

RESOLUTION 2026-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SHOTGUN ROAD COMMUNITY DEVELOPMENT DISTRICT, ADOPTING THE GENERAL AND PROCEDURAL RULES OF THE DISTRICT; AUTHORIZING AND DIRECTING THE DISTRICT MANAGER TO TAKE CERTAIN ACTIONS CONSISTENT WITH THE ADOPTION OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapters 120 and 190, Florida Statutes, the Shotgun Road Community Development District (the "District") advertised a public hearing for [October 20, 2025](#), in order to hear and receive comments on the proposed General and Procedural Rules for the District;

WHEREAS, the intent of this Resolution is to provide for the adoption of the General and Procedural Rules;

WHEREAS, it is further the intent of the District Board of Supervisors that the General and Procedural Rules constitute a comprehensive list of any and all procedural rules pertaining to District operations and procedures not otherwise specifically set forth in Chapters 190, Florida Statutes, or elsewhere in the Florida Statutes;

WHEREAS, pursuant to Section 190.011, Florida Statutes, the District is authorized to adopt and modify rules and regulations pursuant to the provisions of Chapter 120, Florida Statutes, prescribing the conduct of the business of the District;

WHEREAS, the District has complied with the provisions of Chapter 120 Florida Statutes, and has conducted a public hearing to address the proposed General and Procedural Rules of the District, as well as such other related rules and policies of the District, as contemplated herein; and

WHEREAS, after a duly advertised public hearing the District Board of Supervisors finds it in the best interests of the District and its residents to adopt the General and Procedural Rules.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SHOTGUN ROAD COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The above recitals are true and correct and ' by this reference are hereby incorporated into and made an integral part of this Resolution.

Section 2. The General and Procedural Rules attached hereto as Exhibit A are hereby adopted by and shall constitute a compilation of all rules pertaining and applicable to District operations and procedures.

Section 3. Any previously adopted General or Procedural Rules in conflict herewith are hereby replaced in favor of the General and Procedural Rules attached as Exhibit A.

Section 4. The District Manager is hereby directed to take all actions consistent with this Resolution, including, but not limited to, implementation of the General and Procedural Rules, including such General and Procedural Rules as part of the Official Records of Proceeding of the District, and adding the General and Procedural Rules to the District's website.

Section 5. All motions, resolutions or parts of motions or resolutions in conflict herewith are hereby repealed to the extent of such conflict.


Section 6. If any clause, section, paragraph, provision, or other part or application of this Resolution is held by court of competent jurisdiction to be unconstitutional, ineffective, or invalid, in part or as applied, it shall not affect the validity of the remaining clauses, sections, paragraphs, provisions, parts, or applications of the Resolution.

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

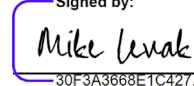
PASSED AND ADOPTED THIS 20TH DAY OF October 2025.

ATTEST:

**SHOTGUN ROAD COMMUNITY
DEVELOPMENT DISTRICT**

DocuSigned by:

63215D558947430...

Print Name: Juliana Duque
Secretary/Assistant Secretary

Signed by:

30F3A3668E1C427...

Print Name: Mike Levak
Chair/Vice-Chair

Exhibit A

General and Procedural Rules

SHOTGUN ROAD
COMMUNITY DEVELOPMENT DISTRICT

GENERAL AND PROCEDURAL RULES

Adopted on October 20, 2025 (Resolution No. 2026-03)

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SHOTGUN ROAD COMMUNITY DEVELOPMENT DISTRICT
GENERAL AND PROCEDURAL RULES

1.1 General.

(1) The Shotgun Road Community Development District (the "District") was created pursuant to the provisions of Chapter 190, 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) Should a Rule conflict with Florida or federal law and the application of the Rule has not been suspended by the District, such Rule shall be interpreted in the manner that best effectuates the intent of the Rule while complying with applicable law.

Specific Authority: 190.011, F.S.

Law Implemented: 190.011, F.S.

1.2 Board of Supervisors; Officers; Meetings and Voting.

(1) Board of Supervisors. The Board of Supervisors of the District (the "Board") shall exercise the powers granted to the District. The Board shall consist of five (5) members. Members of the Board, also referred to herein as Supervisors, appointed by ordinance or elected by landowners of the District must be citizens of the United States of America and residents of the State of Florida, as in Section 190.006, Florida Statutes, as amended. Supervisors elected in a general election or appointed by the Board to elector seats must be residents of the State of Florida and the District, citizens of the United States of America and registered to vote with the Supervisor of Elections of the county in which the District is located.

(2) Term of Office; Vacancies. Supervisors shall hold office pursuant to Section 190.006, Florida Statutes. If, during the term of office of any Supervisor(s), one or more vacancies occur, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the unexpired term(s) of the respective Supervisor(s). If three or more vacancies occur at the same time, a quorum, as defined below, is not necessary to fill the vacancies, and the remaining members of the Board shall appoint Supervisor(s) to obtain a quorum.

(3) Quorum. Three members of the Board physically present shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes.

(4) Officers. At any Board meeting held after each election where the newly elected Supervisors take office, the Board shall select a chair, vice chair, treasurer, assistant secretary and secretary. Such election may be deferred to subsequent meetings.

(a) The chair must be a member of the Board. If the chair resigns from that office or ceases to be a member of the Board, the Board shall select a chair after filling the board vacancy. The chair serves at the pleasure of the Board. The chair is authorized to sign adopted resolutions and approved agreements for the District. The chair shall convene and conduct all meetings of the Board. In the event the chair is unable to attend a meeting, the vice chair shall convene and conduct the meeting. The vice chair is authorized to sign adopted resolutions and approved agreements for the District approved by the Board at the meeting. In the event that both the chair and the vice chair are absent from a Board meeting and a quorum is present, the Board may delegate one of its members 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.

