

**AVENTURA ISLES**  
**COMMUNITY DEVELOPMENT**  
**DISTRICT**

**REGULAR MEETING**  
**AGENDA**

November 13, 2017

**Aventura Isles Community Development District**  
**OFFICE OF THE DISTRICT MANAGER**  
2300 Glades Road, Suite 410W●Boca Raton, Florida 33431  
Phone: (561) 571-0010●Toll-free: (877) 276-0889●Fax: (561) 571-0013

November 6, 2017

Board of Supervisors  
Aventura Isles Community Development District

<p><b><u>ATTENDEES:</u></b> Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.</p>
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Dear Board Members:

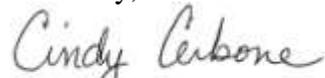
A Regular Meeting of the Aventura Isles Community Development District's Board of Supervisors will be held on Monday, November 13, 2017, *immediately following the Landowners' Meeting scheduled to commence at 1:00 p.m.*, at the Office Park at California Club, 1031 Ives Dairy Road, Suite 228, Miami, Florida 33179. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Administration of Oath of Office to Newly Elected Supervisors (*the following to be provided in a separate package*)
  - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
  - B. Membership, Obligations and Responsibilities
  - C. Financial Disclosure Forms
    - i. Form 1: Statement of Financial Interests
    - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests
    - iii. Form 1F: Final Statement of Financial Interests
  - D. Form 8B – Memorandum of Voting Conflict
4. Consideration of Resolution 2018-01, Canvassing and Certifying the Results of the Landowners' Election
5. Consideration of Resolution 2018-02, Electing Officers of the District
6. Discussion: Rules of Procedure
7. Discussion: Rules Regarding Use of District's Main Parks and Dog Parks

8. Approval of Unaudited Financial Statements as of September 30, 2017
9. Approval of September 25, 2017 Rescheduled Public Hearing and Special Meeting Minutes
10. Other Business
11. Staff Reports
  - A. District Counsel
  - B. District Engineer
  - C. District Manager
    - i. NEXT MEETING DATE: December 4, 2017 at 1:00 p.m.
12. Supervisors' Requests and Public Comments
13. Adjournment

Should you have any questions, please do not hesitate to contact me directly at (561)-346-5294.

Sincerely,

  
Cindy Cerbone

Cindy Cerbone  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**

**Call-in number: 1-888-354-0094**

**Conference ID: 8518503**

**RESOLUTION 2018-01**

**A RESOLUTION CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS' ELECTION OF SUPERVISORS FOR THE AVENTURA ISLES COMMUNITY DEVELOPMENT DISTRICT HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE**

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

WHEREAS, following proper publication of notice thereof, such landowners' meeting was held November 13, 2017, at which the below recited persons were duly elected by virtue of the votes cast in their favor; and

WHEREAS, this resolution canvasses the votes, and declares and certifies the results of said election;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVENTURA ISLES 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 shown, to wit:

_____	Votes	_____
_____	Votes	_____
_____	Votes	_____

2. In accordance with said statute, and by virtue of the number of votes cast for the respective Supervisors, he/she is declared to have been elected for the following term of office:

_____	four (4)-year term	SEAT _____
_____	four (4)-year term	SEAT _____
_____	two (2)-year term	SEAT _____

3. Said terms of office shall commence immediately upon the adoption of this Resolution.

PASSED AND ADOPTED this 13<sup>th</sup> day of November, 2017.

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Secretary/Assistant Secretary

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Chair/Vice Chair

**RESOLUTION 2018-02**

**A RESOLUTION ELECTING THE OFFICERS OF THE AVENTURA ISLES COMMUNITY DEVELOPMENT DISTRICT, MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Aventura Isles Community Development District held their Landowners' Election on November 13, 2017; and

WHEREAS, the Board of Supervisors of the Aventura Isles Community Development District desires to elect the below recited persons to the offices specified in order to properly conduct District-related business.

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

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

Chair	_____
Vice Chair	_____
Secretary	_____ Craig Wrathell _____
Treasurer	_____ Craig Wrathell _____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____ Cindy Cerbone _____
Assistant Treasurer	_____ Jeff Pinder _____

2. This resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 13<sup>th</sup> day of November, 2017.

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

\_\_\_\_\_  
Chair/Vice Chair

**RULES OF PROCEDURE**

**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

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**RULES OF PROCEDURE  
AVENTURA ISLES COMMUNITY DEVELOPMENT DISTRICT**

1.0 Organization

- (1) Aventura Isles Community Development District (the “District”) was created pursuant to the provisions of Chapter 190, Florida Statutes and was established to provide for 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 the Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) 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:** s.s. 190.011(5), 120.53(1)(a), Fla. Stat.

**Law Implemented:** s.s. 190.011(5), 120.53(1)(a), Fla. Stat.

1.1 Board of Supervisors: Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (the “**Board**”) shall consist of five (5) members. Members of the Board (“**Supervisors**”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected by resident electors must be citizens of the United States of America, residents of the State of Florida and of the District, registered to vote with the Supervisor of Elections of the county in which the District is located, and qualified. The Board shall exercise the powers granted to the District under Florida law.
  - (a) Supervisors shall hold office for the term specified by Section 190.006, Florida Statutes. If, during the term of office, any Supervisor vacates his/her office, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the term. If three or more

vacancies exist at the same time, a quorum, as defined herein, shall not be required to appoint replacement Supervisors.

- (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(9), a Board member participating in the Board meeting by teleconference, videoconference or other electronic means 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 Supervisor 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 or appointment where the newly elected members take office, the Board shall select a Chair, Vice-Chair, Secretary, Assistant Secretary, and Treasurer.
- (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 vacancy. The Chair serves at the pleasure of the Board. The Chair or Vice-Chair shall be authorized to execute resolutions and contracts on behalf of the Board. 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 Chair or Vice-Chair may request the District Manager or other district staff to convene and conduct any meeting of the Board.
  - (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 contracts on the District's behalf in the absence of the Chair. If the Vice-Chair resigns from 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 the State 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) In the event that both the Chair and Vice Chair 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 Chair and Vice Chair 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 Chair, Vice Chair, 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, 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 the District Office and shall be available for inspection by the public.
- (5) Meetings. The Board shall establish each fiscal year, an annual schedule of regular meetings, which shall be submitted to the county and the state of Florida. Said schedule shall be posted and/or published to the extent required by Chapter 189, Florida Statutes. All meetings of the Board shall be open to the public in accord with the provisions of Chapter 286, Florida Statutes.

- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143, Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, “voting conflict of interest” shall be governed by Chapters 112 and 190, 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 (Form 8B) which shall then be signed by the Board member, filed with the Board’s Secretary, and attached 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 they have 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 shall immediately be provided to other Board members and shall read publicly at the next meeting held subsequent to the filing of the written memorandum.

