

*Old Hickory
Community Development District*

Agenda

August 3, 2020

AGENDA

Old Hickory

Community Development District

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

July 27, 2020

Board of Supervisors
Old Hickory Community
Development District

Dear Board Members:

The meeting of the Board of Supervisors of the Old Hickory Community Development District will be held **Monday, August 3, 2020 at 1:00 p.m. at the Oasis Club at ChampionsGate, 1520 Oasis Club Blvd., ChampionsGate, Florida**. Following is the advance agenda for the regular meeting:

Landowners' Meeting

1. Determination of Number of Voting Units Represented
2. Call to Order
3. Election of Chairman for the Purpose of Conducting Landowners' Meeting
4. Nominations for the Positions of Supervisors (5)
5. Casting of Ballots
6. Tabulation of Ballots and Announcement of Results
7. Adjournment

Board of Supervisors Meeting

1. Roll Call
2. Public Comment Period
3. Organizational Matters
 - A. Administration of Oaths of Office to Newly Elected Supervisors
 - B. Consideration of Resolution 2020-18 Canvassing and Certifying the Results of Landowners' Election
 - C. Election of Officers
 - D. Consideration of Resolution 2020-19 Electing Officers
4. Approval of Minutes of the June 1, 2020 Meeting
5. Ranking of Proposals for District Engineering Services and Selection of District Engineer
6. Public Hearings
 - A. Rules of Procedure
 - i. Consideration of Resolution 2020-20 Adopting the District's Rules of Procedure
 - B. Uniform Method of Collection
 - i. Consideration of Resolution 2020-21 Expressing the District's Intent to Utilize the Uniform Method of Collection
 - C. Fiscal Years 2020 & 2021 Budgets
 - i. Consideration of Resolution 2020-22 Adopting the Fiscal Years 2020 & 2021 Budgets and Relating to the Annual Appropriations

- D. Levying Assessments
 - i. Consideration of Master Engineer's Report
 - ii. Consideration of Master Assessment Methodology Report
 - iii. Public Comment & Testimony
 - iv. Consideration of Resolution 2023 Levying Assessments
- 7. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. District Manager's Report
 - i. Balance Sheet and Income Statement
 - ii. Ratification of Funding Request #2 - #3
 - iii. Approval of Fiscal Year 2021 Meeting Schedule
- 8. Other Business
- 9. Supervisor's Requests
- 10. Adjournment

Immediately preceding the Board of Supervisors meeting will be a landowners' meeting of the Old Hickory Community Development District.

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

The third order of business is Organizational Matters. Section A is the administration of the Oaths of Office to the newly elected Board Members and Section B is the consideration of Resolution 2020-18 canvassing and certifying the results of the landowners' election. A copy of the Resolution is enclosed for your review. Section C is the election of officers and Section D is the consideration of Resolutions 2020-19 electing officers.

The fourth order of business is the approval of minutes of the June 1, 2020 meeting. The minutes are enclosed for your review.

The fifth order of business is the ranking of proposals for District engineering services and selection of a District Engineer. A copy of the ranking sheet and proposal are enclosed for your review.

The sixth order of business opens the Public Hearings. Section A opens the public hearing for the District's Rules of Procedure. Sub-Section 1 is the consideration of Resolution 2020-20 adopting the District's Rules of Procedure. A copy of the Resolution and proposed rules are enclosed for your review. Section B opens the public hearing for the Uniform Method of Collection. Sub-Section 1 is the consideration of Resolution 2020-21 expressing the District's intent to utilize the Uniform Method of Collection. A copy of the Resolution is enclosed for your review. Section C opens the public hearing for the adoption of the Fiscal Years 2020 & 2021 budgets. Sub-Section 1 is the consideration of Resolution 2020-22 adopting the Fiscal Years 2020 & 2021 budgets and relating to the annual appropriations. A copy of the Resolution and proposed budgets are enclosed for your review. Section D opens the public hearing for the levy of assessments. Sub-Section 1 is the consideration of the Master Engineer's Report and Sub-Section 2 is the consideration of the Master Assessment Methodology Report. Copies of both

reports are enclosed for your review. Sub-Section 3 is the public comment and testimony and Sub-Section 4 is the consideration of Resolution 2020-23 levying assessments. A copy of the Resolution is enclosed for your review.

The seventh order of business is Staff Reports. Section 1 of the District Manager's Report includes the balance sheet and income statement for review and Section 2 includes Funding Request #2 - #3 for ratification. The funding requests and supporting documentation is enclosed for your review. Section 3 is the approval of the Fiscal Year 2021 meeting schedule. A sample meeting notice is enclosed for your review.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please contact me.

Sincerely,



George S. Flint
District Manager

Cc: Jan Carpenter, District Counsel
David Reid, Interim District Engineer
Steve Sanford, Bond Counsel
Jon Kessler, Underwriter
Stacey Johnson, Trustee

Enclosures

SECTION III

SECTION B

RESOLUTION 2020-18

**A RESOLUTION CANVASSING AND CERTIFYING
THE RESULTS OF THE LANDOWNERS' ELECTION OF
THE OLD HICKORY COMMUNITY DEVELOPMENT
DISTRICT HELD PURSUANT TO SECTION 190.006(2),
FLORIDA STATUTES**

WHEREAS, pursuant to Section 190.006(2), Florida Statute, a landowners' meeting is required to be held within 90 days of the District's creation and every two years following the creation of a Community Development District for the purpose of electing five (5) supervisors for the District; and

WHEREAS, following proper notice of once a week for 2 consecutive weeks in a newspaper of general circulation in the area of the District, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election, such landowners meeting was held on **August 3, 2020**, at which the below-recited persons were duly elected by virtue of the votes cast in their respective favor; and

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

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

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

<u>Supervisor</u>	<u># of Votes</u>	<u>Terms</u>
_____	_____	4 Year Term
_____	_____	4 Year Term
_____	_____	2 Year Term
_____	_____	2 Year Term
_____	_____	2 Year Term

2. The terms of office shall commence immediately upon the adoption of this Resolution:

Adopted this 3rd day of August, 2020.

Secretary/ Assistant Secretary

Chairman/Vice Chairman

SECTION D

RESOLUTION 2020-19

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
ELECTING THE OFFICERS OF THE DISTRICT AND
PROVIDING FOR AN EFFECTIVE DATE**

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

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

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

Section 1. _____ is elected Chairperson.

Section 2. _____ is elected Vice-Chairperson.

Section 3. _____ is elected Secretary.

Section 4. _____ is elected Assistant Secretary.
_____ is elected Assistant Secretary.
_____ is elected Assistant Secretary.
_____ is elected Assistant Secretary.

Section 5. _____ is elected Treasurer.

Section 6. _____ is elected Assistant Treasurer.

Section 7. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 3rd day of August, 2020.

ATTEST:

**OLD HICKORY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson/Vice-Chairperson

MINUTES

MINUTES OF MEETING
OLD HICKORY
COMMUNITY DEVELOPMENT DISTRICT

An Organizational meeting of the Board of Supervisors of the Old Hickory Community Development District was held Monday, June 1, 2020 at 1:00 p.m. via Zoom Teleconference.

Present and constituting a quorum were:

Adam Morgan	Vice Chairman
Daniel La Rosa	Assistant Secretary
Mike Lewellen	Assistant Secretary

Also present were:

George Flint	District Manager, GMS
Jan Carpenter	District Counsel
Kristen Trucco	District Counsel
Dave Reid	Interim District Engineer
Steve Sandford	Bond Counsel
Phil Gildan	Developer's Counsel
Tricia Adams	GMS
Rob Bonin	Lennar Homes
Mark McDonald	Lennar Homes
Michelle Barr	Lennar Homes
Ethan Marrah	Lennar Homes

FIRST ORDER OF BUSINESS

Introduction

A. Call to Order

Mr. Flint called the meeting to order and called the roll. There were three members present, constituting a quorum.

B. Public Comment Period

Mr. Flint: It appears we only have board members and staff on the call, so we will go ahead and move on to confirmation of notice of the meeting.

C. Oath of Office

Mr. Flint: I have received the Oath of Office from all three Board members that are participating. I received those prior to the meeting.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Confirmation of Notice of Meeting

Mr. Flint: We've got that in the agenda package and it was noticed in accordance with the Statutes.

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

Mr. Flint: We've also included some information on Community Development Districts and responsibilities of Board members as public officials. I believe the three Board members are familiar with those requirements. One of the most important things is the form of financial disclosure. It has to be filed in 30 days of today with the Supervisor of Elections in the County that you live in. The Supervisor of Elections will mail an update annually to you around June 1, and those are due July 1st.

C. Election of Officers

1. Resolution 2020-01 Designating Officers

Mr. Flint: We've got Resolution 2020-01 Designating Officers. This resolution names a Chair, and Vice Chairman, Secretary, Assistant Secretaries, Treasurer. We can take each one of these seats individually, or if someone wants to make a motion for a slate of officers, you can do that as well. The Chairman and Vice Chairman have to be Board members. The other offices don't necessarily need to be Board members. Typically the District Manager is the Secretary, and the District Accountant is the Treasurer.

Mr. Morgan: I'll make a motion to make Lane Register Chairman and Adam Morgan Vice-Chairman. Dan La Rosa would be Assistant Secretary, and then we would make George the Secretary.

Mr. Flint: Mike Lewellen Assistant Secretary?

Mr. Morgan: Yes, Mike Lewellen Assistant Secretary for now.

Mr. Flint: You might as well just make Karen one too, but that will all change.

Mr. Morgan: We will go ahead and do that, and then we will change that later.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-01 Appointing Officers with Mr. Lane Register as Chairman, Mr. Adam Morgan as Vice Chairman, Ms. Karen Morgan, Mr. Daniel La Rosa, and Mr. Mike Lewellen as Assistant Secretaries, and Mr. Flint as Secretary, was approved.

2. Resolution 2020-02 Designating Treasurer and Assistant Treasurer

Mr. Flint: The District Accountant is Ariel Lovera and then Teresa Viscarra also works primarily on the Lennar Districts. My recommendation would be to insert their names, although it's the Board's prerogative as to who you would like to designate for those offices.

Mr. Morgan: I make a motion to approve the names.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-02 Appointing Ariel Lovera as Treasurer, and Teresa Viscarra and Assistant Treasurer, was approved.

Ms. Trucco: George and I will just say that we have a new member Board Package that provides some general information about the Sunshine Law and other rules and regulations that apply to CDDs that we will send all the Board Members today, just in case any of you have not served on a CDD Board before. If you have any questions, feel free to reach out to Jan or myself.

Mr. Flint: Thank you.

THIRD ORDER OF BUSINESS

Retention of District Staff

A. Consideration of Contract for District Management Services

Mr. Flint: Next is the Retention of District Staff and the first agreement is for District Management services. This is our standard contract and I think the staff and many of the Board members have seen these in the past. The fees are consistent with what we're charging on the other Central Florida Lennar districts. Are there any questions on the agreement?

Mr. Morgan: It looks good. Do we have to ratify it today?

Mr. Flint: A motion to approve would be in order.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Contract for District Management Services with Governmental Management Services - Central Florida, LLC, was approved.

B. Consideration of Appointment of District Counsel Services

Mr. Flint: Next is the engagement of District Counsel and you have an engagement letter from Latham, Luna, Eden & Beaudine. Both Kristen and Jan are on the phone if there are any questions.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Appointing Latham, Luna, Eden & Beaudine for District Counsel Services, was approved.

C. Resolution 2020-03 Designating a Registered Agent and Office

Mr. Flint: The resolution designates Jan Carpenter as the registered agent and their office and the registered office. This is primarily for any communication related to lawsuits or formal communication from the State of Florida.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-03 Designating Jan Carpenter as the Registered Agent and her office as the Registered Office, was approved.

D. Request Authorization to Issue RFQ for Engineering Services

Mr. Flint: Next is a Request Authorization to issue a Request for Qualifications for engineering services. Engineering services fall under the Consultant’s Competitive Negotiation Act, and therefore they need to be bid out. The standard form of the RFQ is in the agenda and we’ll advertise this and bring any responses back to our future meetings. Is there a motion to Authorize the issuance of the RFQ?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Authorization for Staff to Issue an RFQ for Engineering Services, was approved.

FOURTH ORDER OF BUSINESS

Designation of Meetings and Hearing Dates

A. Designation of Regular Monthly Meeting Date, Time and Location

Mr. Flint: Our recommendation would be to set that for the first Monday of each month at 1:00 p.m. It would be at the Oasis Club if we meet in person, otherwise we will handle through Zoom.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Designating the Regular Board Meetings for the First Monday of the Month at 1:00 p.m. at the Oasis Club at ChampionsGate, was approved.

B. Designation of Landowner’s Meeting Date, Time and Location

Mr. Flint: Next is the Landowner’s meeting date, time, and location. We recommend you hold this at your August 3rd meeting at 1:00 p.m.

Mr. Morgan: That gives us enough time to advertise and everything?

Mr. Flint: Yes, it has to be done within 90 days of formation of the District. You are going to have a number of other public hearings on the August agenda and we may not need to meet in July if we have the public hearings in August.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Designating the Landowners’ Meeting as August 3, 2020 at 1:00 p.m. at the Oasis Club at ChampionsGate, was approved.

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

i. Consideration of Resolution 2020-04 Setting a Public Hearing to Consider the Proposed Rules of the District

Mr. Flint: We need to hold a rule hearing to approve the District’s Rules of Procedure and there is a 30-day notice requirement for that. My suggestion would be to schedule that for your August 3rd meeting as well. A copy of the proposal is in your agenda package. They primary deal with how the Board functions, purchasing requirements, and other issues that basically mirror the State Statutes.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Resolution 2020-04 Setting a Public Hearing to Consider the Proposed Rules of the District for August 3, 2020 at 1:00 p.m., was approved.

D. Designation of Date of Public Hearing on the Budget for Fiscal Year 2020

1. Consideration of Resolution 2020-05 Setting the Public Hearing and Approving the Proposed Fiscal Year 2020 Budget

Mr. Flint: We need to set a date for the public hearing to adopt the Fiscal Year 2020 Budget. There’s a resolution in your agenda approving the date, place, and time of the proposed public

hearing and approving the proposed budget, which is attached as Exhibit A. We would again recommend your August 3rd meeting for the public hearing to consider the budget hearing for Fiscal Year 2020. Is there a motion to approve the August 3rd date?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Consideration of Resolution 2020-05 Setting the Public Hearing and Approving the Proposed Fiscal Year 2020 Budget for August 3, 2020 at 1:00 p.m. at the Oasis Club at ChampionsGate, was approved.

2. Approval of the Fiscal Year 2020 Developer Funding Agreement

Mr. Flint: This serves as the funding mechanism for the District’s operations until such time as the District imposes operating and maintenance assessments. This is the standard agreement that our Board approved and Lennar entered into. Of course, it’s approved subject to Lennar’s review and their execution of the agreement. You are just approving it today on behalf of the CDD. Lennar would need to review it as well prior to execution. If they had any comments, if they are not substantial, those could be made. If they are substantial, then we can bring this agreement back. Is there a motion to approve the Developer Funding Agreement?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Developer Funding Agreement with Lennar for the Fiscal Year 2020, was approved.

E. Designation of Date of Public Hearing on the Budget for Fiscal Year 2021

i. Consideration of Resolution 2020-06 Setting a Public Hearing and Approving the Proposed Fiscal Year 2021 Budget

Mr. Flint: Next is the resolution approving a Proposed Budget for Fiscal Year 2021, which starts on October 1st and setting a public hearing for the final adoption. Again, we would recommend August 3rd for the budget hearing. Is there a motion to approve the resolution with that date inserted?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Resolution 2020-06 Setting Date of Public Hearing and Approving the Proposed Fiscal Year 2021 Budget for August 3, 2020 at 1:00 p.m. at the Oasis Club at ChampionsGate, was approved.

F. Designation of Date of Public Hearing Expressing the District’s Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes

Mr. Flint: Next is designation of the date of the public hearing to express the District’s intent to utilize the Uniform Collection Method. This allows the District to use the tax bill to collect to the Debt Service and operating and maintenance assessments. There are four consecutive notices that have to be placed for this, so again we would recommend your August 3rd meeting for the public hearing.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Designation of August 3, 2020 for the Public Hearing Expressing the District’s Intent to Utilize the Uniform method of Levying, Collecting and Enforcing non-Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes for August 3, 2020 at 1:00 p.m., was approved.

FIFTH ORDER OF BUSINESS

Other Organizational Matters

A. Selection of District Depository

Mr. Flint: For the Selection District Depository we would recommend SunTrust. I know they have changed their name recently, but I would ask the Board to make a motion to designate SunTrust as the District Depository.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Designating SunTrust Bank, N.A. as the District Depository, was approved.

B. Authorization of Bank Account Signatories

Mr. Flint: As far as the bank’s signatures, typically the District Accountant as the Treasurer and myself as the Secretary would be the two signers on the District’s bank account. Is there a motion to approve that?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Authorizing the District Treasurer Ariel Lovera and District Secretary George Flint as Bank Account Signatories, was approved.

