Community Development District

Agenda Package
Regular Meeting

Thursday
November 19, 2026
9:00 a.m.

Meeting Location:
Grand Haven Room
Grand Haven Village Center
2001 Waterside Pkwy,
Palm Coast, FL 32137

Note: The Agenda Package is a working document and thus all materials are considered DRAFTS prior to presentation and Board acceptance, approval, or adoption.

Grand Haven
Community Development District

250 International Parkway, Suite 208
Lake Mary, FL 32746
321-263-0132

Board of Supervisors
Grand Haven Community Development District

Dear Board Members:

The Regular Meeting of the Board of Supervisors of the Grand Haven Community Development District is scheduled for **Thursday, November 19, 2026,** at **9:00 a.m.** at the **2001 Waterside Parkway, Palm Coast, Florida 32137.**

An advanced copy of the agenda for the meeting is attached along with associated documentation for your review and consideration. Any additional support material will be distributed at the meeting.

Should you have any questions regarding the agenda, please contact me at Howard@cddmanagers.com. We look forward to seeing you at the meeting.

Sincerely,

Howard McGaffney
Howard McGaffney
District Manager

Cc: Attorney
Engineer
District Records

Community Development District

Board of Supervisors
Dr. Merrill Stass-Isern
Richard Mayor
Janet Greenwood
Brian Unger
Kathy Myers

Staff
Howard McGaffney, District Manager
Scott Clark, District Counsel
David Sowell, District Engineer
Vanessa Stepniak, Director of Operations
John Lucansky, Amenity Manager

Meeting Agenda
(19-November-2026, 9:00 AM)

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Presentation of Proof of Publication(s)** — Exhibit 1, Pg. 7
4. **2026 General Elections**
   - A. Oaths of Office – State & District — Exhibit 2, Pgs. 9-10
   - B. Supervisor Information Packet — Exhibit 3, Pgs. 12-174
   - C. Florida Sunshine Law & Commission on Ethics — Exhibit 4, Pgs. 176-206
   - D. Consideration & Adoption of **Resolution 2027-04,** Designating Officers — Exhibit 5, Pg. 208
5. **Chairwoman's Remarks**

6. Audience Comments – *The Audience Comment portion of the agenda is where individuals who are present may make remarks on matters that concern the District. Please note:*

- *Participation shall be in accordance with Section 286.0114, Florida Statutes;*
- *Each speaker is limited to three (3) minutes for remarks;*
- *It is proper meeting etiquette to silence all electronic devices, including cell phones, during a Board meeting or workshop;*
- *Speakers are expected to refrain from personal attacks on the Board of Supervisors or Staff;*
- *The Board of Supervisors or Staff are not obligated to provide an immediate response as some issues require research, discussion and deliberation;*
- *Other matters of concern may be discussed during a meeting or workshop as determined by the Grand Haven Community Development District Board of Supervisor;*
- *If the comment concerns a maintenance related item, it should be first addressed with the Director of Operations outside of the context of the meeting.*
- *Residents, please note that if you are unable to attend the meeting you may send your questions to the District Manager, Howard McGaffney at howard@cddmanagers.com, up until the day before the meeting.*
- *(Live streaming & previously recorded meetings can be found here -https://www.youtube.com/@GrandHavenCDD)*

7. Staff Reports

A. District Engineer
   1. Consideration of 5-Yr. Stormwater Needs Analysis Proposal — Exhibit 6, Pg. 210

B. Amenity Manager — Exhibit 7, Pgs. 212-219

C. Director of Operations
   1. Monthly Operations & Administration Reports — Exhibit 8, Pgs. 221-224
   2. Capital Improvement Plan – Project Tracker — Exhibit 9, Pg. 226

D. District Counsel — Exhibit 10, Pg. 228

7. Staff Reports

E. District Manager

1. Discussion & Consideration of PalAmerican Security Services Agreement – *Agreement Under Separate Cover* — Exhibit 11 Pgs. 230-231

F. District Liaison: HOA Report

8. Consent Agenda

E. Consideration for Acceptance – The October 2026 Unaudited Financial Report – *To Be Distributed* — Exhibit 12

F. Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting Held October 29, 2026 — Exhibit 13 Pgs. 234-240

9. Business Items

E. Consideration of January Workshop Date

1. Long Term Capital Planning
2. Parking Expansions
3. Survey of Parcel K & Other Parcels

10. Supervisors' Requests

11. Next Meeting Quorum Check: January 21st at 9:00AM

Janet Greenwood	☐ IN PERSON	☐ REMOTE	☐ NO
Dr. Merrill Stass-Isern	☐ IN PERSON	☐ REMOTE	☐ NO
Brian Unger	☐ IN PERSON	☐ REMOTE	☐ NO
Richard Mayor	☐ IN PERSON	☐ REMOTE	☐ NO
Kathy Myers	☐ IN PERSON	☐ REMOTE	☐ NO

12. Adjournment

EXHIBIT 1

GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT
NOTICE OF BOARD OF SUPERVISORS REGULAR MEETING

Notice is hereby given that a regular meeting of the Board of Supervisors of the Grand Haven Community Development District (the "**District**") will be held on Thursday, November 19, 2026, at 9:00 a.m. at the Grand Haven Village Center, Grand Haven Room, 2001 Waterside Parkway, Palm Coast, Florida 32137. The purpose of the meeting is to discuss any topics presented to the board for consideration. Copies of the agenda may be obtained from the District Manager, Vesta District Services, 250 International Parkway, Suite 208, Lake Mary, Florida 32746, Telephone (321) 263- 0132, Ext. 193.

The meeting is open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The meeting may be continued in progress without additional notice to a date, time, and place to be specified on the record at the meeting. There may be occasions when Staff and/or Supervisors may participate by speaker telephone.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the District Manager's office at least forty-eight (48) hours before the meeting by contacting the District Manager at (904) 386-0186. If you are hearing or speech impaired, please contact the Florida Relay Service at 711, for assistance in contacting the District Manager's office.

A person who decides to appeal any decision made at the meeting, with respect to any matter considered at the meeting, is advised that a record of the proceedings is needed 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.

Grand Haven Community Development District
Howard McGaffney, District Manager
(904) 386-0186
7763-366431
Nov. 12, 2026

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EXHIBIT 2

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of _____

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

_____

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature _____

Sworn to and subscribed before me by means of physical presence ☐ *OR online notarization* ☐ *this _____ day of _____, 20____.*

_____

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

_____
Print Name

_____
Title

_____
Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

Personally Known ☐ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☐

_____
Street or Post Office Box

_____
City, State, Zip Code

_____
Print Name

_____
Signature

GRAND HAVEN
COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
OATH OF OFFICE

I,_____, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF FLORIDA.

_____
Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF _____

The foregoing oath was administered before me this ___ day of _____, 20____, by _____, who personally appeared before me, and is personally known to me or has produced _____ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of _____ Community Development District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

_____
Notary Public, State of Florida

Print Name: _____

Commission No.: _____ Expires: _____

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EXHIBIT 3

Grand Haven Community Development District

Supervisors Quick Reference Guide



Table of Contents

1. Introduction
2. 2027 Regular Meeting and Workshop Schedule
3. Annual Requirements for Supervisors (Have Scott Clark review and provide material)
   - Complete Form 1, once a year
   - Complete Ethics Course once a year
4. CDD Organizational Chart
5. Contacts
6. District Map and Pond Locations
7. Amenity Management and Café Operations Summary
8. Introduction to District Staff
9. Summary on Fact Finding Groups
10. Key Resolutions:
    - Resolution 2027-01: Merit-Based Bonus and Evaluation Program
    - Resolution 2027-02: Adopting Code of Conduct
    - Resolution 2026-06: Procurement Policy
11. CDD Rules, Policies and Fees for All District and Amenity Facilities
12. Guide to the Sunshine Amendment and Code of Ethics
13. Florida Statute 190 – Community Development Districts
14. Forms:
    - Oath of Office Form DS-DE56
    - Board of Supervisors Oath of Office
    - Memorandum of Voting Conflict Form 8B
    - Statement of Financial Interests Form 1
    - Final Statement of Financial Interests Form 1F
    - Amendment to Statement of Financial Interests Form 1X
    - New Supervisors Information Sheet
15. Memorandum and materials on Sunshine Law

Introduction

A Message to the Supervisors

As an elected or appointed member of the Board of Supervisors, you have stepped into an important role of public leadership, local governance and community stewardship.

This orientation packet has been prepared to help you navigate your responsibilities, understand district infrastructure and familiarize yourself with the operation standards of our government.

The Purpose of this Reference Guide: Florida Community Development Districts operate under strict statutory guidelines (Chapter 190, Florida Statutes) and are subject to unique public section regulations. This guide serves as your foundational reference tool. It is designed to:

Clarify the "Sunshine Law" and Public Records Law: Provide vital reminders regarding Florida's Government-in-the-Sunshine Law, public records requirements and annual ethics disclosures. This covers restrictions on communication between board members outside of properly noticed public meetings, as well as guidelines for retaining and archiving district-related emails and notes.

Complying with Sunshine Law means board members cannot discuss district business outside of properly noticed public meetings. This guide is structured to provide you with independent procedural references you need from day one without requiring peer to peer consultation.

Understand the District Governance and Operations: The difference between the policy-making responsibilities of the elected Board of Supervisors and the day-to-day administrative execution handled by contracted professional staff (District Manager, District Counsel and the District Engineer).

Review the Governing Documents: Familiarize yourself with the district's foundational establishment ordinance, rules of procedure and current fiscal year budget.

Connect with Staff: Reach out to the District Manager to confirm your contact preference, schedule access to board materials and review upcoming meeting calendars.

2027 Meeting and Workshop Schedule

Grand Haven - FY 2027 Regular Meeting Schedule

October 29th, 2026 at 9:00 a.m.
November 19th 2026 at 9:00 a.m.
January 21st, 2027 at 9:00 a.m.
February 18th, 2027 at 9:00 a.m.
March 18th, 2027 at 9:00 a.m.
April 15th, 2027 at 9:00 a.m.
May 20th, 2027 at 9:00 a.m. (Approve Budget)
June 17th, 2027 at 9:00 a.m.
July 15th, 2027 at 9:00 a.m.
August 19th, 2027 at 9:00 a.m. (Adopt Budget)
September 16th, at 9:00 a.m.

Grand Haven - FY 2027 Workshop Schedule

January 2027: TBD at 9:00 a.m.
February 4th, 2027 at 9:00 a.m.
May 7th, 2027 at 9:00 a.m. (Budget Workshop)
September 2nd, at 9:00 a.m.

Annual Requirements for CDD Supervisors

Once elected, CDD Supervisors must meet certain requirements each year in office. These are described below:

1. Annual Financial Disclosure. A detailed discussion of the forms and types of filings can be found in the publication at Tab 12. Of the financial disclosure forms, Supervisors are required to file the limited financial disclosure, Form 1. The form must be filed on or before July 1 of each year. Supervisors are not required to file the more intrusive Form 6 as of this time. Filing is made electronically with the Commion on Ethics. Forms and filing information are found at https://ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx.
2. Other Disclosures. The section at Tab 12 that begins on page 13 describes circumstances when other disclosure must be made. Those include a filing when a voting conflict of interest occurs (Form 8B) and a mandatory filing when leaving office (1F). Penalties apply to untimely filings, so pay attention to these requirements.
3. Beginning January 1, 2024, Supervisors become obligated annually to complete a four-hour course in ethics, public records and the Sunshine Law. Attached is a memorandum that describes the requirement.

M E M O R A N D U M

From: Clark & Albaugh

To: Board of Supervisors
Grand Haven Community Development District

Date: December 19, 2023

Subject: Ethics Training / Financial Disclosure

Ethics Training Requirement

Effective July 1, 2023, the Florida Legislature enacted a requirement that, beginning January 1, 2024, each Special District elected local officer and each person who is appointed to fill a vacancy for an unexpired term of such elective office must complete 4 hours of ethics training each calendar year. The training shall address, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and Florida's public records and public meetings laws.

This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, covering the required subject matter.

The required training should be completed as close as possible to the date that the office was assumed. A new officer assuming office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. An officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

The legislation as drafted does not have a specific due date for the training other than during the calendar year. Notwithstanding that, the reporting requirements that govern financial disclosure will be amended to include a certification as to the ethics training on or before July 1 of the prior year, so the ethics training should be

completed during the calendar year and be reported during the reporting cycle for the following year in time to fulfill the disclosure requirement. The Form 1 for 2024 and subsequent years will contain a "check the box" question regarding the requirement.

Following are links to some training opportunities:
https://floridaethics.org/courses/florida-ethics-law-4-hour-course/
https://iog.fsu.edu/online-ethics
https://www.myfloridalegal.com/open-government/training (Sunshine Law and Public Records only – 2 hours)
The Florida Bar City, County and Local Government Law Section will sponsor a course, details to be announced. Sunshine Law, Public Records and Ethics for the Public Officers and Public Employees - City, County & Local Government Law Section (cclgl.org)

Financial Disclosure Updates

The legislature also adopted significant changes to the mandatory financial disclosure requirements that affect public officials and candidates for public office. The most sweeping and controversial change involves a requirement that certain elected officials file a much more detailed financial disclosure referred to as a "full and public disclosure." This type of disclosure is made on Form 6, which is promulgated by the Florida Commission on Ethics. It contains much more specific disclosure of finances that that required on Form 1. The requirement has been met with much objection from the local government officials involved, and some smaller local governments report that public officials are considering resignation as a result. Many district supervisors have heard about this change and have asked me whether they are subject to the new requirements. The short answer is "no." The new requirements have been extended to certain constitutional officers and to mayors and members of a city commission or city council. Officers of independent special districts, which include community development districts, will still file Form 1. However, the filing is transitioning to an electronic filing through the Commission on Ethics effective with 2024 filings. Filing information may be found at https://www.ethics.state.fl.us .