**Specific Authority:** s.s. 190.001, 190.011(5), Fla. Stat.

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

## 1.2 Public Information and Inspection of Records.

- (1) Public Records. All District public records within the meaning of Chapter 119, Florida Statutes, and not otherwise restricted by law, including the “Records of Proceedings”, may be copied or inspected at the District Office during regular business hours. Unless otherwise designated by the Board, the official District office shall be the District Manager’s office as 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 those documents required by law. 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 Supervisor 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.

- (2) Copies. Copies of public records shall be made available to the requesting person at the current rate authorized under Section 119.07(4), Florida Statutes. The requesting person may be required to pay for any charges in advance.

**Specific Authority:** s.s. 190.011(5), 120.53, Fla.Stat.

**Law Implemented:** s.s. 190.006, 119.07, 120.53, Fla. Stat.

### 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by Statute or these Rules, at least seven (7) days public notice shall be given of any public meeting, hearing, or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and 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, hearing or workshop;
  - (c) The District Office address for the submission of requests for copies of the agenda;
  - (d) The following language: “Pursuant to the 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. If you are hearing or speech impaired, please contact Florida Relay Service at 1-800-955-8770, who can aid you in contacting the District Office.”
  - (e) The following language: “A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.”
- (2) Agenda. The District Manager, under the guidance of the Chair or those members of the Board calling for the meeting/hearing/workshop, shall prepare a notice and an agenda of the meeting/hearing/workshop. Except as otherwise provided by Florida law, the notice and agenda shall be available to the public at least seven (7) days before the meeting/hearing/workshop except in an emergency. The agenda may be changed before or at the meeting/hearing/workshop by a vote of the Board.

- (a) 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  
Audience Questions and Comments on Agenda Items  
Review of minutes  
Specific items of old business  
Specific items of new business  
Staff reports  
    (a) District Counsel  
    (b) District Engineer  
    (c) District Manager  
Supervisor's requests and comments  
Audience Questions and Comments  
Adjournment

- (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 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.
- (5) Emergency Meetings. The Chair, or Vice Chair if the Chair is unavailable, may convene an emergency meeting of the Board without first having complied with subsections (1) and (2) 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 twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. 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 major 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 public shall be provided the opportunity to be heard on any proposition that will come before the Board at a meeting. The Board shall set aside a reasonable amount of time for public comment on agenda items, and the time for public comment shall be identified in the agenda. Persons wishing to address the Board should notify the Secretary of the Board prior to the "Audience

Comment” section of the agenda. Policies governing audience comment may be adopted by the Board in accordance with Florida law.

- (7) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008, Florida Statutes. Once adopted in accord with Section 190.008, 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.
- (8) 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.
- (9) Participation by Teleconference/Videoconference. Except as otherwise provided in Florida law, District staff may participate in Board meetings teleconference, videoconference or other electronic means. Board members may also participate in Board meetings by teleconference, videoconference or other electronic means 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, videoconference or other electronic means, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist.
- (10) Continuances. Any meeting of the Board or any item or matter included on the agenda for a meeting may be continued without re-notice or re-advertising provided that the continuance is to a specified date, time and location publicly announced at the meeting where the item or matter was included on the agenda.
- (11) Resident Committee Meetings. The Board may establish resident committees as needed. Such committee meetings shall be noticed to the public at least seven (7) days in advance. Notice shall be posted at the community clubhouse (or such other community location designated by the Board) and the District’s website.

**Specific Authority:** s.s. 190.005, 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.007, 190.008, 120.53, 286.0105, 286.0114, 120.54, Fla. Stat.

## 2.0 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 paragraph (3). The notice of rule development shall indicate the subject area to be addressed by rule development, provide short, plain explanation of the purpose and effect of the proposed rule, cite 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.
- (b) All rules shall be drafted in accord 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), must do so in writing within twenty-one (21) days after publication of the notice; and a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the District if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to Section 120.541(3). The notice must state the procedure for requesting a public hearing on the proposed rule unless one is otherwise scheduled or required under Florida Statutes. Except when the intended action is the repeal of a rule, the notice must include a reference both to the date on which and to the place where the notice of rule development that is required by subsection (2) appeared.
- (b) The notice shall be published in a newspaper of general circulation in the 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 proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing. Notice will then be mailed to all persons whom, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its proceedings.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the 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 substantial interest in the 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 Procedure Committee, and notice may be given in a newspaper of general circulation in the county in which the District is located.
- (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 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, Florida Statutes; and
  - (d) The published notice.

- (7) Rulemaking Proceedings – No Hearing. When no hearing is requested or required under Florida Statutes 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 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. If the proposed rule does not relate exclusively to organization, practice or procedure, the District shall provide, upon request, 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. Any affected person may request a hearing within twenty-one (21) days after the date of publication of the notice of intent to adopt, amend or repeal a rule. When a public hearing is held, the District must ensure that the Board members are available to explain the District’s proposal and to respond to questions or comments regarding the rule. If one or more requested public hearings is scheduled, the Board shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing.
- (9) Request for 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 twenty-one (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 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.
- (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 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 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.
- (11) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54, Florida Statutes.
- (12) Variations and Waivers. Variations and waivers from District rules may be granted pursuant to the provisions and limitations contained in Section 120.542, Florida Statutes.

**Specific Authority:** s.s. 190.011(5), 190.011(15), 120.54, 190.035, Fla. Stat.

**Law Implemented:** s.s. 120.54, 190.035(2), Fla. Stat.

### 3.0 Decisions Determining Substantial Interests.

- (1) Conduct of Proceedings. Proceedings 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. Notice of both action taken by the District and the District's intent to render a decision shall state the time limit for requesting a hearing and shall reference the District's procedural rules. If a hearing is held, the Chair shall designate any member of the Board (including the Chair), District Manager, District General Counsel, or other person to conduct the hearing.

The person conducting the hearing may:

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;
5. Make or receive offers of settlement, stipulation, and adjustment.

- (a) The person conducting the hearing 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 forty-five (45) days:
  - 1. After the hearing is concluded, if conducted by the Board;
  - 2. After a recommended order is submitted to the Board and mailed to all parties, if the hearing is conducted by persons other than the Board; or
  - 3. 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 the taking will occur in an unincorporated area, or of the municipality if the taking will occur within the municipality.

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

**Law Implemented:** s.s. 190.011(11), Fla. Stat.

#### 4.0 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, definitions and rules are outlined for the purchase of professional, construction, maintenance, and contract services, and goods, supplies, materials, and insurance.
- (2) Definitions.
  - (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 whereby the firm 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.

- (b) “Contractual services” means rendering 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), artistic, auditing, health, or academic program services, or professional services (as defined in Section 287.055(2)(a), Florida Statutes and these Rules) and shall generally be considered the services referenced by Section 287.012(8), Florida Statutes. Contractual services do not include the extension of an existing contract for services if such extension is provided for in the contract terms.
- (c) “Emergency purchases” means 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 finds that the delay incident to competitive solicitation would be detrimental to the interests of the District.
- (d) “Goods, supplies and materials” do not include printing, insurance, advertising, or legal notices.
- (e) “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 involved. It includes printed instructions prescribing conditions for bidding, evaluation criteria, and provides for a manual signature of an authorized representative.
- (f) “Lowest Responsible bid/proposal” means, in the sole discretion of the Board, the bid or proposal (i) is submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the lowest cost to the District. Minor variations in the bid may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (g) “Most Advantageous bid/proposal” means, in the sole discretion of the Board, the bid or proposal (i) is submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the most advantageous bid or proposal to the District. Minor variations in the bid may be waived by the Board.

Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.

- (h) “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 an architect, professional engineer, landscape architect or registered surveyor and mapper, in connection with the firm’s or individual’s professional employment or practice.
- (i) “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.
- (j) “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 government entity or political subdivision of the state.
- (k) “Request for Proposal” 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, proposal instructions, work detail analysis and evaluation criteria as necessary.
- (l) “Responsive bid/proposal” means a bid or proposal which conforms in all material respects to the specifications and conditions in the invitation to bid or request for proposal and these Rules, and the cost components of which 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.

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

**Law Implemented:** s.s. 190.033, Fla. Stat.

#### 4.1 Purchase of Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended from time to time, shall be purchased under the terms of these Rules. 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 following is appropriate:
  - (a) The Board shall cause to prepare an Invitation to Bid or Request for Proposal, as appropriate.
  - (b) The Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation within 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 lists of persons interested in receiving notices of invitations to bid or requests for proposals. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail.
  - (d) Bids or proposals shall be opened at the time and place noted on the Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance with the invitation or request and these Rules.
  - (e) The Most Advantageous Bid or 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 that it is in the best interests of the District. In the event the bids exceed the amount of funds available to be allocated by the District for this purchase, the bids may be rejected. The board may require bidders to furnish performance and/or other bonds with a responsible surety to be approved by the Board.
  - (f) Notice of 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 same in the District Office for seven (7) days.
  - (g) If only one response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement of goods, supplies or materials. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of goods, supplies, and materials.

- (h) If the District does not receive a response to its competitive solicitation, the District may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the District.
- (i) 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:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

#### 4.2 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) Procedure.

- (a) 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 twenty-one (21) days for submittal of sealed bids, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than \$500,000 must be noticed at least thirty (30) days prior to the date of submittal for bids.
- (b) The District may maintain lists of persons interested in receiving notices of Invitation to Bid or Requests for Proposals. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
- (c) To be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of its bid proposal:
  - 1. Hold all required applicable state professional licenses in good standing.

2. Hold all required applicable federal licenses in good standing, if applicable.
3. If the bidder is a corporation, hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
4. Meet any special pre-qualification requirement set forth in the bid/proposal specifications.

Evidence of compliance with these Rules may be submitted with the bid or proposal, if required by the District.

- (d) Bids or proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposals. Bids or proposals shall be evaluated in accordance with the Invitation to Bid or Request for Proposal and these Rules.
- (e) To assist in the determination of the most advantageous 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 most advantageous bidder, the District Representative may consider, in addition to the factors described in the invitation or request, the following:
  1. The ability and adequacy of the professional personnel employed by each bidder or proposer.
  2. The past performance of each bidder or proposer for the District and in other professional employment settings.
  3. The willingness of each bidder or proposer to meet time and budget requirements.
  4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.
  5. The recent, current, and project workloads of the bidder or proposer.
  6. The volume of work previously awarded to each bidder or proposer.

7. Whether the cost components of each bid or proposal are appropriately balanced.
  8. Whether the bidder or proposer is a certified minority business enterprise.
- (g) The Most Advantageous 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 or proposers to furnish performance bonds and/or other bonds with a responsive surety to be approved by the Board. If the Board receives fewer than three (3) responses to an Invitation to Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid or proposal. 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 or proposers not receiving a contract award shall not be entitled to recover costs of bid or proposal preparation or submittal from the District.
- (h) Notice of the award or intent to award, including rejection of some or all bids, shall be provided in writing to all bidders or proposers by United States Mail, or by hand deliver, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.  
**Law Implemented:** s.s. 190.033, 255.0525, Fla. Stat.

#### 4.3 Contracts for Maintenance Service.

- (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 Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended from time to time by the State of Florida Department of Management Services. The maintenance of these facilities or projects may involve the purchase of contract services and /or goods, supplies or materials as defined herein. Where a contract for maintenance of such facility or project includes goods, supplies or materials and/or contract 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 and materials, and contract services. However, a project shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure.
- (a) 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, unless the Board, for good cause, determines a shorter period of time is appropriate.

- (b) The District may maintain lists of persons interested in receiving notices of Invitations to Bid or Requests for Proposals. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
- (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 and professional licenses 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.
  - 4. Meet any special pre-qualification requirements set forth in the bid proposal specifications.

Evidence of compliance with these Rules may be submitted with the bid, if required by the District.

- (d) Bids or Proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposal. Bids and Proposals shall be evaluated in accordance with the Invitation or Request and these Rules.
- (e) To assist in the determination of the Most Advantageous Bid or Proposal, 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 Most Advantageous Bid or Proposal, the District Representative may consider, in addition to the factors described in the Invitation or request, the following:
  - 1. The ability and adequacy of the professional personnel employed by each bidder or proposer.
  - 2. The past performance of each bidder or proposer for the District and in other professional employment settings.

3. The willingness of each bidder or proposer to meet time and budget requirements.
  4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.
  5. The recent, current, and project workloads of the bidder or proposer.
  6. The volume of work previously awarded to each bidder or proposer.
  7. Whether the cost components of each bid or proposal are appropriately balanced.
  8. Whether the bidder or proposer is a certified minority business enterprise.
- (g) The Most Advantageous Bid or Proposal may be accepted; however, the Board shall have the right to reject all bids or proposals, 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 bonds and/or other bonds with a responsive surety to be approved by the Board. If the Board receives fewer than three (3) responses to an Invitation to Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid or proposal. In the event the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, the bids or proposals may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover costs of bid or proposal 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 or proposers by United States Mail, or by hand deliver, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

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

**Law Implemented:** s.s. 190.033, Fla. Stat.

#### 4.4 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 expenses upon a group insurance plan by the District, shall be governed by these Rules. 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 Invitation to Bid may 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, 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 to the District Office for inclusion on the list shall receive notices by mail.
  - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
  - (e) If only one (1) response to an Invitation 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, 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 need 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 service, and by posting the same in the District Office for seven (7) days.