C. Consideration of Resolution 2020-07 Relating to Defense of Board Members

Mr. Flint: Resolution 2020-07 relates to the defense of Board members. This resolution basically says that to the extent you as Board Members are acting in your capacity as Board members and you are sued, or otherwise in the need of defense as a board member, that the District has an obligation to defend you. We also will carry Directors and Officers or Public Official liability insurance as well.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor Resolution 2020-07 Relating to Defense of Board Members, was approved.

D. Consideration of Resolution 2020-08 Authorizing District Counsel to Record in the Property Records of Osceola County the “Notice of Establishment” in accordance with Chapter 190.0485, Florida Statutes

Mr. Flint: Next is Resolution 2020-08 Authorizing District Counsel to Record a Notice of Establishment in the public record for the County. Jan and Kristen has this already been recorded?

Ms. Carpenter: No, it has not been recorded yet. We are looking for approval to record.

Thanks.

Mr. Flint: So, this would authorize them to record. Sometimes it’s a ratification if it’s already come up.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-08 Authorizing District Counsel to Record in the Property Records of Osceola County the Notice of Establishment in Accordance with Chapter 190.0485, Florida Statutes, was approved.

E. Consideration of Resolution 2020-09 Adopting Investment Guidelines

Mr. Flint: Basically, this resolution says the District is limited to the four options that are listed under paragraph 1.A through D. This is in accordance with Florida Statutes. It limits the Districts investment to Government investment pools and SEC registered money markets with the highest credit rating, interest-bearing time deposit saving accounts and qualified depositories.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-09 Adopting Investment Guidelines, was approved.

F. Consideration of Resolution 2020-10 Authorizing Execution of Public Depositor Report

Mr. Flint: Next is Resolution 2020-10 authorizing the execution of the Public Depositor Report. Is there a motion to approve the resolution?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-10 Authorizing Execution of Public Depositor Report, was approved.

G. Consideration of Resolution 2020-11 Designating a Policy for Public Comment

Mr. Flint: Next is Resolution 2020-11 designating a policy for public comment. This also provides a public decorum policy and it allows for exceptions. The main intent of this is that we are required to take public comment before the Board votes on any specific item. The most expediate way of doing that is to have a public comment period at the beginning of the meeting on any agenda items. That way you don't have to take public comment on every item. Is there a motion to approve the policy for public comment, Resolution 2020-11?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-11 Designating a Policy for Public Comment, was approved.

H. Consideration of Resolution 2020-12 Adopting a Travel and Reimbursement Policy

Mr. Flint: Alright, next is Resolution 2020-12 adopting a Travel and Reimbursement policy. This policy follows the State Statutes in regard to mileage and peridium reimbursements. This doesn't necessarily apply to staff, but it would apply to Board members, or if you have direct employees which you don't at this point. Is there a motion to approve the Travel and Reimbursement Policy?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Resolution 2020-12 Adopting a Travel and Reimbursement Policy, was approved.

I. Consideration of Resolution 2020-13 Adopting a Records Retention Policy

Mr. Flint: Next is a resolution adopting a records retention policy. The District has the option of disposing of certain records after certain time frames according to a schedule that is established by the state of Florida. You also have the option of keeping all your records. We

initially recommend Boards adopt policy saying you will keep all your records. At some point in the future, you can amend that policy or adopt another policy that would follow the State Statutes on allowed disposal. At this point as a new District, we would recommend you approve the policy of keeping everything.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor Resolution 2020-13 Adopting a Records Retention Policy, was approved.

Mr. Morgan: So George does this also designate where the records are kept?

Mr. Flint: We keep all the records in our office in Orlando. We are also required to have a local District records office within Osceola County. That’s really just to keep the records proceedings which is a subset of the entire District records. I believe we use the Oasis Club for most of the records we are required to keep in Osceola County, but at some point when Old Hickory has a Clubhouse or some building near that, we can designate that.

Mr. Morgan: That has been the norm for Osceola County. I just wanted to double check. Thank you.

J. Consideration of Resolution 2020-14 Approving an Interlocal Agreement with City of St. Cloud

Mr. Flint: I will defer to Jan or Kristen to go over the Interlocal Agreement.

Ms. Trucco: The Interlocal Agreement is attached to the resolution here. It’s between the city of St. Cloud and the CDD. It sets forth some of the improvements that will be incorporated into the CDD and goes through notice provisions and requirements. This is off for signature right now with the city, but it has been approved. If you have any questions, you can reach out to us at any time. If you have any now, we can also them.

Mr. Flint: Any questions for Counsel? This Interlocal was a requirement by the City, it was negotiated as part of the formation of the District. Is there a motion to approve the resolution?

On MOTION by Mr. Morgan, seconded by Mr. Lewellen, with all in favor Resolution 2020-14 Approving an Interlocal Agreement with City of St. Cloud, was approved.

K. Consideration of Compensation to Board Members

Mr. Flint: Next is consideration of compensation to Board members. As Board members, under 190 you are entitled to compensation of \$200 a meeting, for a maximum of \$4,800 a year. Sometimes Board members choose to waive compensation and so we like to get that on the record whether the Board members accept or waive compensation.

Mr. Morgan: I'll waive compensation.

Mr. La Rosa: I'll waive.

Mr. Lewellen: I'll waive.

Mr. Flint: The three board members are waiving at this point. You are able to change that again under 190, you are entitled to compensation.

L. Selection of District Records Office Within Osceola County

Mr. Flint: Do we have a suggestion at this point? Do you have a preference where the local records are kept for Old Hickory?

Mr. Morgan: Well, I think we just discussed that they be kept at the Oasis with the rest of the CDDs that are in Osceola County, for now.

Mr. Flint: Alright, is there a motion to designate the Oasis Club as the District Records Office within Osceola County?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, Selecting Oasis Club at ChampionsGate as the Local District Records Office Within Osceola County, was approved.

M. Consideration of Website Services Agreement

Mr. Flint: Within the last year or so, ADA compliance has become a major issue with government websites. There have been a number of lawsuits against governments and private entities regarding ADA compliance. In the past, we prepared those websites ourselves at no cost to the District, but as a result of litigation the Districts have had to hire a third-party company to prepare the website. You will see a proposal for VGlobalTech in your agenda. The cost is \$2,375. We would recommend you don't approve the audit or maintenance provisions only the original web design cost. Is there a motion to approve it?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Website Services Agreement with VGlobalTech, was approved.

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

Mr. Flint: Next is Authorization to prepare a Public Facilities Report which is required under Chapter 189. It will be filed with Osceola County by August 1st. Is there a motion to authorize the preparation and filing of that report?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date in Osceola County, was approved.

SIXTH ORDER OF BUSINESS

Capital Improvements

A. Appointment of the Financing Team

1. Bond Counsel

Mr. Flint: Steve Sanford are you still on the call?

Mr. Sanford: Yes, I'm on George.

Mr. Flint: The first item is Bond Counsel. Steve Sanford with Greenberg Traurig has submitted an Engagement Letter.

Mr. Sanford: Yes, it is my standard Engagement Letter and it's the same fee that I've been charging for a couple of years. My fee is contingent on a successful bond closing. We will do all things necessary to get to the finish line, including assisting District Counsel regarding the validation. We review all the documents prepared by the other attorneys, plus at the end of the process we issue our opinion.

Mr. Flint: Any questions for Steve?

Mr. Morgan: No questions, thanks Steve.

Mr. Sanford: You're welcome.

Mr. Flint: Is there a motion to approve the Agreement with Greenberg Traurig?

On MOTION by Mr. Morgan, , seconded by Mr. La Rosa, with all in favor, the Agreement with Greenburg Traurig to Serve as Bond Counsel, was approved.

2. Interim Engineer

Mr. Flint: You will need to hire an Interim District Engineer while you are issuing your RFQ for District Engineer and you have an agreement with Hamilton Engineering in your agenda packet. Attached to that is their standard hourly rate schedule. Any questions on the Agreement?

On MOTION by Mr. Morgan, seconded by Mr. Lewellen, with all in favor, the Interim Engineering Agreement with Hamilton Engineering, was approved.

3. Underwriter

Mr. Flint: This agreement is with FMSbonds. It's a combination agreement and what's called a G-17 Disclosure. FMSbonds works with the Underwriter to market and sell the Bonds. They get paid a percentage of the department out of the Bond Issue if the bonds aren't issued they don't get compensated.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Underwriter Agreement with FMSbonds, was approved.

4. Assessment Administrator

Mr. Flint: Next is Assessment Administrator, and these services are contained under our District Manager Agreement, so there is no need for that.

5. Trustee

Mr. Flint: You have a proposal from US Bank to serve as the Trustee. Is there a motion to approve that?

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

B. Approval of Bond Financing Team Funding Agreement

Mr. Flint: In the event the District does not actually issue bonds, this provides that the professionals who get paid would be compensated through the Funding Agreement. Many of the professionals serve on a contingent basis and are only paid if the bonds are issued. However, the Engineer and the Attorney, District Counsel, typically would get paid either way, so this provides

a mechanism in the event bonds aren't issued to be able to compensate those professionals. Is there a motion to approve?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Bond Financing Team Funding Agreement, was approved.

SEVENTH ORDER OF BUSINESS

Financing Matters

A. Consideration of Resolution 2020-15 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings

Mr. Sanford: George, I'll just give a brief explanation of this resolution. This is Steve Sanford for the record, serving as Bond Counsel. Under Florida Statutes, in order for the Community Development District to issue bonds that have a maturity of more than 5 years, you have to have the bonds validated. The first step to get into court is to adopt a resolution authorizing the bonds and specifying the purpose for the bond issue. This resolution is that first step. We are going to be going over the Engineer's Report, but we picked a number that's a little bit higher than the total costs just to round it out. It doesn't bind the Board to issue that amount of bonds. This resolution authorizes up to \$22,000,000 of special assessment bonds to be issued in one or more series to finance a portion of the public infrastructure that's going to be described in the Engineer's Report. Even if the Board just took action to appoint US Bank as the Trustee, it also does the same thing, it appoints US Bank to be the Bond Trustee. It asks the Board to approve two documents. One is the Master Trust Indenture, and that's to document between the District and the Trustee. That governs all series of bonds and it spells out the rights and remedies of the bond holders and standard provisions that would apply to each series of bonds. The second document we are asking the Board to approve in substantial form is the supplemental indenture. For every series of bonds that are being issued, we have a separate supplemental indenture which would have to the specifics of that particular series of bonds mainly interest rates, redemption provisions, and the flow of funds and deposits that are required to be made. More likely than not, when we are ready to get closer to a bond issue, we'll have more detail on that supplemental indenture and we might ask the Board to re-approve it. This resolution and those exhibits are necessary for District Counsel to get into court to validate the bonds. So, it's necessary to get those approved at this point. Absent any questions, it would be my recommendation to move to adopt Resolution 2020-15.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Resolution 2020-15 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

B. Imposition of Assessments

1. Consideration of Master Engineer’s Report

Mr. Flint: Next is the Imposition of Assessments and the first item under that section is the Master Engineer’s Report. This is dated June 1, 2020, prepared by your Interim District Engineer. Dave Reid is on the phone. This describes the project, the improvements that are contemplated to be constructed and financed by the District, the estimated probable costs, the status, and who’s going to maintain and finance the different types of improvements. Dave do you have anything you want to cover on your report?

Mr. Reid: No, it’s generally covering all the infrastructure improvements like you said. We have a total estimated budget for all phases of \$16,807,000.

Mr. Flint: Any questions for the Engineer? Hearing none,

2. Consideration of Master Assessment Methodology

Mr. Flint: On the next tab you’ve got the Master Assessment Methodology for Old Hickory Community Development District. It’s dated as of today’s date. If you turn to page 9, Table 1, this is the Development Program proposed for the District which includes single family 50’ and 60’ product types. There are 451 total units. Table 2 is the estimated infrastructure costs from Dave’s Engineer’s Report which totals \$16.8 million. Table 3 is the bond sizing for purposes of the Master Methodology, assuming we will fund 100% of the identified improvements. We use some conservative perimeters to establish a par amount of \$21.7 million. When we actually go to price the bonds, we’ll bring that in line with the target assessments and the current interest rates, etc. Table 4 shows you the improvement costs per unit type, and the total improvement costs per product type. Table 5 shows you the allocation of par debt per product type and per unit. Table 6 if we are to fund 100% of the improvements would show you what the annual assessment rate would be. Table 7 is the preliminary assessment roll. This report is being prepared for purposes of going through the assessment hearing process, so we want to be conservative and assume we are going to fund everything. However, when we actually get a price, we’ll be tying it to target

assessments and the interest rates at the time. A supplemental report will be prepared and issued at the point of pricing it. Any questions on the Assessment Methodology?

3. Consideration of Resolution 2020-16 Declaring Special Assessments

Mr. Flint: This resolutions declares the Districts intent to levy special assessments. Are there any questions on the resolution, and if not is there a motion to approve it?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Resolution 2020-16 Declaring Special Assessments, was approved.

4. Consideration of Resolution 2020-17 Setting a Public Hearing for Special Assessments

Mr. Flint: We are recommending that the hearing be set for the August 3rd meeting date. There are some additional noticing requirements that we will follow as well as a mailed notice to all landowners within the District advising them of the Public Hearing. Is there a motion to approve Resolution 2020-17 inserting August 3rd at the Oasis Club for the Public Hearing?

On MOTION by Mr. Morgan, seconded by Mr. Lewellen, with all in favor, Resolution 2020-17 Setting Public Hearing for Special Assessments for August 3, 2020 at 1:00 PM at the Oasis Club at ChampionsGate, was approved.

EIGHTH ORDER OF BUSINESS

Other Business

A. Consideration of Acquisition Agreement

Mr. Sanford: This is a sort of an insurance in the event the Developer has completed some infrastructure that has to be dedicated to the city or the county in order to be able to get reimbursed for that and finance that when we are ready to issue the bonds. We have to have the District actually acquire that infrastructure first before it gets dedicated to the city or the county. The District would basically issue an IOU to the Developer and then when the bonds are issued the Developer would get reimbursed. Once the bonds are issued and none of that has happened, or some of that has happened, as the Developer completes the public infrastructure and is ready to sell that to the District, this agreement would govern the terms of what needs to be delivered in connection with each sale. Typically a bill of sale would be the requirement, and then the proceeds that are being held by the Trustee would be used to pay the Developer for that completed infrastructure.

Mr. Flint: Any questions on the Acquisition Agreement? Hearing none, is there a motion to approve it?

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Acquisition Agreement, was approved.

NINTH ORDER OF BUSINESS

Other Business

A. Staff Reports

1. Attorney

There being none, the next item followed.

2. Manager

Mr. Flint: I don't have anything in addition to this long agenda.

B. Supervisors Requests

Mr. Flint: Is there anything that was not on the agenda the Board would like to discuss?

Mr. Morgan: No, I think we are good.

C. Approval of Funding Request No. 1

Mr. Flint: Funding Request No. 1 is in your agenda. It allows us to open the District's operating account and buy the liability insurance which covers the public officials' liability insurance, the website development, and legal advertising.

On MOTION by Mr. Morgan, seconded by Mr. La Rosa, with all in favor, the Funding Request No. 1, was approved.

TENTH ORDER OF BUSINESS

Adjournment

Mr. Flint: Is there a motion to adjourn?

On MOTION by Mr. Morgan, seconded by Mr. Lewellen, with all in favor, the meeting was adjourned at 1:45 p.m.

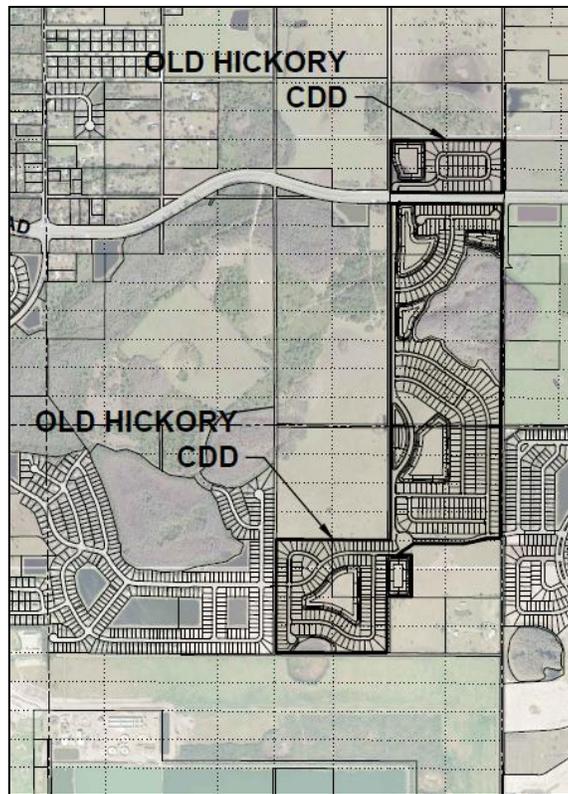
Secretary/Assistant Secretary

Chairman/Vice Chairman

SECTION V

**The Old Hickory
Community Development District
City of St. Cloud - Osceola County, Florida**

July 24, 2020



775 Warner Lane Orlando, Florida 32803

407-362-5929

TAMPA OFFICE
3409 W. Lemon Street
Tampa, FL 33609-1433
p. 813.250.3535
f. 813.250.3636

ORLANDO OFFICE
775 Warner Lane
Orlando, FL 32803
p. 407-362-5929



July 24, 2020

VIA HAND DELIVERY

Mr. George S. Flint
District Manager
The Old Hickory Community Development District
Governmental Management Services-Central Florida, LLC
219 East Livingston Street
Orlando, FL 32801

**RE: The Old Hickory Community Development District - RFQ
City of St. Cloud - Osceola County, Florida**

Dear George & Members of the Selection Committee:

Hamilton Engineering & Surveying, Inc., (HESI) appreciates the opportunity to present our proposal for professional engineering services on a continuing basis for The Old Hickory Community Development District. I also included a brief description of our firm along with the Standard Forms No. 330.