GRAND HAVEN
COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS

- Seat 1: Richard Mayor
- Seat 2: Dr. Merrill-Stass Isern
- Seat 3: Kevin Foley
- Seat 4: Janet Greenwood
- Seat 5: Kathy Myers

DISTRICT STAFF

- Scott Clark — District Counsel
- Howard McGaffney — District Manager
- David Sowell — District Engineer

CDD STAFF

- Vanessa Koper — Director of Operations
  - VENDORS
    - Amenity Management
    - Landscaping
    - Lake Management
    - District Horticulturist
- Brooke Brendel — Executive Administrative Assistant
- Ed Weyant — Field Maintenance Supervisor
  - Bryon Lenhart — Assistant Field Maintenance Supervisor
    - Field Staff
    - Field Staff
    - Field Staff
    - Field Staff
    - Field Staff
    - Field Staff
- Donna Conforti — Executive Administrative Assistant

Contacts

District Manager
FCS Management Group
Howard McGaffney
250 International Parkway, Suite 208
Lake Mary, Florida 32746
Cell - (904) 386-0186
howard@cddmanagers.com

District Engineer
Kimley Horn
David Sowell, P.E.
800 S.W. 2nd Avenue, Suite 100
Gainesville, Florida 32601
Office - (352) 415-1897
davidsowell@kimley-horn.com

District Council
Clark & Albaugh, PLLC
Scott Clark
219 Shiloh Cove
Heathrow, Florida 32746
Direct Line - (407) 472-0326
sclark@winterparklawyers.com

Director of Operations
Vanessa Koper
Office - (386) 447-1888
Cell - (386) 264-8328
office@ghcdd.com

Amenity Center Manager
John Lucansky
Office - (386) 447-0192
Cell – (904) 304-4088
jlucansky@vestapropertyservices.com

CDD Office
2 N. Village Pkwy.
Office- (386) 447-1888
office@ghcdd.com


DISTRICT MAP &
POND LOCATIONS
Intracoastal Waterway
Colbert Lane
Waterside Parkway
SOUTH ENTRANCE
THE CROSSINGS ENTRANCE
MAIN ENTRANCE
NORTH ENTRANCE
WILD OAKS ENTRANCE
Bowlet Oak Ct.
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Entrances
Wild Oaks
North Park Estates
Creekside
North Park Village
The Bluffs
Lakeside
Heritage Oaks
Lake Haven
Front street
Fairway's Edge
The Reserve
Linkside
Linkside East
Linkside West
Village Oaks
Riverwalk
Osprey Lakes
River's Edge
South Park Village
The Crossings
Southridge
Marsh Crossing
Pine Harbor
East Lake
Hidden Lake
River Club
Riverview
Vista Par Condominium
GRAND HAVEN
COMMUNITY DEVELOPMENT DISTRICT

Grand Haven CDD

Overview of Vesta Property Services Agreement (2026–2030)

Vesta Property Services serves as the independent contractor responsible for the comprehensive management, oversight, and operation of Grand Haven's recreational and food & beverage facilities. Their duties are divided into the following key operational areas:

1. Executive Management & Administration

- **Oversight & Staffing:** Provides a full-time Amenity General Manager to oversee all facilities, programs, and staff. Ensures a Manager on Duty (MOD) is present during all open hours.
- **Board Communication:** Attends monthly CDD Board meetings, provides formal monthly management reports (including sales data), and submits weekly email updates to the Board and Staff.
- **Operations:** Manages guest passes, room rentals, fee collections, and community e-blasts (via Constant Contact). Enforces District policies and ensures equal access for residents.
- **Financials:** Provides dedicated bookkeeping for daily sales, vendor invoices, payroll, and monthly P&L reporting.

2. Food & Beverage Operations (Café & Tiki Bar)

- **Operations:** Manages the Waterside Café (lunch and dinner, 6 days/week) and the Creekside Tiki Hut (seasonal, 4 days/week).
- **Duties:** Responsible for menu creation, food ordering, preparation, serving, scheduling cooks/servers, and ensuring strict compliance with all health and safety codes.
- **Maintenance:** Handles routine maintenance and repair costs for food equipment (grills, fryers, coolers, POS systems) up to 33% of the equipment's replacement cost.
- **Revenue Sharing:** Splits net profit 50/50 with the District, calculated and paid semiannually based on monthly P&L reports. Vesta bears sole responsibility for any operating losses.

3. Aquatics Management

- **Certification:** Provides a certified Aquatic Facility Operator (AFO) or Certified Pool Operator (CPO).
- **Daily Maintenance:** Responsible for skimming, vacuuming, brushing, and daily testing/recording/balancing of all chemicals in the pools and spas.
- **Compliance:** Ensures water quality and facility safety remain in strict accordance with Florida Department of Health regulations, maintaining detailed daily logs.

4. Facilities, Grounds & Court Maintenance

- **Tennis & Courts:** Performs daily maintenance of the 7 clay tennis courts (raking, brushing, line tape care, hydration system monitoring) and oversees bocce, croquet, and pickleball courts.
- **Janitorial:** Performs comprehensive daily cleaning of all indoor spaces, restrooms, locker rooms, and pool decks, including purchasing and restocking all basic paper and soap supplies.

5. Lifestyle & Event Staffing

- **Community Programming:** Plans, promotes, and implements special events (e.g., holiday cookouts, pool parties), fitness classes, and specialized instruction (tennis, yoga).
- **Event Staffing:** Provides qualified personnel for after-hours facility rentals to assist with opening/closing, A/V needs, and enforcing rental rules.

> **Financial & Capital Exclusions:** Vesta's contract fee covers their payroll, training, uniforms, janitorial supplies, and general operating overhead. **The CDD remains financially responsible for:** Major capital repairs and full equipment replacements, utility costs (electric, water, sewer), pool chemicals, bulk tennis court clay, and natural disaster recovery labor.

Introduction to District Staff

A Community Development District relies on a core team of professional consultants: the District Manager, District Counsel, and District Engineer, to ensure transparent governance, statutory compliance, and efficient operational oversight of the District. Working directly at the direction of the Board of Supervisors, these key staff members work together and individually, to navigate complex municipal legal and statutory requirements for the unique and special purposes that the District was formed for (Own, Finance, Maintain Infrastructure). Together, this professional team provides the essential administrative, legal, and technical expertise required to execute Board policy, protect community assets, and serve the best interests of District residents under Chapter 190, Florida Statutes.

District Manager: Howard "Mac" McGaffney-FCS Management Group, LLC
Under Section 190.007(1), Florida Statutes, the Board of Supervisors appoints a District Manager who serves as the chief administrative officer of the District, managing its day-to-day operations and executing the policies established by the Board. The District Manager is responsible for administering the annual operating budget, coordinating public meetings, maintaining official District records, overseeing field operations and vendor contracts, and ensuring compliance with statutory filings. Acting as the primary liaison between the Board, residents, and professional staff, the Manager ensures the District operates transparently and efficiently in accordance with Florida's public record and open-meeting laws.

District Counsel: Scott Clark-Clark & Albaugh, PLLC
Appointed pursuant to Section 190.007(1), Florida Statutes, the District Counsel acts as the primary legal advisor to the Board of Supervisors and the District. Counsel represents the District in legal matters, drafts and reviews contracts, resolutions, interlocal agreements, and procurement documents, and guides the Board on statutory compliance. Crucially, District Counsel ensures all Board governance complies with state laws, including Florida's Sunshine Law (Chapter 286, F.S.), Public Records Law (Chapter 119, F.S.), and Ethics Laws for Public Officers (Chapter 112, F.S.).

District Engineer: David Sowell-Kimley Horn
Pursuant to Section 190.008, Florida Statutes, the District Engineer provides specialized professional engineering services for the planning, design, construction, and maintenance of District infrastructure. The Engineer prepares mandatory engineering reports, inspects public facilities such as stormwater systems, roadways, and utilities, oversees capital improvement projects, and assists in the preparation of annual maintenance budgets. Additionally, the District Engineer ensures that all community infrastructure complies with county, state, and water management district regulatory standards.

Florida Fact-Finding Groups in Community Development Districts

Legal Guidelines, and Appointment Processes

Legal Guidelines for CDD Fact-Finding Groups

Because CDDs are governmental entities, they are strictly bound by Florida's Government in the Sunshine Law (Section 286.011, Florida Statutes) and state public records requirements. When a CDD Board of Supervisors establishes a "fact-finding group" or subcommittee to investigate community issues, the group's operations are governed by specific legal guidelines to ensure transparency.

- **The 'Strict Fact-Finder' Exception:** The Florida Attorney General's Office has established that if a group functions solely as an information gatherer or fact-finder with absolutely no decision-making authority or power to make recommendations, it may be exempt from the Sunshine Law.
- **The Advisory Trigger:** The moment a fact-finding group analyzes data to form opinions, ranks options, screens applicants, or makes recommendations to the CDD Board, it loses its exemption. Florida courts have ruled that any ad hoc advisory board is fully subject to the Sunshine Law, even if its power is strictly limited to making non-binding recommendations.
- **Mandatory Transparency:** If a group crosses into advisory territory, it must comply with all open-government mandates. This requires providing advance public notice of all gatherings, ensuring meetings are open to the general public, and recording official minutes.
- **Fact-Finding Tours and Site Visits:** Committee or board members may go on fact-finding tours or site inspections (e.g., reviewing amenities) without noticing it as a public meeting, but only if they strictly avoid discussing the board's business, preferences, or opinions among themselves during the trip.
- **Public Records:** Any documents, data, emails, or reports generated or collected by a fact-finding group acting on behalf of a CDD are considered public records under Florida law and must be provided to anyone who requests them.

The Appointment Process for Fact-Finding Groups

The authority to establish and appoint members to a Fact Finding Group (FFG) or advisory committee lies exclusively with the Community Development District (CDD) Board of Supervisors. Because a CDD is a formal unit of local government, the appointment process must occur transparently during a public meeting.

1. **Formal Board Authorization:** The creation of the FFG must be proposed and approved by a majority vote of the CDD Board of Supervisors during a properly noticed public meeting.
2. **Establishing the Charter and Scope:** Before appointing members, the Board must clearly define the group's mandate. The Board must specify whether the group is strictly limited to gathering information or if it has the authority to make recommendations, provide options, or advise the Board. This distinction determines whether the FFG members will be subject to Florida's Government in the Sunshine Law.
3. **Nomination:** Board members, Board appointed Supervisor, the District Manager, or residents can suggest candidates for the FFG. If the group is meant to include residents, the CDD may put send email blasts, community newsletters, or announcements at meetings to ask for volunteers.
4. **Selection and Vote:** The Board reviews the volunteers or nominees and officially appoints them through a formal motion and majority vote on the public record.

Who Can Be Appointed to an FFG?

The Board has broad discretion over who serves on an FFG, depending on the subject matter being investigated. Typical appointees include:

- **Resident Volunteers:** Homeowners or electors within the CDD
- **CDD Board Supervisors:** One member of the Board of Supervisors may be appointed to lead or participate in the FFG.
- **District Professionals and Staff:** The Board may appoint subject matter experts, such as the District Manager, District Engineer, District Counsel, Director Level Staff Members, or amenity management staff, to provide technical research and financial context.

Crucial Legal Reminder: If the FFG's scope ever shifts from simply reporting raw data, to offering opinions, providing options and recommendations, the appointed members have become an advisory board and must comply fully with all state public meeting and public record laws. For this reason, FFG's are very simply established to find facts and report them back to the Board avoiding recommendations, and providing an opinion. Leaving the facts and data collected for the purpose of the Board to make an informed decision.

RESOLUTION 2026-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT ADOPTING A REVISED POLICY RELATING TO SPENDING AUTHORITY AND PROCUREMENT OF CERTAIN GOODS AND SERVICES AND PAYMENT OF CERTAIN ROUTINE EXPENSES WITHOUT PRIOR APPROVAL OF THE BOARD OF SUPERVISORS; PROVIDING FOR MONETARY THRESHOLDS; AND PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CONFLICT.

WHEREAS Grand Haven Community Development District (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Flagler County, Florida; and

WHEREAS, Section 190.011(5), Florida Statutes, authorizes the District to adopt resolutions which may be necessary for the conduct of District business; and

WHEREAS, the Board of Supervisors of the District (hereinafter the "Board") typically meets monthly to conduct the business of the District, including authorizing the payment of routine District operating and maintenance expenses; and

WHEREAS the Board may establish monthly or other meeting dates or may cancel regularly scheduled meetings from time to time; and

WHEREAS, to conduct the business of the District in an efficient manner, routine recurring, nonrecurring and other disbursements for goods and services must be processed and paid in a timely manner; and

WHEREAS, establishing meeting schedules outside monthly meetings may interfere with the timely approval of disbursements and payment of expenses; and

WHEREAS, the Board desires to establish clear standards delineating the authority of certain agents of the District, specifically the District Manager and Director of Operations (or their authorized designee), to enter into certain contracts or purchase orders for goods or services from outside vendors or contractors, on behalf of the District.

WHEREAS, the Board determines this resolution is in the best interest of the District and is necessary for the efficient conduct of District business; the health, safety, and welfare of the residents within the District; and the preservation of District assets or facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF

THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT:

Section 1.

The Board hereby adopts the attached "Policy Relating to Spending Authority and Procurement of Goods and Services" dated May 7, 2026 (the "Procurement Policy") attached hereto and made a part hereof as **Exhibit "A".**

Section 2.

