 Fund 001 of 53800.00 4205  
 Check# \_\_\_\_\_

THIS INVOICE AND SERVICE IS FOR THE MONTH INDICATED IN THE DATE SECTION ABOVE.	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$1,803.00

Lake Masters Aquatic Weed Control, Inc.  
P.O. Box 2300  
Palm City, FL 34991  
Toll Free: 1-877-745-5729

# Invoice

DATE	INVOICE #
1/1/2014	14-00384

<b>BILL TO</b>
CFM CDD - MAGNOLIA LANDING 9530 MARKETPLACE RD., STE 206 FORT MYERS, FL 33912

E-mail	P.O. NO.	TERMS	REP	MAIL STOP ID
susano1@aol.com		Net 30		4696

QUANTITY	DESCRIPTION	RATE	AMOUNT
	MONTHLY SERVICE - AQUATIC WEED CONTROL	1,803.00	1,803.00

RECEIVED  
JAN - 6 2014

Date Rec'd Rizzetta & Co., Inc. \_\_\_\_\_  
D/M approval        Date 1/14/14  
Date entered 1/10/14  
Fund 001 GL 53800 OC 4105  
Check# \_\_\_\_\_

THIS INVOICE AND SERVICE IS FOR THE MONTH INDICATED IN THE DATE SECTION ABOVE.

**Payments/Credits** \$0.00

\*\*NEW - ACH Instructions for Orange Bank of Florida, 519 N. Magnolia Ave., Orlando, FL 32801. F/BO Lake Masters Aquatic Weed Control, Inc., ABA #063115754, Acct. #61004288. Monthly invoice number MUST be included on each transaction. In addition, If you would like to receive your invoice by email, please provide the email address.

**Balance Due** \$1,803.00

Customer Name: **CFM COMMUNITY DEVELOPMENT DISTRICT**

Account Number: **6571809552**

Due Date: **12/16/2013**

**Account Summary as of November 25, 2013**

Previous Balance	3254.50
Payment Received - 10/29/2013	-1627.25
Corrections	0.00
<b>Past Due Balance</b>	<b>\$1,627.25</b>
Current Charges - ELECTRIC	1627.25
Adjustments & Other Charges	0.00
<b>Total Amount Due</b>	<b>\$3,254.50</b>

Service Address: **3000 MAGNOLIA LANDING LN CASE ID#6806754959-T69628 NORTH FORT MYERS, FL 33917**

SA ID# 6571809975 Security Lt-Comm

Service From 10/29/2013 to 11/25/2013

46 13' Decorative Pole at \$12.75 each	586.50
46 units 150 Decorative Lights at \$20.91 each	961.86
Power Cost Adj. (2,943.9995 kWh at \$0.01796)	52.87
<b>Summary Of Light Related Charges</b>	<b>1014.73</b>
<b>Summary Of Pole Related Charges</b>	<b>586.50</b>
Gross Receipts Tax	26.02
<b>Current Charge Subtotal</b>	<b>\$1,627.25</b>

Nov 27 2013  
Date rec'd Rizzetta & Co., Inc.  
M/M approval *mm* Date *12/4/13*  
Date entered *DEC 03 2013*  
Fund *001 6153100 004307*  
Check# \_\_\_\_\_

tear here

tear here

Past Due Balance of \$1627.25 subject to late fee, disconnection, and/or deposit if not paid immediately. Payments made before 4 pm post to your LCEC account within 6 hours; after 4 pm post the next day.

Page 1 of 1

Please check box if address is incorrect and indicate change(s) on back



Past Due/Prev Balance	Current Charges	Total Amount Due	Current Charges Due	Amount Paid
\$1,627.25	\$1,627.25	\$3,254.50	12/16/2013	1627.25

Please detach and return with your payment. Make checks payable to LCEC. Checks must be in U.S. funds and drawn on a U.S. bank.