The twenty-five-person staff of Hamilton Engineering & Surveying in Orlando takes pride in our efforts to provide our local community with effective and timely professional services. Our extensive knowledge and engineering and surveying experience with The Old Hickory Community Development District makes the HESI team an ideal choice for providing these professional services. Our firm's qualifications and experience are included in the following submittal. I have included Standard Forms No. 330 for this submittal.

Included with the hand delivered proposal is a flash drive a (within sealed envelope) containing an electronic version of the submittal.

Hamilton Engineering & Surveying is ready to provide the professional commitment and dedication necessary to ensure that the goals of The Old Hickory Community Development District are met. We appreciate the opportunity to submit our qualifications.

Sincerely,

David A. Reid, PE

Vice President, Director of Engineering

(407) 362-5929

daver@hamiltonengineering.us

Table of Contents

Firm & Professional Information	3
Location	3
Past Performance	4
Firm Services	5
Resources & Technology	6
Engineering Team	6
Minority Business Enterprise	8
Current and Projected Workload	8
Volume of Work Previously Awarded to Consultant by District	8-9
Architect – Engineer Qualifications (Standard Form 330)	(Pages 1-6)
Organizational Chart	(One page)

Firm & Professional Information

Hamilton Engineering & Surveying, Inc., was formed in July of 1989 to provide comprehensive civil engineering and land surveying services to markets in southwest, central and north Florida. David A. Reid, PE, Vice President and Director of Engineering for the Orlando office has over 40 years of engineering experience, including 37 years in Osceola County and Central Florida.

HESI's expertise supports the site development process from planning and surveying, through design and construction administration. We handle all aspects of land development, and drainage and utilities, while always meeting client's goals and expectations.

In order to meet our client's needs, we often enlist the services of other specialists in the planning, transportation engineering, geotechnical engineering, and environmental consulting fields and work with various professional firms in the Central Florida area.

Location

The work for this contract will be performed primarily out of the Hamilton Engineering & Surveying, Inc., Orlando office located near downtown Orlando at 775 Warner Lane, Orlando, Florida 32803. The HESI office phone number is 407-362-5929.

Dave Reid's e-mail address is daver@hamiltonengineering.us

Past Performance

- **Old Hickory Community Development District**

Osceola County 2019-current

David Reid, P.E., is the interim Engineer providing District engineering consulting services for the Old Hickory Community Development District. Interim engineering services include providing Engineer's Estimate of Construction Costs, Exhibits and Engineers Report in support of the District formation.

- **Shingle Creek at Bronson Community Development District**

Osceola County 2019-current

David Reid, P.E., is currently providing District Engineer consulting services for the Shingle Creek at Bronson Community Development District. The District currently covers approximately 360 acres and includes approximately 567 residential units and several amenities. Engineering Services include attending Board of Supervisor meetings, preparing engineering reports, capital improvement plan budgets and reports, preparing plans, designs and specifications; and construction administration as needed.

- **Shingle Creek Community Development District**

Osceola County, 2006-2018, 2019-current

David Reid, P.E., is currently providing District Engineer consulting services for the Shingle Creek Community Development District. The District currently covers approximately 500 acres and includes approximately 2,000 residential units and several amenities. Engineering Services include attending Board of Supervisor meetings, preparing engineering reports, capital improvement plan budgets and reports, preparing plans, designs and specifications; and construction administration as needed.

- **Stoneybrook South at Champions Gate Community Development District**

Osceola County, 2016-2018, 2019-current

David Reid, P.E., of HESI is currently providing District Engineering services to assist with the expansion of the 373-acre CDD comprising approximately 900 residential units. Current services include attending Board of Supervisor meetings, preparing Engineers Reports, exhibits, and preparation of the Capital Improvement Plan budget.

- **Stoneybrook South Community Development District**

Osceola County, 2006-2018, 2019-current

David Reid, P.E., provided District Engineering consulting services for the Stonebrook South Community Development District for over fifteen years. The District has been contracted and construction is complete on approximately 498 acres, including approximately 1,000 residential units and amenities. Engineering Services include attending Board of Supervisor Meetings and providing engineering services to the resident-controlled board.

Firm Services

Civil Engineering

- Site Development Design
- Roadway Design
- Stormwater and Drainage Systems
- Due Diligence Studies
- Drainage Basin Studies
- PETM/PD&E Studies
- Flood Plain Studies
- FEMA Map Amendments
- GIS and Geospatial Analysis
- Cost Estimating
- Design Review
- Permitting
- MOT Review and Design
- CEI Services
- Construction Observation
- Construction Administration
- Engineering Record Drawings
- Pavement Management
- Presentations and Public Meetings
- Expert Witness

Land Surveying

- Boundary & Topographic Surveys
- ALTA Surveys
- Platting
- Professional Surveying & Mapping
- Right of Way Mapping
- Subsurface Utility Mapping
- Utility coordination
- 3-D Laser Scanning
- Construction layout
- As-built Surveys
- Control Surveys
- Legal Descriptions
- Title Reviews
- Expert Witness

Hamilton Engineering & Surveying, Inc., is committed to bringing practical, cost-effective solutions to the land development process by meeting our client's needs. We do what is necessary to provide professional services in a timely manner to meet our client's expectations. Our goal is to help improve our community through our efforts and expertise.

Hamilton Engineering & Surveying, Inc., is a team of engineers and surveyors who have been serving Central Florida in various capacities for over 30 years. Although each principal has earned reputations individually with other firms, we are now working together with Hamilton Engineering & Surveying, Inc., to build a better community.

The firm principals are:

Jack S. Hamilton, JR, P.E., Owner/ President

Mike Hardy, P.E., Owner

Resources & Technology

Our engineering and surveying departments utilize AutoCAD Civil 3D, V20, WaterCAD and AdICPR. The use of this software gives us the ability to model 3D surfaces, intelligent pipe networks, integrated hydraulic and hydrological analysis for stormwater management, produce dynamic quantity takeoffs and earthwork calculations.

With the advent of unmanned aerial systems (UAS/drones) and possessing a FAA Part 107 Certified UAS pilot's license, HESI has training and experience utilizing drone technology to capture high resolution 2D and 3D imaging for survey/topographic mapping and infrared applications. Applying drone technology can also be effective to record flyovers to study and monitor site improvements or vegetative growth, and market projects. The technology reduces the impact on the ground, provides data capture otherwise not obtainable and allows on many occasions, improved response time for the client.

Engineering Team

David Reid, P.E., Director of Engineering, is the leader of the Hamilton Engineering & Surveying Engineering Team and responsible for the execution of the required work for the CDD. Mr. Reid has extensive experience on major public works, commercial and subdivision projects and providing engineering services to Community Development Districts. Projects include Old Hickory CDD, Stoneybrook South CDD, Shingle Creek CDD, as well as Stoneybrook South DRI, Storey Lake, Altis at Shingle Creek, Bella Citta Boulevard, Westside Boulevard, and Goodman Road Utility Extensions.

David Reid, PE has worked in Osceola County with several consulting firms since 1984, including five years as a self-employed consulting engineer. He has extensive water management and permitting experience, including working at the South Florida Water Management District. He maintains excellent working relationships with the local, regional and state governments and regulatory agencies.

Mr. Reid earned Bachelor of Science in Civil Engineering from Worcester Polytechnic Institute in Worcester, MA and is affiliated with the American Society of Civil Engineers and the Florida Engineering Society.

All design and production work for the Shingle Creek at Bronson CDD project is managed and performed in our Orlando office.

Our **Engineering Team** is comprised of the following HESI staff:

David A. Reid, P.E.	Director of Engineering
Val Taylor, P.E.	Senior Design Engineer
Jonathan Soule	Planner
Eric Adamek	Civil Designer
John Valentin	Civil Design Technician

Minority Business Enterprise

We do not qualify as a Certified Minority Business enterprise currently.

Current and Projected Workload

As a mid-sized firm, we are constantly working our way through projects both large and small. We maintain an efficient staffing level to ensure a high level of client satisfaction while meeting their needs. We are a growing firm, with a significant number of senior staff and registered professionals. Hamilton Engineering & Surveying, Inc., has the core staff necessary to provide the professional services required. The significant benefit is that the district will receive the attention of the principals of the team, and we are committed to meeting the district's schedule on all our assigned tasks.

Volume of Work Previously Awarded to Mr. David Reid, P.E., by District

Old Hickory CDD

Dave Reid currently serves as the interim Engineer providing District Engineering Services, reports and cost estimates for the formation of the District.

Shingle Creek at Bronson CDD

David Reid, P.E., is currently providing District Engineer consulting services for the Shingle Creek at Bronson Community Development District. The District currently covers approximately 360 acres and includes approximately 567 residential units and several amenities. Engineering Services include attending Board of Supervisor meetings, preparing engineering reports, capital improvement plan budgets and reports, preparing plans, designs and specifications; and construction administration as needed.

Stoneybrook South at Champions Gate CDD

The CDD is a recently formed District consisting of lands recently removed from the boundaries of the Stoneybrook South CDD. David Reid provided engineering services for the preparation of the Capital Improvement Plan (CIP) budget. As the current District Engineer, David Reid provided consulting services on an hourly basis to the District for the preparation of the supplemental Engineer's Report for the expansion of the District boundaries and the 2019 Assessment area for the Series 2019 Special Assessments Bonds.

Stoneybrook South CDD

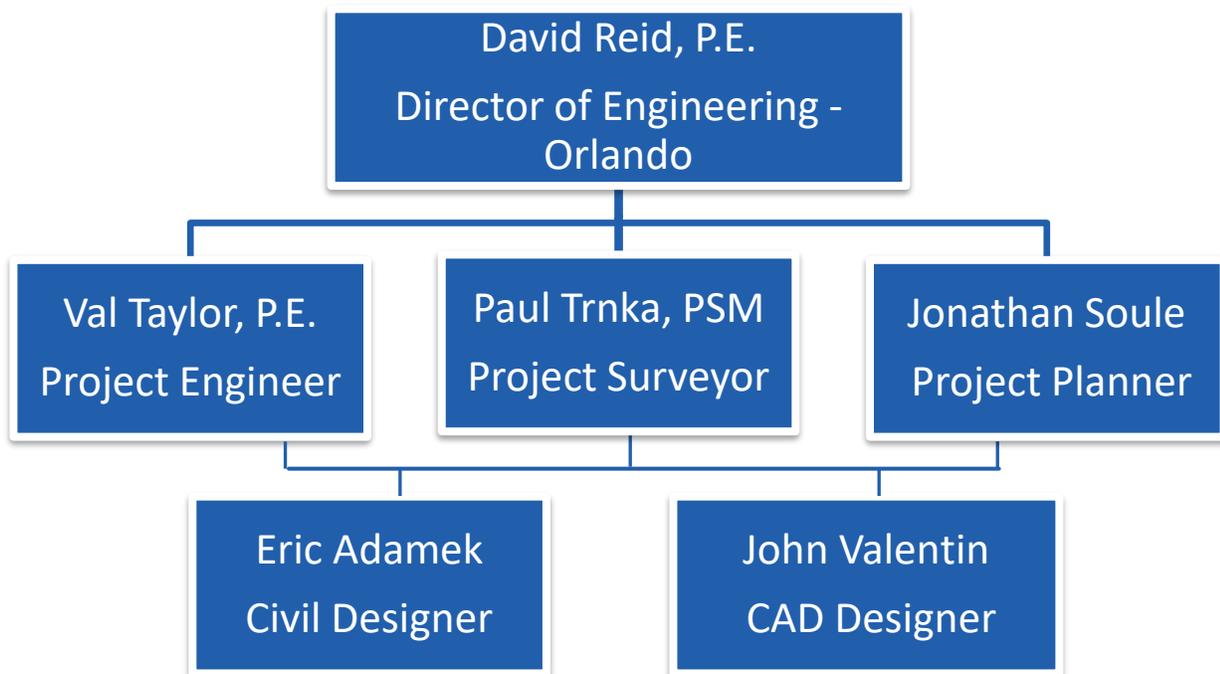
The CDD is controlled by Board of Supervisors (BOS) who oversee the maintenance and operation of the completed infrastructure. David Reid currently provides consulting engineering services for the BOS.

Shingle Creek CDD

David Reid currently provides consulting engineering services for the Board of Supervisors (BOS). Previously, David Reid provided District Engineer consulting services to the CDD for over ten years. The District entails approximately 500 acres and includes 2,000 residential units and amenities.



Organizational Chart



ARCHITECT - ENGINEER QUALIFICATIONS

PART I - CONTRACT-SPECIFIC QUALIFICATIONS

A. CONTRACT INFORMATION

1. TITLE AND LOCATION <i>(City and State)</i> The Old Hickory Community Development District	
2. PUBLIC NOTICE DATE 07/10/2020	3. SOLICITATION OR PROJECT NUMBER N/A

B. ARCHITECT-ENGINEER POINT OF CONTACT

4. NAME AND TITLE David Reid, P.E., Director of Engineering		
5. NAME OF FIRM Hamilton Engineering & Surveying, Inc.		
6. TELEPHONE NUMBER 407-362-5929 Ext 405	7. FAX NUMBER	8. E-MAIL ADDRESS daver@hamiltonengineering.us

C. PROPOSED TEAM

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

	(Check)				9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	J-V	PARTNER	SUBCONTRACTOR			
a.	<input checked="" type="checkbox"/>				Hamilton Engineering & Surveying, Inc. <input checked="" type="checkbox"/> CHECK IF BRANCH OFFICE	775 Warner Lane Orlando, FL 32803	District Engineer
b.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		
c.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		
d.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		
e.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		
f.					<input type="checkbox"/> CHECK IF BRANCH OFFICE		

D. ORGANIZATIONAL CHART OF PROPOSED TEAM

(Attached)

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME David Reid	13. ROLE IN THIS CONTRACT District's Professional Engineer	14. YEARS EXPERIENCE	
		a. TOTAL 37	b. WITH CURRENT FIRM 2.5

15. FIRM NAME AND LOCATION *(City and State)*
Hamilton Engineering & Surveying, Inc.

16. EDUCATION <i>(Degree and Specialization)</i> Bachelor of Science in Civil Engineering from Worcester Polytechnic Institute in Worcester, MA	17. CURRENT PROFESSIONAL REGISTRATION <i>(State and Discipline)</i> Professional Engineer, Florida
--	---

18. OTHER PROFESSIONAL QUALIFICATIONS *(Publications, Organizations, Training, Awards, etc.)*
David Reid is affiliated with the American Society of Civil Engineers and the Florida Engineering Society

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION <i>(City and State)</i> Stoneybrook South at ChampionsGate Com. Dev. District Osceola Co, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 3	CONSTRUCTION <i>(If applicable)</i>

a. (3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE Check if project performed with current firm
Dave Reid currently provides District Engineering Services for the 388-acre CDD comprising approximately 1,300 residential units. Current services include attending Board of Supervisor meetings, preparing legal descriptions, exhibits, and preparation of the Capital Improvement Plan budget.

(1) TITLE AND LOCATION <i>(City and State)</i> Stoneybrook South Community Development District Osceola Co, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 11	CONSTRUCTION <i>(If applicable)</i>

b. (3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE Check if project performed with current firm
Stoneybrook South CDD is controlled by Board of Supervisors (BOS) who oversee the maintenance and operation of the completed infrastructure. David Reid currently provides consulting engineering services for the BOS.

(1) TITLE AND LOCATION <i>(City and State)</i> Shingle Creek Community Development District	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 10	CONSTRUCTION <i>(If applicable)</i>

c. (3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE Check if project performed with current firm
Dave Reid provided District Engineer consulting services for the Shingle Creek CDD for over ten years. The District currently covers approximately 500 acres, and includes approximately 2,000 residential units and amenities. Services include attending Board of Supervisor meetings, preparing engineering reports improvement plan budgets and surveys.