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

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

#### 4.5 Procedure for Purchasing Contractual Services.

- (1) Scope. All purchases for contractual services (except for maintenance services) may, but are not required to, be made by competitive Invitation to Bid. If state or federal law prescribes with whom the District must contract, or established the rate of payment, then these Rules shall not apply. A contract involving both goods, supplies, and materials plus contractual services may, at the discretion of the Board, be treated as a contract for goods, supplies, and materials.
- (2) Procedure. When a purchase of contractual services is within the scope of this Rule (and the District has elected to follow this procedure), the following procedure shall be followed:
  - (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 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, 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 or Requests for Proposals. The District shall make a good faith effort to provide written notice, by United States Mail, to persons who provide their names and addresses to the District Office for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with these Rules and shall not be the basis for a protest of any contract award.
  - (d) Bids or proposals shall be 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 Invitation to Bid or Request for Proposal and these Rules.
  - (e) If only one (1) response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement for contractual services from such bidder or proposer. If no response to an Invitation to

Bid or Request for Proposal is received, the District may take whatever steps are reasonably necessary in order to proceed with the procurement of the needed contractual services.

- (f) The Board has the right to reject any and all bids or proposals. The reservation regarding the right to reject shall be included in all solicitations and advertisements. If the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, the bids or proposals may be rejected. 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.
- (g) The Most Advantageous Bid or Proposal may be accepted by the District. The Board may require bidders to furnish bid, performance and/or other bonds with a reasonable surety to be approved by the Board.
- (3) Notice. Notice of contract award, including the rejection of some or all bids or proposals, shall be provided in writing to all bidders or proposers by United States Mail, overnight delivery, or by hand delivery, and by posting same in the District Office for seven (7) days.
- (4) 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. Renewal shall be contingent upon satisfactory performance evaluations by the District.
- (5) Contract Manager and Contract Administrator. The Board may designate a representative to function as contract manager, who shall be responsible for enforcing performance of the contract terms and conditions and serve as the liaison with the contractor. The Board may also designate a representative to function as contract administrator, who shall be responsible for maintaining all contract files and financial information. One person may serve as both contract manager and administrator.
- (6) Emergency Purchase. The District may make an emergency purchase of contractual services 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.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.

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

**Law Implemented:** s.s. 190.033(3), Fla. Stat.

#### 4.6 Procedure Under Consultant's 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) Qualifying Procedures. In order to be eligible to submit a bid or proposal, a firm must, at the time of receipt of the bid or proposal:
  - (a) Hold all required applicable state professional licenses in good standing.
  - (b) Hold all required applicable federal licenses in good standing, if any.
  - (c) If the bidder is a corporation, hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
  - (d) Meet any pre-qualification requirements set forth in the project or bid specifications. Qualification standards may include, but are not limited to, capability and adequacy of personnel, past record, and experience of the bidding entity.

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

- (2) 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 by publishing a notice providing a general description of the project and 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 District may maintain lists of persons interested in receiving such notices. These persons are encouraged to submit annually statements of qualifications and performance data. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail. The Board has the right to reject any and all bids, and such reservation shall be included in the public announcement. Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.
- (3) 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 qualification of 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 each firm.
2. Each firm's past performance for the District in other professional employment settings.
3. The willingness of each firm to meet time and budget requirements.
4. The geographic location of each firm's headquarters or office in relation to the project.
5. The recent, current, and projected workloads of each firm.
6. The volume of work previously awarded to each firm.
7. Whether a firm is a certified minority business enterprise.

Nothing in these Rules shall prevent the District from evaluating and eventually selecting a firm if less than three (3) responses, including responses indicating a desire not to submit a formal bid on a given project, are received.

- (b) If the selection process is administered by a 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.

(4) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as the most qualified to perform the required professional services.
- (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 or intent to award, including the 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 same in the District Office for seven (7) days.
- (5) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.
- (6) 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:** s.s. 190.011(5), Fla. Stat.

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

## 5.0 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 shall be in accordance with this section.

- (1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract, including rejection of some or all bids, by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), by certified/registered mail return receipt requested, by hand delivery, or by overnight delivery service (which shall be deemed delivered by the next business day), and by posting same in the District Office for seven (7) days. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Section 5.2 of the Rules of Aventura Isles Community Development District shall constitute a waiver of proceedings under those Rules."
- (2) Filing. Any person who is affected adversely by the District's decision or intended decision shall file with the District a notice of protest within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The notice of protest shall identify the procurement by title and number or any other language that will enable the District to identify it, shall state that the person intends to protest the decision, and shall state with particularity the law and facts upon which the protest is based. 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 receipt of the notice of the project plans and specifications (or intended project plans and specifications) in an Invitation to Bid or Request for Proposals, and the formal written protest shall be filed within seven (7) days after the date when notice of protest is filed. Failure to file a notice of protest, or failure to file a formal written protest, shall constitute a waiver of all further proceedings.
- (3) Award Process. Upon a receipt of a notice of protest which has been timely filed, the District shall stop the bid 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 immediate and serious danger to the public health, safety, or welfare, the award process may continue.
- (4) 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 within seven (7) days, excluding Saturdays, Sundays and legal holidays, upon receipt of a formal written request.

- (5) 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 Section 3.0.

**Specific Authority:** s.s. 120.57(3), 190.011(5) Fla. Stat.

**Law Implemented:** s.s. 120.57(3), 190.033, Fla. Stat.

#### 5.1 Protests With Respect To Contracts Awarded Or Bid Documents.

The resolution of any protests regarding Bid Documents or the decision to award a contract for a bid or proposal shall be in accordance with section 5.1.

- (1) Notice. The District shall give all bidders or proposers written notice of a decision to award or to reject all bids by posting the notice in the District Office for seven (7) days, with a copy being provided to all submitting firms by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), by certified/registered mail return receipt requested, or by hand delivery. The notice shall include the following statement: "Failure to file a written protest with the District within seventy-two (72) hours following the receipt of notice of the District's decision to award a contract shall constitute a waiver of any objection to the award of such contract."

(2) Filing.

- (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 after receipt of the notice of the District's decision, and shall file a formal written protest with the District within seven (7) calendar days after timely filing the initial notice of protest. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt of the District. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object to or protest the District's decision or contract award. The formal written protest shall state with particularity the facts and law upon which the protest is based.

- (b) With respect to a protest regarding the Bid Documents, including specifications or other requirements 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 receipt of the proposed project plans and specifications or other contract documents. The 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 initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object to or protest with respect to the aforesaid plans, specifications or contract documents.
- (3) 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, the contract award process may continue. In such circumstances, the contract awarded shall be conditioned on the outcome of the protest.
- (4) 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 protestant and any substantially affected person or parties. Within fifteen (15) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (5) 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 Section 3.0.

**Specific Authority:** s.s. 120.57, 190 011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

## 5.2 Bid Protests Relating to Any Other Award.

Notwithstanding any other provision in these Rules, the resolution of any protests regarding the decision to solicit or award a contract for a bid proposal under Sections 4.1, 4.2, or 4.5 shall be in accordance with Section 5.2.

- (1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract, including rejection of some or all bids, by United

States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), by certified/registered mail return receipt requested, by hand delivery, or by overnight delivery service (which shall be deemed delivered on the next business day), and by posting same in the District Office for seven (7) calendar days.