The Board hereby authorizes the payment of valid and proper invoices relating to expenses which comply with the Procurement Policy, the District's Rules of Procedure and meet the following requirements:

a. The invoice must be pursuant to an existing valid contract, purchase order or agreement.

b. The payment of any such invoice shall be in conformance with the contract terms and shall not exceed the amount specified for payment in such existing valid contract, purchase order or agreement or in the specific authorization of the Board of Supervisors.

c. The total amount paid under such contract, purchase order or agreement or specific authorization by the Board of Supervisors, including the current invoice, must be equal to or less than the amount specified in the contract, purchase order or agreement or in the specific authorization of the Board of Supervisors.

d. The total amount paid under such contract or agreement, or specific authorization by the Board of Supervisors, including the current invoice, must not exceed the annual budgeted amount for the line item from which the expenditure will be paid.

Section 3.

A project may not be divided into more than one component for the purpose of lowering the project amount.

Section 4.

This Resolution shall become effective immediately upon its adoption.

Section 5.

All prior resolutions concerning Spending Authority and Procurement of Goods and Services in conflict herewith are repealed to the extent of any conflict.

EXHIBIT "A"

1.0 PURPOSE OF POLICY.

1.1 This Policy for Spending Authority and Procurement of Goods and Services ("**Policy**") is designed to establish clear standards delineating the authority of certain agents of the Grand Haven Community Development District (the "**District**"), specifically the District Manager, Director of Operations or their authorized designee, to enter into certain contracts or purchase orders for goods or services from outside vendors or contractors, on behalf of the District. Whenever the term "District Manager" is used herein, it shall also mean and refer to their authorized designees. This policy is further designed to establish uniform procedures for the informal procurement of goods and services that are under the statutory threshold for formal public procurement under Florida law. Please refer to the District Rules of Procedure for the processes required when purchases exceed the public procurement threshold.

1.2 The fundamental purpose of this policy is not to restrict the effectiveness of the individuals involved in the day-to-day activities related to the procurement of goods and services, but to provide a sound foundation for effective, consistent and fair procurement practices and ensure fiscal responsibility, accountability and consistency. This Policy applies to the pre-authorization of funds and procurement of goods and services as provided for hereunder; the District Board of Supervisors are not required in any instance to sign checks, the authority for check signature rests with the District Manager and other individuals authorized pursuant to District Resolution.

1.3 Any and all questions regarding this Policy should be directed to the District Manager or District Counsel.

2.0 DEFINITIONS.

2.1 *Emergency*. A sudden or unexpected situation, event, turn of events or circumstance negatively impacting or impairing the health, safety, and welfare of the District's residents; or an unexpected failure of a District physical asset that significantly impacts the general operation, integrity or function of the District's operations. Examples of an Emergency include but are in no way limited to: acts of God, epidemic, pandemic, riot, fires, floods, tropical storms, hurricanes, accidents, structural, failure of a District facility or improvement, and/or other similar circumstances and events.

2.2 *Emergency Approval*. An approval of an Emergency Contract or Purchase Order (defined herein) by the District on behalf of the District, when an Emergency Authorization (defined herein) authorizes the District Manager to approve such Emergency Contract or Purchase Order. When a "disaster" has been declared, as defined in Fla. Stat. §252.34(2), the requirement to obtain an Emergency Approval shall be deemed to have been fulfilled.

2.3 *Emergency Authorization*. A written authorization of the Chairperson of the Board ("**Chairperson**"), or another representative of the Board as provided in this Policy,

authorizing the District Manager to approve an Emergency Contract or Purchase Order (defined herein). The Emergency Authorization should contain the following minimum

information, collected by the District Manager: a declaration that an Emergency exists; the reasons supporting such a declaration; the Emergency Contract or Purchase Order that the District Manager expects to approve and a statement certifying that such goods or services will address the Emergency; the expected cost of the Emergency Contract or Purchase Order; language stating that the signing representative of the Board approves the information in such Emergency Authorization; and a statement that the Emergency Contract or Purchase Order and any expenses resulting from the District entering into the Emergency Contract or Purchase Order shall be presented to the Board for ratification at the next Board meeting. When a "disaster" has been declared, as defined in FLA. STAT. §252.34(2), the requirement to obtain an Emergency Authorization shall be deemed to have been fulfilled.

2.4 *Emergency Contract or Purchase Order*. A contract or purchase order for goods or services 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 District in the normal conduct of its business) entered into to address an Emergency that otherwise exceeds the approval authority set forth in this Policy.

3.0 DISTRICT MANAGER APPROVAL AUTHORITY.

3.1 The District Manager shall have charge and supervision of the District's works and is responsible for preserving and maintaining any improvement or facility that is constructed or erected pursuant to Chapter 190, *Florida Statutes*; for operating and maintaining District-owned equipment; and for performing such other duties as are prescribed by the Board.

3.2 The District Manager has the authority to approve and sign a contract or purchase order for goods or services on behalf of the District if the cost of such contract or purchase order is less than or equal to Thirty Thousand Dollars and No Cents ($30,000.00), and the goods and services are within the scope of an approved budgeted line-item amount for the then fiscal year.

3.3 Purchases that are recurring purchases or services approved by the Board at a public meeting need not come back to the Board unless and until the terms of the contract for such purchase expires or requires formal Board renewal or action.

3.4 If the cost of a contract or purchase order for goods or services exceeds Thirty Thousand Hundred Dollars and No Cents ($30,000.00), or for purchases that are recurring purchases or services that would, when combined, exceed Thirty Thousand Dollars and No Cents ($30,000.00), the District Manager has the authority to approve and sign a contract or purchase order for such goods or services on behalf of the District provided that the cost of the goods and services are within the scope of an approved budgeted line item amount for the then fiscal year. Provided however and notwithstanding the foregoing, if the obtaining of goods or services requires use of a competitive solicitation or selection process or requires that the Board award or approve a contract or expenditure, the Board must approve such award,

contract or purchase order at a public meeting.

3.5 The District Manager has the authority to approve and sign a contract or purchase order for goods or services on behalf of the District if the cost of such contract or purchase order is less than or equal to One Hundred Thousand Dollars and No Cents ($100,000.00), and the goods and services are within the scope of the approved Capital Improvement Program ("CIP") budget for the then fiscal year. The Board of Supervisors may designate certain items on the CIP budget as requiring further Board action in its discretion or may direct the District Manager to proceed with a CIP project without respect to the dollar limitation in this section. Provided however and notwithstanding the foregoing, if the obtaining of goods or services exceeds the CIP budget amount for such project or if it requires use of a competitive solicitation or selection process which requires that the Board award or approve a contract or expenditure, the Board must approve such award, contract or purchase order at a public meeting. CIP projects which are approved under this section and which have a cost in excess of $50,000 will have their progress tracked utilizing a form of project tracking that is acceptable to the Board of Supervisors. The Director of Operations will provide notice in the weekly status update when any new CIP project has been initiated. The District Manager shall not have the authority to modify the adopted CIP without Board approval.

3.6 The District Manager is authorized, without first obtaining Board approval or direction, to prepare and solicit requests for proposal, bids or requests for qualifications for any continuing contracts for goods or services if the current contract for such goods or services is expiring or if the District Manager determines that the District should seek alternate proposals due to price, performance or other factors within the District Manager's discretion. All such proposals shall be subject to the procurement provision contained in applicable laws or in the Rules of Procedure and must be ultimately submitted to the Board of Supervisors for approval.

3.7 Contracts which are approved by the District Manager under the provisions of this Part 3.0 without prior approval of the Board of Supervisors shall be submitted for ratification at the next Board meeting following execution of the contract.

4.0 DIRECTOR OF OPERATIONS APPROVAL AUTHORITY.

4.1 The Director of Operations shall have the authority to approve and sign a contract or purchase order for goods or services on behalf of the District if the cost of such contract or purchase order is less than or equal to Ten Thousand Dollars and No Cents ($10,000.00), and the goods and services are within the scope of an approved budgeted line item amount for the then fiscal year with the consent and approval of the District Manager.

4.2 If the cost of a contract or purchase order for goods or services exceeds Ten Thousand Dollars and No Cents ($10,000.00), or for purchases that are recurring purchases or services that would, when combined, exceed Ten Thousand Dollars and No Cents ($10,000.00), but do not exceed the District Manager's purchasing authority set forth above, the District Manager may approve such expenditure.

5.0 DISTRICT MANAGER AND BOARD CHAIR EMERGENCY APPROVAL AUTHORITY.

5.1 The District Manager has the discretion to determine whether a situation, event, or circumstance constitutes a bona fide Emergency as set forth under this Policy. In the event of a bona fide Emergency, the District staff shall additionally follow any District Emergency Response Plan adopted by the Board.

5.2 In the event of an Emergency, the District Manager is in charge of securing an Emergency Authorization, signed by the Chairperson, before an Emergency Approval may be issued. If the Chairperson is unavailable to sign the Emergency Authorization, then the Vice Chairperson may sign. If the Vice Chairperson is unavailable to sign the Emergency Authorization, then another Board Supervisor may sign. The District Manager shall prepare the Emergency Authorization as set forth herein. Following the execution of the Emergency Authorization, the District Manager or Assistant District Manager may make an Emergency Approval of the Emergency Contract or Purchase Order set forth in the Emergency Authorization. Any Emergency Contract or Purchase Order shall be noted in the minutes of the next Board meeting and presented to the Board for ratification at the next Board meeting.

5.3 In the event that the District Manager, despite best efforts, is unable to obtain or is prevented from obtaining an Emergency Authorization that the District Manager deems necessary as set forth in this policy, to the extent authorized by law, the District agrees to hold the District Manager harmless in the event that such inability (despite best efforts) to secure the Emergency Authorization and take action are challenged legally as being inconsistent with the District Manager's statutory duties set forth in Chapter 190, Florida Statutes.

6.0 APPROVAL AUTHORITY OF OTHER DISTRICT CONTRACTORS OR EMPLOYEES.

Except for the approval authority of the Board, District Manager as set forth in this Policy and the District's Rules of Procedure, District contractors or employees have no authority to approve or sign a contract or purchase order for goods or services, or a recurring obligation under a contract or purchase order for goods or services, on behalf of the District. Any such approval by such contractor or employee shall constitute an unauthorized approval.

7.0 PROCUREMENT PROCESS FOR PURCHASE OF GOODS AND SERVICES.

7.1 To comply with Chapters 190 and 287, Florida Statutes, a District must abide by several procedures if it desires to enter into a contract for the purchase of professional services; insurance; construction; design-build services; goods, supplies, or materials; contractual services; and maintenance services over statutory bid thresholds. Please refer to the District Rules of Procedure for the processes required when purchases exceed the public procurement threshold.

7.2 All purchase of goods and services and engagement thereof in excess of the

amounts outlined above require approval by the District's Board of Supervisors, except as otherwise stated herein. The District Manager should obtain written proposals from potential vendors and the proposals will then be provided to the District's Board of Supervisors prior to a Board meeting. The District Manager shall secure, whenever possible, a minimum of three written proposals, which shall be the result of written specifications transmitted by mail, electronic format or by facsimile. In those instances when securing three proposals is not practicable, written justification of such shall be provided. When applicable to the proposed project, companies must be properly authorized, licensed and insured to perform the work.

7.3 Unless an Emergency exists, as defined in this Policy, or the purchase or contract meets the criteria outlined in Sections 3.0 and 4.0 above , the District's Board of Supervisors shall consider and approve a proposal at a Board meeting prior to the execution of a formal agreement. The District Manager should seek District Counsel's review or drafting of a formal agreement once the proposal is approved by the Board of Supervisors.

7.4 After full execution of a formal agreement, the original agreement should be provided to the District Manager, as the official records custodian of the District.

7.5 For District Capital Improvement Projects (the "CIP") authorized by the District's Board of Supervisors, the District Engineer shall be advised as to the CIP progress and participate to ensure that the construction and installation of CIP are in accordance with District standards. Projects designed by retained professionals by the District should be inspected by such retained professional and accepted under terms set forth in formal agreement with the District.

8.0 POLICY ETHICS.

8.1 All District employees and contractors shall abide by the provisions of Chapter 112, *Florida Statutes*, including Section 112.313, pertaining to standards of conduct for public officers.

8.2 The solicitation or acceptance of gifts or discounts by District employees at any time from contractors or suppliers is prohibited.

8.3 District employees shall not bid for, enter into, or be in any manner interested in any contract for District purchases or public works, nor shall District employees seek to influence the purchase or a product or service from any proposer.

8.4 No contract or purchase shall be subdivided to evade the threshold amounts or other requirements of this Policy or other purchasing policies of the District, including the Rules of Procedure. Purchases, orders, or contracts that are subdivided to circumvent this Policy or other purchasing policies of the District shall be considered unauthorized purchases.

9.0 SEVERABILITY.

If any section, paragraph, clause, or provision of this Policy shall be held to be invalid or

ineffective for any reason, the remainder of this Policy shall continue in full force and effect,it being expressly hereby found and declared that the remainder of this Policy would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause, or provision.

10.0 INTERPRETATION.

This Policy shall be interpreted and construed as consistent with Florida law and the District's Rules of Procedures. This Policy shall not be interpreted or construed as restricting, undermining, or contravening the legal authority of the Board or the District.

PASSED AND ADOPTED this 7th day of May, 2026.

Secretary/Assistant Secretary

Chair/Vice Chair

RESOLUTION 2027-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE ADOPTION OF A MERIT-BASED BONUS PROGRAM FOR DISTRICT EMPLOYEES; PROVIDING STANDARDS FOR EMPLOYEE EVALUATIONS; AUTHORIZING DISTRICT MANAGER TO IMPLEMENT AND ADMINISTER THE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 190.011(5), *Florida Statutes,* authorizes the District to adopt resolutions which may be necessary for the conduct of District business; and

WHEREAS, the District owns, operates and maintains certain public facilities and provides services related to those facilities and, in the course of such operation, maintenance and services employs certain persons ("**District Staff**"); and

WHEREAS, the District's Board of Supervisors finds that the employment of the District Staff results in efficiencies, cost savings and more effective maintenance and operation of the District facilities; and

WHEREAS, the Board further finds that attracting and retaining competent District Staff is essential to the effective maintenance and operation of District facilities and desires to approve a program of employee merit rewards to provide for enhanced retention of District Staff; and.