(1) TITLE AND LOCATION <i>(City and State)</i> Shingle Creek at Bronson Community Development District	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 1.0	CONSTRUCTION <i>(If applicable)</i>

d. (3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE Check if project performed with current firm
David Reid, P.E., is currently providing District Engineer consulting services for the Shingle Creek at Bronson Community Development District. The District currently covers approximately 360 acres and includes approximately 567 residential units and several amenities. Engineering Services include attending Board of Supervisor meetings, preparing engineering reports, capital plan budgets & reports, preparing plans, designs & specifications & construction administration.

(1) TITLE AND LOCATION <i>(City and State)</i> Old Hickory Community Development District	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 0.5	CONSTRUCTION <i>(If applicable)</i>

e. (3) BRIEF DESCRIPTION *(Brief scope, size, cost, etc.)* AND SPECIFIC ROLE Check if project performed with current firm
Dave Reid currently serves as the Interim District Engineer providing Engineering Services, reports and cost estimates for the formation of the District.

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER
21. TITLE AND LOCATION <i>(City and State)</i>	22. YEAR COMPLETED	
	PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER Lennar Homes	b. POINT OF CONTACT NAME Mark McDonald	c. POINT OF CONTACT TELEPHONE NUMBER 407-586-4062
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

1. Story lake Tract K: Project Manager and Engineer of Record, \$250K. Provided design, permitting, cost estimates and construction administration services.
2. Story Lake Tract J and Resort Club / Shingle Creek CDD: Project Manager and Engineer of Record, \$150K. Provided design, permitting, cost estimates and construction administration services.
3. Story Lake Boulevard / Shingle Creek CDD: Project Manager and Engineer of Record \$150K. Provided design, permitting, cost estimates and construction administration services for one (1) mile of 4-lane divided and 2-lane collector roadways.
4. Natures Ridge Drive/Shingle Creek CDD: Project Manager and Engineer of Record, \$50K. Provided design, permitting, cost estimates and construction administration services.

Relevance: The above projects are representative of the types of projects being developed and financed in the Old Hickory CDD.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT		
(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
a. ----- N / A -----		
b.		
c.		
d.		
e.		
f.		

H. ADDITIONAL INFORMATION

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

I. AUTHORIZED REPRESENTATIVE
The foregoing is a statement of facts.

31. SIGNATURE

32. DATE

07/24/2020

33. NAME AND TITLE

David Reid, P.E.

SECTION IV

SECTION A

SECTION 1

RESOLUTION 2020-20

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

WHEREAS, the Old Hickory 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 City of St. Cloud, Osceola 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 OLD HICKORY COMMUNITY
DEVELOPMENT DISTRICT:**

SECTION 1. The attached Rules of Procedure are hereby adopted. 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. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 3rd day of August, 2020.

ATTEST:

**OLD HICKORY COMMUNITY DEVELOPMENT
DISTRICT**

Print Name: _____
Secretary/Assistant Secretary

Chairman/Vice Chairman

Exhibit A: Rules of Procedure

**RULES OF PROCEDURE
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF AUGUST 3, 2020

TABLE OF CONTENTS

Rule 1.0	General.....	2
Rule 1.1	Board of Supervisors; Officers and Voting.	3
Rule 1.2	District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.	7
Rule 1.3	Public Meetings, Hearings, and Workshops.	10
Rule 1.4	Internal Controls to Prevent Fraud, Waste and Abuse.....	15
Rule 2.0	Rulemaking Proceedings.	16
Rule 3.0	Competitive Purchase.	22
Rule 3.1	Procedure Under the Consultants' Competitive Negotiations Act.	27
Rule 3.2	Procedure Regarding Auditor Selection.	31
Rule 3.3	Purchase of Insurance.	35
Rule 3.4	Pre-qualification.....	37
Rule 3.5	Construction Contracts, Not Design-Build.	42
Rule 3.6	Construction Contracts, Design-Build.	46
Rule 3.7	Payment and Performance Bonds.	51
Rule 3.8	Goods, Supplies, and Materials.	52
Rule 3.9	Maintenance Services.	56
Rule 3.10	Contractual Services.	59
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.....	60
Rule 4.0	Effective Date.	63

Rule 1.0 General.

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

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

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

Rule 1.1 Board of Supervisors; Officers and Voting.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.

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

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

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

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

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

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days, but no more than thirty (30) days public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week. Each Notice shall state, as applicable:
- (a) The date, time and place of the meeting, hearing or workshop;
 - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
 - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
 - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (904) 940-5850. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
 - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

- (f) The following or substantially similar language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”
- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules has been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
- (3) Agenda. The District Manager, under the guidance of District Counsel and the Chairperson or Vice-Chairperson, shall prepare an agenda of the meeting/hearing/workshop. The agenda and any meeting materials available in an electronic format, excluding any confidential and any confidential and exempt information, shall be available to the public at least seven days before the meeting/hearing/workshop, except in an emergency. Meeting materials shall be defined as, and limited to, the agenda, meeting minutes, resolutions, and agreements of the District that District staff deems necessary for Board approval. Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into “meeting materials.” For good cause, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

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

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

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

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

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

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

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

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

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

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

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

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

Rule 2.0 Rulemaking Proceedings.

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

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

 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.

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

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

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

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

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

(11) Petitions to Challenge Existing Rules.

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

- (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;
 - (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
- (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) 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 ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.

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

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

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

Rule 3.0 Competitive Purchase.

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

- (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.
- (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:
 - (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds

that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

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

- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.

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

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

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

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

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

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

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

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

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

(4) Competitive Selection.

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

- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (5) Competitive Negotiation.
- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.
 - (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
 - (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
 - (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

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

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

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

Rule 3.2 Procedure Regarding Auditor Selection.

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

(1) Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule 3.3 Purchase of Insurance.

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

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

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

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

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

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

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

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

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

(3) Suspension, Revocation, or Denial of Qualification

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

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

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

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

Examples of factors affecting the seriousness of a deficiency are:

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

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

Rule 3.5 Construction Contracts, Not Design-Build.

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

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

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

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

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

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

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

- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source: Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts: Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

Rule 3.6 Construction Contracts, Design-Build.

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

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

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

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

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

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

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

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

Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.

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

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

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

Rule 3.7 Payment and Performance Bonds.

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

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

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

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

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

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

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

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

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

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

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

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

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

Rule 3.9 Maintenance Services.

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

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

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

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

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

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

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

Rule 3.10 Contractual Services.

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.

- (2) Contracts: Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

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

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

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

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

(1) Filing.

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

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

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

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

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

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

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

Rule 4.0 Effective Date.

These Rules shall be effective August 3, 2020, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

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

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

SECTION B

SECTION 1

RESOLUTION 2020-21

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Old Hickory Development District, upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its intent to

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

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

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

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

PASSED AND ADOPTED this 3rd day of August, 2020.

ATTEST:

OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Print Name

Exhibit A: Legal Description

LEGAL DESCRIPTION

DESCRIPTION: (As per Title Commitment Issuing Office File Number 111657-000055 and Order Number 7541377 issued by Chicago Title Insurance Company bearing an effective date of March 12, 2019 at 11:00 PM)

Parcel 1:

Lots 49, 50, 63, 64, 65, 80, 81, 82, 95, 96, 97, 98, 111, 112, 113, 114, 127 & 128, THE SEMINOLE LAND and INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 4, Public Records of Osceola County, Florida.

Less that portion conveyed to the City of St. Cloud by Warranty Deed recorded in Official Records Book 3751, Page 2231, Public Records of Osceola County, Florida, described as follows:

A portion of Lots 63 and 64, Seminole Land and Investment Company's (Incorporated) Subdivision of Section 13, Township 26 South, Range 30 East, according to the plat thereof, as recorded in Plat Book B, Page 4, Public Records of Osceola County, Florida, being more particularly described as follows: Commence at the East 1/4 corner of Section 13, Township 26 South, Range 30 East, Osceola County, Florida, said point being a 6"X6" concrete monument (no identification); thence North 89°49'48" West along the North line of the Southeast 1/4 of said Section 13, a distance of 20.00 feet; thence departing said North line, North 00°01'16" East, a distance of 17.50 feet to the Southeast corner of Lot 64, Seminole Land and Investment Company's (Incorporated) Subdivision of Section 13, Township 26 South, Range 30 East, according to the plat thereof, as recorded in Plat Book B, Page 4, Public Records of Osceola County, Florida, said point also being at the intersection of the North right of way line of a 35 foot platted right of way per said plat and the West right of way line of a 40 foot platted right of way per said plat and the POINT OF BEGINNING; thence North 89°49'48" West along the South line of said Lot 64 and Lot 63 of said plat and along said North right of way line, a distance of 1285.10 feet to the Southwest corner of said Lot 63, said point being at the intersection of said North right of way line and the East right of way line of a 35 foot platted right of way per said plat; thence North 00°01'05" West along said East right of way line and along the West line of said Lot 63, a distance 40.56 feet; thence departing said East right of way line and said West line, South 89°51'49" East, a distance of 1285.13 feet to a point on the East line of said Lot 64 and said West right of way line; thence South 00°01'16" West along said East line and said West right of way line, a distance of 41,31 feet to the POINT OF BEGINNING.

Parcel 1 containing 17.557 acres more or less.

Parcel 2:

Lots 1, 2, 15, 16, 17, 18,31,32,33,34,35,36,45,46,47,48,51,52,61, & 62, THE SEMINOLE LAND and INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 24, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 11, Public Records of Osceola County, Florida.

Less that portion conveyed to The School Board of Osceola County, Florida by Special Warranty Deed recorded in Official Records Book 3795, Page 1751, Public Records of Osceola County, Florida, described as follows:

A parcel of land being a portion of Lots 32, 33, 34, 47, and 48, of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East, as recorded in Plat Book B, Page 11, Public Records of Osceola County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast Quarter of said Section 24; thence run N00°17'36"E along the east line of said Northeast Quarter a distance of 658.88 feet; thence departing said East line run N89°54'13"W a distance of 20.00 feet to the Southeast corner of the aforementioned Lot 48 and the Point of Beginning; thence N89°54'13"W, along the South line of said Lot 48 and the South line of Lot 47 of said subdivision, a distance of 1033.34 feet; thence departing said South line run N00°05'47"E, a distance of 476.45 feet; thence N89°44'02"W, a distance of 206.63 feet to a point on a curve concave Northwesterly, having a central angle of 56°03'43" and a radius of 125.00 feet; thence from a tangent bearing of S89°44'02"E, run Northeasterly, along the arc of said curve, a distance of 122.31 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 49°49'54" and a radius of 37.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 32.18 feet to the point of reverse curvature of a curve concave Northwesterly, having a central angle of 56°50'05" and a radius of 100.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 99.20 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 63°05'32" and a radius of 37.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 40.74 feet to the point of tangency; thence S89°42'24"E, a distance of 561.02 feet to the point of curvature of a curve concave Northwesterly, having a central angle of 23°52'44" and a radius of 400.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 166.71 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 23°52'44" and a radius of 400.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 166.71 feet to the point of tangency; thence S89°42'24"E, a distance of 115.12 feet to a point on the East line of Lot 32 of the aforesaid plat of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East; thence S00°17'36"W, along said East line and along the East line of Lots 33 and 48 of said plat of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East, a distance of 687.08 feet to the Point of Beginning.

Parcel 3:

Lots 66 and 79, THE SEMINOLE LAND & INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 4, Public Records of Osceola County, Florida.

Together with all of seller's right, title and interest, if any, in and to any vacated platted rights of way adjacent to any of the above referenced Lots.

Parcels 2 and 3 together containing 157.838 acres more or less.

Parcel 4: (Easement)

TOGETHER WITH: Nonexclusive, Temporary Construction Easement for the benefit of Parcels 1, 2 and 3, as set forth in that certain Temporary Construction Easement Agreement by and between The School Board Of Osceola County, Florida, a Florida political subdivision, and Strategic Capital Resources, Inc., a Florida corporation, recorded February 6, 2009 in Official Records Book 3795, Page 1757, over, under and across the lands described therein.

Altogether containing 175.395 acres more or less.

SECTION C

SECTION 1

RESOLUTION 2020-22

THE ANNUAL APPROPRIATION RESOLUTION OF THE OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEARS BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020 AND BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has submitted to the Board of Supervisors (the "Board") a proposed budget for the Fiscal Years 2019/2020 & 2020/2021 along with an explanatory and complete financial plan for each fund of the Old Hickory Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

WHEREAS, prior to the adoption of the proposed annual budgets (the "Proposed Budgets"), the District filed a copy of the Proposed Budgets with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

WHEREAS, the Board set August 3, 2020, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

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

WHEREAS, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1st of each year, the District Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the current and ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT:

Section 1. Budget

- a.** That the Board of Supervisors has reviewed the District Manager's Proposed Budgets, a copy of which is on file with the office of the District Manager and at the

District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. That the District Manager's Proposed Budget, attached hereto as Exhibit "A," as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Years 2019 & 2020 and/or revised projections for Fiscal Years 2020 & 2021.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Old Hickory Community Development District for the Fiscal Years Ending September 30, 2020 and September 30, 2021," as adopted by the Board of Supervisors on August 3, 2020.
- d. The final adopted budgets shall be posted by the District Manager on the District's official website within thirty (30) days after adoption.

Section 2. Appropriations

There is hereby appropriated out of the revenues of the Old Hickory Community Development District, for the fiscal year beginning October 1, 2019, and ending September 30, 2020, and for the fiscal year beginning October 1, 2020, and ending September 30, 2021, the sums of \$ _____ and \$ _____ from the General Fund, to be funded by a Developer Funding Agreement, raised by the levy of assessments, or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year.

Section 3. Supplemental Appropriations

Pursuant to Section 189.418(6), Florida Statutes, the following provisions govern amendments to the budget(s) for any particular fund(s) listed above:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.

- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.418 of the Florida Statutes, among other applicable laws.

Introduced, considered favorably, and adopted this 3rd day of August, 2020.

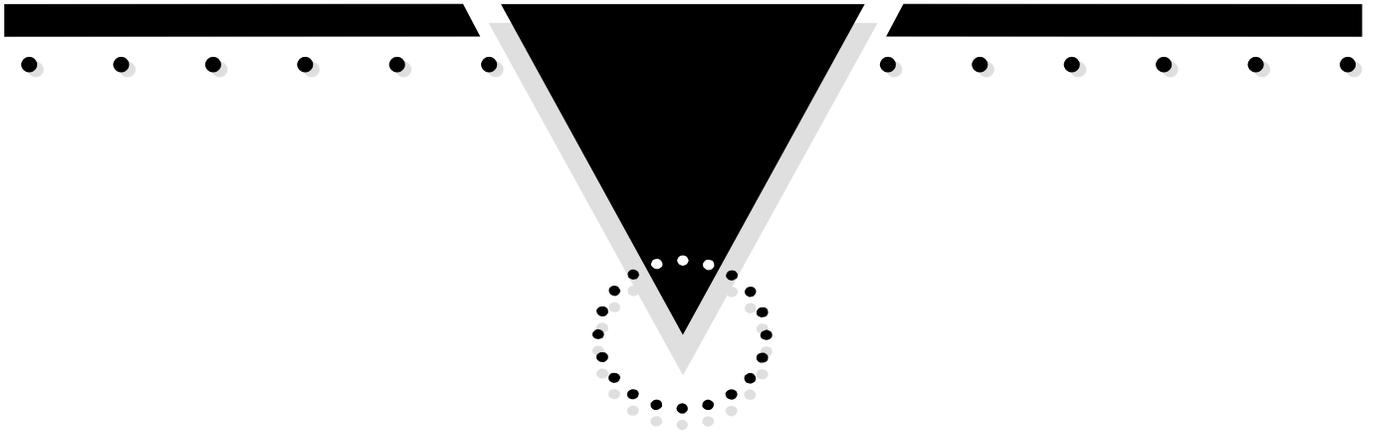
ATTEST:

**OLD HICKORY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Fiscal Year 2019/2020 Budget



**Old Hickory
Community Development District**

**Proposed Budget
FY 2020-FY2021**

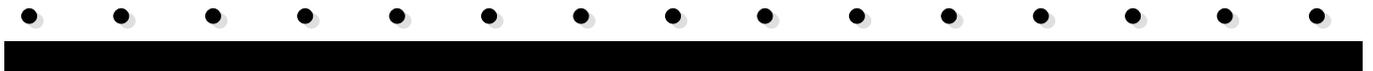


Table of Contents

1 General Fund

2-3 General Fund Narrative

Old Hickory

Community Development District

<u>Description</u>	<u>Proposed Budget FY2020</u>	<u>Proposed Budget FY2021</u>
<u>Revenues</u>		
Developer Contributions	\$40,039	\$104,218
<i>Total Revenues</i>	<u>\$40,039</u>	<u>\$104,218</u>
<u>Expenditures</u>		
<i>Administrative</i>		
Supervisor Fees*	\$4,000	\$12,000
FICA Expense*	\$306	\$918
Engineering*	\$4,000	\$12,000
Attorney*	\$8,333	\$25,000
Annual Audit	\$0	\$3,500
Management Fees*	\$11,667	\$35,000
Information Technology*	\$400	\$1,200
Website Creation/ADA Compliance	\$2,375	\$0
Telephone*	\$100	\$300
Postage*	\$333	\$1,000
Insurance*	\$2,500	\$5,500
Printing & Binding*	\$333	\$1,000
Legal Advertising	\$5,000	\$5,000
Other Current Charges*	\$333	\$1,000
Office Supplies*	\$208	\$625
Dues, Licenses & Subscriptions	\$150	\$175
<i>Field</i>		
Field Services	\$0	\$0
Property Insurance	\$0	\$0
Electric	\$0	\$0
Streetlights	\$0	\$0
Water & Sewer	\$0	\$0
Landscape Maintenance	\$0	\$0
Landscape Contingency	\$0	\$0
Irrigation Repairs	\$0	\$0
Lake Contingency	\$0	\$0
Repairs & Maintenance	\$0	\$0
Walls, Entry, Monuments	\$0	\$0
Wetland Maintenance	\$0	\$0
Contingency	\$0	\$0
<i>Total Expenditures</i>	<u>\$40,039</u>	<u>\$104,218</u>
Excess Revenues/(Expenditures)	<u>\$0</u>	<u>\$0</u>

*Prorated amount represents 4 months of FY2020.