- (2) Filing. Any person who is adversely affected by the District's decision or intended decision shall file with the District a notice of protest in writing within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The formal written protest shall state with particularity facts and law upon which the protest is based. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of all further proceedings.
- (3) Award Process. Upon receipt of a notice of protest which has been timely filed, the District shall stop the bid 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, the award process may continue.
- (4) 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 within five (5) days, excluding Saturdays, Sundays and legal holidays, of receipt of a formal written protest.
- (5) Hearing. If the subject of a protest is not resolved by mutual agreement, the District shall hold a proceeding in accordance with the procedural guidelines set forth in Section 3.0.

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

**Law Implemented:** s.s. 190.033, Fla. Stat.

## 6.0 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 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 the requirements of Section 287.055(2)(k) when developing a 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 or may be retained using Section 4.6, 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 seven (7) days for submittal of proposals, unless the Board, for good cause, determines a shorter period of time is appropriate.
  - 2. The District may maintain 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. Such firms shall receive a copy of the request for proposals by mail.
  - 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;
- (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.

- (e) 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.
  - (f) 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 contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Failing accord with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third firm. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached.
  - (g) After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
  - (h) 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:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, 255.20, Fla. Stat.

7.0 District Auditor Selection Procedures.

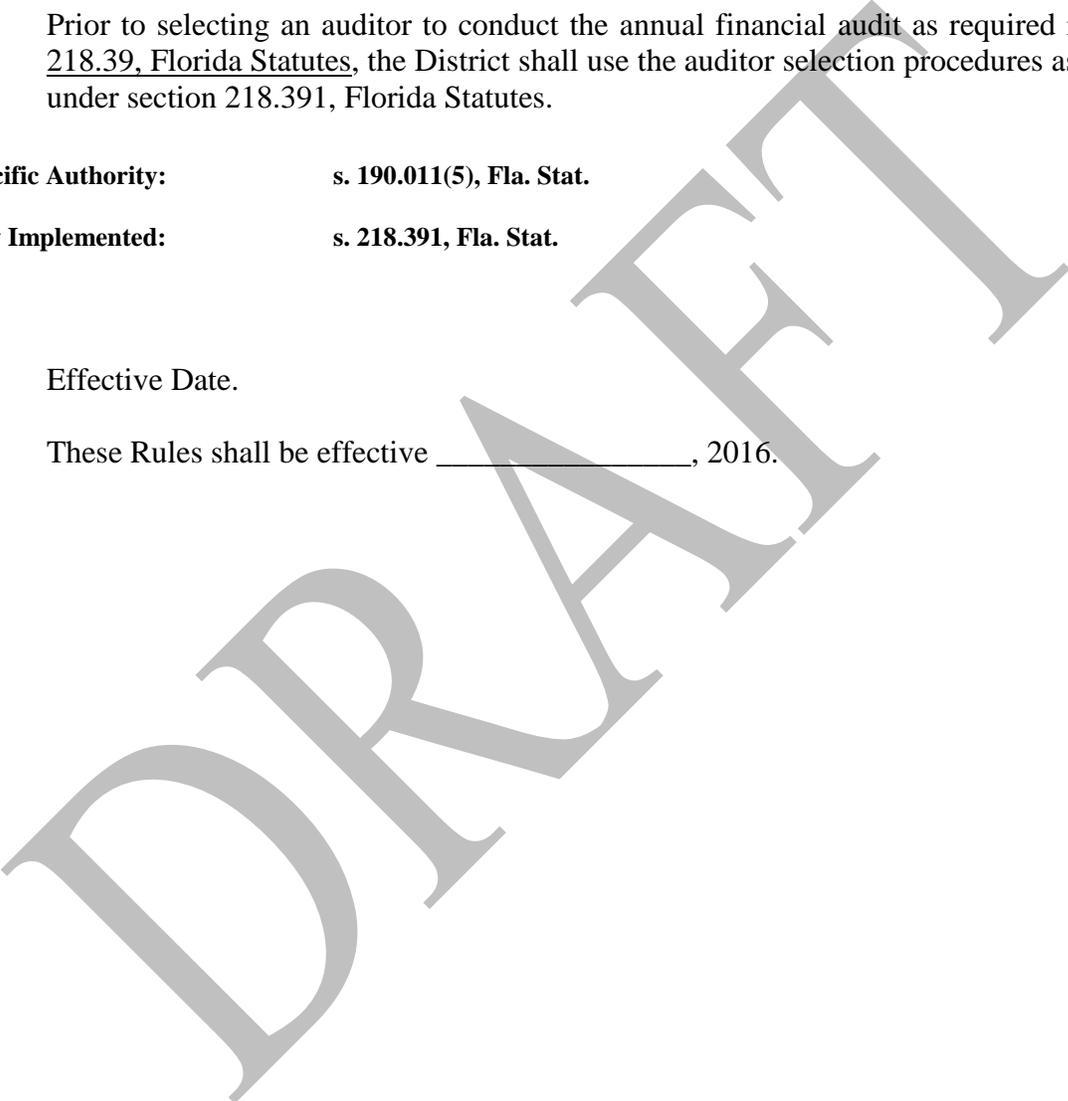
Prior to selecting an auditor to conduct the annual financial audit as required in section 218.39, Florida Statutes, the District shall use the auditor selection procedures as required under section 218.391, Florida Statutes.

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

**Law Implemented:** s. 218.391, Fla. Stat.

8.0 Effective Date.

These Rules shall be effective \_\_\_\_\_, 2016.



**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**Rules Regarding Use of the District's  
Main Parks and Dog Parks**

*(Board Approved \_\_\_\_\_)*

## OFF-LEASH DOG PARK RULES

- (1) All persons using the Off-Leash Dog Park (the “Dog Park”) are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all applicable rules of the Aventura Isles Community Development District (“District”) regarding Use of the District’s Main Parks and Dog Park facilities.
- (2) The Dog Park is an unattended facility and persons using the Dog Park do so at their own risk. Owners are fully responsible for the actions of their dogs.
- (3) *Hours:* The Dog Park opens at \_\_\_\_\_ and closes at sunset daily.
- (4) Rules applicable to the Dog Park are as follows:
  - a. No animals other than dogs are permitted in the fenced in area of the Dog Park.
  - b. Dogs shall be leashed at all times except when in designated “off-leash” areas within the Dog Park. Dogs shall be leashed prior to exiting the fenced-in area of the Dog Park.
  - b. Owners must remain in the fenced area while their dogs are using the Dog Park. Dogs shall not be left unattended and shall be supervised by their owners, who shall maintain voice control of their dogs at all times.
  - c. Children under twelve (12) years of age are not permitted to enter the fenced-in area of the Dog Park. Children twelve (12) years of age and older must be accompanied by a parent or authorized person eighteen (18) years or older.
  - d. Spectators shall remain outside the fenced-in area of the Dog Park.
  - e. Aggressive dogs and female dogs in heat shall not be permitted in the Dog Park. Owners must immediately leash and remove dogs from the Dog Park at the first sign of aggression.
  - f. Sick dogs shall not be permitted in the Dog Park, and Dogs shall be removed from the Dog Park immediately upon becoming sick at the Dog Park.
  - g. Owners must pick up after their dog and dispose of waste properly in the designated on-site containers. Pet waste stations and trash cans are located at the Dog Park.
  - h. Food in bowls, long-lasting dog chews, or glass containers are not permitted in the Dog Park. Small bite-sized training treats are permitted.
  - i. No human food is permitted at the Dog Park.
  - j. No smoking is permitted in the Dog Park.
  - k. No more than three (3) dogs per person are allowed on any single visit to the Dog Park
  - l. Puppies less than four (4) months old are not permitted in the Dog Park.
  - m. Dogs shall be up-to-date on vaccinations for rabies and DHLPP prior to entering the Dog Park, and shall have current rabies and applicable license tags clipped to their collars at all times.
  - n. No pitbull breeds are permitted in the Dog Park.
  - o. Owners are liable for any injury or damage caused by their dogs and are fully responsible for the actions of their dogs.
  - p. There is no running water provided in the Dog Park. Owners shall not let their dogs overheat.
- (5) *Enforcement of Rules:* The members of the District Board of Supervisors and designees of the District Manager’s office shall have full authority to enforce these rules and regulations. Any disregard or violation of these rules and regulations or misuse or destruction of Dog Park facilities or equipment may result in expulsion from the Dog Park and/or the suspension or termination of Dog Park privileges.