ACCOUNT NUMBER: **6571809552**

ADDRESSEE

4720 1 AT 0.381 21-18



CFM COMMUNITY DEVELOPMENT DISTRICT  
C/O RIZZETTA & COMPANY  
9530 MARKETPLACE RD STE 206  
FORT MYERS, FL 33912-0393



REMIT TO



LCEC  
P.O. BOX 31477  
TAMPA, FL 33631-3477

**Magnolia Landing Master Association, Inc.**

**INVOICE**

4809 Ehrlich Road, Suite 105  
 Tampa, FL 33624  
 Phone 813.374.2363 Fax 813.374.2362

**DATE:** December 1, 2013  
**INVOICE #** 302  
**FOR:** Landscape Maintenance

**Bill To:**  
 Attn: Molly Syvret  
 CFM CDD  
 9530 Marketplace Road, Suite 206  
 Fort Myers, FL 33912  
 Phone: (239) 936-0913 Fax: (239) 936-1815

DESCRIPTION	AMOUNT
<p>CDD Landscape Maintenance - December 2013</p> <div style="text-align: center; margin-top: 200px;"> <p><b>RECEIVED</b></p> <p>DEC 10 2013</p> <p>Date Rec'd Rizzetta &amp; Co, Inc. _____</p> <p>D/M approval <u>MSA</u> Date <u>12/10/13</u></p> <p>Date entered <u>12/13/13</u></p> <p>Fund <u>001</u> GL <u>53900000.4104</u></p> <p>Check# _____</p> </div>	<p>\$ 3,494.58</p>
<b>TOTAL</b>	<b>\$ 3,494.58</b>

Make all checks payable to **Magnolia Landing Master Association Inc.**

**THANK YOU FOR YOUR BUSINESS!**



**RIZZETTA & COMPANY, INC.**

5020 W Linebaugh Avenue  
 Suite 200  
 Tampa, FL 33624

**Invoice**

DATE	INVOICE NO.
12/1/2013	15889

BILL TO
CFM COMMUNITY DEVELOPMENT DISTRICT 3434 Colwell Avenue, Suite 200 Tampa, Florida 33614

TERMS	PROJECT
Due Upon Rec't	545 - CDD

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
DM ADMIN ACTG FC	<b>PROFESSIONAL FEES:</b> District Management Services Administrative Services Accounting Services Financial Consulting Services  Services for the period December 1, 2013 - December 31, 2013		1,500.00 500.00 1,200.00 83.33	1,500.00 500.00 1,200.00 83.33

RECEIVED  
 NOV 22 2013

Date Rec'd Rizzetta & Co., Inc. \_\_\_\_\_  
 MM approval MM Date 12/4/13  
 Date entered DEC 03 2013  
 Fund 001 GL 51300 OC 3101  
 Check # 3100  
3201  
3111

<b>Total</b>	<b>\$3,283.33</b>
--------------	-------------------



**RIZZETTA & COMPANY, INC.**  
 5020 W Linebaugh Avenue  
 Suite 200  
 Tampa, FL 33624

DATE	INVOICE NO.
1/1/2014	16043

BILL TO
CFM COMMUNITY DEVELOPMENT DISTRICT 3434 Colwell Avenue, Suite 200 Tampa, Florida 33614

TERMS	PROJECT
Due Upon Rec't	545 - CDD

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	<b>PROFESSIONAL FEES:</b>			
DM	District Management Services		1,500.00	1,500.00
ADMIN	Administrative Services		500.00	500.00
ACTG	Accounting Services		1,200.00	1,200.00
FC	Financial Consulting Services		83.33	83.33
	Services for the period January 1, 2014 through January 31, 2014			
	<b>RECEIVED</b> <b>DEC 27 2013</b>			
	Date Rec'd Rizzetta & Co., Inc. _____			
	W/M approval <u>[Signature]</u> Date <u>1/14/14</u>			
	Date entered <u>1/10/14</u>			
	Fund <u>001</u> GL <u>51300</u> OC <u>3101</u> - \$ <u>1500.00</u>			
	Check # _____ <u>3100</u> - \$ <u>500.00</u>			
	_____ <u>3201</u> - \$ <u>1200.00</u>			
	_____ <u>3111</u> - \$ <u>83.33</u>			
			<b>Total</b>	\$3,283.33