(b) The vice chair 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 chair has the authority to execute resolutions and agreements on the District's behalf in the absence or unavailability of the chair. If the vice chair resigns from that office or ceases to be a member of the Board, the Board shall select a vice chair, after filling the Board vacancy. The vice chair 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. The District Manager may serve as secretary.

(d) The treasurer need not be a member of the Board but must be a resident of Florida. The treasurer shall perform duties described in Section 190.007(2) and (3), Florida Statutes, as well as those assigned by the Board from time to time. The treasurer shall serve at the pleasure of the Board.

(e) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing resolutions, agreements, or other documents on behalf of the District.

(5) Committees. The Board may establish committees of the Board by formal motion referencing this rule, 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, contract negotiations, personnel matters, and budget preparation.

(6) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings of the Shotgun Road Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds and corporate acts. The Records of Proceedings shall be located at a District office within the county in which the District is located and shall be available for inspection by the public.

(7) Meetings.

(a) The Board shall establish each fiscal year an annual schedule of regular meetings, which shall include the date, time, and location of each scheduled meeting and submit to the local governing authority and as otherwise required by law. Nothing herein shall prevent the District from holding such other meetings as it deems necessary or from cancelling any regularly scheduled meetings. All meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes. All meetings shall be held in the county in which the District is located and accessible to the public.

(b) Action taken by the Board shall be upon a majority vote of the Supervisors present, unless otherwise provided in these Rules or required by law. Members of the Board, as well as staff or employees of the District may be present by teleconference or videoconference, provided that such teleconference or videoconference attendance is accomplished by speaker so that all present may hear and respond to the comments of the party attending by teleconference or videoconference. A Supervisor participating in the Board meeting by teleconference or videoconference shall be entitled to vote and take all other action as though physically present. If the Supervisor is not able to be heard or respond to comments, then the Supervisor shall not be able to participate in the Board meeting. Nothing herein shall require the District to permit members of the public to attend or participate in a Board meeting by telephone or videoconference.

(8) Voting Conflict of Interest. The Board shall comply with Section 112.3143, Florida Statutes, as amended to ensure the proper disclosure of conflicts of interests on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by Chapters 112 and 190, Florida Statutes, as amended from time to time.

(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. The Board's secretary shall prepare a memorandum of voting conflict which shall then be signed by the Board member, of the meeting. The memorandum of voting conflict (form 8B) shall be prepared and executed by the Board member and provided to the Board secretary and made a part of the record.

(b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict thereon, the member shall immediately notify the Board's secretary. Within fifteen days (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 shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum. The Board member's vote is unaffected by this filing.

Specific Authority: 190.011(5), 190.011(15), 120.525, F.S.

Law Implemented: 190.006(1), 190.006(4), 190.006(5), 190.006(6), 190.006(7), 190.006(9), 190.007, 112.3143, 120.525, 112.3143(4)(b), F.S.

1.3 Public Information, Inspection Records, and Policies.

(1) Public Records. All District public records within the meaning of Chapter 119, Florida Statutes, and not otherwise restricted by law, including the "Record of Proceedings of the Shotgun Road Community Development District," may be copied or inspected at the offices of the District Manager during regular business hours. The office of the District Manager shall include a local records office within the county in which the District is located for maintenance of records in accordance with Florida law.

(2) Copies. Copies of public records shall be made available to the requesting person at the maximum charge authorized by Section 119.07, Florida Statutes. If the nature or volume of public records requested to be inspected, examined or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance, a special service charge, which shall be reasonable and based on the actual cost incurred, may be charged in addition to the actual cost of duplication.

(3) Records Retention. The secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law. Any Supervisor that receives a public records request shall immediately forward or communicate such request to the Board secretary for coordination and proper response to said request.

(4) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.

(5) Website. The District shall maintain a separate website providing for the following information:

- (a) Full legal name of the District;
- (b) Public purpose of the District;
- (c) Name, official address, official e-mail address, term of appointment or election of each Supervisor;
- (d) Fiscal year of the District;
- (e) District's establishment ordinance;
- (f) Mailing address, e-mail address, telephone number and website resource locator of the District;
- (g) All taxes, fees, assessments, or charges imposed and collected by the District for each fiscal year and statutory authority therefor;
- (h) Hyperlink to code of ethics;
- (i) District's fiscal year budgets and all amendments as set forth in section 189.016, F.S.;
- (j) Most recently completed audit report or hyperlink to auditor general website for report;

- (k) List of regularly scheduled public meetings;
- (l) Hyperlink to Department of Financial Services' website; and
- (m) Agenda for all meetings and workshops at least 7 days prior to the date of the meeting and remain on the website for one full year.

Specific Authority: 190.011(5), 189.069, 120.053, F.S.

Law Implemented: 190.006(7), 119.07(1)(a), 119.07(1)(b), F.S.

1.4 Meetings and Workshops.

(1) Notice. Except in emergencies, or as otherwise provided in these Rules, at least seven (7) days' public notice shall be given of any meeting or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District or county's official website or other private website designated by the county for the publication of legal notices and advertisements that are accessible via the internet in accordance with Florida law and shall state:

- (a) The date, time, and place of the meeting or workshop;
- (b) A brief description of the nature, subjects and purposes of the meeting or workshop;
- (c) The address where persons may obtain a copy of the agenda and contact name and telephone number and email address for requests;
- (d) That if a person decides to seek review of any official decision made at the Board meeting, a record of the proceedings will be required and the person intending to appeal will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence necessary for the appeal;
- (e) The information for compliance with Americans with Disabilities Act; and
- (f) The possible continuation of the meeting, hearing or workshop without additional notice to a time, date and location as stated on the record by the Board.