WHEREAS, the Board desires to confirm and delegate to the District Manager, including the ability to assign such authority to the Director of Operations, the authority to manage, evaluate and provide incentives to District Staff to reward exemplary performance; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT:

1. **Acceptance and Ratification of Human Resource Management Plan.** As directed by the Board of Supervisors, the District Manager has developed a plan for management of Human Resources, Performance Reviews and Bonus Structure (the "HR Evaluation and Retention Program"), attached as Exhibit 1 hereto, to be implemented effective for the 2026-2027 Fiscal Year. The Board accepts, ratifies

and adopts the HR Evaluation and Retention Program, effective for the 2026-2027 Fiscal Year and future fiscal years except as may be modified by Board action.

2. **Delegation of HR Matters.** Florida Statutes §190.007(1) provides that the District Manager may "hire and otherwise employ and terminate" employees of the District as authorized by the Board and further provides that "compensation and other conditions of employment of the officers and employees of the district shall be as provided by the Board." To accomplish this, the Board directs the following:

    a. The District Manager shall determine those positions of District Staff that he/she deems necessary to the effective conduct of the District's duties to operate and maintain District Infrastructure and Services. Initially, that determination is as set forth in the HR Evaluation and Retention Program attached hereto. The District Manager shall obtain Board approval if new positions are being proposed, together with a range of compensation for each new position.

    b. Each year, prior to June 15, the District Manager, when the proposed budget for the upcoming fiscal year is presented to the Board, it shall include a proposed total budget request for compensation of District Staff. The budget proposal shall include the total overall funding for salary and other payroll costs for District Staff, for employee benefits which are approved by the Board as part of the budget process, for anticipated salary increases during the year and for the total overall amount of merit bonuses which the District Manager anticipates awarding. The compensation budget shall also include proposed compensation for additional positions that the District Manager intends to create during the fiscal year.

    c. During the budget process, the Board shall exercise its authority to set the compensation and number of District Staff by approval or revision of the District Manager's budget request for District Staff.

    d. Upon approval of the District Staff compensation budget, as evidenced by approval of the fiscal year budget, the Board thereafter delegates to the District Manager the hiring, firing and compensation of District Staff in a manner consistent with the approved budget, including the evaluation of District Staff and the award of Merit-Based Bonuses consistent with the adopted budget.

3. **Establishment of Merit Bonus Program.** The Board of Supervisors finds and determines that:

    a. **Public Purpose**. The recruitment, retention, motivation, and reward of employees whose work performance meets or exceeds duly established standards serves a valid District public purpose by promoting efficient, accountable, and effective administration of District operations.

b. **Merit-Based Bonus policy**. The District may award a merit-based bonus only under a written policy effective before the beginning of the evaluation period on which the bonus is based, and only in accordance with performance standards and evaluation procedures established under such policy. The Board determines that, effective for the 2026-2027 fiscal year, and each subsequent year, the HR Evaluation and Retention Program attached as Exhibit 1 shall govern the determination and award of merit-based bonuses that may be awarded from time to time. The evaluation standards and protocol established therein shall be the sole method of evaluation and determination of eligibility for such merit-based bonuses. The District Manager shall utilize the protocol and standards therein to award those merit-based bonuses as he may deem appropriate and as are consistent with the adopted budget.

c. **Compliance Intent.** The Board intends that this Resolution and the Merit-Based Bonus Policy attached as Exhibit 1 be administered in compliance with Florida Statutes §215.425 and all other applicable law, including applicable public-records, public-meetings, budgetary, and ethics requirements.

d. **No Retroactive Compensation.** The Board does not intend to authorize any gratuity, gift, holiday bonus, longevity bonus, across-the-board payment, or other extra compensation for services already performed unless the payment is expressly authorized by Exhibit 1 and otherwise complying with applicable law.

e. **Contractual Basis**. Each contract of employment or other document recognizing an employment relationship shall incorporate the terms of the HR Evaluation and Retention Program and shall further acknowledge that the grant or award of a Merit-Based Bonus in a particular fiscal year is subject to the discretion of the District and subject to the annual appropriation of funds by the District for such purpose.

4. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall apply to all compensation and bonuses awarded by the District for the 2026/2027 Fiscal Year and thereafter.

PASSED AND ADOPTED this 29th day of October, 2026.

Secretary/Assistant Secretary	Chair/Vice Chair

EXHIBIT 1

HR Evaluation and Retention Program

Grand Haven Community Development District
Memorandum: Human Resources Evaluation and Retention Program
Prepared by: Howard McGaffney, District Manager
Date: November 5, 2026

Introduction:

As of the date of this report the Grand Haven Community Development District employs a staff of 12 individuals, to include:

- One (1) Director of Operations
- Two (2) Executive Administrative Assistants
- One (1) Field Maintenance Supervisor
- One (1) Assistant Field Maintenance Supervisor,
- One (1) Maintenance III Worker
- Five (5) Maintenance II Workers
- One (1) Maintenance I Worker

Current Board policy is the engagement of a Professional Employer Organization (PEO). This partnership assists with HR administration, benefits, payroll, and risk mitigation. For a CDD with a specialized employee structure like Grand Haven, third-party HR support is a highly effective tool. However, to maximize this investment and ensure long-term stability, the District must couple the PEO services with a well defined evaluation and retention policy, and improved standards, specifically through the implementation of well-defined job descriptions, standardized performance reviews, bonus structure, and benefits.

Confidentiality and Management Responsibility

Human resource matters inherently involve sensitive and confidential information. Although certain employment-related records within a public entity may be subject to public records requirements, the personnel administration and employee management should, whenever practical and legally permissible, involve the District's contracted Professional Employer Organization (PEO), the Director of Operations, the District Manager, and Counsel/Employment Counsel rather than be addressed in public meetings.

Performance Review Process Improvement Initiative

Consistent with the Board's governance role, the Board of Supervisors does not participate in performance evaluations of employees. Employee evaluation, performance management, and workforce administration remain management responsibilities.

As part of the 90 operational review, the District Manager and Director of Operations have identified the need to create a policy, to modernize and standardize the District's performance management program and to better align with accepted human resource practices and organizational objectives. These enhancements include:

- Position-specific Key Performance Indicators (KPIs) and performance metrics aligned with job descriptions.
- Standardized performance rating criteria and scoring definitions.
- Employee self-evaluations.
- Semi-annual performance check-ins to provide coaching, monitor progress, and document performance throughout the year.
- Enhanced documentation, reporting, and performance tracking standards.
- Performance Improvement Plan (PIP)

Management is responsible for developing standardized evaluation forms, communication guidelines, and performance metrics to ensure consistency across all departments. The enhanced framework will also support a performance-based compensation structure by incorporating objective performance standards, measurable outcomes, and achievement of established goals.

As a Community Development District, Florida Statutes require bonuses to be performance based. Logically wage increases would also follow the same performance standards. Performance evaluation results, attainment of performance objectives, organizational performance, budgetary considerations, and Board-approved benefits programs will be considered when determining wage increases and eligibility for performance-based bonuses.

Implementation support will be provided through management resources and the District's Professional Employer Organization (PEO) partnership. District Management will present proposed total staffing compensation budgets to the Board during the budget season, through workshops, and upon the approval of the District’s annual budget the District Manager will carry out the authority to manage the budget accordingly.

The overall objective of this memorandum is to establish a fair, transparent, and performance review system that promotes accountability, recognizes high performance, supports employee growth, and aligns individual contributions with the District's operational priorities and strategic objectives.

Rating Scale (Scoring)

The Rating Scale Matrix: A 100-point evaluation criteria will be used to score individual annual employment reviews.

Exceptional (90-100): Consistently and significantly exceeds performance expectations in all major areas of responsibility. Demonstrates exceptional initiative, leadership, problem-solving ability, and commitment to organizational objectives. Serves as a positive example to others and routinely produces results beyond the normal requirements of the position. Requires minimal supervision and makes substantial contributions to the success of the District.

Exceeds Expectations (75-89): Frequently exceeds established performance expectations and regularly demonstrates initiative beyond assigned responsibilities. Produces high-quality work, consistently meets deadlines, and contributes positively to departmental and organizational goals. Requires minimal supervision and is highly dependable, proactive, and effective in conducting assigned duties.

Meets Expectations (65-74): Consistently and successfully performs all essential job duties and responsibilities. Demonstrates the knowledge, skills, and abilities required for the position. Produces reliable, quality work, follows established policies and safety procedures, meets performance standards, and completes assignments in a timely manner. This rating reflects fully successful performance and is the expected standard for employees.

Needs Improvement (50-64): Performance does not consistently meet established expectations in one or more significant areas of responsibility. Improvement is necessary to ensure consistent job performance and successful fulfillment of position requirements. A Performance Improvement Plan (PIP) is required, with another performance evaluation conducted after 90 days.

Unsatisfactory (Below 50): Performance consistently fails to meet the minimum requirements of the position. Work quality, dependability, productivity, conduct, safety compliance, or other essential job functions are significantly below established standards. Immediate and sustained improvement is required. A corrective action plan and follow-up evaluation will be initiated, with a follow-up conducted within 30 days. Failure to meet expectations within this period could result in further disciplinary actions up to and including termination.

Rating Guidance: A rating score of "65-74", Meets Expectations" represents successful and satisfactory job performance. Employees receiving this rating satisfactorily fulfill the duties and responsibilities of their position and contribute positively to the District's operations. Rating scores of "75-89" and "90-100" should be supported by specific examples demonstrating performance that exceeds normal job expectations.

Manager's Notes & Qualitative Commentary: A dedicated section will be included for supervisors to document significant observations throughout the evaluation period, including notable accomplishments, project milestones, leadership contributions, customer service achievements, teamwork, safety performance, attendance trends, coaching discussions, and other job-related behaviors. Comments should be objective, specific, and supported by observable examples to provide context for performance ratings and support consistency throughout the evaluation process.

Employee Self-Evaluation: The evaluation process will include a dedicated self-evaluation section to encourage employee participation and self-assessment. Employees will have the opportunity to document accomplishments, challenges, professional development efforts, and progress toward established goals and performance objectives. Employees may also submit additional written comments for inclusion in their personnel file as part of the finalized evaluation record.

Performance Documentation Requirement: Supervisors are expected to maintain performance notes and supporting documentation throughout the evaluation period. Ratings of "Exceeds Expectations" and "Exceptional/Outstanding" should be supported by specific examples demonstrating performance beyond normal job requirements. Ratings of "Needs Improvement" or "Unsatisfactory" should be supported by documented coaching, counseling, performance discussions, or corrective actions occurring during the evaluation period whenever practical.

Note: The provision above helps prevent rating inflation, improves consistency and provides support for both compensation decisions and corrective action when necessary.

PERFORMANCE SCORING METHOD

Using job descriptions, the following is a KPI model consisting of:

1. **Core Competencies (common to all employees)** – 40% of score
2. **Position-Specific KPIs** – 60% of score

This structure is commonly used because it balances objective performance metrics with behaviors, teamwork, safety, and leadership expectations. It also allows employees in different positions to be evaluated under a consistent framework while maintaining job-specific accountability.

Recommended Scoring Method: Each KPI is scored using the approved rating scale

Rating	Score
90-100	Exceptional
75-89	Exceeds Expectations
65-74	Meets Expectations
50-64	Needs Improvement
Below 50	Unsatisfactory

ANNUAL PERFORMANCE REVIEW, EMPLOYEE AND DISTRICT PERFORMANCE BASED BONUS STRUCTURE

The objective of this policy is to establish a transparent, motivating, and fiscally responsible performance based annual wage increase and bonus structure program, creating incentives for high job performance rating.

Annual merit wage adjustments are determined using a performance base score system ranging from 65 to 100 points, where a score of 65 ("Meets Expectations") establishes a baseline wage increase of 3.00%, scores below 65 receive no increase, and scores above 65 receive a continuous linear increase accruing per additional performance point, up to a maximum increase of 5.00% at a score of 100.

Performance Score	Performance Rating Tier	Wage Increase %
65	Meets Expectations	3.00%
66	Meets Expectations	3.06%
67	Meets Expectations	3.11%

Performance Score	Performance Rating Tier	Wage Increase %
68	Meets Expectations	3.17%
69	Meets Expectations	3.23%
70	Meets Expectations	3.29%
71	Meets Expectations	3.34%
72	Meets Expectations	3.40%
73	Meets Expectations	3.46%
74	Meets Expectations	3.51%
75	Exceeds Expectations	3.57%
76	Exceeds Expectations	3.63%
77	Exceeds Expectations	3.69%
78	Exceeds Expectations	3.74%
79	Exceeds Expectations	3.80%
80	Exceeds Expectations	3.86%
81	Exceeds Expectations	3.91%
82	Exceeds Expectations	3.97%
83	Exceeds Expectations	4.03%
84	Exceeds Expectations	4.09%
85	Exceeds Expectations	4.14%
86	Exceeds Expectations	4.20%
87	Exceeds Expectations	4.26%

Performance Score	Performance Rating Tier	Wage Increase %
88	Exceeds Expectations	4.31%
89	Exceeds Expectations	4.37%
90	Exceptional	4.43%
91	Exceptional	4.49%
92	Exceptional	4.54%
93	Exceptional	4.60%
94	Exceptional	4.66%
95	Exceptional	4.71%
96	Exceptional	4.77%
97	Exceptional	4.83%
98	Exceptional	4.89%
99	Exceptional	4.94%
100	Exceptional	5.00%

Annual Performance Rating Scale: The following scoring criteria and ratings are restated below, for use in the Non-Management Performance Based Bonus Structure:

- **Overall Scores 90-100** = Exceptional in meeting expectations, eligible for increase
- **Overall Score 75-89** = Exceeds meeting expectations, eligible for increase
- **Overall Score 65-74**= Meets expectations, eligible for increase
- **Overall Score 50-64** = Performance Improvement Plan required, re-evaluate in 90 days. Must meet expectations within 90 days. Base increase on evaluation once performance meets expectations. If performance is not improved to meeting expectations in 90 days, termination is recommended.
- **Overall Score Below 50** = Immediate Corrective Action Review. Re-evaluate in 30 days, and a 30-day Performance Improvement Plan (PIP) is required. If immediate corrective action was achieved to a satisfactory level as identified by Management within 30 days, then an increase will be re-evaluated once performance meets expectations. If performance is not improved to meeting expectations in 30 days, termination is recommended.