RESTORING FLORIDA'S NATIVE BEAUTY

# INVOICE

## Walker Exotic Tree Eradication

Darrin Jones  
17681 Caloosa Rd.  
Alva, FL 33920  
Phone 239.851.8811  
[Darrin@walkerexotics.com](mailto:Darrin@walkerexotics.com)

INVOICE #270  
DATE: DECEMBER 30, 2013

**TO:**  
CFM CDD  
3434 Coldwell Ave, Suite 200  
Tampa, FL 33614  
c/o Molly Syvret  
Rizzetta & Company

**FOR:**  
Magnolia Landing Preserve Maintenance

DESCRIPTION	AMOUNT
<p><b>Task:</b> All category 1 and 2 exotic and nuisance vegetation within the preserve areas at Magnolia Landing has been treated effectively.</p> <p>This is the first treatment per our contract. We will bill for the remaining treatment upon completion.</p> <p><i>1/2/14</i> <i>1/2/14</i> <i>1/2/14</i> <i>001 53800 4607</i></p>	\$10,400.00
<b>Total Due</b>	<b>\$10,400.00</b>

Make all checks payable to **Walker Exotic Tree Eradication & Mitigation**  
Total due in 15 days.

**Thank you for your business!**

# Tab 3

PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENT NO. 011

**THIS IS A SUPPLEMENTAL AGREEMENT** made as of December 5, 2013, between **CFM COMMUNITY DEVELOPMENT DISTRICT**, ("OWNER") and **JOHNSON ENGINEERING, INC.**, ("CONSULTANT").

For CFM CDD Water Use Monitoring 2013-2014, (the "Project").

Lat 26.758121, Long. -81.923357

This Professional Services Supplemental Agreement ("Supplemental Agreement") is made and entered into on the date first written above between OWNER and CONSULTANT, and is made pursuant to and shall be attached to and made a part of the Professional Services Agreement ("Original Agreement"), for the Project known as Professional Engineering Services, Section 04, Township 43 South, Range 24 East, Lee County, which Original Agreement was made and entered into on the 17th day of May, 2007.

Execution of this Supplemental Agreement by CONSULTANT and OWNER constitutes OWNER's written authorization to CONSULTANT to proceed on the date first above written with the Services or amended Services described in Exhibit A, ("Scope of Services") and in other exhibits listed below. This Supplemental Agreement will become effective on the date first above written. All of the covenants, terms, conditions, provisions, and contents of the Original Agreement, referred to hereinabove, and any Amendments executed thereto, shall be and are applicable to this Supplemental Agreement, as if the same were set forth and contained herein.

A determination has been made by the OWNER and the CONSULTANT that pursuant to and under the purview of the Original Agreement, the OWNER and CONSULTANT desire to supplement the service(s) of said CONSULTANT.

The OWNER hereby authorizes the CONSULTANT, and the CONSULTANT hereby agrees, to provide and perform the particular services and/or work as set forth hereinafter as a supplement to the services and/or work previously authorized and agreed to.

**SECTION 1.00        SCOPE OF PROFESSIONAL SERVICES**

CONSULTANT hereby agrees to provide and perform the professional services, tasks, and work required and necessary to complete the services and work as set forth in Exhibit A entitled "Scope of Services", which is attached hereto and made a part of this Supplemental Agreement.

**SECTION 2.00        COMPENSATION**

The OWNER shall pay the CONSULTANT for all requested and authorized services, tasks, or work completed under this Supplemental Agreement by the CONSULTANT, in accordance with the provisions for compensation and payment of said services, tasks, or work as set forth and described in Exhibit B, entitled "Compensation", which is attached hereto and made a part of this Supplemental Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Supplemental Agreement to be effective as of the date first above written.