(2) Agenda. The District Manager shall prepare a notice of the meeting or workshop and an agenda. The notice and agenda shall be available to the public in the offices of the District Manager at least seven (7) days before each meeting of the Board, except in those instances when an emergency meeting is convened. The agenda may be changed after it is first made available for distribution, and additional materials may be added for Board consideration for good cause for the District to efficiently conduct business and avoid expenses associated with special meetings.

(3) Minutes. The Secretary shall be responsible for keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting.

(4) Receipt of Notice. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or secretary at the Board's office. Such persons shall furnish a mailing address in writing and may be required to pay the cost of copying and mailing. Persons wishing to receive by e-mail, notices of agendas of meetings may so advise the District Manager in writing and shall furnish the District Manager with an operating e-mail address.

(5) Emergency Meeting. The chair or the vice-chair if the chair is unavailable, may convene an emergency meeting of the Board without first having complied with Subsections (1), (2), and (4), to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the chair shall make reasonable efforts to notify all Board members of an emergency meeting 24 hours in advance. Reasonable efforts may include telephone and e-mail notification. Notice of the emergency meeting shall be provided both before and after the meeting on the District's website. 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. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.

(6) Public Comment. The Board shall set aside a reasonable amount of time at each regular meeting for public comment, which time for audience comment shall be identified in the agenda, and members of the public shall be permitted to provide comment on any proposition or matter before the Board. Persons wishing to address the Board may be required to notify the secretary of the Board prior to the "audience comment" section on the agenda. In its discretion, the Board may limit the length of any one speaker in the interest of time or fairness to other speakers. Policies governing public comment may be adopted by resolution of the Board in accordance with Florida law.

(7) Budget Hearing. Notice of hearing adopting the annual budget shall be in accordance with Section 190.008, Florida Statutes, as amended.

(8) Continuances. Any meeting of the Board or any item or matter included on the agenda or coming before the Board at a noticed meeting may be continued without re-notice or re-advertising provided that the continuance is to a specified date, the time and location publicly announced at the Board meeting where the item or matter came before the Board, and the Board states on the record at the original meeting a reasonable need for a continuance.

(9) Board Approval. 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 chair, may make or second a motion.

(10) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules have 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.

Specific Authority: 190.005, 190.011(5), 190.011(15), 120.525, 120.54(5), F.S.

Law Implemented: 190.006, 190.007(1), 190.008, 120.525, 120.54, 286.0105, 286.011, 286.0114, F.S.

1.5 Rulemaking Proceedings.

(1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to the applicable provisions of Chapter 120, Florida Statutes, and these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District.

(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 proposed rules 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 1.5(3) of this 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 a statement of how a person may promptly obtain a copy of any preliminary draft, if available. The notice shall be published at least 29 days prior to the public hearing on the proposed rule.
- (b) All rules should be drafted in accordance with Chapter 120, 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 or the Laws of Florida 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), 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), Florida Statutes must do so in writing within 21 days after publication of the notice. The notice must state the procedure for requesting a public hearing on the proposed rule unless one is otherwise scheduled, except when the intended action is the repeal of a rule, the notice

shall include a reference both to the date on which and to the place where the notice of rule development that is required by Section 1.5(2) of this Rule appeared.

- (b) The notice shall be published in a newspaper of general circulation in the District not less than 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 14 days prior to such mailing, have made requests of the district for advance notice of its proceedings.

(4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the District chair 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 for the initiation of rulemaking proceedings pursuant to Section 120.54(7), Florida Statutes, must contain the name, address, and telephone number of the petitioner, specific action requested, specific reason for adoption, amendment, or repeal, the date submitted, and shall specify 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 rule or action requested. Petitions to initiate rulemaking shall be filed with the District. The Board shall then act on the petition in accordance with Section 120.54(7), Florida Statutes, except that copies of the petition shall not be sent to the Administrative Procedures Committee.

(6) Rulemaking Materials. After the publication of the notice to initiate rulemaking, the Board shall make available for public inspection and shall provide, upon request and payment of 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; and
- (d) The published notice.

(7) Rulemaking Proceedings - No Hearing. When no hearing is requested and the Board chooses not to initiate a hearing on its own, or if the rule relates

exclusively to organization, practice or procedure, the Board may direct the proposed rule to be filed with the District Office no less than twenty-eight (28) days following notice. Such direction may be given by the Board either before initiating the rule-adoption process or after the expiration of the twenty-one (21) days during which affected persons may request a hearing.

(8) Rulemaking Proceedings - Hearing. The District may, or, upon request of any affected person received within 21 days after the date of publication of the notice of intent to adopt, amend, or repeal the rule, pursuant to Section 1.5 (3) of this Rule, 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.

(9) Request for a Public Hearing.

- (a) A request for a public hearing shall be in writing and shall specify how the person requesting the public hearing would be affected by the proposed rule. The request shall be submitted to the District within 21 days after notice of intent to adopt, amend, or repeal the rule is published as required by law, in accordance with the procedure for submitting requests for public hearing stated in the notice of intent to adopt, amend, or repeal the rule.
- (b) If the notice of intent to adopt, amend, or repeal a rule did not notice a public hearing and the District determines to hold a public hearing, the District shall publish notice of a public hearing in a newspaper of general circulation within the District at least 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.
- (c) Written statements may be submitted by any person within a specified period of time prior to or following the public hearing. All timely submitted written statements shall be considered by the District and made a part of the rulemaking record.

(10) 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 practical 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.