Non-Management-Employee Performance Based Evaluation Bonuses

- Employees are eligible for a performance bonus calculated on their annual performance evaluation score
    - Exceptional (90-100): $1,750
    - Exceeds Expectations: (75-89): $1,250
    - Meets Expectations (60-74): $750

Non-Management-District Performance-Annual Bonuses

- To recognize the dedication and efforts of the District's employees and provide incentive related to District's work program for the new fiscal year, a Performance Based-Annual Bonus Structure is authorized, to reward performance of the employees in helping the District to satisfactorily achieve the Approved Annual Goals and Objectives, and Budget Management. District employees will be eligible for a performance-based bonus shortly after the commencement of the fiscal year. This bonus will be distributed in November to all eligible employees, independent of their annual performance review and other incentives, as authorized in the District's adopted Human Resources Evaluation and Retention Policy. Eligible employees are defined as having worked 12 months, and having a satisfactory annual performance evaluation of at least meeting expectations.
- The Annual Bonus structure is intended to provide incentive on a prospective basis to employees who consistently achieve a satisfactory work performance and can be relied upon to help the District perform the District's goals, perform the work program and achieve savings in the fiscal year in which the bonus is awarded.
- As for the other bonuses, the Annual Bonus is subject to the allocation of funds in the District's annual budget and is awarded as an incentive that does not become an increase in the employee's annual base salary.

- 1-2 years of service: $750
- 3-4 years of service: $1,250
- 5-9 years of service: $1,500
- 10 years or more of service: $2,000

JOB SPECIFIC KPI'S AND PERFORMANCE STANDARDS

CORE COMPETENCIES-NON-EXECUTIVE POSITIONS (40%)

KPI	Weight
Reliability & Attendance	10%
Safety Compliance & Risk Management	10%
Professionalism & Teamwork	10%
Accountability & Initiative	10%

PERFORMANCE STANDARDS

Reliability & Attendance

- Reports to work on time
- Attends all operations training and meetings
- Dependable during emergencies and on-call assignments

Safety Compliance

- Adheres to District policies
- Uses equipment properly and performs their job safely
- Reports hazards and incidents

Professionalism & Teamwork

- Positive attitude
- Respectful interactions with Board, Staff, Residents, Vendors
- Supports coworkers and District objectives

Accountability & Initiative

- Takes ownership of responsibilities
- Follows through on assignments
- Demonstrates proactive problem-solving

FIELD MAINTENANCE WORKER I-POSITION-SPECIFIC KPI'S (60%)

KPI	Weight
Work Order Completion & Productivity	20%
Quality of Work	15%
Equipment & Asset Care	10%
Board/Staff Relations & Customer Service	10%
Training & Skill Development	5%

PERFORMANCE STANDARDS

Work Order Completion

- Assigned tasks completed timely
- Minimal rework required

Quality of Work

- Pressure washing, painting, repairs completed to standards
- Clean and professional appearance

Equipment Care

- Safe and proper use and maintenance of District equipment

Board/Staff Relations & Customer Service

- Professional, courteous, kind, and respectful interactions with others

Training

- Participation in OSHA, maintenance training, specialized training, and monthly staff meetings. Supported by duties involving general maintenance, stormwater maintenance, amenity and community maintenance, and emergency response.

FIELD MAINTENANCE WORKER II-POSITION-SPECIFIC KPI'S (60%)

KPI	Weight
Preventative Maintenance Completion	20%
Equipment Operations & Asset Care	15%
Work Order Completion & Productivity	10%
Board/Staff Relations & Customer Service	10%
Training & Skill Development	5%

PERFORMANCE STANDARDS

Preventative Maintenance Completion

- Daily, Weekly, Monthly PM's are completed on-time and accurately recorded

Equipment Operations & Asset Care

- Safe and proper use of Heavy Equipment and maintenance of District equipment
- Able to work independently with minimal supervision

Work Order Completion

- Assigned tasks completed timely
- Minimal rework required
- Amenity and Community maintenance competency

Board/Staff Relations & Customer Service

- Professional, courteous, kind, and respectful interactions with others

Training

- Participation in OSHA, maintenance training, specialized training, and monthly staff meetings. Supported by duties involving general maintenance, stormwater maintenance, amenity and community maintenance, and emergency response.
- Completed Florida Stormwater Association Training – Level 1 Stormwater Operator Certification-Online

FIELD MAINTENANCE WORKER III-POSITION-SPECIFIC KPI'S (60%)

KPI	Weight
Project Management, Records & Admin	20%
Cost Controls	15%
Job and Equipment Safety	10%
Board/Staff Relations & Customer Service	10%
Training & Skill Development	5%

PERFORMANCE STANDARDS

Preventative Maintenance Completion

- Daily, Weekly, Monthly PM's are completed on-time and accurately recorded

Equipment Operations & Asset Care

- Safe and proper use of Heavy Equipment and maintenance of District equipment
- Able to work independently with minimal supervision

Work Order Completion

- Assigned tasks completed timely
- Minimal rework required
- Amenity and Community maintenance competency

Board/Staff Relations & Customer Service

- Professional, courteous, kind, and respectful interactions with others

Training

- Participation in OSHA, maintenance training, specialized training, and monthly staff meetings. Supported by duties involving general maintenance, stormwater maintenance, amenity and community maintenance, and emergency response.
- Completed Florida Stormwater Association Training – Level 1 and Level 2 Stormwater Operator Certification-Online

ASSISTANT FIELD MAINTENANCE SUPERVISOR-POSITION SPECIFIC KPI'S (60%)

KPI	Weight
Project Management, Records & Admin	20%
Cost Controls	15%
Job and Equipment Safety	10%
Board/Staff Relations & Customer Service	10%
Training & Skill Development	5%

PERFORMANCE STANDARDS

Project Management, Records & Admin

- Assists the Supervisor in tracking daily work orders, ensuring assignments are completed.
- Maintains accurate and up-to-date field records, preventative maintenance (PM) logs, and daily administrative reports.

Cost Controls

- Monitors the daily use of materials, tools, and inventory by field staff to prevent waste and loss
- Assists the Supervisor in tracking and working within operational budgets.

Job and Equipment Safety

- Enforces District safety guidelines and protocols among all Field Maintenance Workers.
- Ensures the safe, proper operation and routine inspection of heavy machinery, vehicles, and District equipment.
- Proactively identifies and reports safety hazards or incidents immediately.

Board/Staff Relations & Customer Service

- Maintains professional, courteous, kind, and respectful interactions with residents, vendors, and staff at all times.
- Serves as a positive role model for Field Maintenance Workers in delivering a high standard of community service.

Training & Skill Development

- Participates in and assists the Supervisor in coordinating specialized maintenance, and safety training.
- Actively supports the cross-training and development of Field Maintenance Workers I, II, and III.
- Maintains applicable advanced certifications (e.g., Level 1 and Level 2 Stormwater Operator Certification).

CORE LEADERSHIP COMPETENCIES-FIELD MAINTENANCE SUPERVISOR (40%)

KPI	Weight
Strategic Planning & Initiative	10%
Leadership & Team Development	10%
Communications, Staff & Directors	10%
Resident Relations & Customer Service	10%

PERFORMANCE STANDARDS

Strategic Planning & Accomplishing District Initiatives

- Establishes standard operating procedures and implements processes to effectuate efficiencies and effectiveness
- Conduct's the mission and objectives as directed by the Director of Operations, District Manager, and the Board of Supervisors.

Leadership & Team Development

- Plans and leads all morning huddles with maintenance staff and recommends training sessions to the Director of Operations
- Attends all semi-annual check-ins, annual performance reviews and assist the Director of Operations in human resource management of the maintenance staff.

Communications, Staff & Directors

- Initiates informative communications with the Director of Operations and District Manager, and Board as necessary. Communicates effectively, and adheres to the Sunshine laws.
- Responsible for all employee notifications, and an advocate of employee relations
- Professional interactions with District Staff and Board, providing daily updates to the Director of Operations.

Resident Relations & Customer Service

- Professional, courteous, kind, and respectful interactions with Residents, and leading with a customer services mindset.

POSITION-SPECIFIC KPI's- MAINTENANCE SUPERVISOR (60%)

KPI	Weight
Budget Management & Cost Control	20%
PM Program Management	15%
Project Management	15%
Vendor / Contract Management	5%
Attends Meetings-Accomplishes Action Items	5%

POSITION SPECIFIC PERFORMANCE STANDARDS-MAINTENANCE SUPERVISOR

Budget Management & Cost Control

- Monitors the field maintenance budget, proactively tracking expenses and reporting any variances to the Director of Operations.
- Ensures field operations are executed cost-effectively by identifying controllable cost-saving initiatives regarding equipment, labor, and materials.

Overall Operational Readiness / PM Program Management

- Oversees the preventative maintenance schedule, ensuring a 100% completion rate for all daily, weekly, and monthly PM tasks by field staff.
- Verifies that all PM activities are accurately recorded and regularly reported to the Director of Operations to maintain overall operational readiness.

Project Management

- Effectively manages field-level execution of Capital Improvement projects and regular amenity and community operations and maintenance repairs.
- Tracks labor, resources, and timelines accurately, ensuring projects align with approved budgets and schedules.
- Provides daily and weekly project status updates to the Director of Operations.

Vendor Management

- Oversees the daily performance of onsite field contractors and vendors (e.g., HVAC, electrical, plumbing, construction, specialized repairs) to ensure they meet District standards and contractual obligations.
- Promptly addresses on-site vendor issues and reports deficiencies or contract breaches to the Director of Operations.

Attends Meetings-Accomplishes Action Items

- Attends all required staff and operational meetings prepared with updates on field maintenance activities.
- Logs field-related action items and ensures their successful and timely completion between meetings.
- Effectively updates directives from the Director of Operations to the field maintenance team.

EXECUTIVE ADMINISTRATIVE ASSISTANT-POSITION-SPECIFIC KPI'S (60%)

KPI	Weight
Executive-Level Administration	15%
Resident Relations & Issue Resolution	15%
District Operations Support	10%
Security Access Control & Recording	10%
Database Accuracy, and Public Records	10%

PERFORMANCE STANDARDS

Executive-Level Administration

- Provide Executive-Level Administration Assistance in support of the District's Management Structure.
- Assist in the proper classification of District invoices, reviewing variances and working with Accounting / AP to ensure reclassifications as needed to achieve proper expense reporting for monthly unaudited financial statements, with a completion rate of 100%.
- Produce high quality, low error, executive-level correspondence, and draft professional reports as assigned.
- Manage and coordinate complex District schedules, interviews, and appointments for the Director of Operations with minimal instruction.
- Assist Management in the operations procurement process, utilizing co-ops and other cost-saving initiatives.

Resident Relations & Issue Resolution

- Greeting and assisting residents, guests, vendors, and the general public in a friendly, courteous, and respectful manner. Listen to the resident's needs, provide helpful information effectively, and efficiently manage routine or escalated administrative inquiries.
- Sends community eblasts as assigned.

District Operations Support

- Serve as an administrative liaison with other departments, interest groups within the District, providing reliable support to Management, and field staff.
- Independently manage routine office organization, including the daily sorting/distributing of mail, operating office equipment, and administering supplies.
- Maintain 100% compliance in creating accurate issue sheets, and report any workorders not completed within 30 days of being opened.

Security Access Control & Recording

- Coordinate, process, and distribute community security gate access codes, key cards, fobs, and resident photo ID cards.
- Conduct quarterly review of community access devices, identify any security concerns, and deactivate lost, stolen, or compromised access fobs in the system immediately upon notification.
- Conduct monthly review of gate activity reports, analyze and send critical details to the Director of Operations.

Database Accuracy, and Public Records

- Input all owner and tenant data from Property Information Forms into the Resident Database, ensuring records remain 100% current and accurate, by conducting quarterly reviews.
- Provide accurate, updated contact information including phone numbers, emails, and addresses for vendors, and other GHCDD entities, and departments.
- Coordinates with all onsite vendors and contractors to provide certificates of insurance, w-9's, invoicing instructions.
- Proactively analyzes all utility expenses on a monthly basis, and does a comparative analysis looking for variances. Researches the data, finds solutions, and reports issues to the Director of Operations.
- Assist Management with data entry related to the CIP
- Establish, process, organize, and update physical and digital files, certificates, permits, legal documents, and records. Ensure all onsite records management practices align with established guidelines, policies, and constraints set by District Manager, Director of Operations and the Board of Supervisors.

CORE LEADERSHIP COMPETENCIES-DIRECTOR OF OPERATIONS (40%)

KPI	Weight
Strategic Planning & Initiative	10%
Leadership & Team Development	10%
Communications, Staff & Board	10%
Resident Relations & Customer Service	10%

PERFORMANCE STANDARDS

Strategic Planning & Accomplishing District Initiatives

- Establishes standard operating procedures and implements processes to effectuate efficiencies and effectiveness
- Conduct's the mission and objectives as directed by the District Manager and the Board of Supervisors.
- Coordinates with District Engineer, District Counsel, and the Accounting, Administrative and Finance departments.
- Accomplishes action items and provides reporting to the Board to measure operational successes and provide project tracking.