**OWNER:**  
CFM COMMUNITY DEVELOPMENT  
DISTRICT

**CONSULTANT:**  
JOHNSON ENGINEERING, INC.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

By: Molly A. Syvret  
\_\_\_\_\_  
Name Typed or Printed

By: Andrew D. Tilton  
\_\_\_\_\_  
Name Typed or Printed

Title: District Manager  
\_\_\_\_\_  
Title

Title: Vice President  
\_\_\_\_\_  
Title

Address for giving notices:  
CFM CDD  
c/o Rizzetta & Company Inc.

Address for giving notices:  
Johnson Engineering, Inc.

9530 Marketplace Rd., Suite 206

251 W. Hickpochee Avenue

Fort Myers, Florida 33912

LaBelle, Florida 33935

Phone: (239) 936-0913

Phone: (863) 612-0594

Fax: (239) 936-1815

Fax: (863) 612-0341

Email: Msyvret@rizzetta.com

Email: tdenison@johnsoneng.com

ATTEST:

\_\_\_\_\_  
Secretary

(IF CORPORATION, AFFIX CORPORATE SEAL)

**OR**

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

Name typed, printed or stamped

(Seal)

Exhibit A

Exhibit A consisting of ONE (1) page referred to in the Professional Services Supplemental Agreement between OWNER and CONSULTANT for professional services dated December 5, 2013.

Services not set forth in this Exhibit A, or not listed or described herein, are expressly excluded from the Scope of the Professional Services of the CONSULTANT. The CONSULTANT assumes no responsibility to perform any services not specifically identified and/or otherwise described in this Exhibit A.

Initial:  
OWNER \_\_\_\_\_  
CONSULTANT \_\_\_\_\_

SCOPE OF SERVICES

PROFESSIONAL SERVICES OF THE CONSULTANT:

**Task 1: Water Use Monitoring 2013-2014**

CONSULTANT will perform surface and groundwater field sampling, testing, analysis and irrigation pumpage reporting on a monthly basis, with quarterly submittal to SFWMD, as required by Limiting Conditions 18 and 20 in SFWMD Irrigation Water Use Permit 36-05392-W, for the time period of October 1, 2013 thru September 30<sup>th</sup>, 2014.

**Task 2: Flowmeter Calibration – Flow Verification**

CONSULTANT will perform verification of water use accounting method (flow meters) for one surface water pump (SW1) and two wells (PW6 & PW8), as required by SFWMD water use permit number 36-05392-W. OWNER will be responsible for providing access to a straight run section of pipe as close to the flow meter as possible. The pipe must be flowing full during the verification period. CONSULTANT will coordinate with CLIENT's staff for starting and monitoring pumps necessary for enabling flow. CONSULTANT will provide flow meter verification certificates to CLIENT and SFWMD.

SUB-CONSULTANT SERVICES:

N/A

## Exhibit B

Exhibit B consisting of TWO (2) pages referred to in the Professional Services Supplemental Agreement between OWNER and CONSULTANT for professional services dated December 5, 2013.

Initial:  
OWNER \_\_\_\_\_  
CONSULTANT \_\_\_\_\_

### COMPENSATION

---

#### Definitions:

**Lump Sum (LS):** Includes all direct and indirect labor costs, personnel related costs, overhead and administrative costs, which may pertain to the services performed, provided and/or furnished by the CONSULTANT as may be required to complete the services in Exhibit A. The total amount of compensation to be paid the CONSULTANT shall not exceed the amount of the total Lump Sum compensation established and agreed to. The portion of the amount billed for CONSULTANT'S services which is on account of the Lump Sum will be based upon CONSULTANT'S estimate of the proportion of the total services actually completed at the time of billing.

**Time and Materials (T&M):** For the actual hours expended by the CONSULTANT'S professional and technical personnel, multiplied by the applicable hourly rates for each classification or position on the CONSULTANT'S standard billing rate schedule in effect at the time the services are rendered. The current standard billing rate schedule is attached to this Exhibit B as Attachment No. 1. For the services of CONSULTANT'S Sub-Consultants engaged to perform or furnish services in Exhibit A, the amount billed to CONSULTANT therefore times a factor of 1.10. The amount payable for Reimbursable Expenses will be the charge actually incurred by or imputed cost allocated by CONSULTANT, therefore times a factor of 1.10.