Old Hickory
Community Development District
GENERAL FUND BUDGET

REVENUES:

Developer Contributions

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

EXPENDITURES:

Administrative:

Supervisor Fees

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

FICA Expense

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

Engineering

The District's engineer will be providing general engineering services to the District, e.g. attendance and preparation for monthly board meetings, review invoices, etc.

Attorney

The District's legal counsel will be providing general legal services to the District, e.g. attendance and preparation for monthly meetings, preparation and review of agreements, resolutions, etc.

Annual Audit

The district is required by Florida Statutes to arrange for an independent audit of its financial records on an annual basis.

Management Fees

The District receives Management, Accounting and Administrative services as part of a Management Agreement with Governmental Management Services.

Old Hickory
Community Development District
GENERAL FUND BUDGET

Information Technology

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

Website Creation/ADA Compliance

Represents an estimated cost to create the initial District website and ensure District meets ADA compliance guidelines.

Telephone

Telephone and fax machine.

Postage

Mailing of agenda packages, overnight deliveries, correspondence, etc.

Insurance

The District's general liability, public officials liability and property insurance coverages.

Printing & Binding

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

Legal Advertising

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

Other Current Charges

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

Office Supplies

Miscellaneous office supplies.

Dues, Licenses & Subscriptions

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

SECTION D

SECTION 1



Old Hickory Community Development District

Engineer's Report

June 1, 2020

Prepared For:
The Board of Supervisors
Old Hickory Community Development District
City of St. Cloud, Osceola County, Florida

TAMPA OFFICE
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Table of Contents

Section	Page
1.0 Introduction	1
2.0 Purpose	1
3.0 Land Use and Zoning	1
4.0 Existing Conditions	1
5.0 Infrastructure Improvements	1
5.1 Sitework and Drainage	1
5.2 Roadway Improvements	2
5.3 Stormwater Management	2
5.4 Utilities	2
5.5 Amenities	3
5.6 Landscaping and Hardscape	3
6.0 Estimate of Probable Construction Costs	3
7.0 Ownership and Maintenance Authority	4
8.0 Status of Permits and Approvals	4
9.0 Conclusion and Engineer's Opinion	4
 Tables	
Table 1 Development Program	2
Table 2 Estimate of Total Probable Cost - Engineer's Opinion	3
Table 3 District Project Maintenance and Ownership	4
 Exhibits	
Exhibit 1 Vicinity Map	
Exhibit 2 District Boundaries	
Exhibits 2a-2b Legal Descriptions	
Exhibit 3 Future land Use Map	
Exhibit 4 Existing Utilities	
Exhibit 5 Approved PUD Master Development Plan	

Old Hickory Community Development District

Engineer's Report

1.0 Introduction

Old Hickory (the "Development") is a 175.395 acres single-family residential development located within the City of St. Cloud, Florida. It is located on the eastern edge of the City of St. Cloud, on the north and south sides of Nolte Road, approximately 0.5-miles west of Old Hickory Tree Road in Sections 13 and 24, Township 26 South, Range 30 East. The Development is accessed directly from Nolte Road.

The Development is being developed by Lennar Homes, LLC (the "Master Developer") and is approved for 451 single-family detached residential units. Table 1 on the following page identifies the overall development program for the project as defined below.

The Old Hickory Community Development District (the "District") has been established for the purposes of financing the acquisition and/or construction of certain public infrastructure necessary for funding and to support the orderly development of the District (see Exhibit 1).

2.0 Purpose

The purpose of this report is to generally describe the public infrastructure improvements that may be funded by the District in one or more series of bonds/notes and provide an estimate of the engineer's opinion of probable costs for those improvements. Such improvements are necessary for the Development (herein the "Project").

The total acreage contemplated for the District is 175.395 acres, and the boundaries are coterminous with the boundaries of the Development.

3.0 Land Use and Zoning

The existing zoning of the property is Planned Unit Development (PUD) and the Land Use is Medium Density Residential (MDR). This type of zoning and land use does not permit short-term rental uses.

The overall Development will include a mix of 50-ft and 60-ft wide lots for permanent residents only. A recreational amenity is anticipated to be constructed by the Master Developer to serve the Development.

Such recreational amenity will be available for use only by residents of the Development and is not part of the Project.

4.0 Existing Conditions

The Development is located on former pasture lands with a portion of the site lying within the 100-yr flood plain in Zone AE. The engineering design requires the developed area of the site to be filled to remove it from the flood plain. Fill for the Project will be obtained from on-site stormwater detention ponds. No costs of transporting the fill or use to or for the private lots will be funded by the District. Other areas of the site will be excavated to provide compensating storage to balance the fill placed within the flood prone areas (see Exhibit 4 Aerial Map).

There are approximately 22.53 acres of preserved wetlands (see Table 1).

5.0 Infrastructure Improvements

The District intends to finance and/or acquire the Project which will consist of certain public infrastructure improvements that will benefit the Development. Some of the infrastructure financed by the District will be transferred to other local governments or public entities for ownership, operation and maintenance as applicable pursuant to the service provided. Except for improvements that will be ultimately owned by other units of local governments, all improvements financed with the Bonds will be on land initially owned by the District or on lands subject to a permanent easement in favor of the District.

This section of the report details the Infrastructure improvements that may be financed and/or acquired by the District.

5.1 Site Work and Drainage

The Project sitework, grading and drainage improvements include grading necessary for constructing the secondary drainage conveyance systems consisting of curbs, gutters, inlets and culverts to convey the stormwater runoff to the proposed stormwater detention ponds. Only the grading and stabilization necessary to provide positive drainage for these conveyance systems within the roadway rights of way will be funded by the District. Individual lot filling, grading and retaining walls will be funded by the Master Developer or by other private funding sources.

Table 1 - Development Program						
Phase	Description	Land Use	Dev. Area (acres)	Residential Single Family		Total Units
				50-ft	60-ft	
1	Residential	MDR		49	19	68
2-4	Residential	MDR		224	159	383
Sub-Totals	Residential		105.06	273	178	451
	Stormwater Ponds		36.31			
	Open Space, Recreation, Buffers		8.685			
	Wetland Conservation and Buffers		25.34			
Total			175.395			
MDR = Medium Density Residential						

5.2 Roadway Improvements

The Project's main public roadway access will connect to Nolte Road on the north. There are cross-connections with adjacent developments along the eastern and southwestern property lines. Roadway improvements consist of the construction of 2-lane local roadways within the Development. All internal Project roadways are planned to be public roads and will be constructed to City of St. Cloud standards and specifications.

The structural portion of the public roadways including the pavement base and asphalt, signing and striping, sidewalks, and landscaping will be funded by the District.

Roadway improvements funded by the District may consist of pavement asphalt, base, sub-base stabilization, signing and striping, sidewalks, landscaping, and the secondary drainage system including curb and gutters, inlets and culverts.

5.3 Stormwater Management

The primary stormwater management system includes the acquisition and/or construction of the stormwater management ponds, culverts, control structures, and outfall swales. The stormwater management ponds within the Project include seven (7) wet detention ponds. Stormwater runoff will be routed to the detention ponds for water quality treatment and peak storm attenuation. Discharge of stormwater from the wet detention ponds will be through permitted control structures and spreader swales.

5.4 Utilities

The Project is within the St. Cloud Utilities service area ("StCU") and the utilities will be designed to StCU standards. Upon clearance for use and acceptance by StCU, the District intends to convey these utilities to StCU for ownership, operation and maintenance.

The water main system includes mains, laterals, fittings, valves, and fire hydrants connecting to the existing StCU water main along Nolte Road.

The reclaimed water main system includes reclaimed water mains, laterals, fittings, valves, and service tees for irrigation of the landscaping along the roads. The reuse system will connect to an offsite 24-inch reuse main and stub out to a future connection on Nolte Road. Individual lot services are not funded by the District.

The sanitary sewer system includes gravity sanitary sewer mains and manholes, as well as one (1) lift station and the force main necessary to connect to the existing StCU off-site force main system along Nolte Road (see Exhibit 5).

The Project is also within the service areas of Orlando Utilities Commission (OUC), and CenturyLink. These utility providers will provide electric power, telephone, and cable services to the District within the District roadway corridors and will be operated and maintained by such utility providers. Only the differential cost between overhead and underground construction of electric utilities may be financed by the District. Phone and cable utility costs will be funded by the Master Developer or by other private funding sources.

5.5 Amenity

Phase 2 of the Project is anticipated to include a recreational amenity. This amenity is anticipated to be private and funded by the Master Developer or other private funding sources. No District funds will be used to fund the amenity.

5.6 Landscaping and Hardscape

Landscaping includes landscaping within the Project's entry drive rights-of-way and perimeter buffers.

Entry features to the District consisting of landscaping and hardscape will be constructed within the public access roadway and landscape parcels.

6.0 Estimate of Probable Construction Cost

Table 2 below summarizes the engineer's opinion of the estimate of total probable construction costs for

the District financed components of the Project. These estimates are based on the engineer's understanding of the proposed development program and District activities, and recent experience with construction costs in the vicinity. Future events may occur (including existing conditions, construction means, methods, and materials; changes in regulatory criteria; market demands; development program changes; etc.) which could alter these estimates significantly.

The total estimated opinion of probable construction cost for the Project Phases Mass Grade, 1 and 2 improvements is \$12,402,000. The total estimated cost for the Project Phases 3 and 4 is \$4,405,000. The total estimated opinion of probable construction costs for the Project is \$16,807,000. These costs are categorized in Table 2 below.

Item	Description	Mass Grade, Phases 1 and 2 2019-2020	Phases 3 and 4 2020-2021	Total Estimated Budget
1	Earthwork, Survey, Stormwater Ponds & Erosion Control	\$2,947,246	\$213,174	\$3,160,420
2	Roads ¹	\$2,138,243	\$821,545	\$2,959,788
3	Storm Drainage	\$1,471,137	\$735,226	\$2,206,363
4	Potable Water	\$824,414	\$453,576	\$1,277,990
5	Sanitary Sewer	\$1,601,202	\$527,703	\$2,128,905
6	Reclaimed Water	\$0	\$0	\$0
7	Landscaping, Irrigation, Sod for Ponds & Swales	\$287,321	\$137,992	\$425,313
8	Hardscape Features	\$75,000	\$0	\$75,000
9	Offsite Roadway and Utility Improvements	\$0	\$0	\$0
10	Prof Fees - Testing & Inspection ²	\$532,314	\$179,052	\$711,366
11	Water and Sewer Utility Impact Fees (80% balance) ³	\$1,397,784	\$937,033	\$2,334,817
	Sub-Total	\$11,274,661	\$4,005,301	\$15,279,962
	Contingency	\$1,127,339	\$399,699	\$1,527,038
	Total	\$12,402,000	\$4,405,000	\$16,807,000

1. Roadway improvements will be open to the public and will be built in public rights-of-way.

2. Only fees relating to the District's Project are included.

3. Fees paid upfront to the City of St. Cloud by the Master Developer on behalf of the District.

7.0 Ownership and Maintenance Authority

Table 3 below lists the Project infrastructure and the future ownership and maintenance authority.

Table 3 – District Project Maintenance and Ownership				
Item No.	Infrastructure	Financed By	Maintenance	Ownership
1	Public Roads	District	St. Cloud	St. Cloud
2	Stormwater Ponds	District	District	District
3	Street Drainage System	District	District	District
4	Utilities – Water and Sanitary Sewer	District	STCU	STCU
5	Landscape, Irrigation and entry features in Public Rights of Way	District	District	District

8.0 Status of Permits and Approvals

Final construction plans of the Project have been permitted by The City of St. Cloud, STCU, the Florida Department of Environmental Protection, and the South Florida Water Management District. All permits/approvals necessary for construction have been obtained or are expected to be obtained in the ordinary course of development. All permits for operation and maintenance will be obtained and transferred to the District or other public agencies.

9.0 Conclusion and Engineer’s Opinion

It is our opinion that the costs to complete the Project infrastructure improvements as described in this report are reasonable and that these infrastructure improvements will benefit and add value to the lands within the District in excess of the costs of such improvements, and these infrastructure costs are for public improvements or community facilities as set forth in Section 190.012(1) and (2) of the Florida Statutes.

The estimate of probable cost of the listed improvements is only an estimate and not a guaranteed maximum price and is only for those District funded portions of the Project. It is not

intended as an estimate of the total cost to construct all private and public improvements for the Development. The estimated cost is based on contract prices and current construction costs for similar public work in the City of St. Cloud and Osceola County as may be applied to this development. Due to material cost fluctuations and differences in contractor bids at the time the Project may be constructed, the final cost may be more or less than this estimate. Changes in the scope of work or final construction plans may also result in changes to the estimated construction cost. All infrastructure purchased by the District will be the lower of actual cost or fair market value.

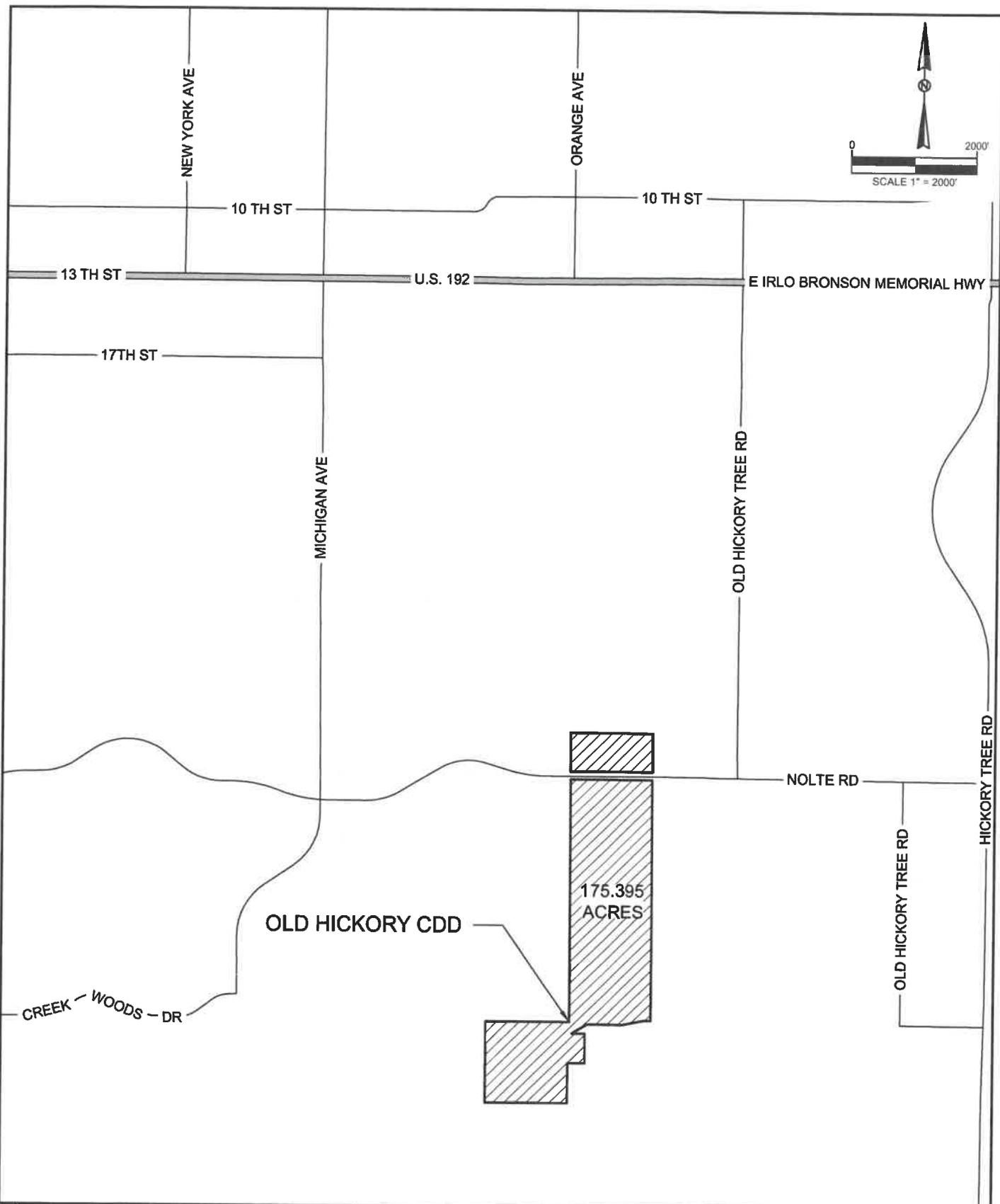
As long as the development remains consistent with the approved construction plans, it is my opinion that the proposed infrastructure improvements can be completed within the estimate of probable cost for those portions of the Project.