## MAIN PARKS RULES

(1) All persons using the Main Park facilities (the “Main Parks”) are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all applicable rules of the Aventura Isles Community Development District (“District”) regarding Use of the District’s Main Parks and Dog Park facilities.

(2) Hours: The Main Parks open at \_\_\_\_\_ and close at \_\_\_\_\_ daily.

(3) Rules applicable to the Main Parks are

- a. Dogs or other pets must be leashed at all times, with a leash no greater than eight (8) feet in length.
- b. The cutting, picking, destruction or removal of plant life or other District property within the park is prohibited.
- c. Household or commercial garbage dumping is prohibited.
- d. Fires are not permitted anywhere on the park facilities or adjacent areas.
- e. Fireworks of any kind are not permitted anywhere on the park facilities or adjacent areas.
- f. Alcoholic beverages shall not be permitted on the park premises.
- g. Drugs are not permitted on the park premises.
- h. Fishing is prohibited.
- i. Swimming in the lakes is prohibited.
- j. Motorized vehicles are not permitted in the park.
- k. Crossing through the park in order to access private property is prohibited.
- l. Golfing is not permitted in the park.
- m. Exhibitions within the park are not permitted.
- n. Causing a nuisance within the park is prohibited.

(4) Enforcement of Rules: The District Board of Supervisors and designees of the District Manager have full authority to enforce these rules and regulations. Violation of one or more of these Rules established for the use of Park facilities may result in expulsion from the Park facility and/or suspension or termination of Park facility privileges.

**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
SEPTEMBER 30, 2017**

**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
SEPTEMBER 30, 2017**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
<b>ASSETS</b>				
Cash	\$ 30,636	\$ -	\$ -	\$ 30,636
Investments				
Revenue	-	385,227	-	385,227
Reserve	-	299,750	-	299,750
Interest	-	5	-	5
Prepayment	-	77	-	77
Construction	-	-	573	573
Prepaid expense	6,366	-	-	6,366
Total assets	<u>\$ 37,002</u>	<u>\$ 685,059</u>	<u>\$ 573</u>	<u>\$ 722,634</u>
<b>LIABILITIES AND FUND BALANCES</b>				
Liabilities:				
Accounts payable	\$ 1,154	\$ -	\$ -	\$ 1,154
Developer advance	2,500	-	-	2,500
Total liabilities	<u>3,654</u>	<u>-</u>	<u>-</u>	<u>3,654</u>
Fund balances:				
Unassigned	33,348	685,059	573	718,980
Total fund balances	<u>33,348</u>	<u>685,059</u>	<u>573</u>	<u>718,980</u>
Total liabilities and fund balances	<u>\$ 37,002</u>	<u>\$ 685,059</u>	<u>\$ 573</u>	<u>\$ 722,634</u>

**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED SEPTEMBER 30, 2017**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy: on-roll - net	\$ -	\$ 88,385	\$ 88,395	100%
Interest and miscellaneous	1	35	-	N/A
Total revenues	<u>1</u>	<u>88,420</u>	<u>88,395</u>	100%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Supervisors	-	600	4,000	15%
Management/accounting/recording	4,000	48,000	48,000	100%
Legal	1,000	6,197	10,000	62%
Engineering	-	-	1,500	0%
Audit	-	5,500	5,500	100%
Arbitrage rebate calculation	-	750	1,200	63%
Title search fee	-	600	-	N/A
Dissemination agent	83	1,000	1,000	100%
Trustee	-	3,500	6,500	54%
Telephone	17	200	200	100%
Postage	95	171	500	34%
Printing & binding	42	500	500	100%
Legal advertising	412	412	1,000	41%
Annual special district fee	-	175	175	100%
Insurance	-	5,457	5,500	99%
Contingencies/bank charges	195	665	500	133%
Website	-	614	600	102%
Annual operating permit	794	794	800	99%
Total professional & administrative	<u>6,638</u>	<u>75,135</u>	<u>87,475</u>	86%
<b>Other fees &amp; charges</b>				
Property appraiser	-	-	460	0%
Tax collector	-	-	460	0%
Total other fees & charges	<u>-</u>	<u>-</u>	<u>920</u>	0%
Total expenditures	<u>6,638</u>	<u>75,135</u>	<u>88,395</u>	85%
Excess/(deficiency) of revenues over/(under) expenditures	(6,637)	13,285	-	
Fund balances - beginning	39,985	20,063	17,557	
Fund balances - ending	<u>\$ 33,348</u>	<u>\$ 33,348</u>	<u>\$ 17,557</u>	

**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2013  
FOR THE PERIOD ENDED SEPTEMBER 30, 2017**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy: on-roll - net	\$ -	\$ 604,830	\$ 605,001	100%
Interest	303	1,283	-	N/A
Total revenues	<u>303</u>	<u>606,113</u>	<u>605,001</u>	100%
<b>EXPENDITURES</b>				
Principal	-	125,000	125,000	100%
Interest	-	468,731	468,994	100%
Total expenditures	<u>-</u>	<u>593,731</u>	<u>593,994</u>	100%
<b>Other fees and charges</b>				
Property appraiser	-	-	3,151	0%
Tax collector	-	-	3,151	0%
Total other fees and charges	<u>-</u>	<u>-</u>	<u>6,302</u>	0%
Total expenditures	<u>-</u>	<u>593,731</u>	<u>600,296</u>	99%
Excess/(deficiency) of revenues over/(under) expenditures	303	12,382	4,705	
<b>OTHER FINANCING SOURCES/(USES)</b>				
Transfers out	<u>(157)</u>	<u>(565)</u>	-	N/A
Total other financing sources/(uses)	<u>(157)</u>	<u>(565)</u>	<u>-</u>	N/A
Net change in fund balances	146	11,817	4,705	
Fund balance - beginning	684,913	673,242	672,289	
Fund balance - ending	<u>\$ 685,059</u>	<u>\$ 685,059</u>	<u>\$ 676,994</u>	

**AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2013  
FOR THE PERIOD ENDED SEPTEMBER 30, 2017**

	Current Month	Year to Date
<b>REVENUES</b>		
Interest	\$ -	\$ -
Total revenues	<u>-</u>	<u>-</u>
<b>EXPENDITURES</b>		
Total expenditures	<u>-</u>	<u>-</u>
<b>OTHER FINANCING SOURCES/(USES)</b>		
Transfers in	157	565
Total other financing sources/(uses)	<u>157</u>	<u>565</u>
Net increase/(decrease), fund balance	157	565
Beginning fund balance	416	8
Ending fund balance	<u>\$ 573</u>	<u>\$ 573</u>

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**MINUTES OF MEETING  
AVENTURA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

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A Rescheduled Public Hearing and Special Meeting of the Aventura Isles Community Development District's Board of Supervisors were held on **Monday, September 25, 2017 at 1:00 p.m.**, at the **Office Park at California Club, 1031 Ives Dairy Road, Suite 228, Miami, Florida 33179.**

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**Present at the meeting were:**

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Richard Feather	Chair
Jerome Edwards	Vice Chair
Lauren Arcaro	Assistant Secretary
Derek Gordon	Assistant Secretary
Kent Naragon	Landowner Representative

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**Also present were:**

Cindy Cerbone	District Manager
Gerry Knight	District Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 1:01 p.m. All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**THIRD ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for the Fiscal Year Ended September 30,  
2016, prepared by Grau & Associates.**

Ms. Cerbone presented the Audited Financial Report. The "Independent Auditor's Report" on Pages 1 and 2, was a clean opinion. The assets of the District exceeded its liabilities at the close of Fiscal Year 2016, resulting in a net position balance of \$2,305,146. As of

40 September 30, 2016, the District had \$8,040,000 in Bonds outstanding for its governmental  
41 activities.

42 A Board Member asked what the \$2,500 “Due to Developer” line item, on Page 9,  
43 represented. Ms. Cerbone replied that there is typically some back and forth with what is billed  
44 to the Developer. If the District overbilled, it would owe funds back to the Developer. On Page  
45 1 of the Unaudited Financial Statements as of July 2017, the \$2,500 was shown as a “Developer  
46 advance”. Ms. Cerbone would find out if this would be refunded in Fiscal Year 2017 and  
47 provide an update, via email, and at the next meeting.

48 Regarding the “Notes to the Financial Statements”, on Pages 15 through 20, Ms. Cerbone  
49 stated that there was not a significant amount of activity to comment on; maintenance was  
50 contracted out to the HOA. The “Governmental activities capital assets, net”, on Page 18,  
51 reflected \$9,750,878.

52 Mr. Feather asked where it would be reflected if a homeowner paid off their bond debt  
53 early. Ms. Cerbone stated that, if it was paid off during Fiscal Year 2016, it should show up in  
54 the value of the bonds outstanding, based on the time of the prepayment; however, this would be  
55 seen on the monthly Unaudited Financial Statements for the Debt Service Fund.

56 Ms. Cerbone stated that no findings or instances of noncompliance were identified in the  
57 “Independent Auditor’s Report On Internal Control Over Financial Reporting and on  
58 Compliance and Other Matters”, on Pages 23 and 24, the “Independent Auditor’s Report on  
59 Compliance with the Requirements of Section 218.415, Florida Statutes”, on Page 25, the  
60 “Management Letter”, on Page 26 or the “Report to Management”, on Page 27. It was the  
61 Auditor’s opinion that the District complied, in all material aspects, with the requirements for the  
62 Fiscal Year ended September 30, 2016.

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64 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-6,  
Accepting the Audited Financial Report  
for the Fiscal Year Ended September 30,  
2016**

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69 Ms. Cerbone presented Resolution 2017-6.

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**On MOTION by Mr. Feather and seconded by Mr. Gordon, with all in favor, Resolution 2017-6, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2016, was adopted.**

In response to a question, Ms. Cerbone confirmed that the Oath of Office was administered to Mr. Gordon and he provided Management with the executed Oath of Office.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-7, Resetting Public Hearing Pursuant to the Department of Revenue’s Amended Emergency Order, Dated September 8, 2017, Implementing Governor Rick Scott’s Executive Order Number 17-235, Dated September 4, 2017**

Ms. Cerbone presented Resolution 2017-7. The Resolution enabled the District to reschedule the Public Hearing originally set for September 11, 2017, which was cancelled due to Hurricane Irma and the declared State of Emergency in Florida. The rescheduled Public Hearing and Special Meeting were properly advertised and posted.

**On MOTION by Mr. Feather and seconded by Ms. Arcaro, with all in favor, Resolution 2017-7, Resetting Public Haring Pursuant to the Department of Revenue’s Amended Emergency Order Dated September 8, 2017, Implementing Governor Rick Scott’s Executive Order Number 17-235, Dated September 4, 2017, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on Adoption of Fiscal Year 2017/2018 Budget**

**A. Rescheduled Notice(s)**

The Rescheduled Notices were provided for informational purposes.

**B. Consideration of Resolution 2017-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2017 and Ending September 30, 2018**

111 Ms. Cerbone presented Resolution 2017-8. Fiscal Year 2017 budgeted for four meetings  
112 but seven meetings were budgeted for Fiscal Year 2018, which increased the “Supervisors” fee  
113 line item from \$4,000 to \$7,000. Discussion ensued as to whether seven meetings were  
114 necessary. Ms. Cerbone stated that only two meetings were mandatory; one to approve the  
115 proposed Fiscal Year 2019 budget and another for the Public Hearing to adopt the Fiscal Year  
116 2019 budget. Supervisors Feather, Arcaro and Edwards elected not to accept the \$200 per  
117 meeting Supervisor compensation. Supervisors Gordon and Naragon elected to receive the \$200  
118 per meeting compensation. Ms. Cerbone suggested not amending the budget and letting unused  
119 funds go to build fund balance. As of today, the parks and the equipment in the parks have not  
120 been conveyed to the CDD; however, insurance was budgeted, in the event that the parks and  
121 equipment are conveyed during Fiscal Year 2018. A Board Member stated that the CDD does  
122 not own the land but has a public park easement over the property, which gives the CDD the  
123 right to have the public park. It was suggested that, since some signage states it is a CDD park,  
124 acquiring insurance for the easement over the park would be in the CDD’s best interest. Ms.  
125 Cerbone would contact the insurance company to determine if insurance for an easement could  
126 be purchased and report her findings. For Fiscal Year 2018, assessments would increase  
127 approximately \$10 per property, due to the increase for insurance coverage and the proposed  
128 additional meetings.