For services provided and performed by CONSULTANT for providing and performing the Task(s) set forth and enumerated in Exhibit A entitled "Scope of Services", the OWNER shall compensate the CONSULTANT as follows:

<b>TASK</b>	<b>ITEM</b>	<b>AMOUNT (Estimated if T&amp;M)</b>	<b>FEE TYPE (LS;T&amp;M; NTE)</b>
1	Water Use Monitoring	2,500	LS
2	Flowmeter Calibration – Flow Verification	900	LS
	<b>TOTAL COMPENSATION FOR CONSULTANT'S SERVICES:</b>	<b>\$3,400.00</b>	<b>LS</b>

For reimbursable expenses of CONSULTANT, the OWNER shall compensate the CONSULTANT as follows:

<b>REIMBURSABLE EXPENSES</b>	<b>AMOUNT (Estimate d if T&amp;M)</b>	<b>FEE TYPE (LS;T&amp;M; NTE)</b>
Courier and express delivery charges, reproduction of plans and reports, photography, field supplies and costs of other materials and/or equipment specifically used for and solely applicable to this project.	\$100.00	T&M
<b>TOTAL COMPENSATION FOR REIMBURSABLE EXPENSES:</b>	<b>\$100.00</b>	<b>T&amp;M</b>

<b>TOTAL COMPENSATION INCLUDING REIMBURSABLE EXPENSES:</b>	<b>\$3,500.00</b>	<b>LS; T&amp;M</b>
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## PROFESSIONAL SERVICES HOURLY RATE SCHEDULE

Effective August 21, 2013

Engineer IX	\$ 190.00	Principal Ecologist	\$ 170.00
Engineer VIII	\$ 170.00	Ecologist IV	\$ 150.00
Engineer VII	\$ 160.00	Ecologist III	\$ 130.00
Engineer VI	\$ 150.00	Ecologist II	\$ 115.00
Engineer V	\$ 135.00	Ecologist I	\$ 100.00
Engineer IV	\$ 125.00		
Engineer Intern III	\$ 115.00	Expert Witness	\$ 250.00
Engineer Intern II	\$ 105.00		
Engineer Intern I	\$ 95.00	Surveyor and Mapper VI	\$ 190.00
		Surveyor and Mapper V	\$ 170.00
Development Project Coordinator	\$ 115.00	Surveyor and Mapper IV	\$ 150.00
		Surveyor and Mapper III	\$ 125.00
Project Director	\$ 145.00	Surveyor and Mapper II	\$ 115.00
Designer IV	\$ 135.00	Surveyor and Mapper I	\$ 100.00
Designer III	\$ 115.00		
Designer II	\$ 90.00	StarVAC w/Water Truck Four-Man Party	\$ 330.00
Designer I	\$ 80.00	StarVAC w/Water Truck Three-Man Party	\$ 280.00
		StarVAC w/Four-Man Party	\$ 290.00
Technician IV	\$ 100.00	StarVAC w/Three-Man Party	\$ 265.00
Technician III	\$ 75.00		
Technician II	\$ 65.00	Two-Man Field Party	\$ 135.00
Technician I	\$ 55.00	Three-Man Field Party	\$ 160.00
		Four-Man Field Party	\$ 170.00
Hydrogeologist V	\$ 150.00	Hydrographic Field Party	\$ 225.00
Hydrogeologist IV	\$ 135.00	GPS Mapping Grade: One-Man Party	\$ 90.00
Hydrogeologist III	\$ 125.00	GPS Mapping Grade: Two-Man Party	\$ 130.00
Hydrogeologist II	\$ 100.00	GPS Mapping Grade: Three-Man Party	\$ 170.00
Hydrogeologist I	\$ 90.00	GPS Surveying Grade: One or Two-Man Party	\$ 170.00
		GPS Surveying Grade: Three-Man Party	\$ 180.00
Environmental Scientist V	\$ 120.00		
Environmental Scientist IV	\$ 100.00	Principal GIS Consultant	\$ 170.00
Environmental Scientist III	\$ 85.00	GIS Consultant IV	\$ 170.00
Environmental Scientist II	\$ 65.00	GIS Consultant III	\$ 135.00
Environmental Scientist I	\$ 55.00	GIS Consultant II	\$ 110.00
		GIS Consultant I	\$ 90.00
Principal Planner II	\$ 170.00	GIS Technician III	\$ 80.00
Principal Planner I	\$ 150.00	GIS Technician II	\$ 70.00
Senior Planner	\$ 135.00	GIS Technician I	\$ 60.00
Planner IV	\$ 125.00		
Planner III	\$ 110.00	<b>CONSTRUCTION OBSERVATION SERVICES</b>	
Planner II	\$ 95.00	Senior Project Engineer	\$ 170.00
Planner I	\$ 85.00	Construction Observation Services Manager	\$ 150.00
Planning Technician III	\$ 80.00	Project Administrator	\$ 125.00
Planning Technician II	\$ 70.00	Contract Support Specialist	\$ 110.00
Planning Technician I	\$ 60.00	Senior Construction Observer II	\$ 100.00
Grant Proposal Manager	\$ 95.00	Senior Construction Observer I	\$ 90.00
Grant Administrator	\$ 90.00	Construction Observer III	\$ 75.00
Grant Writer	\$ 75.00	Construction Observer II	\$ 65.00
		Construction Observer I	\$ 55.00
Principal Landscape Architect	\$ 170.00	Resident Compliance Officer (RSO)	\$ 65.00
Managing Landscape Architect	\$ 140.00		
Senior Landscape Architect	\$ 130.00	<b>REIMBURSABLE EXPENSES</b>	
Landscape Architect	\$ 120.00	Materials	Cost + 10%
Senior Landscape Designer	\$ 105.00	Sub-Consultant Services	Cost + 10%
Project Landscape Designer	\$ 85.00		
Landscape Designer II	\$ 78.00		
Landscape Designer I	\$ 72.00		