David A. Reid, PE
Florida PE License #38794

Hamilton Engineering & Surveying, Inc.
Eng. Business Certificate of Authorization No. 8474

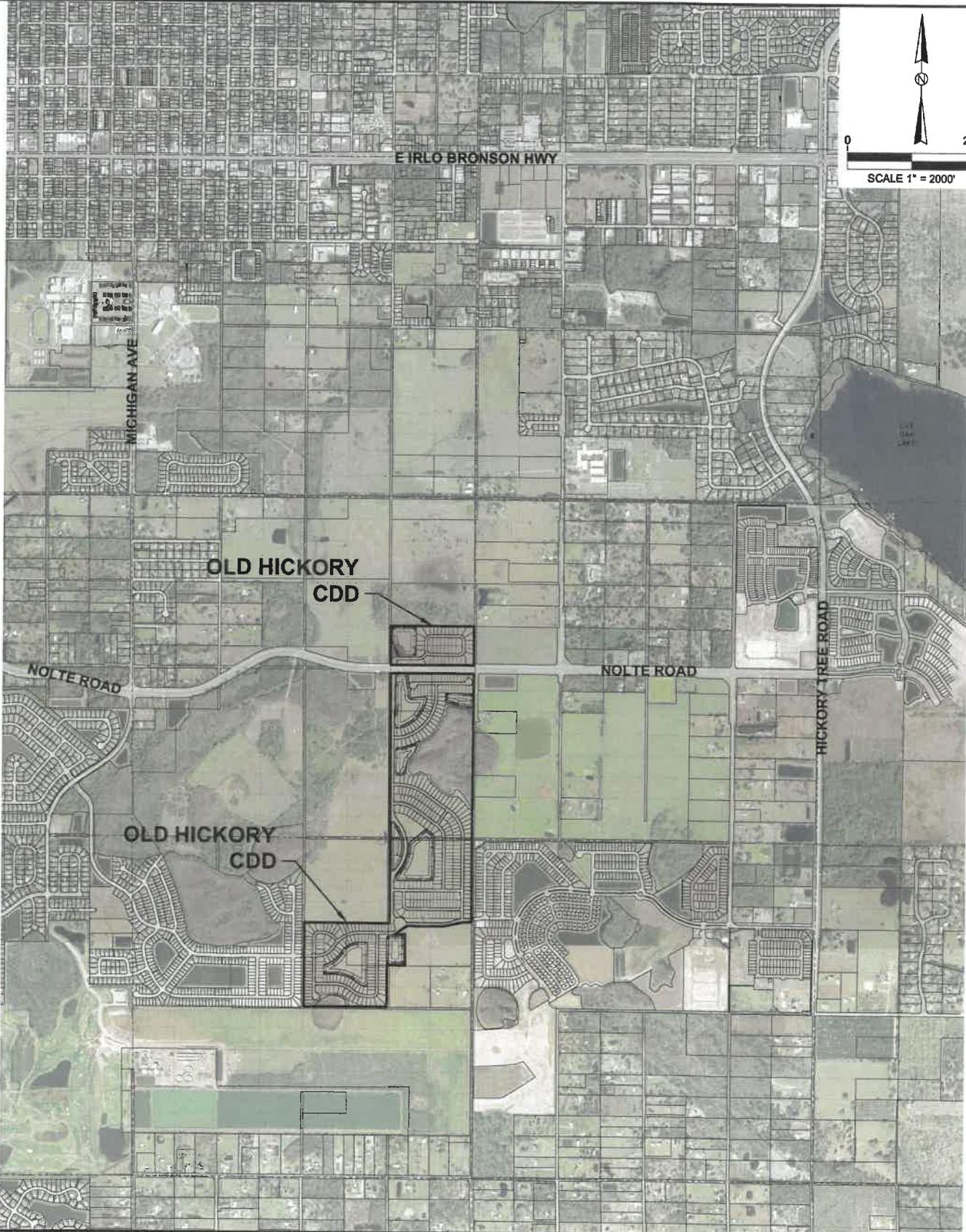
L:\50000-61000-Orlando Projects\353091 Junior\Homes, LLC\011 Old Hickory CDD\ENGR1 DWG\DCDD EXHIBIT\Sheet 1 - Location Map.dwg (11x8.5) jhrv May 21, 2020 - 4:33pm



HAMILTON
 ENGINEERING & SURVEYING INC
 3409 W. Lemon Street TAMPA, FL 33609 TEL (813) 250-3535
 775 Warner Lane ORLANDO, FL 32803 TEL (407) 362-5929
 LB #7013 CA #8474

LOCATION MAP				
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT				
SEC TWP RGE	JOB NUMBER	DRAWN BY	DATE	EXHIBIT
13, 24-26S-30E	53509.0011	JFV	05/21/2020	1

L:\50000-60000-Orlando Projects\53509 Lemmer Homes, LLC\0111 Old Hickory CDD\BGRV DWG\CDD EXHIBIT\SE\Exhibit 2 - CDD Boundary.dwg (11x8.5) John May 21, 2020 - 12:53pm



HAMILTON
 ENGINEERING & SURVEYING INC
 3409 W. Lemon Street TAMPA, FL 33609 TEL (813) 290-3535
 775 Warner Lane ORLANDO, FL 32803 TEL (407) 362-5929
 LB #7013 CA #2474

**DISTRICT BOUNDARY MAP
 OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT**

SEC TWP RGE	JOB NUMBER	DRAWN BY	DATE	EXHIBIT
13, 24-26S-30E	53509.0011	JFV	05/21/2020	2

LEGAL DESCRIPTION

DESCRIPTION: (As per Title Commitment Issuing Office File Number 111657-000055 and Order Number 7541377 issued by Chicago Title Insurance Company bearing an effective date of March 12, 2019 at 11:00 PM)

Parcel 1:

Lots 49, 50, 63, 64, 65, 80, 81, 82, 95, 96, 97, 98, 111, 112, 113, 114, 127 & 128, THE SEMINOLE LAND and INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 4, Public Records of Osceola County, Florida.

Less that portion conveyed to the City of St. Cloud by Warranty Deed recorded in Official Records Book 3751, Page 2231, Public Records of Osceola County, Florida, described as follows:

A portion of Lots 63 and 64, Seminole Land and Investment Company's (Incorporated) Subdivision of Section 13, Township 26 South, Range 30 East, according to the plat thereof, as recorded in Plat Book B, Page 4, Public Records of Osceola County, Florida, being more particularly described as follows: Commence at the East 1/4 corner of Section 13, Township 26 South, Range 30 East, Osceola County, Florida, said point being a 6"X6" concrete monument (no identification); thence North 89°49'48" West along the North line of the Southeast 1/4 of said Section 13, a distance of 20.00 feet; thence departing said North line, North 00°01'16" East, a distance of 17.50 feet to the Southeast corner of Lot 64, Seminole Land and Investment Company's (Incorporated) Subdivision of Section 13, Township 26 South, Range 30 East, according to the plat thereof, as recorded in Plat Book B, Page 4, Public Records of Osceola County, Florida, said point also being at the intersection of the North right of way line of a 35 foot platted right of way per said plat and the West right of way line of a 40 foot platted right of way per said plat and the POINT OF BEGINNING; thence North 89°49'48" West along the South line of said Lot 64 and Lot 63 of said plat and along said North right of way line, a distance of 1285.10 feet to the Southwest corner of said Lot 63, said point being at the intersection of said North right of way line and the East right of way line of a 35 foot platted right of way per said plat; thence North 00°01'05" West along said East right of way line and along the West line of said Lot 63, a distance 40.56 feet; thence departing said East right of way line and said West line, South 89°51'49" East, a distance of 1285.13 feet to a point on the East line of said Lot 64 and said West right of way line; thence South 00°01'16" West along said East line and said West right of way line, a distance of 41.31 feet to the POINT OF BEGINNING.

Parcel 1 containing 17.557 acres more or less.

Parcel 2:

Lots 1, 2, 15, 16, 17, 18,31,32,33,34,35,36,45,46,47,48,51,52,61, & 62, THE SEMINOLE LAND and INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 24, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 11, Public Records of Osceola County, Florida.

Less that portion conveyed to The School Board of Osceola County, Florida by Special Warranty Deed recorded in Official Records Book 3795, Page 1751, Public Records of Osceola County, Florida, described as follows:

A parcel of land being a portion of Lots 32, 33, 34, 47, and 48, of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East, as recorded in Plat Book B, Page 11, Public Records of Osceola County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast Quarter of said Section 24; thence run N00°17'36"E along the east line of said Northeast Quarter a distance of 658.88 feet; thence departing said East line run N89°54'13"W a distance of 20.00 feet to the Southeast corner of the aforementioned Lot 48 and the Point of Beginning; thence N89°54'13"W, along the South line of said Lot 48 and the South line of Lot 47 of said subdivision, a distance of 1033.34 feet; thence departing said South line run N00°05'47"E, a distance of 476.45 feet; thence N89°44'02"W, a distance of 206.63 feet to a point on a curve concave Northwesterly, having a central angle of 56°03'43" and a radius of 125.00 feet; thence from a tangent bearing of S89°44'02"E, run Northeasterly, along the arc of said curve, a distance of 122.31 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 49°49'54" and a radius of 37.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 32.18 feet to the point of reverse curvature of a curve concave Northwesterly, having a central angle of 56°50'05" and a radius of 100.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 99.20 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 63°05'32" and a radius of 37.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 40.74 feet to the point of tangency; thence S89°42'24"E, a distance of 561.02 feet to the point of curvature of a curve concave Northwesterly, having a central angle of 23°52'44" and a radius of 400.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 166.71 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 23°52'44" and a radius of 400.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 166.71 feet to the point of tangency; thence S89°42'24"E, a distance of 115.12 feet to a point on the East line of Lot 32 of the aforesaid plat of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East; thence S00°17'36"W, along said East line and along the East line of Lots 33 and 48 of said plat of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East, a distance of 687.08 feet to the Point of Beginning.

Parcel 3:

Lots 66 and 79, THE SEMINOLE LAND & INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 4, Public Records of Osceola County, Florida.

Together with all of seller's right, title and interest, if any, in and to any vacated platted rights of way adjacent to any of the above referenced Lots.

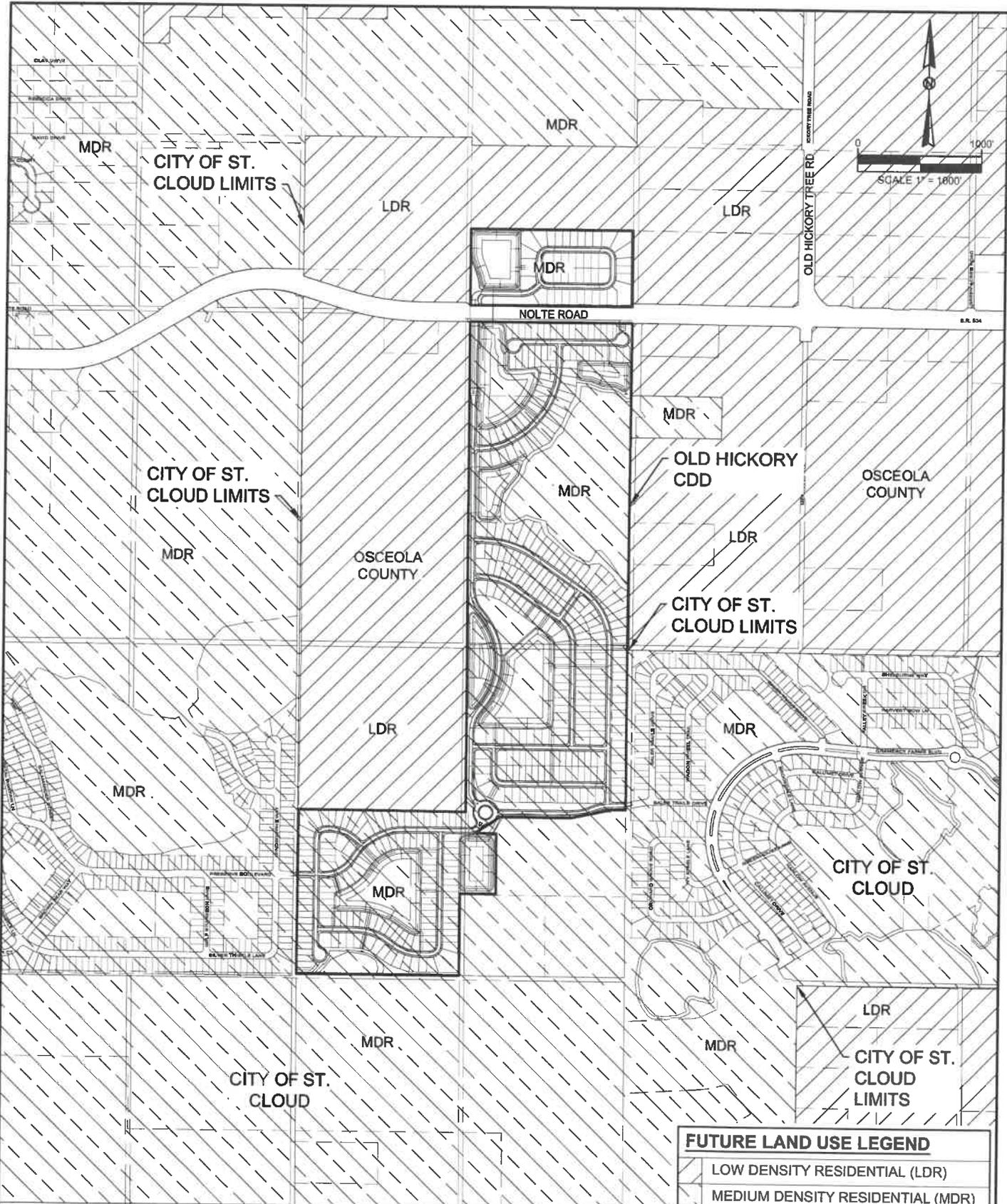
Parcels 2 and 3 together containing 157.838 acres more or less.

Parcel 4: (Easement)

TOGETHER WITH: Nonexclusive, Temporary Construction Easement for the benefit of Parcels 1, 2 and 3, as set forth in that certain Temporary Construction Easement Agreement by and between The School Board Of Osceola County, Florida, a Florida political subdivision, and Strategic Capital Resources, Inc., a Florida corporation, recorded February 6, 2009 in Official Records Book 3795, Page 1757, over, under and across the lands described therein.

Altogether containing 175.395 acres more or less.