(11) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54, Florida Statutes, except any notices required under section 120.54(2)(d), Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located, or as otherwise provided by applicable Florida law.

(12) Variances and Waivers. Variances and waivers from District rules may be granted subject to the provisions and limitations contained in Section 120.542, Florida Statutes.

(13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings.

Specific Authority: 190.011(5), 190.011(15), 120.54, 190.035, F.S.

Law Implemented: 190.011, 120.54, 190.035(2), F.S.

1.6 Decisions Determining Substantial Interests.

(1) Conduct of Proceedings. A proceeding may be held by the District in response to a written request submitted by a substantially affected person within fourteen (14) days after written notice or published notice of District action or notice of District intent to render a decision. The District notice of action taken or intent to render a decision shall state the time limit for requesting a hearing and shall reference the District's procedural rules. If written request meets the requirements of the Rule, the chair shall designate any member of the Board (including the chair), District Manager, District Counsel, or other person as a hearing officer who shall conduct the hearing ("hearing officer").

(a) Hearings held under this section shall be de novo in nature. The hearing officer has the authority to:

1. Administer oaths and affirmations;
2. Rule upon offers of proof and receive relevant evidence;
3. Regulate the course of the hearing, including any prehearing matters;
4. Enter orders; and
5. Make or receive offers of settlement, stipulation, and adjustment.

(b) 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.

(b) The District shall issue a final order within sixty (60) days:

1. After a recommended order is submitted to the Board and mailed to all parties; or
2. After the Board has received the written and oral material it has authorized to be submitted, if there has been no hearing.

(2) Eminent Domain. After determining the need to exercise the power of

eminent domain pursuant to Subsection 190.11(11), Florida Statutes, the District shall follow those procedures prescribed in Chapters 73 and 74, Florida Statutes. Prior to exercising the power of eminent domain, the District shall:

- (a) Adopt a resolution identifying the property to be taken;
- (b) If the property is beyond the boundaries of the District, obtain approval by resolution of the governing body of the county if taking will occur in an unincorporated area, or of the municipality if the taking will occur within the municipality.

Specific Authority: 190.011(5), 190.011(15), 190.035, F.S.
Law Implemented: 190.011(11), 190.035, F.S.

1.7 Purchasing, Contracts, Construction and Maintenance.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017, Florida Statutes, the following procedures and rules are outlined for the purchase of professional services, contractual services, and goods, supplies, and materials.
- (2) Public Records. All contracts for services shall contain provisions, as required by Section 119.0701, Florida Statutes, that require the contractor or service provider to comply with public records laws.
- (3) Auditing Services. The services of an independent auditor, as required by Florida law, shall be procured in accordance with the requirements and procedures of Section 218.391, Florida Statutes.

Specific Authority: 119.0701, 190.011(5), 218.391, Fla. Stat.

Law Implemented: 119.0701, 190.033, 218.391, Fla. Stat.

1.7.5 Procedure Under Consultants' Competitive Negotiations Act.

In order to comply with the requirements of Section 287.055, Florida Statutes (regarding certain types of professional services), the following procedures are outlined for selection of firms or individuals to provide professional services exceeding the thresholds herein described and in the negotiation of such contracts.

(1) Definitions.

- (a) "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 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.
- (b) "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, 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 from time to time by the State of Florida Department of Management Services to reflect inflation or other measures.
- (c) A "continuing contract" is a contract for professional services (of a type described above), entered into in accordance with this Rule, between the District and a firm or individual whereby the firm or individual provides professional services for the District for work of a specified nature with no time limitation, except that the contract shall provide a termination clause.
- (d) "Emergency purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., 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 decides the delay incident to competitive bidding would be detrimental to the interests of the District. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

(2) Qualifying Procedures. In order to be eligible to provide professional services under this Rule 1.7.5, a consultant must, at the time of receipt of the submittal for qualification:

- (a) Hold the required applicable state professional license 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 Florida in accordance with Chapter 607, Florida Statutes, if the consultant is a corporation.
- (d) Meet any prequalification requirements set forth in the Project or Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District, or anytime requested by the District.

(3) Public Announcement. Prior to a public announcement that professional services are required for a Project, the Board shall identify the Project as meeting the threshold requirement. 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 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 newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least 14 days for the submission of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. Consultants shall provide their name and address to the District Manager for inclusion on the list to receive notices by mail. The District Manager shall make reasonable efforts to provide copies of any notices to such consultants, but failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any valid procurement process. The Board has the right to reject any and all qualification submittals, and such reservation shall be included in the public announcement. Consultants who are not receiving a contract award shall not be entitled to recover any costs of qualification preparation or submittal from the District.

(4) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described above 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 firms regarding their qualifications, and/or public presentation, select and list the firms, 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:

1. The ability and adequacy of the professional personnel employed by the consultant;
2. Past performance for the District and in other professional employment settings;
3. Willingness to meet time and budget requirements;
4. Geographic location of the firm's headquarters or office in relation to the Project;
5. Recent, current and projected workloads of the consultant;
6. Volume of work previously awarded to the consultant by the District; and
7. Whether the consultant is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act.

(b) Nothing in these rules shall prevent the District from evaluating and eventually selecting a consultant if less than three responses, including responses indicating a desire not to submit a formal response on a given project, are received.

(c) If the selection process is administered by any person 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.

(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, 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 within twenty-one (21) days 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 unless modified by the Board, 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 within twenty-one (21) days (unless modified by the Board to the contrary) 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 any of the selected firms within twenty-one (21) days (unless modified by the Board to the contrary) 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.
- (e) Once an agreement with a firm or individual is reached, notice of the award, including the rejection of some or all responses, shall be provided in writing to all responding consultants by United States Mail, by hand delivery, or by overnight delivery service, and by posting same in the District office for seven (7) days.