# Tab 4

## **RESOLUTION 2014-01**

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CFM COMMUNITY DEVELOPMENT DISTRICT AMENDING RESOLUTION 2013-10 TO RE-SET THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING TO CONSIDER AND HEAR COMMENT ON THE ADOPTION OF RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the CFM Community Development District (“District”) was established by an ordinance adopted by the Board of County Commissioners of Lee County, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure improvements; and

**WHEREAS**, on August 15, 2013, at a duly noticed public meeting, the District’s Board of Supervisors (the “Board”) adopted Resolution 2013-10, setting a public hearing to consider and hear comment on the adoption of Rules of Procedure for November 21, 2013 at Rizzetta & Company, Inc., 9530 Marketplace Rd., Ste. 206, Fort Myers, Florida 33912; and

**WHEREAS**, the Board of Supervisors desires to change the date of the public hearing.

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

**SECTION 1. PUBLIC HEARING DATE RE-SET.** Resolution 2013-10 is hereby amended to reflect that the public hearing as declared in Resolution 2013-10 is re-set to:

Thursday, February 20, 2014 at 11:00 a.m. at Rizzetta & Company, Inc., 9530 Marketplace Rd., Ste. 206, Fort Myers, Florida 33912.

**SECTION 2. RESOLUTION 2013-10 OTHERWISE REMAINS IN FULL FORCE AND EFFECT.** Except as otherwise provided herein, all of the provisions of Resolution 2013-10 continue in full force and effect.

**SECTION 3. SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect upon its passage and adoption by the Board of Supervisors of the CFM Community Development District.