L:\90000-60000-Orlando Projects\63509 Lemmer Home, LLC\011 Old Hickory CDD\ENERGY DWG\63509 EXHIBIT\SCALE 3 - Future Land Use Map.dwg (11x8.5) John May 21, 2020 - 11:11am



FUTURE LAND USE LEGEND	
	LOW DENSITY RESIDENTIAL (LDR)
	MEDIUM DENSITY RESIDENTIAL (MDR)

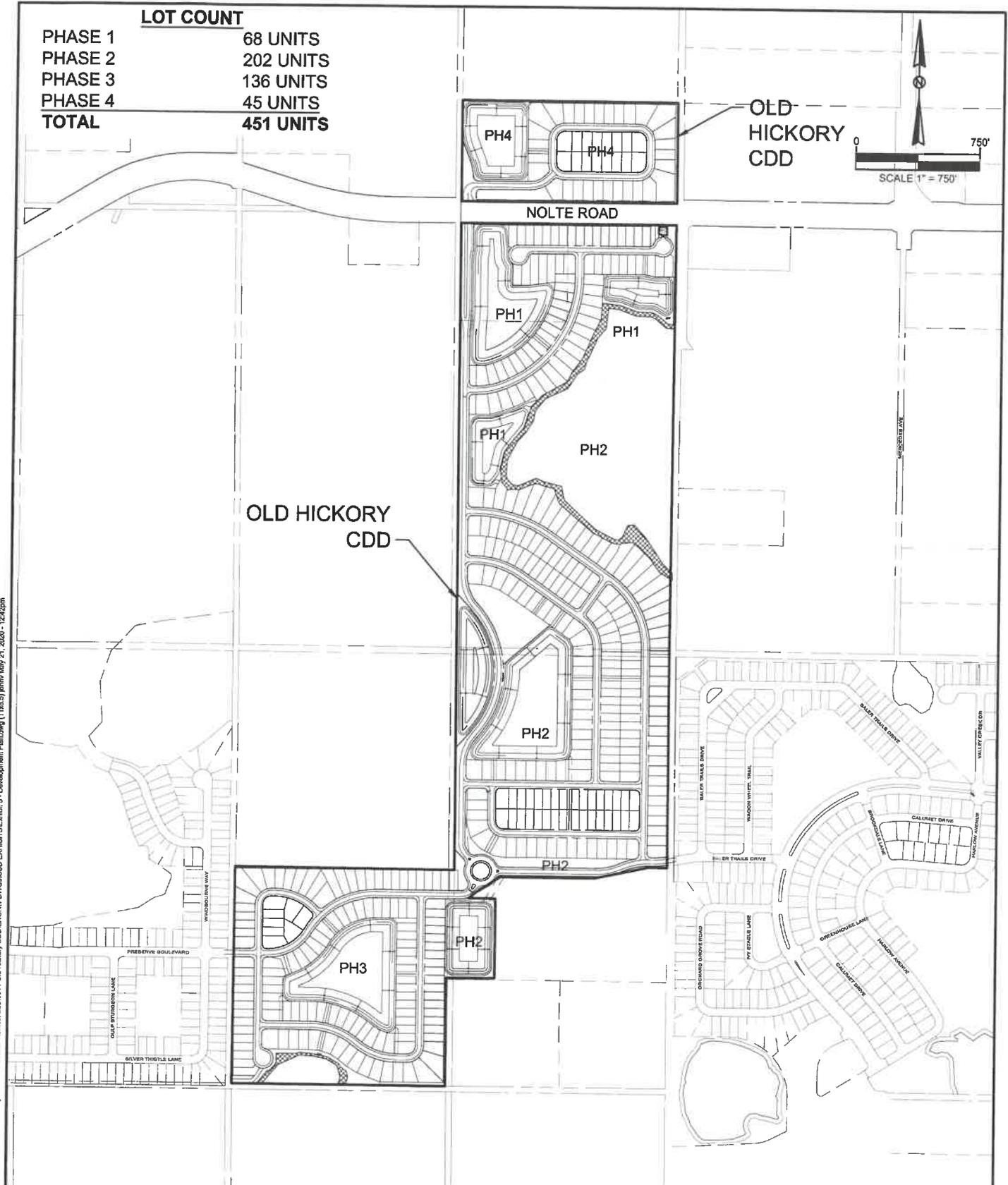
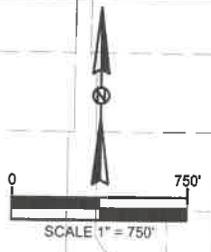
HAMILTON
ENGINEERING & SURVEYING INC.
3409 W. Lemon Street
TAMPA, FL 33609
TEL (813) 250-3535

775 Warner Lane
ORLANDO, FL 32803
TEL (407) 362-5829

LB #7013 CA #8474

FUTURE LAND USE MAP OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT				
SEC TWP RGE	JOB NUMBER	DRAWN BY	DATE	EXHIBIT
13, 24-26S-30E	53509.0011	JFV	05/21/2020	3

LOT COUNT	
PHASE 1	68 UNITS
PHASE 2	202 UNITS
PHASE 3	136 UNITS
PHASE 4	45 UNITS
TOTAL	451 UNITS



L:\50000-60000-Orlando Project\535099_Lanner Homes, LLC\2011 Old Hickory CDD\B\CR1 DWG\CDD EXHIBIT\SE\Exhibit 5 - Development Plan.dwg [1:1] John May 21, 2020 - 12:40pm

HAMILTON
ENGINEERING & SURVEYING INC
3409 W. Lemon Street
TAMPA, FL 33609
TEL (813) 250-3535

775 Werner Lane
ORLANDO, FL 32803
TEL (407) 382-5929

LB #77013 CA #8474

APPROVED P.U.D. MASTER PLAN OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT				
SEC TWP RGE	JOB NUMBER	DRAWN BY	DATE	EXHIBIT
13, 24-26S-30E	53509.0011	JFV	05/21/2020	5

SECTION 2

**MASTER
ASSESSMENT METHODOLOGY

FOR
OLD HICKORY
COMMUNITY DEVELOPMENT DISTRICT**

Date: June 1, 2020

Prepared by

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



Table of Contents

1.0 Introduction.....	3
1.1 Purpose.....	3
1.2 Background.....	3
1.3 Special Benefits and General Benefits	4
1.4 Requirements of a Valid Assessment Methodology	5
1.5 Special Benefits Exceed the Costs Allocated	5
2.0 Assessment Methodology	5
2.1 Overview	5
2.2 Allocation of Debt.....	6
2.3 Allocation of Benefit	6
2.4 Lienability Test: Special and Peculiar Benefit to the Property	7
2.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments	7
3.0 True-Up Mechanism.....	8
4.0 Assessment Roll.....	8
5.0 Appendix	9
Table 1: Development Program	9
Table 2: Infrastructure Cost Estimates.....	10
Table 3: Bond Sizing	11
Table 4: Allocation of Benefit	12
Table 5: Allocation of Benefit/Total Par Debt to Each Product Type	13
Table 6: Par Debt and Annual Assessments	14
Table 7: Preliminary Assessment Roll	15

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

1.0 Introduction

The Old Hickory Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes (the “District”), as amended. The District plans to issue up to \$21,740,000 of tax exempt bonds in one or more series (the “Bonds”) for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Master Engineer’s Report dated June 1, 2020 prepared by Hamilton Engineering & Surveying, Inc. as may be amended and supplemented from time to time (the “Engineer’s Report”). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

1.1 Purpose

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

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

1.2 Background

The District currently includes approximately 175.4 acres within the City of St. Cloud, Osceola County, Florida. The development program currently envisions approximately 451 residential units (herein the “Development”). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the Engineer's Report. Specifically, the District will construct and/or acquire certain earthwork, stormwater ponds & erosion control, roads, storm drainage, potable water, sanitary water, reclaimed water, landscaping, irrigation, sod for ponds & swales, hardscape features, offsite roadway and utility improvements, professional fees – testing & inspection, water and sewer utility impact fees, and contingency. The acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

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

1.3 Special Benefits and General Benefits

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

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

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

1.4 Requirements of a Valid Assessment Methodology

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

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

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

1.5 Special Benefits Exceed the Costs Allocated

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIP that is necessary to support full development of property will cost approximately \$16,807,000. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$21,740,000. Additionally, funding required to complete the CIP which is not financed with Bonds will be funded by Developer. Without the CIP, the property would not be able to be developed and occupied by future residents of the community.

2.0 Assessment Methodology

2.1 Overview

The District is planning to issue up to \$21,740,000 in Bonds to fund all or a portion of the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$21,740,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer. The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development, these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$16,807,000. Based on the estimated costs, the size of the bond issue under current market conditions needed to generate funds to pay for the CIP and related costs was determined by the District's Underwriter to total approximately \$21,740,000. Table 3 shows the breakdown of the bond sizing.

2.2 Allocation of Debt

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

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

Once platting or the recording of declaration of condominium, (“Assigned Properties”) has begun, the assessments will be levied to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis (“Unassigned Properties”). Eventually the development plan will be completed and the debt relating to the Bonds will be allocated to the planned 451 residential units within the District, which are the beneficiaries of the CIP, as depicted in Table 5 and Table 6. If there are changes to the development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Developer is required. The process is outlined in Section 3.0

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

2.3 Allocation of Benefit

The CIP consists of earthwork, stormwater ponds & erosion control, roads, storm drainage, potable water, sanitary water, reclaimed water, landscaping, irrigation, sod for ponds & swales, hardscape features, offsite roadway and utility improvements, professional fees – testing & inspection, water and sewer utility impact fees, and contingency. There are *two* residential product types within the planned development. The single family 50’ home has been set as the base unit and has been assigned one equivalent residential unit (“ERU”). Table 4 shows the allocation of benefit to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

2.4 Lienability Test: Special and Peculiar Benefit to the Property

Construction and/or acquisition by the District of its proposed CIP will provide several types of systems, facilities and services for its residents. These include earthwork, stormwater ponds & erosion control, roads, storm drainage, potable water, sanitary water, reclaimed water, landscaping, irrigation, sod for ponds & swales, hardscape features, offsite roadway and utility improvements, professional fees – testing & inspection, water and sewer utility impact fees, and contingency. These improvements accrue in differing amounts and are somewhat dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

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

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

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

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

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

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

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

Accordingly, no acre or parcel of property within the boundaries of the District will have a lien for the payment of any non-ad valorem special assessment more than the

determined special benefit peculiar to that property and therefore, the debt allocation will not be increased more than the debt allocation set forth in this Assessment Report.

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

3.0 True Up Mechanism

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

4.0 Assessment Roll

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

TABLE 1
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM
MASTER METHODOLOGY

Product Types	No. of Units *	Totals	ERUs per Unit (1)	Total ERUs
Single Family 50'	273	273	1	273
Single Family 60'	178	178	1.2	214
Total Units	451	451		487

(1) Benefit is allocated on an ERU basis; based on density of planned development, with a 50' Single Family unit equal to 1 ERU

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 2
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
INFRASTRUCTURE COST ESTIMATES
MASTER METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Earthwork, Survey, Stormwater Ponds & Erosion Control	\$3,160,420
Roads	\$2,959,788
Storm Drainage	\$2,206,363
Potable Water	\$1,277,990
Sanitary Sewer	\$2,128,905
Landscaping, Irrigation, Sod for Ponds & Swales	\$425,313
Hardscape Features	\$75,000
Professional Fees - Testing & Inspection	\$711,366
Water and Sewer Utility Impact Fees	\$2,334,817
Contingency	\$1,527,038
	\$16,807,000

(1) A detailed description of these improvements is provided in the Master Engineer's Report dated June 1, 2020

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 3
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
BOND SIZING
MASTER METHODOLOGY

Description		Total
Construction Funds	\$	16,807,000
Debt Service Reserve	\$	1,680,700
Capitalized Interest	\$	2,608,800
Underwriters Discount	\$	434,800
Cost of Issuance	\$	205,000
Rounding	\$	3,700
Par Amount*	\$	21,740,000

Bond Assumptions:

Average Coupon	6.00%
Amortization	30 years
Capitalized Interest	24 months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 4
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
ALLOCATION OF BENEFIT
MASTER METHODOLOGY

Product Types	No. of Units *	ERU Factor	Total ERUs	% of Total ERUs	Total Improvements	
					Costs Per Product Type	Improvement Costs Per Unit
Single Family 50'	273	1.0	273	56.10%	\$9,429,328	\$34,540
Single Family 60'	178	1.2	214	43.90%	\$7,377,672	\$41,448
Totals	451		487	100.00%	\$16,807,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

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

Product Types	No. of Units *	Total Improvements	Allocation of Par	Par Debt Per Unit
		Costs Per Product Type	Debt Per Product Type	
Single Family 50'	273	\$ 9,429,328	\$ 12,196,917	\$ 44,677
Single Family 60'	178	\$ 7,377,672	\$ 9,543,083	\$ 53,613
Totals	451	\$ 16,807,000	\$ 21,740,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

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

Product Types	No. of Units *	Allocation of Par Debt Per Product Type	Total Par Debt Per Unit	Maximum Annual Debt Service	Net Annual Debt Assessment Per Unit	Gross Annual Debt Assessment Per Unit (1)
Single Family 50	273	\$12,196,917	\$44,677	\$942,933	\$3,454	\$3,674
Single Family 60	178	\$9,543,083	\$53,613	\$737,767	\$4,145	\$4,409
Totals	451	\$ 21,740,000		\$1,680,700		

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

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

Prepared by: Governmental Management Services - Central Florida, LLC

**TABLE 7
 OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
 PRELIMINARY ASSESSMENT ROLL
 MASTER METHODOLOGY**

Owner	Property*	Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
Lennar	Old Hickory CDD	175.4	\$ 123,949	\$ 21,740,000	\$ 1,680,700	\$ 1,787,979
Totals		175.4		\$ 21,740,000	\$ 1,680,700	\$ 1,787,979

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

Annual Assessment Periods	30
Average Coupon Rate (%)	6.00%
Maximum Annual Debt Service	\$1,680,700

* - See Metes and Bounds, attached as Exhibit A

Prepared by: Governmental Management Services - Central Florida, LLC

LEGAL DESCRIPTION

DESCRIPTION: (As per Title Commitment Issuing Office File Number 111657-000055 and Order Number 7541377 issued by Chicago Title Insurance Company bearing an effective date of March 12, 2019 at 11:00 PM)

Parcel 1:

Lots 49, 50, 63, 64, 65, 80, 81, 82, 95, 96, 97, 98, 111, 112, 113, 114, 127 & 128, THE SEMINOLE LAND and INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 4, Public Records of Osceola County, Florida.

Less that portion conveyed to the City of St. Cloud by Warranty Deed recorded in Official Records Book 3751, Page 2231, Public Records of Osceola County, Florida, described as follows:

A portion of Lots 63 and 64, Seminole Land and Investment Company's (Incorporated) Subdivision of Section 13, Township 26 South, Range 30 East, according to the plat thereof, as recorded in Plat Book B, Page 4, Public Records of Osceola County, Florida, being more particularly described as follows:
Commence at the East 1/4 corner of Section 13, Township 26 South, Range 30 East, Osceola County, Florida, said point being a 6"X6" concrete monument (no identification); thence North 89°49'48" West along the North line of the Southeast 1/4 of said Section 13, a distance of 20.00 feet; thence departing said North line, North 00°01'16" East, a distance of 17.50 feet to the Southeast corner of Lot 64, Seminole Land and Investment Company's (Incorporated) Subdivision of Section 13, Township 26 South, Range 30 East, according to the plat thereof, as recorded in Plat Book B, Page 4, Public Records of Osceola County, Florida, said point also being at the intersection of the North right of way line of a 35 foot platted right of way per said plat and the West right of way line of a 40 foot platted right of way per said plat and the POINT OF BEGINNING; thence North 89°49'48" West along the South line of said Lot 64 and Lot 63 of said plat and along said North right of way line, a distance of 1285.10 feet to the Southwest corner of said Lot 63, said point being at the intersection of said North right of way line and the East right of way line of a 35 foot platted right of way per said plat; thence North 00°01'05" West along said East right of way line and along the West line of said Lot 63, a distance 40.56 feet; thence departing said East right of way line and said West line, South 89°51'49" East, a distance of 1285.13 feet to a point on the East line of said Lot 64 and said West right of way line; thence South 00°01'16" West along said East line and said West right of way line, a distance of 41,31 feet to the POINT OF BEGINNING.

Parcel 1 containing 17.557 acres more or less.

Parcel 2:

Lots 1, 2, 15, 16, 17, 18, 31, 32, 33, 34, 35, 36, 45, 46, 47, 48, 51, 52, 61, & 62, THE SEMINOLE LAND and INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 24, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 11, Public Records of Osceola County, Florida.

Less that portion conveyed to The School Board of Osceola County, Florida by Special Warranty Deed recorded in Official Records Book 3795, Page 1751, Public Records of Osceola County, Florida, described as follows:

A parcel of land being a portion of Lots 32, 33, 34, 47, and 48, of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East, as recorded in Plat Book B, Page 11, Public Records of Osceola County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast Quarter of said Section 24; thence run N00°17'36"E along the east line of said Northeast Quarter a distance of 658,88 feet; thence departing said East line run N89°54'13"W a distance of 20.00 feet to the Southeast corner of the aforementioned Lot 48 and the Point of Beginning; thence N89°54'13"W, along the South line of said Lot 48 and the South line of Lot 47 of said subdivision, a distance of 1033.34 feet; thence departing said South line run N00°05'47"E, a distance of 476.45 feet; thence N89°44'02"W, a distance of 206.63 feet to a point on a curve concave Northwesterly, having a central angle of 56°03'43" and a radius of 125.00 feet; thence from a tangent bearing of S89°44'02"E, run Northeasterly, along the arc of said curve, a distance of 122,31 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 49°49'54" and a radius of 37.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 32.18 feet to the point of reverse curvature of a curve concave Northwesterly, having a central angle of 56°50'05" and a radius of 100,00 feet; thence run Northeasterly, along the arc of said curve, a distance of 99.20 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 63°05'32" and a radius of 37.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 40.74 feet to the point of tangency; thence S89°42'24"E, a distance of 561.02 feet to the point of curvature of a curve concave Northwesterly, having a central angle of 23°52'44" and a radius of 400.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 166.71 feet to the point of reverse curvature of a curve concave Southeasterly, having a central angle of 23°52'44" and a radius of 400.00 feet; thence run Northeasterly, along the arc of said curve, a distance of 166.71 feet to the point of tangency; thence S89°42'24"E, a distance of 115.12 feet to a point on the East line of Lot 32 of the aforesaid plat of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East; thence S00°17'36"W, along said East line and along the East line of Lots 33 and 48 of said plat of the Seminole Land and Investment Company's (Incorporated) Subdivision of Section 24, Township 26 South, Range 30 East, a distance of 687.08 feet to the Point of Beginning.