(6) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a consultant and the District.

(7) 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), F.S.

Law Implemented: 190.011(3), 287.055, 190.033, F.S.

1.8 Procedure for Contractual Services.

(1) Scope. Contractual Services, as defined herein, are not subject to competitive solicitation process pursuant to Section 190.033, Florida Statutes. The District may proceed with a competitive solicitation process for Contractual Services at the Board's discretion. If a proposed agreement will be predominantly for Contractual Services, but also includes purchase of goods, supplies and materials or maintenance services as an incidental part of the Contractual Services, it is not subject to competitive solicitation process, but the District may proceed with competitive solicitation process for Contractual Services at the Board's discretion. If state or federal law prescribes with whom the District must contract, or establishes the rate of payment, then these Rules shall not apply.

(2) Definitions.

- (a) "Contractual Services" means the rendering by a consultant of time and effort rather than furnishing specific goods or commodities. Contractual Services do not include legal (including attorneys, paralegals, court reporters and expert witnesses including appraisers), mediator, artistic, auditing, health, or academic program services or professional services (as defined in these Rules) and shall generally be considered those services as referenced in Section 287.012, Florida Statutes, as contractual services. Contractual Services do not include the extension of an existing contract for services if such extension is provided for in the contract terms.
- (b) "Invitation to Bid" is a written or electronically posted solicitation for competitive sealed bids with the title, date and hour of the public bid opening designated specifically. All invitations to bid shall include a detailed description of the Contractual Services sought, applicable terms and conditions, evaluation criteria, including but not limited to price, renewal terms of a contract and provide for a signature of an authorized representative of the bidder.
- (c) "Request for Proposal" is a written or electronically posted solicitation for sealed proposals with the title, date and hour of the public opening designated and requiring the signature of an authorized representative. All requests for proposal shall include a statement for the Contractual Services sought, the applicable terms and conditions, and evaluation criteria, including but not limited to price, renewal terms of a contract, specifically the price for each year for which contract may be renewed and consideration of prior relevant experience of the contractor. It may provide general

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

- (d) "Responsive bid/proposal" means a bid or proposal which conforms in all material respects to Invitation to Bid or Request for Proposal and these rules, and whose cost components are appropriately balanced. A bid/proposal is not responsive if the person or firm submitting the bid fails to meet any requirement relating to the qualifications, financial stability, or licensing of the bidder, state or federal law or any other requirement set forth in the Invitation to Bid or Request for Proposal. The District shall not request documentation of or consider a contractor's social, political, or ideological interests in determining if a contractor is a responsible contractor.
- (e) "Lowest responsible bid/proposal" means, in the sole discretion of the Board, the bid, in response to the Invitation to Bid or Request for Proposal (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) is responsive to the Invitation to Bid/Request for Proposal as determined by the Board, and (iii) is the lowest cost to the District. Minor variations in the bid/proposal 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/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 supplements, and as otherwise permitted by Florida law. The District may not give preference to a contractor based on the contractor's social, political, or ideological interests.
- (f) "Proposal Most Advantageous to the District" means, in the sole discretion of the Board, the proposal, in response to Request for Proposal (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) that is the most responsive to the Request for Proposal as determined by the Board, and (iii) is for a cost to the District deemed reasonable by the Board. Minor variations in the proposal 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. 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 supplements, and as otherwise permitted by Florida law. To assure full understanding of the responsiveness to the solicitation requirements, discussions may be conducted with qualified proposers. The proposers shall be accorded fair and equal treatment prior to the submittal date with respect to any opportunity for discussion of proposals. The District may not give preference to a contractor based on the contractor's social, political, or ideological interests.

(3) Procedure. When a purchase of Contractual Services is within the scope of this Rule, the following procedures apply:

- (a) The Board shall cause to be prepared a notice of Invitation to Bid or Request for Proposal, as appropriate.
- (b) Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids or proposals unless the Board, for good cause, determines a shorter period of time is appropriate.
- (c) The District may maintain a list of persons interested in receiving notices of Invitation to Bid or Request for Proposal. Persons who provide their name and address, including e-mail address, to the District Manager for inclusion on the list shall receive notices by mail or e-mail. 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) Bids and proposals shall be publicly opened at the time and place noted on the Invitation to Bid and Request for Proposal. Bids and proposals shall be evaluated in accordance with the respective Invitation to Bid or Request for Proposal and these Rules. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps are reasonably necessary to proceed with the procurement of Contractual Services.

- (e) The Board has the right to reject any or all bids or proposals if: the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, there are not enough bids or proposals to be competitive or in the best interest of the District. The right to reject all bids and proposals reservation shall be included in all solicitations and advertisements. Bidders and proposers not receiving a contract award shall not be entitled to recover any costs of bid or proposal preparation or submittal from the District.
- (f) The Lowest and Responsible Bid/Proposal or the most advantageous to the District, as appropriate, shall be accepted. The Board may require bidders to furnish performance, bid and/or other bonds with a responsible surety to be approved by the Board.

(4) Notice. Notice of award or intent to award a contract, including the rejection of some or all bids or proposals, shall be provided in writing to all bidders and proposers by United States Mail, by hand delivery, or by overnight delivery service, and by posting same in the District office for seven (7) days. The notice shall include a statement to the effect that failure to file a protest in accordance with the Rules within the time prescribed shall constitute a waiver of proceedings under the Rules.