129 ***\*\*\*Ms. Cerbone opened the Public Hearing.\*\*\****

130 No one from the Public spoke.

131 ***\*\*\*Ms. Cerbone closed the Public Hearing.\*\*\****

132 Ms. Cerbone stated that the third “Whereas” clause would be amended to read:  
133 “WHEREAS, the Board, pursuant to Resolution 2017-7”  
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135 **On MOTION by Mr. Feather and seconded by Mr. Gordon,**  
136 **with all in favor, Resolution 2017-8, as amended, Relating to**  
137 **the Annual Appropriations and Adopting the Budget for the**  
138 **Fiscal Year Beginning October 1, 2017 and Ending September**  
139 **30, 2018, was adopted.**

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144 **SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-9,  
Making a Determination of Benefit;  
Imposing Special Assessments; Providing  
for the Collection and Enforcement of  
Special Assessments, Certifying an  
Assessment Roll; Providing for  
Amendments to the Assessment Roll**

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Ms. Cerbone presented Resolution 2017-9.

**On MOTION by Mr. Gordon and seconded by Mr. Feather,  
with all in favor, Resolution 2017-9, Making a Determination  
of Benefit; Imposing Special Assessments; Providing for the  
Collection and Enforcement of Special Assessments, Certifying  
an Assessment Roll; Providing for Amendments to the  
Assessment Roll, was adopted.**

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162 **EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2017-10,  
Adopting the Annual Meeting Schedule  
for Fiscal Year 2017/2018**

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Ms. Cerbone presented Resolution 2017-10. Mr. Feather inquired about the November 13, 2017 Landowners’ Meeting and asked if it was a required meeting. Ms. Cerbone replied that the Landowners’ Meeting would be held on November 13, 2017, followed by a Regular Meeting; however, if the Regular Meeting was not needed, the Landowners’ Meeting could be held, as long as voters and proxyholders were present. Three Seats would be up for election; Seats 1, 2 and 5, currently held by Supervisors Feather, Gordon and Naragon, respectively. Mr. Knight would determine which Seats would transition to the General Election in 2018 or 2020. Discussion ensued regarding the Landowners’ Meeting, Landowner voting, proxyholders, etc. In response to a question, Mr. Knight stated that, for a Board Meeting, at least three Board Members must attend, in person, and, Board Members were not required to attend the Landowners’ Meeting. The following changes were made:

- Monday October 2, 2017 Meeting: Delete from Meeting Schedule
- Wednesday September 12, 2018 Meeting: Change to “Friday, September 14, 2018”

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Ms. Cerbone stated that the November 2018 Regular Meeting would be scheduled but, if there was no reason to hold it, it may be cancelled, while still holding the Landowners’ Meeting.

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**On MOTION by Mr. Gordon and seconded by Mr. Feather, with all in favor, Resolution 2017-10, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018, as amended, was adopted.**

**NINTH ORDER OF BUSINESS**

**Update/Discussion: Park Fencing, Equipment, Playground Structures and Signage**

Mr. Gordon advised that the County turned down the land and the Developer was able to install the fence quickly. The County required certain amenities, Park Rules and signage. Mr. Gordon worked with the Parks and Zoning Departments, which provided recommendations. Homeowners submitted names for the Park and Gordon Park was chosen. There could be concern on the “Owned and Maintained by Aventura Isles Community Development District” language on one of the signs but the signs were installed because the fence permit was contingent upon signage being installed; the language could be changed if necessary. Mr. Knight stated that the Developer owns the Park and the CDD has an easement over the property for park purposes. Mr. Gordon stated that the HOA wanted the CDD to approve Rules and Regulations. Mr. Knight stated that, if the CDD adopted Rules for the Park, it would require an advertised Public Hearing regarding the Gordon Park sign, Mr. Knight stated that it was not exactly accurate, as it stands, because the Park is not owned or currently maintained by the CDD. Mr. Gordon stated that the County wanted the signage to clearly inform the public that it was a public park being operated under a CDD; the current language was recommended by the County. Mr. Knight would review the wording of the Gordon Park signage and confer with the Developer. Recommendation for the Gordon Park sign would be made at the next meeting. Mr. Knight confirmed that, until new language is approved, there would be no issue with leaving the current sign. Discussion ensued regarding whether a fence should be installed around the solar panels, for safety purposes. The solar panel height was approximately 5½’ to 6’ tall and it was suggested that a hedge or fence be placed around the solar panels. The proposed Park and Dog Park Rules would be refined and the Public Hearing would be scheduled for a future meeting. The proposed Rules handout was reviewed. With regard to the proposed Rule #16, “Protesting is prohibited”, it was unsure if protesting could be prohibited; District Counsel would research this further. Rule #22 would be updated to change “Call 9-4-4” to “Call 9-1-1”.

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**On MOTION by Mr. Feather and seconded by Mr. Gordon, with all in favor, authorizing the District Manager and District Counsel to initiate the Rulemaking process to adopt the Rules for Parks, was approved.**

**TENTH ORDER OF BUSINESS** **Update/Discussion: Insurance for Park**

This item was discussed during Item 6B..

**ELEVENTH ORDER OF BUSINESS** **Discussion: Rule Establishment for Parks**

This item was discussed during the Ninth Order of Business .

**TWELFTH ORDER OF BUSINESS** **Approval of Unaudited Financial Statements as of July 31, 2017**

Ms. Carbone presented the Unaudited Financial Statements of March 31, 2017. Assessment revenue collections were at 100% and expenditures were at 72%.

**On MOTION by Mr. Feather and seconded by Mr. Naragon, with all in favor, the Unaudited Financial Statements as of July 31, 2017, were approved.**

**THIRTEENTH ORDER OF BUSINESS** **Approval of May 8, 2017 Regular Meeting Minutes**

Ms. Carbone presented the May 8, 2017 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Gordon and seconded by Mr. Feather, with all in favor, the May 8, 2017 Regular Meeting Minutes, as presented, were approved.**

**FOURTEENTH ORDER OF BUSINESS** **Other Business**

There being no other business, the next item followed.

256 **FIFTEENTH ORDER OF BUSINESS** **Staff Reports**

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258 **A. District Counsel**

259 There being no report, the next item followed.

260 **B. District Engineer**

261 There being no report, the next item followed.

262 **C. District Manager**

263 **i. 525 Registered Voters in District as of April 15, 2017**

264 Ms. Cerbone reported that there were 525 registered voters residing within the boundaries  
265 of the District as of April 15, 2017.

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267 **SIXTEENTH ORDER OF BUSINESS Supervisors' Requests and Public Comments**

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269 There being no Supervisors' requests or public comments, the next item followed.

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271 **SEVENTEENTH ORDER OF BUSINESS Adjournment**

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273 There being no further business to discuss, the meeting adjourned at 1:51 p.m.

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275 **On MOTION by Mr. Feather and seconded by Mr. Edwards,**  
276 **with all in favor, the meeting adjourned at 1:51 p.m.**

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285 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair

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