**PASSED AND ADOPTED** this 20th day of February, 2014.

ATTEST:

**CFM COMMUNITY DEVELOPMENT  
DISTRICT**

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

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

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

# Tab 5

**RULES OF PROCEDURE  
CFM COMMUNITY DEVELOPMENT DISTRICT**

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**Rule 1.0      General.**

- (1) The CFM 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 by resident electors must be citizens of the United States of America, residents of the State of Florida and of the District, registered to vote with the Supervisor of Elections of the county in which the District is located, and qualified. 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 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 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 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.**

- (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 an individual who is qualified to perform the labor. 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 the 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. After the request has been fulfilled, additional payments or credits may be due.
- (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.

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

**Law Implemented:** §§ 190.006, 119.07, Fla. Stat.

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

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days, 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 189.417 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 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 (239) 936-0913. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office."
  - (e) The following language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

- (f) The following language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”
- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules 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 a notice and an agenda of the meeting/hearing/workshop. The notice and agenda shall be available to the public at least seventy-two (72) hours before the meeting/hearing/workshop except in an emergency. For good cause, the agenda may be changed after it is first made available for distribution. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

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

- 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, 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. 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 attorneys must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with

the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

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

**Law Implemented:** §§ 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0114, 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. Notice will then be mailed to all persons whom, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its proceedings.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions 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 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) Variations and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variations and waivers from District rules may be granted subject to the following:
- (a) Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, 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 sixty (60) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (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 one million dollars (\$1,000,000), for a study activity when the fee for such Professional Services to the District does not exceed fifty thousand dollars (\$50,000), 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 federal licenses in good standing, if any;
  - (b) Hold all required applicable state professional licenses in good standing;
  - (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. Consultants who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail. The Board has the right to reject any and all qualifications, 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) 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:** §§ 119.07, 190.011(3), 190.033, 287.055, Fla. Stat.

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

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

- (1) Definitions.
  - (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 audit selection committee appointed by the Board as described in section (2) of this Rule.
- (2) Establishment of Audit Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an audit selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee should include at least three individuals, some or all of whom may also serve as members of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board.
- (3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under 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 federal licenses in good standing, if any;
    - (ii) Hold all required applicable state professional licenses in good standing;
    - (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) Understanding of scope of work;
  - (iv) Ability to furnish the required services; and
  - (v) 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.
- (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 July 1 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. No contract shall continue, or allow the contract to be renewed, for a period of more than three years from the date of its execution. 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:** §§ 119.07, 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. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail.
  - (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 the 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, 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.

**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 the 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 such as 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 take whatever steps reasonably necessary in order to proceed with the procurement of construction services, which steps may include a direct purchase of the construction services without further competitive selection processes.
- (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 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:** §§ 119.07, 189.4221, 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 such as 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 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) proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no proposals are received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of design-build services, which steps may include a direct purchase of the design-build services without further competitive selection processes.
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. Failing accord with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
  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:** §§ 119.07, 189.4221, 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 the 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) bids, proposals, replies, or responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of goods, supplies, and materials, which steps may include a



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

- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 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 period that may not exceed three (3) years or the term of the original contract, whichever period is longer.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

**Law Implemented:** §§ 189.4221, 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 the 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 take whatever steps reasonably necessary in order to proceed with the procurement of maintenance services, which steps may include a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
  - (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a period that may not exceed three (3) years or the term of the original contract, whichever period is longer.
  - (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
  - (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

**Law Implemented:** §§ 119.07, 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:** §§ 119.07, 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 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, the Board may require any person who files a notice of protest to post a protest bond in the amount equal to 1% of the anticipated contract amount

that is the subject of the protest. 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, 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 \_\_\_\_\_, 2014, 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.

# Tab 6

**RESOLUTION 2014-02**

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

**WHEREAS**, the CFM Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated in the Lee 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**, 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 to replace those Rules of Procedure previously adopted by the District; 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 CFM COMMUNITY DEVELOPMENT DISTRICT:**

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

**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 20<sup>th</sup> day of February, 2014.

ATTEST:

**CFM COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Print Name: Molly A. Syvret  
Assistant Secretary

\_\_\_\_\_  
Chairperson

**Exhibit A:** Rules of Procedure