(5) Contract Renewal. Renewal of a contract for Contractual Services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract, unless otherwise provided in the initial contract. Contracts shall not be renewed for more than three (3) years or the term of the original contract, whichever is longer, unless competitively procured. Renewals may be contingent upon satisfactory performance evaluations by the District and the availability of funds. Renewal of a contract must be in writing and subject to the same terms and conditions set forth in the initial contract and any written amendments.

(6) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.

(7) Piggybacking. Pursuant to Section 189.053, Florida Statutes, the District may purchase commodities and contractual services, other than services the acquisition of which is governed by Section 287.055, Florida Statutes, as amended, from the purchasing agreements of other special districts, municipalities or counties which have procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations and which are otherwise in compliance with general law if the purchasing agreement of the other

special district, municipality, or county was procured by a process that would have met the procurements requirements of the purchasing District.

Specific Authority: 190.011(5), 190.011(15), F.S.

Law Implemented: 190.011(3), 190.033, 287.055, 189.053, F.S.

1.9 Purchase of Goods, Supplies or Materials.

(1) Scope. All purchases of goods, supplies or materials shall be purchased in accordance with the provisions of Chapter 287, Florida Statutes (as amended), and under the terms of these Rules. Where the Statute may conflict with this Rule, the Statute shall prevail. Contracts for purchases of "goods, supplies and materials" do not include printing, insurance, advertising or legal notices.

(2) Procedure. When a purchase of goods, supplies or materials is within the scope of this Rule, the procedures provided in Rule 1.8(3)(a)-(e) and (4) apply and the following provision: the Lowest and Responsible Bid/Proposal or the most advantageous to the District, as appropriate, shall be accepted. If the Lowest responsive bid/proposal is submitted by a responsive and responsible bidder/proposer 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 responsive and responsive bidder/proposer whose principal place of business is in the State of Florida shall be awarded a preference of 5%. The Board may require bidders to furnish performance, bid and/or other bonds with a responsible surety to be approved by the Board.

(3) Piggybacking. Rule 1.8(7) shall apply to this Rule.

Specific Authority: 190.011(5), 190.011(15), F.S.

Law Implemented: 189.053, 190.033, 287.017, 287.084, F.S.

1.10 Contracts for Construction of Authorized Project.

(1) Scope. All contracts for the construction or improvement of any building, structure or other public construction works authorized by Chapter 190, 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, Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and comply with the bidding procedures of Section 255.20, Florida Statutes, as the same may be amended from time to time. In the event of conflict between these Rules and Section 255.20, Florida Statutes, the latter shall control. A project shall not be divided solely to avoid the threshold bidding requirements.

(2) Bidding Thresholds. The District, when seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. For electrical work, the District must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$75,000. As used in this section, the term, “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials, insurance costs, and the cost of direct materials to be used in the construction of the project, and other direct costs, plus a factor of 20% for management, overhead, and other indirect costs. The provisions of Section 255.20(1)(b) and (1)(c), Florida Statutes, as amended, pertaining to pre-qualification of contractors are applicable to the District. The provisions of this Rule, subsection (2) herein do not apply to those enumerated circumstances set forth in Section 255.20(1)(c), Florida Statutes, as amended. The threshold amounts set forth herein shall be adjusted by the percentage change in the Engineering News-Record’s Building Cost Index from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.

(3) Procedure.

- (a) The solicitation of competitive bids or proposals for any District construction project that is projected to cost more than the thresholds provided in this Rule, subsection (2) above shall be

publicly advertised at least once in a newspaper of general circulation in the county in which the District is located at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The solicitation of competitive bids or proposals for any District construction project that is projected to cost more than \$500,000 shall be publicly advertised in a newspaper of general circulation in the county where the District is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the procedures required in this Rule, subsection (3)(a) may be altered by the District Board of Supervisors in any manner that is reasonable under the emergency circumstances. If the location, date, or time of the bid opening changes, written notice of the change must be given by the District, as soon as practicable after the change is made, to all persons who are registered to receive any addenda to the plans and specifications. As used in this subsection, the term "emergency" means an unexpected turn of events that causes: (i) an immediate danger to the public health or safety; or (ii) an immediate danger of loss of public or private property; or (iii) an interruption in the delivery of an essential government service.

- (b) The District may maintain a list of persons interested in receiving notices of Invitation to Bid or Request for Proposal. Persons who provide their name and address, including e-mail address, to the District Manager for inclusion on the list shall receive notices by mail or e-mail. 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.
- (c) In order to be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of the bids or proposals:
 - (1) Hold the required applicable state professional license in good standing;
 - (2) Hold all required applicable federal licenses in good standing, if any;
 - (3) Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter

607, Florida Statutes, if the bidder is a corporation; and

- (4) Meet any special prequalification requirements set forth in the Invitation to Bid or Request for Proposal.

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

- (d) Bids or proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposal and announcement of the name of each bidder and price submitted in the bid in accordance with section 255.0518, Florida Statutes. Bids and proposals shall be evaluated in accordance with the Invitation to Bid or Request for Proposals and these Rules.
- (e) To assist in the determination of the lowest responsive and responsible bidder, the District Representative may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.
- (f) In determining the lowest responsive and responsible bidder, the District Representative may consider, in addition to factors described in the Invitation to Bid or Request for Proposal, the following:
 - 1. The ability and adequacy of the professional personnel.
 - 2. Past performance for the District and in other professional employment settings.
 - 3. Willingness to meet time and budget requirements.
 - 4. Geographic location of the firm headquarters or office in relation to the project.
 - 5. Recent, current and projected workloads of the bidder.
 - 6. Volume of work previously awarded to the bidder.
 - 7. Whether the cost components of the bid response are appropriately balanced.
- (g) The Lowest Responsive and Responsible Bid/Proposal shall be

accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders to furnish performance and/or other bonds with a responsible surety to be approved by the Board. If the Board receives fewer than three responses to an Invitation to Bid or Request for Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid. In the event the bids exceed the amount of funds available to or allocated by the District for this purchase, the bids may be rejected. Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.