Leadership & Team Development

- Plans and leads all bi-monthly staff meetings and coordinates all training sessions
- Oversees quarterly check-ins, annual performance reviews and manages human resources matters through the District PEO services.

Communications, Staff & Board

- Oversees all CDD communications using eblasts, emails, community app(s), website, ensuring all public information is disseminated effectively and officially.
- Responsible for all employee notifications, and an advocate of employee relations
- Professional interactions with District Staff and Board, providing weekly updates and informative monthly reports.

Resident Relations & Customer Service

- Professional, courteous, kind, and respectful interactions with Residents, and leading with a customer services mindset.

POSITION-SPECIFIC KPI'S (60%)

KPI	Weight
Budget Management & Cost Control	20%
Capital Improvement - Project Management	20%
Overall Operational Readiness	10%
Vendor / Contract Management	5%
Attends Meetings-Accomplishes Action Items	5%

PERFORMANCE STANDARDS

Budget Management & Cost Control

- 100% rate of completion for the proper classification of District invoices, reviewing variances and working with Accounting / AP to ensure reclassifications as needed to achieve proper expense reporting for monthly unaudited financial statements.
- Identify and use controllable cost savings initiatives
- Proactively analyzes all revenues and expenses, variances, and projections to make budget recommendations.
- Manages the CDD operations procurement process, utilizing co-ops and other cost-saving initiatives.

Overall Operational Readiness

- Ensure that the field maintenance team is meeting the service needs for community and amenity maintenance. 90% completion rate or higher of all work orders.
- Conducts the annual review and training of the District's Emergency Action Plans and Community Emergency Management Plan. Plans for and oversees all emergency response and recovery for the District, and communicates effectively with the District Manager, Board and Community and Local/State EOC's.
- Ensures all department team leaders achieve 100 % completion rate for all scheduled/planned and & preventative maintenance for the District.

Capital Improvement-Project Management

- Monthly Operations Report with updated CIP for Board consideration and approval.
- Accurate project tracking with budget, variance, start, and end dates
- ±5% of approved budget allocation for Capital Improvement Plans

Vendor Management

- Implements Monthly scorecards for Landscape and Pond Maintenance Vendors with an 85% compliance requirement.
- Conducts monthly compliance meetings with vendors who have annual service agreements with the District, ensuring compliance to contractual obligations. Completes an annual contract review of all vendors/contractors who provide annual services to the District.
- Manages all disputes and communicates to the District Manager any material breaches of contracts.
- Keeps record of all contract terms, and proactively works with the District Manager on the timely publication of RFP's 6 months prior to the hard expiration dates to prevent contractual gaps.

Attends Meetings-Accomplishes Action Items

- Attends 100% of CDD meetings and workshops
- Logs all action items and assignments and successfully closes out 90% of operational action items assigned during meetings between meetings.
- Provides updates from meetings to the staff
- Eblasts the District Manager's summary of the meeting to the residents
- Attends all FFG and committee meetings as approved by the Board.

RESOLUTION 2027-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT ADOPTING A BOARD OF SUPERVISORS CODE OF CONDUCT; PROVIDING FOR THE REPEAL OF PRIOR CODES OF CONDUCT; PROVIDING FOR CONSISTENCY WITH APPLICABLE LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Board of Supervisors of the District **("Board")** typically meets monthly to conduct the business of the District, at which time, pursuant to the Florida Sunshine Law, all of the business of the Board of Supervisors must be conducted; and

WHEREAS, the Board finds that it is in the best interest of the District, its Board of Supervisors, its constituents and its staff that the Board's public meetings be conducted in an effective and orderly fashion so as to promote cooperation, collegiality and effective decision making; and

WHEREAS, the Board understands that Chapter 190 divides the functions of the District into executive and decision-making functions, which are exercised by the Board at its public meetings, and the day-to-day function and operation of the District, which are exercised by the District Manager and District Staff; and

WHEREAS, the Board recognizes that the governance and operation of the District is most effective when these parties have mutual respect and honor their respective rolses; and

WHEREAS, the Board has previously agreed upon a set of standards of behavior for the Board known as a "Code of Conduct" in order to provide for effective governance and operation of the District, which the Board now desires to amend and restate and to adopt in the form of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT:

1. **Board of Supervisors Code of Conduct.** The Board hereby adopts the Code of Conduct attached to this Resolution as Exhibit "1" as the Board of Supervisors Code of Conduct.

2. **Binding Authority.** The Board of Supervisors agrees that the standards set forth in Exhibit 1 shall govern the conduct of the Board's public meetings and the interaction between the Board and District Staff.

3. **Repeal of Prior Code of Conduct.** Any prior Code of Conduct agreed to by a prior Board of Supervisors is hereby amended to be consistent with Exhibit 1.

4. **Superseding Law.** Nothing herein is intended to replace or supersede other laws governing the operation of the District, including, without limitation, Fla. Stat. §286.011 (Public Meetings/ Sunshine Law), Fla. Stat. Chapter 112 (Public Officer/ Ethics) or Fla. Stat. Chapter 119 (Public Records), and such laws shall take precedence over this Resolution.

5. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 29th day of October, 2026.

Secretary/Assistant Secretary	Chair/Vice Chair

EXHIBIT 1
BOARD OF SUPERVISORS CODE OF CONDUCT

GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS CODE OF CONDUCT

IN PUBLIC ADVERTISED MEETINGS AND WORKSHOPS

Proper governance and operation of the District requires mutual respect and an understanding of the role of each participant. Board meetings will focus around an executive, courteous format. Keeping discussions focused strictly on the agenda's business and discussion items allows both the Board and staff to work together to conduct the District's business meetings with the efficiency and decorum the public expects.

Use Formal Titles

The Board should refer to one another formally during public meetings as Chairman or Supervisor, followed by the individual's last name.

Practice Civility & Decorum in Discussions & Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Board members agree to maintain composure, a civil demeanor, and a professional environment during all proceedings by keeping discussions respectful and refraining from personal or disparaging remarks.

Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Chair to assist the District Manager in guiding discussions to be constructive and keep meetings focused on agenda items. Board Members will show respect for the efforts to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections will be voiced politely and with reason.

Avoid Personal Comments that Could Offend Other Board Members

If a Board and/or Staff Member is personally offended by the remarks of another Board Member, the offended Board and/or Staff Member will make notes of the actual words used and call for a "point of personal privilege", requesting clarification or seeking a constructive resolution regarding the language used. The Chair will maintain control of this discussion.

Demonstrate Effective Problem-Solving Approaches

Board Members have a public stage to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole.

BOARD CONDUCT WITH DISTRICT STAFF AND EMPLOYEES

Governance of a District relies on clearly defined roles and the cooperative efforts of the members of the Board of Supervisors. The Board will adhere to the separation of Elected Officials duties, from that of the Management of the District. The Board's duties involve the essential governance through setting the budget, policies, and long-term goals, while the professional staff carries out the policies, using their experience and skill sets to manage the District's operations, and maintain the infrastructure and assets.

Therefore, every effort will be made by the Board to show mutual respect for the contributions of the Staff and employees.

Treatment of Staff

Clear, honest communication that respects the abilities, the processes, experience, and dignity of the staff and employees is expected. Board members are expected to maintain a respectful, professional tone in all interactions with staff.

Contact with District Staff

Questions of District staff and/or requests for additional background information will be made in writing using authorized District email for records retention purposes, and will be directed to only the District Manager or Director of Operations. The District Manager may delegate the response to other Staff members including but not limited to the Director of Operations, District Counsel, and District Engineer.

Information regarding ongoing District projects will be provided monthly using the Capital Projects Tracker that is included on the agenda. Weekly updates will also be provided on operations and projects. Board Members will limit requests for information and questions, but should they have a need for information, such information will be in writing by email for records retention purposes. Supervisors will not seek during such contact, to provide direction to, or express criticism of the staff, or to promote ideas or actions which are inconsistent with direction the Board has previously given at a public meeting.

Board members who desire to meet in person with the Director of Operations will request the meeting in writing by email, and provide a summary of the information requested or questions involved. All communications from Board members to the Director of Operations should have the District Manager copied. To respect staff workloads and schedules, Board members requesting to schedule meetings with either the District Manager and/or the Director of Operations, should allow a reasonable amount of time for a meeting to be scheduled.

If the Director of Operations expresses concern whether the requests from individual Supervisors should be coming from the full Board of Supervisors or that the request will

occupy too much time or resources, the Board member involved will refer the matter to the District Manager for further clarification. Outside of the Director of Operations, Board members will not make specific requests for information or to meet with employees of the District, except as directed by the full Board. When in doubt about what staff contact is appropriate, Board Members will ask the District Manager for direction, who may need to consult with the District Counsel depending on the request. Materials supplied to Board Members in response to a request will be made available to all members of the Board so that all have equal access to information.

Disrupting District Staff While Working

Board Members will not disrupt District staff while they are in meetings, on the phone, or involved in performing their job functions. Board Members will not give staff or vendors direction on how to do their job functions.

Public Criticism of an Employee

Performance concerns regarding staff should be directed privately to the District Manager, and/or the Director of Operations, rather than raised publicly. Comments about staff performance will only be made to the District Manager, District Counsel or the Director of Operations, as is appropriate, through a scheduled in person meeting, by phone, or email correspondence.

Involvement in Operations and Administrative Functions

Board Members will not attempt to influence District staff outside of the public meeting discussion on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of District licenses and permits.

Board Members will not direct or attempt, outside of the public meeting discussion, to direct the processes or the work or activities of staff or vendors. Any request that relates to the performance of staff or a vendor will be made through the District Manager. Board Members will not meet with the District Manager, Staff, or employees of the District to try to influence how operational duties and responsibilities are completed, or to try to implement their own desired processes. Board members will not give unilateral direction to District Staff, the Director of Operations, or other employees. Board directives as a whole are given at public Board Meetings.

Check with District Staff on Correspondence Before Acting

Before responding to emails sent to the entire Board, Supervisors should check with the District Manager to see if any official District response has already been sent or is in progress.

Except as provide for in this Code, do Not Attend Meetings with District Staff Unless Requested by Staff and approved by the Board.

Even if the Board Member does not say anything, the Board Member's presence may unintentionally compromise staff objectivity, neutrality, or daily operational focus.

Limit Requests for Staff Support

Requests for additional staff support, even in high priority or emergency situations, will be made to the District Manager who is responsible for allocating District resources in order to maintain a professional, well-run District.

Solicitation of Political Support from Staff

Board Members will not solicit any type of political support, financial contributions, display of posters or lawn signs, name on support list, etc. from District staff. District staff may, as private citizens with constitutional rights, support political candidates but all, such activities must be done away from the workplace.

Social Media Postings

Board Members will not use social media platforms to communicate their positions on matters that are pending business before the Board, or which are likely to come before the Board at a future time.

FLORIDA COMMISSION ON ETHICS



GUIDE
to the
SUNSHINE AMENDMENT
and
CODE of ETHICS
for Public Officers and Employees

2026

State of Florida
COMMISSION ON ETHICS

Jon M. Philipson, Chair
Tampa

Joseph Oglesby, Vice Chair
Tallahassee

Paul D. Bain
Tampa

Michael H. Hellman
Miami

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I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida's first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;

- Prepares mailing lists of public officials subject to financial disclosure for use in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

A. Prohibited Actions or Conduct

1. Stolen Valor

A candidate, an elected public officer, an appointed public officer, or a public employee may not, for the **purpose of material gain**, knowingly misrepresent their military service or a decoration, medal title, honor, awarded qualification or military occupational specialty from the Armed Forces of the United States.

Candidates, elected public officers, appointed public officers, and public employees are also prohibited, for the purpose of material gain, from knowingly making false statements or misrepresenting active service in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or service in combat operations in a warzone, including misrepresentations or false statement of being a prisoner of war.

A candidate elected public officer, appointed public officer or a public employee may not, for the purpose of material gain, wear the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States that he or she is not authorized to wear.

2. Solicitation and Acceptance of Gifts

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from soliciting any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly accepting a gift worth more than $100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

However, notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, any expenditure made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than $100 that formerly were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

3. Unauthorized Compensation

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

4. Misuse of Public Position

Public officers and employees, and local government attorneys are prohibited from **corruptly** using or attempting to use their official positions or the resources thereof to obtain a **special privilege or benefit** for themselves or others. [Sec. 112.313(6), Fla. Stat.]

5. Abuse of Public Position

Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others. [Article II, Section 8(h), Florida Constitution.]

6. Disclosure or Use of Certain Information

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

7. Solicitation or Acceptance of Honoraria

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to $5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

B. Prohibited Employment and Business Relationships

1. Doing Business With One's Agency

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. Conflicting Employment or Contractual Relationship

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

(c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

(d) When an emergency purchase must be made to protect the public health, safety, or welfare.

(e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

(f) When the aggregate of any such transactions does not exceed $500 in a calendar year.

(g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

(h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

(i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

4. Additional Exemptions

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way

in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.]

5. Legislators Lobbying State Agencies

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

6. Additional Lobbying Restrictions for Certain Public Officers and Employees

A statewide elected officer; a member of the legislature; a county commissioner; a county officer pursuant to Article VIII or county charter; a school board member; a superintendent of schools; an elected municipal officer; an elected special district officer in a special district with ad valorem taxing authority; or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office. [Art. II Sec 8(f)(2), Fla. Const. and Sec. 112.3121, Fla. Stat.]

7. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

8. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

9. Contractual Services: Prohibited Employment

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

10. Local Government Attorneys

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

11. Dual Public Employment

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

C. Restrictions on Appointing, Employing and Contracting with Relatives

1. Anti-Nepotism Law

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. Additional Restrictions

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a

relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. Standards of Conduct for Officers and Employees of Entities Serving as Chief Administrative Officers of Political Subdivisions

The officers, directors, and chief executive officer of a business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any employee of that business entity who is acting as the chief administrative or executive officer or employee of the political subdivision, are public officers and employees subject to the following standards of conduct:

i. Section 112.313, and their "agency" is the political subdivision. However, the contract allowing the business entity to serve as the chief executive or administrative officer of the political subdivision is not deemed to violate the prohibitions against doing business with one's own agency [Sec. 112.313(3), Fla. Stat.] and conflicting employment and contractual relationships [Sec. 112.313(7)(a), Fla. Stat.];
ii. The Form 1 financial disclosure requirement for "local officers" [Sec. 112.3145, Fla. Stat.];
iii. And the Form 9 and the Form 10 gift disclosure requirements for "reporting individuals" [Secs. 112.3148 & 112.3149, Fla. Stat.]. [Sec. 112.3136, Fla. Stat.]

E. Post Office Holding and Employment (Revolving Door) Restrictions

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. Lobbying by Former State Employees

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions,

unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

(a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

(b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

3. 6-Year Lobbying Ban

For a period of six years after vacation of public position occurring on or after December 31, 2022, a statewide elected officer or member of the legislature shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature or any state government body or agency. [Art. II Sec 8(f)(3)a., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a person serving as a secretary, an executive director, or other agency head of a

department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature, the governor, the executive office of the governor, members of the cabinet, a department that is headed by a member of the cabinet, or his or her former department. [Art. II Sec 8(f)(3)b., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, or an elected special district officer in a special district with ad valorem taxing authority shall not lobby for compensation on issues of policy, appropriations, or procurement before his or her former agency or governing body. [Art. II Sec 8(f)(3)c., Fla. Const. and Sec. 112.3121, Fla. Stat.]

4. Additional Restrictions on Former State Employees

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

5. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of which he or she was an officer for two years after leaving office. Appointed officers and

employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

F. Voting Conflicts of Interest

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

G. Disclosures

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.; members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $35,000 for the local governmental unit.

5) Members of governing boards of charter schools operated by a city or other public entity.

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a

political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

1) Employees in the Office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

5) The superintendent or director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding $35,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 or a verification of filing in EFDMS together with and at the same time they file their qualifying papers. Candidates for City Council or Mayor must file a Form 6 or a verification of filing in EFDMS.[1]

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

File with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. FORM 1F - Final Form 1 Limited Financial Disclosure

Beginning January 1, 2024, all Form 1 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures are published and searchable by name or organization on the Commission's website.

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. FORM 2 - Quarterly Client Disclosure

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

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[1] During the pendency of ongoing litigation, the Commission on Ethics is enjoined from enforcing the Form 6 requirement for mayors and elected members of municipal governing bodies, and they will have to file a CE Form 1 ("Statement of Financial Interest").

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

File with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

Beginning January 1, 2024, all Form 2 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures are published and searchable by name or organization on the Commission's website.

4. FORM 6 - Full and Public Disclosure

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of the city council and candidates for these offices;[1] the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over $1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth.

In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

[1] During the pendency of ongoing litigation, the Commission on Ethics is enjoined from enforcing the Form 6 requirement for mayors and elected members of municipal governing bodies, and they will have to file a CE Form 1 ("Statement of Financial Interest").

When and Where To File:

Officials must file FORM 6 annually by July 1 with the Commission on Ethics.

Beginning January 1, 2023, all Form 6 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable on the Commission's website.

CANDIDATES must register and use the electronic filing system to complete the Form 6, then print and file the disclosure with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

5. FORM 6F - Final Form 6 Full and Public Disclosure

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. FORM 9 - Quarterly Gift Disclosure

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics no later than the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than $100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than $100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The

officer or employee then must disclose this information by filing a statement by July 1 that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. The statements are filed with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year. The statements are filed with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

8. FORM 30 - Donor's Quarterly Gift Disclosure

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than $100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between $25 and $100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to

any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

9. FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

Beginning January 1, 2024, LOCAL OFFICERS and EMPLOYEES, and OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file FORM 1 annually must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 annually, including City Commissioners and Mayors, must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS).[1] Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

[1] During the pendency of ongoing litigation, the Commission on Ethics is enjoined from enforcing the Form 6 requirement for mayors and elected members of municipal governing bodies, and they will have to file a CE Form 1 ("Statement of Financial Interest").

V. PENALTIES

A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed $20,000, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the ballot, public censure, reprimand, or a civil penalty not to exceed $20,000, and triple the value of a gift received from a political committee.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed $20,000, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to $5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between $25 and $100, may be penalized by a fine of not more than $5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined $50 per day per report for each day the report is late, up to a maximum fine of $5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of $25 for each day late the form is filed after September 1, up to a maximum penalty of $1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

The Commission must undertake an investigation of a public officer or employee who accrues the $1,500 maximum fine and currently holds their filing position to determine if the failure to file was willful. If the Commission finds a willful failure to file, the only penalty that can be recommended, by law, is removal.

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and

all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

C. How to Obtain Published Opinions

All of the Commission's opinions are available for viewing or download at its website:

www.ethics.state.fl.us.

VII. COMPLAINTS

A. Citizen Involvement

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at www.ethics.state.fl.us. The Commission may only investigate complaints based on personal knowledge or information other than hearsay. The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can download a complaint form (FORM 50) from the Commission's website at www.ethics.state.fl.us, or contact the Commission office at the address or phone number shown on the inside front cover of this booklet.

B. Referrals

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney.

C. Confidentiality

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

D. How the Complaint Process Works

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt. Amendments to complaints must be received within 60 days of the original complaint.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. During the first stage, the Commission must also determine whether the allegation(s) in the complaint are based on personal knowledge or information other than hearsay. If the complaint is found not to be legally sufficient or the allegations are not based on personal knowledge or infomation other than hearsy, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

E. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

F. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at www.floridalobbyist.gov. Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4990

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing

information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. TRAINING

Constitutional officers, elected municipal officers, commissioners of community redevelopment agencies (CRAs), commissioners of community development districts, and local officer of an independent special district are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. The Commission on Ethics does not track compliance or certify providers. Officials indicate their compliance with the training requirement when they file their annual Form 1 or Form 6.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff.

The 2026 Florida Statutes

CHAPTER 190
COMMUNITY DEVELOPMENT DISTRICTS

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190.001 Short title.—This act may be cited as the "Uniform Community Development District Act of 1980."
History.—s. 2, ch. 80-407.

190.002 Legislative findings, policies, and intent.—
(1) The Legislature finds that:
(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation, and duration of independent districts to manage and finance basic community development services; and that, based upon a proper and fair determination of applicable facts, an independent district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.
(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with applicable due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.
(c) It is in the public interest that long-range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services for community development districts be under one coordinated entity.
(2) It is the policy of this state:
(a) That the needless and indiscriminate proliferation, duplication, and fragmentation of local general-purpose government services by independent districts is not in the public interest.
(b) That independent districts are a legitimate alternative method available for use by the private and public sectors, as authorized by state law, to manage and finance basic services for community developments.
(c) That the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under chapter 380 and that the district so established does not have any zoning or permitting powers governing development.
(d) That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.
(3) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to establish an independent special district as an alternative method to manage and finance basic services for community development. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent district. It is further the purpose and intent of the Legislature that a district created under this chapter not have or exercise any zoning or development permitting power, that the establishment of the independent community development district as provided in this act not be a development order within the meaning of chapter 380, and that all applicable planning and permitting laws, rules, regulations, and policies control the development of the land to be serviced by the district. It is further the purpose and intent of the Legislature that no debt or obligation of a district constitute a burden on any local general-purpose government without its consent.

History.—s. 2, ch. 80-407; s. 1, ch. 84-360.

190.003 Definitions.—As used in this chapter, the term:

(1) "Ad valorem bonds" means bonds which are payable from the proceeds of ad valorem taxes levied on real and tangible personal property and which are generally referred to as general obligation bonds.

(2) "Assessable improvements" means, without limitation, any and all public improvements and community facilities that the district is empowered to provide in accordance with this act.

(3) "Assessment bonds" means special obligations of the district which are payable solely from proceeds of the special assessments levied for an assessable project.

(4) "Board" or "board of supervisors" means the governing board of the district or, if such board has been abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(5) "Bond" includes "certificate," and the provisions which are applicable to bonds are equally applicable to certificates. The term "bond" includes any general obligation bond, assessment bond, refunding bond, revenue bond, and other such obligation in the nature of a bond as is provided for in this act, as the case may be.

(6) "Community development district" means a local unit of special-purpose government which is created pursuant to this act and limited to the performance of those specialized functions authorized by this act; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this act for the purpose of the delivery of urban community development services; and the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law.

(7) "Compact, urban, mixed-use district" means a district consisting of a maximum of 75 acres which is located within a municipality, and within either a qualified opportunity zone designated by the United States Department of the Treasury pursuant to 26 U.S.C. s. 1400Z-1 or a community redevelopment area created pursuant to s. 163.356, which district has development entitlements of:

(a) At least 400,000 square feet of retail development and 500 residential units; or

(b) At least 250,000 square feet of commercial development and 500 residential rental units that are affordable for very-low-income, low-income, or moderate-income persons, as defined in s. 420.0004, s. 420.602, or s. 420.9071.

(8) "Cost," when used with reference to any project, includes, but is not limited to:

(a) The expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction.

(b) The cost of surveys, estimates, plans, and specifications.

(c) The cost of improvements.

(d) Engineering, fiscal, and legal expenses and charges.

(e) The cost of all labor, materials, machinery, and equipment.

(f) The cost of all lands, properties, rights, easements, and franchises acquired.

(g) Financing charges.

(h) The creation of initial reserve and debt service funds.

(i) Working capital.

(j) Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.

(k) The cost of issuance of bonds pursuant to this act, including advertisements and printing.

(l) The cost of any election held pursuant to this act and all other expenses of issuance of bonds.

(m) The discount, if any, on the sale or exchange of bonds.

(n) Administrative expenses.

(o) Such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing thereof, or to the development of any lands within the district.
(p) Payments, contributions, dedications, fair share or concurrency obligations, and any other exactions required as a condition to receive any government approval or permit necessary to accomplish any district purpose.
(9) "District" means the community development district.
(10) "District manager" means the manager of the district.
(11) "District roads" means highways, streets, roads, alleys, sidewalks, landscaping, storm drains, bridges, and thoroughfares of all kinds and descriptions.
(12) "Elector" means a landowner or qualified elector.
(13) "General obligation bonds" means bonds which are secured by, or provide for their payment by, the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the resolution authorizing their issuance, of the full faith and credit and taxing power of the district and for payment of which recourse may be had against the general fund of the district.
(14) "Landowner" means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years.
(15) "Local general-purpose government" means a county, municipality, or consolidated city-county government.
(16) "Project" means any development, improvement, property, utility, facility, works, enterprise, or service now existing or hereafter undertaken or established under the provisions of this act.
(17) "Qualified elector" means any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida and of the district, and who registers to vote with the supervisor of elections in the county in which the district land is located.
(18) "Refunding bonds" means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.
(19) "Revenue bonds" means obligations of the district which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the district.
(20) "Sewer system" means any plant, system, facility, or property, and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage, including, without limitation, industrial wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resource. Without limiting the generality of the foregoing, the term "sewer system" includes treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains, laterals, and other devices for the reception and collection of sewage from premises connected therewith; and all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such system and necessary or convenient for operation thereof.
(21) "Water management and control facilities" means any lakes, canals, ditches, reservoirs, dams, levees, sluiceways, floodways, curbs, gutters, pumping stations, or any other works, structures, or

facilities for the conservation, control, development, utilization, and disposal of water, and any purposes appurtenant, necessary, or incidental thereto. The term "water management and control facilities" includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such water management and control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.
(22) "Water system" means any plant, system, facility, or property and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment, or purification and distribution of water. Without limiting the generality of the foregoing, the term "water system" includes dams, reservoirs, storage, tanks, mains, lines, valves, hydrants, pumping stations, chilled water distribution systems, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation thereof.
History.—s. 2, ch. 80-407; s. 2, ch. 84-360; s. 10, ch. 87-363; s. 2, ch. 91-308; s. 33, ch. 2000-364; s. 1, ch. 2007-160; s. 1, ch. 2009-142; s. 2, ch. 2026-164.

190.004 Preemption; sole authority.—
(1) This act constitutes the sole authorization for the future establishment of independent community development districts which have any of the specialized functions and powers provided by this act.
(2) The adoption of chapter 84-360, Laws of Florida, does not affect the validity of the establishment of any community development district or other special district existing on June 29, 1984; and existing community development districts will be subject to the provisions of chapter 190, as amended. All actions taken prior to July 1, 2000, by a community development district existing on June 29, 1984, if taken pursuant to the authority contained in chapter 80-407, Laws of Florida, or this chapter are hereby deemed to have adequate statutory authority. Nothing herein shall affect the validity of any outstanding indebtedness of a community development district established prior to June 29, 1984, and such district is hereby authorized to continue to comply with all terms and requirements of trust indentures or loan agreements relating to such outstanding indebtedness.
(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Community Planning Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.
(4) The exclusive charter for a community development district shall be the uniform community development district charter as set forth in ss. 190.006-190.041, including the special powers provided by s. 190.012.
History.—s. 2, ch. 80-407; s. 3, ch. 84-360; s. 27, ch. 85-55; s. 34, ch. 87-224; s. 34, ch. 99-378; s. 9, ch. 2000-304; s. 39, ch. 2011-139.