Parcel 3:

Lots 66 and 79, THE SEMINOLE LAND & INVESTMENT CO.'S (INCORPORATED) SUBDIVISION OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof of as recorded in Plat Book "B", Page 4, Public Records of Osceola County, Florida.

Together with all of seller's right, title and interest, if any, in and to any vacated platted rights of way adjacent to any of the above referenced Lots.

Parcels 2 and 3 together containing 157.838 acres more or less.

Parcel 4: (Easement)

TOGETHER WITH: Nonexclusive, Temporary Construction Easement for the benefit of Parcels 1, 2 and 3, as set forth in that certain Temporary Construction Easement Agreement by and between The School Board Of Osceola County, Florida, a Florida political subdivision, and Strategic Capital Resources, Inc., a Florida corporation, recorded February 6, 2009 in Official Records Book 3795, Page 1757, over, under and across the lands described therein.

Altogether containing 175.395 acres more or less.

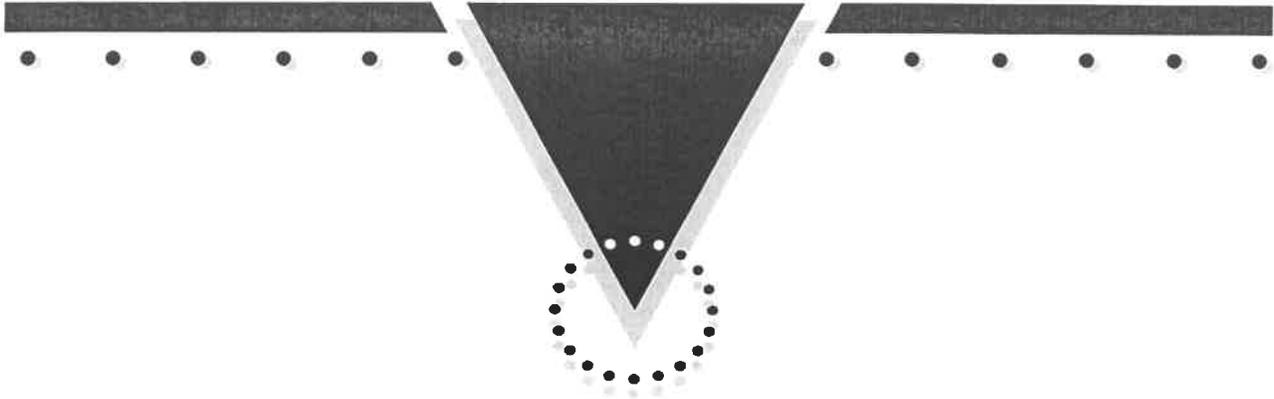
SECTION 4

*This item will be provided under
separate cover*

SECTION VII

SECTION C

SECTION 1



**Old Hickory
Community Development District**

**Unaudited Financial Reporting
June 30, 2020**



TABLE OF CONTENTS

1	<hr/> <u>BALANCE SHEET</u>
2	<hr/> <u>GENERAL FUND INCOME STATEMENT</u>
3	<hr/> <u>MONTH TO MONTH</u>
4	<hr/> <u>DEVELOPER CONTRIBUTION SCHEDULE</u>

Old Hickory
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
June 30, 2020

	<u>General Fund</u>
<u>ASSETS:</u>	
DUE FROM DEVELOPER	\$19,433
TOTAL ASSETS	<u><u>\$19,433</u></u>
<u>LIABILITIES:</u>	
ACCOUNTS PAYABLE	\$9,046
<u>FUND EQUITY:</u>	
FUND BALANCES:	
UNASSIGNED	\$10,387
TOTAL LIABILITIES & FUND EQUITY	<u><u>\$19,433</u></u>

Old Hickory

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND

Statement of Revenues & Expenditures

For The Period Ending June 30, 2020

	PROPOSED BUDGET	PRORATED BUDGET THRU 6/30/20	ACTUAL THRU 6/30/20	VARIANCE
<u>REVENUES:</u>				
DEVELOPER CONTRIBUTIONS	\$40,039	\$10,010	\$19,433	\$9,423
TOTAL REVENUES	\$40,039	\$10,010	\$19,433	\$9,423
<u>EXPENDITURES:</u>				
<u>ADMINISTRATIVE:</u>				
SUPERVISOR FEES	\$4,000	\$1,000	\$0	\$1,000
FICA EXPENSE	\$306	\$77	\$0	\$77
ENGINEERING	\$4,000	\$1,000	\$285	\$715
ATTORNEY	\$8,333	\$2,083	\$5,188	(\$3,105)
ANNUAL AUDIT	\$0	\$0	\$0	\$0
MANAGEMENT FEES	\$11,667	\$2,917	\$2,917	(\$0)
INFORMATION TECHNOLOGY	\$400	\$100	\$0	\$100
WEBSITE CREATION/ADA COMPLIANCE	\$2,375	\$0	\$0	\$0
TELEPHONE	\$100	\$25	\$0	\$25
POSTAGE	\$333	\$83	\$0	\$83
INSURANCE	\$2,500	\$0	\$0	\$0
PRINTING & BINDING	\$333	\$83	\$0	\$83
LEGAL ADVERTISING	\$5,000	\$1,250	\$556	\$694
OTHER CURRENT CHARGES	\$333	\$83	\$0	\$83
OFFICE SUPPLIES	\$208	\$52	\$0	\$52
DUES, LICENSES & SUBSCRIPTIONS	\$150	\$150	\$100	\$50
TOTAL EXPENDITURES	\$40,039	\$8,903	\$9,046	(\$142)
EXCESS REVENUES (EXPENDITURES)	\$0		\$10,387	
FUND BALANCE - Beginning	\$0		\$0	
FUND BALANCE - Ending	\$0		\$10,387	

**Old Hickory
Community Development District**

	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Total
REVENUES:													
DEVELOPER CONTRIBUTIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$14,875	\$4,558	\$0	\$0	\$0	\$19,433
TOTAL REVENUES	\$0	\$14,875	\$4,558	\$0	\$0	\$0	\$19,433						
EXPENDITURES:													
ADMINISTRATIVE:													
SUPERVISOR FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FICA EXPENSE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ENGINEERING	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$285	\$0	\$0	\$0	\$285
ATTORNEY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,541	\$3,647	\$0	\$0	\$0	\$5,188
ANNUAL AUDIT	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MANAGEMENT FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,917	\$0	\$0	\$0	\$2,917
INFORMATION TECHNOLOGY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
WEBSITE CREATION/ADA COMPLIANCE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TELEPHONE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
POSTAGE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
INSURANCE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PRINTING & BINDING	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
LEGAL ADVERTISING	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$556	\$0	\$0	\$0	\$0	\$556
OTHER CURRENT CHARGES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OFFICE SUPPLIES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DUES, LICENSES & SUBSCRIPTIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$100
TOTAL EXPENDITURES	\$0	\$2,097	\$6,949	\$0	\$0	\$0	\$9,046						
EXCESS REVENUES (EXPENDITURES)	\$0	\$12,778	(\$2,391)	\$0	\$0	\$0	\$10,387						

Old Hickory
Community Development District
Developer Contributions/Due from Developer

Funding Request #	Prepared Date	Payment Received Date	Check Amount	Total Funding Request	General Fund Portion (20)	Due from Capital	Over and (short) Balance Due
1	5/14/20			\$ 14,875.00	\$ 14,875.00	\$ -	\$ 14,875.00
2	6/30/20			\$ 4,557.67	\$ 4,557.67	\$ -	\$ 4,557.67
Due from Developer			\$ -	\$ 19,432.67	\$ 19,432.67	\$ -	\$ 19,432.67

Total Developer Contributions FY20

\$ 19,432.67

SECTION 2

Old Hickory

Community Development District

FY20 Funding Request #2

June 30, 2020

	Payee		General Fund
1	Department of Economic Opportunity Inv# 74834 - Prorated FY2020 Annual District Fee - June 2020	\$	100.00
2	Governmental Management Services-CF, LLC Inv# 1 - Management Fees - June 2020	\$	2,916.67
3	Latham, Luna, Eden & Beaudine, LLP Inv# 92112 - General Counsel - May 2020	\$	1,541.00
		\$	4,557.67
		Total:	\$ 4,557.67

Please make check payable to:

Old Hickory Community Development District

1408 Hamlin Avenue, Unit E

St. Cloud, FL 34771

Florida Department of Economic Opportunity, Special District Accountability Program
FY 2019/2020 Special District Fee Invoice and Update Form
 Required by Sections 189.064 and 189.018, Florida Statutes, and Chapter 73C-24, Florida Administrative Code

Invoice No.: 74834			Date Invoiced: 06/24/2020
Annual Fee: \$100.00	Late Fee: \$0.00	Received: \$0.00	Total Due, Postmarked by 08/23/2020: \$100.00

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

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



Old Hickory Community Development District
 Ms. Jan A. Carpenter
 Latham Luna Eden and Beaudine, LLP
 111 North Magnolia Avenue, Suite 1400
 Orlando, FL 32801

- 2. Telephone: (407) 481-5800
- 3. Fax: (407) 481-5801 + 3
- 4. Email: jcarpenter@lathamluna.com
- 5. Status: Independent 310-513-54
- 6. Governing Body: Elected
- 7. Website Address: www.OldHickoryCDD.com
- 8. County(ies): Osceola
- 9. Function(s): Community Development
- 10. Boundary Map on File: 06/24/2020
- 11. Creation Document on File: 06/24/2020
- 12. Date Established: 05/14/2020
- 13. Creation Method: Local Ordinance
- 14. Local Governing Authority: City of St. Cloud
- 15. Creation Document(s): City Ordinance 2020-09
- 16. Statutory Authority: Chapter 190, Florida Statutes
- 17. Authority to Issue Bonds: Yes
- 18. Revenue Source(s): Assessments
- 19. Most Recent Update: 06/24/2020

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

Registered Agent's Signature: [Signature] Date 6/25/20

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

- a. **Pay the Annual Fee:** Pay the annual fee online by following the instructions at www.Floridajobs.org/SpecialDistrictFee or by check payable to the Department of Economic Opportunity.
- b. **Or, Certify Eligibility for the Zero Fee:** By initialing each of the following items, I, the above signed registered agent, do hereby certify that to the best of my knowledge and belief, **ALL** of the following statements contained herein and on any attachments hereto are true, correct, complete, and made in good faith as of this date. I understand that any information I give may be verified.
 - 1. This special district and its Certified Public Accountant determined the special district is not a component unit of a local general-purpose government.
 - 2. This special district is in compliance with the reporting requirements of the Department of Financial Services.
 - 3. This special district reported \$3,000 or less in annual revenues to the Department of Financial Services on its Fiscal Year 2017/2018 Annual Financial Report (if created since then, attach an income statement verifying \$3,000 or less in revenues).

Department Use Only: Approved: Denied: Reason: _____

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

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

GMS-Central Florida, LLC
1001 Bradford Way
Kingston, TN 37763

Invoice

Invoice #: 1
Invoice Date: 6/1/20
Due Date: 6/1/20
Case:
P.O. Number:

Bill To:
Old Hickory CDD
219 E. Livingston St.
Orlando, FL 32801

RECEIVED
JUN 16 2020

BY:-----

Description	Hours/Qty	Rate	Amount
Management Fees - June 2020 <i>41 h 001 310 5'3 340</i>		2,916.67	2,916.67
Total			\$2,916.67
Payments/Credits			\$0.00
Balance Due			\$2,916.67

LATHAM, LUNA, EDEN & BEAUDINE, LLP
ATTORNEYS AT LAW

111 N. MAGNOLIA AVE, STE 1400
ORLANDO, FLORIDA 32801
POST OFFICE BOX 3353
ORLANDO, FLORIDA 32802
TELEPHONE: (407) 481-5800
FACSIMILE: (407) 481-5801

June 19, 2020

Old Hickory CDD
c/o GMS-CFL, LLC
219 E. Livingston Street
Orlando, FL 32801



INVOICE

#2hd
20-512-318

Matter ID: 6187-001
General

Invoice # 92112
Federal ID # 59-3366512

For Professional Services Rendered:

05/22/2020	jms	Review file for upcoming Organizational meeting and items still needed.	0.50 hr	\$37.50
05/26/2020	jms	Reviewed Organizational Meeting Resolutions 2020-08, 2020-14, 2020-16 and 2020-17, compile with all final exhibits needed, send final documents to GMS, update and send finalized Engagement Letter	1.60 hr	\$120.00
05/26/2020	KET	Preparation of Acquisition Agreement, review of Engineer's Report and Master Assessment Methodology, and email correspondence regarding establishment of CDD.	3.70 hr	\$851.00
05/26/2020	JAC	Emails with City of St. Cloud regarding signed Ordinance and Petitioners Agreement; prepare documents for organizational meeting of CDD	1.50 hr	\$532.50
			Total Professional Services:	<u>\$1,541.00</u>

INVOICE SUMMARY

For Professional Services: 7.30 Hours \$1,541.00
Total Due: \$1,541.00

Billed Through: May 31, 2020

Old Hickory
Community Development District

FY20 Funding Request #3
July 24, 2020

Payee		General Fund
1	Governmental Management Services-CF, LLC Inv# 2 - Management Fees - July 2020	\$ 3,034.41
2	Hamilton Engineering & Surveying, Inc. Inv# 61524 - Professional Fees - June 2020	\$ 285.00
		\$ 3,319.41
	Total:	\$ 3,319.41

Please make check payable to:

Old Hickory Community Development District
1408 Hamlin Avenue, Unit E
St. Cloud, FL 34771

GMS-Central Florida, LLC
 1001 Bradford Way
 Kingston, TN 37763

Invoice

Invoice #: 2
 Invoice Date: 7/1/20
 Due Date: 7/1/20
 Case:
 P.O. Number:

Bill To:
 Old Hickory CDD
 219 E. Livingston St.
 Orlando, FL 32801

Description	Hours/Qty	Rate	Amount
Management Fees - July 2020 310 - 51300 - 54000		2,916.67	2,916.67
Office Supplies 310 - 51300 - 5100		5.90	5.90
Postage 310 - 51300 - 42000		14.04	14.04
Copies 310 - 51300 - 42500		97.80	97.80
Total			\$3,034.41
Payments/Credits			\$0.00
Balance Due			\$3,034.41

Invoice



3409 W LEMON ST., TAMPA, FL 33609
 TEL: 813.250.3535 | FAX: 813.250.3636
 EMAIL: ACCOUNTING@HAMILTONENGINEERING.US

Old Hickory CDD
 1408 Hamlin Avenue
 Unit E
 St. Cloud, FL 34771

#4

July 2, 2020
 Project No: 03849.0001
 Invoice No: 61524
 Project Manager: David Reid



Project 03849.0001 Old Hickory CDD O&M

Email invoices to Teresa Viscarra: tviscarra@gmscfl.com

Professional Services for the Period: May 30, 2020 to June 26, 2020

Phase 030B Meetings

Professional Personnel

		Hours	Rate	Amount
Eng Sr Project Manager, PE, Sr VP				
Reid, David	6/1/2020	1.00	190.00	190.00
BOS Zoom mtg				
Reid, David	6/3/2020	.50	190.00	95.00
engineer's affidavit				
Totals		1.50		285.00
Total Labor				285.00
Total for this Section:				\$285.00

TOTAL DUE THIS INVOICE: \$285.00

Billed-to-Date

	Current	Prior	Total
Labor	285.00	0.00	285.00
Totals	285.00	0.00	285.00

310-51300-31100

PLEASE INCLUDE INVOICE # ON CHECK. Thank you.

Billing Questions: Accounts Receivable 813.250.3535 All invoices are due upon receipt. A late charge of 1.5% will be added to any unpaid balance after 30 days.

SECTION 3

**BOARD OF SUPERVISORS MEETING DATES
OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2021**

The Board of Supervisors of the Old Hickory Community Development District will hold their regular meetings for Fiscal Year 2021 at 1:00 p.m., at the Oasis Club at ChampionsGate, 1520 Oasis Club Blvd., ChampionsGate, FL 33896, on the first Monday of the month, unless otherwise indicated, as follows:

October 5, 2020

November 2, 2020

December 7, 2020

January 4, 2021

February 1, 2021

March 1, 2021

April 5, 2021

May 3, 2021

June 7, 2021

**No July Meeting - Falls on Holiday*

August 2, 2021

Exception: September 13, 2021

The meetings are open to the public and will be conducted in accordance with the provision of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for these meetings may be obtained from the District Manager, Governmental Management Services - Central Florida, LLC, 219 E. Livingston Street, Orlando, FL 32801 or by calling (407) 841-5524.

There may be occasions when one or more Supervisors or staff will participate by speaker telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (407) 841-5524 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting 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 such appeal is to be based.

George S. Flint
District Manager
Governmental Management Services - Central Florida, LLC