(h) Notice of the award or intent to award, including rejection of some or all bids or proposals, shall be provided in writing to all bidders/proposers by United States Mail, by hand delivery, or by overnight delivery service, and by posting the same in the District office for seven (7) days. The notice shall include a statement to the effect that failure to file a protest in accordance with the Rules within the time prescribed shall constitute a waiver of proceedings under the Rules.

Specific Authority: 190.011(5), 190.011(15), 255.20, F.S.

Law Implemented: 190.033, 255.20, 255.0525, F.S.

1.11 Contracts for Maintenance Services.

(1) Scope. All contracts for maintenance of any District facility or project shall be let under the terms of these Rules if the cost exceeds the amount provided in Sections 287.017(4), Florida Statutes, for CATEGORY FOUR, as such category may be indexed or amended from time to time by the State of Florida. The maintenance of these facilities or projects may involve the purchase of contractual services and/or goods, supplies or materials as defined in herein. Where a contract for maintenance of such a facility or project includes goods, supplies or materials and/or contractual services, the District may, in its sole discretion, award the contract according to the Rules in this subsection in lieu of separately bidding for maintenance, goods, supplies or materials, and contractual services. However, a project shall not be divided solely in order to avoid the threshold bidding requirements.

(2) Procedure and Notice. The procedures and Notice requirements provided in Rule 1.8(3) and (4) apply.

Specific Authority: 190.011(5), 190.011(15), F.S.

Law Implemented: 190.033, F.S.

1.12 Purchase of Insurance.

(1) Scope. The purchase of life, health, accident, hospitalization, legal expense or annuity insurance, or all or any kind of such insurance for the officers and employees of the District, and for health, accident, hospitalization and legal expense insurance for the dependents of such officers and employees upon a group insurance plan by the District, shall be governed by these Rules. Nothing in this Rules 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 Invitation to Bid shall be advertised at least once in a newspaper of general circulation in the County and in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.
- (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. Persons who provide their name and address, including e-mail address, to the District Manager for inclusion on the list shall receive notices by mail or e-mail. 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) Bids shall be opened at the time and place noted on the Invitation to Bid.
- (e) If only one response to an Invitation to Bid 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 which 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 District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, past performance for 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 award or 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, and by posting the same in the District office for seven (7) days. The notice shall include a statement to the effect that failure to file a protest in accordance with the Rules within the time prescribed shall constitute a waiver of proceedings under the Rules.

Specific Authority: 190.011(5), 190.011(15), F.S.

Law Implemented: 112.08, F.S.

1.13 Bid Protests Under Consultants' Competitive Negotiations Act.

Notwithstanding any other provision in these Rules, the resolution of any protests regarding the decision to solicit or award a contract for a bid or proposal under Rule 1.7.5, shall be in accordance with this section.

(1) Filing of Protest.

- (a) As to protest regarding qualifications or other requirements contained in a Request for Qualifications issued by the District, a notice of protest shall be filed in writing within seventy-two (72) hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications (hereinafter "Notice of Protest"). The Notice of Protest shall sufficiently identify the solicitation for the Request for Qualifications. A formal written protest shall be filed with the District within seven (7) days (excluding Saturdays, Sundays, and state holidays) after the date of filing of the notice of protest setting forth with particularity the facts and law upon which the protest is based (hereinafter "Formal Protest").
- (b) With respect to a protest of the specifications contained in an Invitation to Bid or in a Request for Proposals, the Notice of Protest shall be filed in writing within seventy-two (72) hours after the notice of the project plans and specifications (or intended project plans and specifications) are available by the District for distribution to any potential bidder or proposer in an Invitation to Bid or Request for Proposals. Formal Protest shall be filed within seven (7) days after the date the of notice of protest is filed setting forth with particularity the facts and law upon which the protest is based.
- (c) Failure to file a Notice of Protest shall constitute a waiver of all rights to protest in the District proceeding with the procurement process and awarding a contract. Failure to file a Formal Protest shall constitute an abandonment and automatic termination of the protest proceedings.

(2) Award Process. Upon receipt of a Notice of Protest which has been timely filed, the District shall stop the bid/proposal/qualification solicitation process (or the contract and award process) until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare, or where delay will jeopardize funding for the project, the award process may continue.

(3) Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties. Either the District or the protester may request a meeting to resolve the protest by mutual agreement by providing written notice of this request. The District will endeavor to schedule such a meeting within (7) days (excluding Saturdays, Sundays and state holidays) upon receipt of an aforementioned written request.

(4) Proceedings. If the subject of a protest is not resolved by mutual agreement, a proceeding shall be conducted in accordance with the procedural guidelines set forth in Rule 1.6(1).

Specific Authority: 120.57(3), 190.011(5), F.S.

Law Implemented: 120.57(3), 190.033, F.S.

1.14 Bid Protests Relating To Any Other Award.

The resolution of any protests with respect to proceedings under Rules 1.8, 1.9, 1.10, 1.11 and 1.12 shall be in accordance with this section 1.14.

(1) Filing of Protest.

(a) Any firm or person who is affected adversely by a District decision to award a contract shall file with the District a written notice of protest within seventy-two (72) hours (excluding Saturdays, Sundays and state holidays) after receipt of the notice of the District's decision (hereinafter "Notice of Protest"). A formal written protest shall be filed by the protestor within seven (7) calendar days after timely filing the Notice of Protest, setting forth with particularity the facts and law upon which the protest is based (hereinafter "Formal Protest"). For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to timely file a Notice of Protest or failure to timely file a Formal Protest shall constitute a waiver of any right to object to or protest the District's decision or contract award.

(b) With respect to a protest regarding the Invitation to Bid/Request for Proposal documents, including specifications or other requirements contained therein, the Notice of Protest shall be filed in writing within seventy-two (72) hours after the availability of the of the proposed project plans and specifications or other contract documents to any potential bidder/proposer as set forth in the advertisement/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 after the Notice of Protest was filed. Failure to timely file a Notice of Protest or failure to timely file a Formal Protest shall constitute a waiver of any right to object to or protest with respect to the aforesaid plans, specifications or contract documents.

(2) Award Process. Upon receipt of a timely filed Notice of Protest, the District shall abate the contract award process until the protest is resolved by final Board action. However, if the District determines particular facts and circumstances require the continuance of the contract award process without delay in order to avoid immediate and serious danger to the public health, safety, or welfare, or will jeopardize funding for the project, the contract award process may continue. In such circumstances, the contract awarded shall be conditioned on the outcome of the protest.

(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 posted in the office of the District not less than three (3) calendar days prior to such informal proceeding, with copy being mailed to the protestor and any substantially affected person or parties. 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 above, the District shall schedule a formal hearing to resolve the protest in accordance with the procedural guidelines set forth in Rule 1.6(1).

(5) Intervenors. Substantially affected persons other than the protestor may join the proceedings as intervenors and/or at the discretion of the District, the District may combine more than one protest for informal or formal proceedings, as long as such combination is conducted or combined proceeding on appropriate terms which shall not unduly delay the protest proceedings.

(6) Rejection by District. If the Board determines that there was a violation of law, defect, or an irregularity in the competitive solicitation process, the bids, proposal, and/or responses are too high, or if the board determines it is otherwise in the District's best interest, the Board may reject all bids, proposals and responses and start the competitive solicitation process anew. If the Board decides to reject all 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), F.S.
Law Implemented: 190.033, F.S.

1.15 Design-Build Contract Competitive Proposal Selection Process.

- (1) Scope. The District may utilize design-build contracts for any public construction project for which the Board determines that use of such contracts is in the best interest of the District. When letting a design/build contract, the District shall use the following procedure:
 - (a) The District shall utilize a design criteria professional meeting pursuant to the requirements of Section 287.055(2)(k) when developing a design criteria package ("Design Criteria Package"), evaluating the responses or bids 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, Florida Statutes, or may be retained using Rule 1.7.5, Procedure Under Consultant's Competitive Negotiations Act.
 - (b) A Design Criteria Package for the construction project shall be developed and sealed by the design criteria professional. The package shall include concise, performance-oriented drawings or specifications of the project, and shall include sufficient information to put interested firms on notice of substantially all of the requirements of the project. 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. All 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.
 - (c) The Board, in consultation with the design criteria professional, shall establish the standards and procedures for the evaluation of design-build proposals based on price, technical, and design aspects of the project, weighted for the project.
 - (d) After the 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 thirty (30)

days for submittal of proposals, unless the Board, for good cause, determines a shorter period of time is appropriate, unless required by law.

2. The District may maintain lists of firm's qualifications information, including capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small Business and Minority Assistance Act of 1985, and other factors, on design-build firms interested in receiving notices of Request for Proposals. Such firms shall provide their name and address, including e-mail address, to the District Manager for inclusion on the list and shall receive a copy of the request for proposals by mail or e-mail. However, failure of a firm 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 license in good standing, as defined by Section 287.055(2)(h), 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 Florida in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation; and
 - (d) Meet any special prequalification requirements set forth in the Design Criteria Package.

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

- (e) The Board may either choose to award the design-build contract pursuant to section 287.055(9), Florida Statutes, or pursuant to Rule 1.7.5

qualifications process for consultants, as long as a guaranteed maximum price and guaranteed completed date are established subsequent to competitive negotiations.

(f) The Board shall select no fewer than three (3) design-build firms as the most qualified, based on the information submitted in the response to the request for proposals, and in consultation with the design criteria professional, shall evaluate their proposals based on the evaluation standards and procedures established prior to the solicitation of requests for proposal.

(g) 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 proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

(h) 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 to be fair, competitive, and reasonable. Should the Board be unable to negotiate a satisfactory agreement with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Failing agreement with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third firm. Should the Board be unable to negotiate a satisfactory agreement 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.

(i) After the Board contracts with a firm, the firm shall bring to the Board for approval detailed working drawings of the project.

(j) The design criteria professional shall evaluate the compliance of the project construction with the Design Criteria Package and shall provide the Board with a report of the same.

- (2) 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.

Specific Authority:	190.011(5), 190.011(15), F.S.
Law Implemented:	190.033, 255.20, 287.055, 255.0525, F.S.

1.16 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) Bond. Upon entering into a contract for any of the services described in this Rule 1.16(1) in excess of \$200,000, the Board shall require that the contractor, before commencing the work under the contract, execute and record in the public records of the county a payment and performance bond in an amount equal to the contract price with a surety insurer authorized to do business in the state. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided the District a certified copy of the recorded bond.
- (3) Discretionary Bond. At the discretion of the Board, upon entering a contract for any of the services described in this Rule 1.16(1) 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), F.S.

Law Implemented: 255.05, F.S.

2.0 Effective Date.

These Rules shall be effective October 20 2025, except that no election of officers required by these Rules shall be required until after the next regular election for the Board of Supervisors.

Certificate Of Completion

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Juliana Duque

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District Manager - Assistant Secretary

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Mike Levak

mlevak@cchomes.com

VP

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