190.005 Establishment of district.—
(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.
(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.
2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.
3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.
4. The proposed name of the district.
5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.
6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.
7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.
8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

(b) Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of $15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.
2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.
3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a $15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

(c) Such county and each such municipality required by law to receive a petition may conduct a public hearing to consider the relationship of the petition to the factors specified in paragraph (e). The public hearing shall be concluded within 45 days after the date the petition is filed unless an extension of time is requested by the petitioner and granted by the county or municipality. The county or municipality holding such public hearing may by resolution express its support of, or objection to the granting of, the petition by the Florida Land and Water Adjudicatory Commission. A resolution must base any objection to the granting of the petition upon the factors specified in paragraph (e). Such county or municipality may present its resolution of support or objection at the Florida Land and Water Adjudicatory Commission hearing and shall be afforded an opportunity to present relevant information in support of its resolution.

(d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published for 4 successive weeks on a

publicly accessible website as provided in s. 50.0311 or, if published in print, in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing as provided in chapter 50. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. If published in the print edition of a newspaper, the advertisement may not be placed in the portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper in the county and of general interest and readership in the community pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least weekly, unless the only newspaper in the community is published less than weekly. If the notice is published in the print edition of the newspaper, the map must also be included in any online advertisement pursuant to s. 50.0211. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(e) The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

(f) The Florida Land and Water Adjudicatory Commission shall not adopt any rule which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041, except as provided in s. 190.012. A rule establishing a community development district shall only contain the following:

1. A metes and bounds description of the external boundaries of the district and any real property within the external boundaries of the district which is to be excluded.
2. The names of five persons designated to be the initial members of the board of supervisors.
3. The name of the district.

(g) The Florida Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for considering petitions to establish, expand, modify, or delete uniform community development districts or portions thereof consistent with the provisions of this section.

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(13) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).
(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.
(d) The county commission may not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.
(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(13), the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).
(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.
(3) The governing body of any existing special district, created to provide one or more of the public improvements and community facilities authorized by this act, may petition for reestablishment of the existing district as a community development district pursuant to this act. The petition shall contain the information specified in subparagraphs (1)(a)1., 3., 4., 5., 6., and 7. and shall not require payment of a fee pursuant to paragraph (1)(b). In such case, the new district so formed shall assume the existing obligations, indebtedness, and guarantees of indebtedness of the district so subsumed, and the existing district shall be terminated.
History.—s. 2, ch. 80-407; ss. 4, 5, ch. 84-360; s. 28, ch. 85-55; s. 35, ch. 87-224; s. 34, ch. 96-410; s. 6, ch. 98-146; s. 35, ch. 99-378; s. 34, ch. 2000-364; s. 2, ch. 2007-160; s. 33, ch. 2008-4; s. 4, ch. 2009-142; s. 40, ch. 2011-139; s. 6, ch. 2012-212; s. 13, ch. 2015-30; s. 1, ch. 2016-94; s. 10, ch. 2018-158; s. 17, ch. 2021-17; s. 16, ch. 2022-103.

190.006 Board of supervisors; members and meetings.—
(1) The board of the district shall exercise the powers granted to the district pursuant to this act. The board shall consist of five members; except as otherwise provided herein, each member shall hold office for a term of 2 years or 4 years, as provided in this section, and until a successor is chosen and qualifies. The members of the board must be residents of the state and citizens of the United States.
(2)(a) Within 90 days following the effective date of the rule or ordinance establishing the district, there shall be held a meeting of the landowners of the district for the purpose of electing five supervisors for the district. Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the district, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chair who shall conduct the meeting. The chair

may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions.
(b) At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. The two candidates receiving the highest number of votes shall be elected for a period of 4 years, and the three candidates receiving the next largest number of votes shall be elected for a period of 2 years, with the term of office for each successful candidate commencing upon election. The members of the first board elected by landowners shall serve their respective 4-year or 2-year terms; however, the next election by landowners shall be held on the first Tuesday in November. Thereafter, there shall be an election of supervisors for the district every 2 years in November on a date established by the board and noticed pursuant to paragraph (a). The second and subsequent landowners' election shall be announced at a public meeting of the board at least 90 days prior to the date of the landowners' meeting and shall also be noticed pursuant to paragraph (a). Instructions on how all landowners may participate in the election, along with sample proxies, shall be provided during the board meeting that announces the landowners' meeting. The two candidates receiving the highest number of votes shall be elected to serve for a 4-year period, and the remaining candidate elected shall serve for a 2-year period.
(3)(a)1. If the board proposes to exercise the ad valorem taxing power authorized by s. 190.021, the district board shall call an election at which the members of the board of supervisors will be elected. Such election shall be held in conjunction with a primary or general election unless the district bears the cost of a special election. Each member shall be elected by the qualified electors of the district for a term of 4 years, except that, at the first such election, three members shall be elected for a period of 4 years and two members shall be elected for a period of 2 years. All elected board members must be qualified electors of the district.
2.a. Regardless of whether a district has proposed to levy ad valorem taxes, commencing 6 years after the initial appointment of members or, for a district exceeding 5,000 acres in area or for a compact, urban, mixed-use district, 10 years after the initial appointment of members, the position of each member whose term has expired shall be filled by a qualified elector of the district, elected by the qualified electors of the district. However, for those districts established after June 21, 1991, and for those existing districts established after December 31, 1983, which have less than 50 qualified electors on June 21, 1991, sub-subparagraphs b. and d. shall apply. If, in the 6th year after the initial appointment of members, or 10 years after such initial appointment for districts exceeding 5,000 acres in area or for a compact, urban, mixed-use district, there are not at least 250 qualified electors in the district, or for a district exceeding 5,000 acres or for a compact, urban, mixed-use district, there are not at least 500 qualified electors, members of the board shall continue to be elected by landowners.
b. After the 6th or 10th year, once a district reaches 250 or 500 qualified electors, respectively, then the positions of two board members whose terms are expiring shall be filled by qualified electors of the district, elected by the qualified electors of the district for 4-year terms. The remaining board member whose term is expiring shall be elected for a 4-year term by the landowners and is not required to be a qualified elector. Thereafter, as terms expire, board members shall be qualified electors elected by qualified electors of the district for a term of 4 years.

c. Once a district qualifies to have any of its board members elected by the qualified electors of the district, the initial and all subsequent elections by the qualified electors of the district shall be held at the general election in November. The board shall adopt a resolution if necessary to implement this requirement when the board determines the number of qualified electors as required by sub-subparagraph d., to extend or reduce the terms of current board members.
d. On or before June 1 of each year, the board shall determine the number of qualified electors in the district as of the immediately preceding April 15. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in each county in making this determination. Such determination shall be made at a properly noticed meeting of the board and shall become a part of the official minutes of the district.
(b) Elections of board members by qualified electors held pursuant to this subsection shall be nonpartisan and shall be conducted in the manner prescribed by law for holding general elections. The district shall publish a notice of the qualifying period set by the supervisor of elections for each election at least 2 weeks prior to the start of the qualifying period. Board members shall assume the office on the second Tuesday following their election. If no elector qualifies for a seat to be filled in an election, a vacancy in that seat shall be declared by the board effective on the second Tuesday following the election. Within 90 days thereafter, the board shall appoint a qualified elector to fill the vacancy. Until such appointment, the incumbent board member in that seat shall remain in office.
(c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions of chapter 106 and shall file qualifying papers and qualify for individual seats in accordance with s. 99.061.
(d) The supervisor of elections shall appoint the inspectors and clerks of elections, prepare and furnish the ballots, designate polling places, and canvass the returns of the election of board members by qualified electors. The county canvassing board shall declare and certify the results of the election.
(e) Any board member elected to the board of supervisors by the qualified electors of the district pursuant to this subsection is subject to the recall procedures provided for in s. 190.0071.
(4) Members of the board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by s. 876.05. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill the vacancy by an appointment for the remainder of the unexpired term.
(5) A majority of the members of the board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the district shall be upon a vote of a majority of the members present unless general law or a rule of the district requires a greater number.
(6) As soon as practicable after each election or appointment, the board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary.
(7) The board shall keep a permanent record book entitled "Record of Proceedings of (name of district) Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119. The record book shall be kept at the office or other regular place of business maintained by the board in the county or municipality in which the district is located or within the boundaries of a development of regional impact or Florida Quality Development, or combination of a development of regional impact and Florida Quality Development, which includes the district.
(8) Each supervisor shall be entitled to receive for his or her services an amount not to exceed $200 per meeting of the board of supervisors, not to exceed $4,800 per year per supervisor, or an amount

established by the electors at referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in s. 112.061.
(9) All meetings of the board shall be open to the public and governed by the provisions of chapter 286.
History.—s. 2, ch. 80-407; s. 6, ch. 84-360; s. 23, ch. 85-80; s. 3, ch. 91-308; s. 962, ch. 95-147; s. 36, ch. 99-378; s. 19, ch. 2000-158; s. 35, ch. 2004-345; s. 32, ch. 2004-353; s. 3, ch. 2007-160; s. 33, ch. 2008-95; s. 2, ch. 2009-142; s. 4, ch. 2026-164.

190.007 Board of supervisors; general duties.—
(1) The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner or of an entity affiliated with a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board. For purposes of s. 8(h)(2), Art. II of the State Constitution, a board member or a public employee of a district does not abuse his or her public position if the board member or public employee commits an act or omission that is authorized under this subsection, s. 112.313(7), (12), (15), or (16), or s. 112.3143(3)(b), and an abuse of a board member's public position does not include any act or omission in connection with a vote when the board member has followed the procedures required by s. 112.3143.
(2) The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.
(3) The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 280.02 which meets all the requirements of chapter 280 and has been designated by the Chief Financial Officer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.
History.—s. 2, ch. 80-407; s. 7, ch. 84-360; s. 32, ch. 86-191; s. 963, ch. 95-147; s. 170, ch. 2003-261; s. 4, ch. 2007-160; s. 3, ch. 2020-77; s. 90, ch. 2024-140.

190.0071 Community development district recall.—
(1) DEFINITIONS.—As used in this section, the term:
(a) "Clerk," as the context requires, means:
1. If the community development district was established by ordinance of a local general-purpose government pursuant to s. 190.005(2), the clerk of such local general-purpose government.
2. If the community development district was established by rule of the Florida Land and Water Adjudicatory Commission pursuant to s. 190.005(1), the clerk of the circuit court of the county that contains a majority of the qualified electors of the district.

(b) "Subdistrict" means the area or region previously contained in a community development district that has been merged with one or more other community development districts to form a surviving merged district pursuant to s. 190.046.
(2) APPLICATION.—Any member of the board of supervisors of a community development district who is elected to the board by the qualified electors of the community development district may be removed from office by the qualified electors of the district. To be subject to recall, the member must have served at least one-fourth of his or her term of office at the time a petition is filed as provided in subsection (4). If the member represents a subdistrict and is elected only by electors residing in that subdistrict, only electors residing in that subdistrict are eligible to sign the petition to recall that member and are entitled to vote in the recall election. If the member is elected at large by the electors of the district, all electors of the district are eligible to sign the petition to recall that member and are entitled to vote in the recall election. Members may be removed from office pursuant to the procedures provided in this section.
(3) GROUNDS FOR RECALL.—The grounds for removal of members of the board of supervisors of a district elected by qualified electors are, for the purposes of this act, limited to the following reasons and must be contained in the recall petition:
(a) Malfeasance;
(b) Misfeasance;
(c) Neglect of duty;
(d) Drunkenness;
(e) Incompetence;
(f) Permanent inability to perform official duties; or
(g) Conviction of a felony involving moral turpitude.
(4) RECALL PETITION.—
(a) Petition content.—A recall petition must contain the name of the board member sought to be recalled and a statement of grounds for recall, which are limited solely to those specified in subsection (3). If more than one member of the board of supervisors is sought to be recalled, regardless of whether such member is elected by the electors of a district or by the electors of a subdistrict, a separate recall petition must be prepared for each board member sought to be recalled.
(b) Requisite signatures.—The petition must be signed by at least 10 percent of the total number of registered electors of the district or of a subdistrict.
(c) Recall committee.—The qualified electors of the district making charges contained in the statement of grounds for recall, as well as those signing the recall petition, must be designated as the recall committee. A specific person must be designated in the petition as chair of the committee, and such person shall act on behalf of the committee. The recall committee and the board member being recalled are subject to chapter 106.
(d) Signature process.—Only electors of the district or subdistrict, as applicable, are eligible to sign the recall petition. Each petition must contain appropriate lines for each elector's original signature, which signature must be made in ink or indelible pencil; printed name; street address; city; county; voter registration number or date of birth; Florida driver license number, Florida identification card number issued pursuant to s. 322.051, or the last four digits of the elector's social security number; and the date signed.
(e) Filing of signed petitions.—The recall petition and its accompanying signature pages must be filed by the chair of the recall committee no later than 35 days after the date on which the first signature is obtained on the recall petition. The petition may not be amended after it is filed with the clerk, except as provided in subparagraph (h)3.
(f) Notification.—The clerk shall provide written notice, by certified mail, to both the district's registered agent and the board member subject to recall that a recall petition has been filed, and provide a copy of such petition, within 7 days of receipt of the recall petition.
(g) Verification of signatures.—

1. No more than 60 days after the date on which the recall petition is filed, the clerk shall submit the recall petition to the supervisor of elections, who shall promptly verify the signatures in accordance with s. 99.097 and determine whether the requisite number of valid signatures has been obtained. The recall committee must pay in advance to the supervisor of elections the actual cost of such signature verification. If the community development district lies in more than one county, the clerk must submit the recall petition to the supervisor of elections in each county in which the district is located. In such event, the supervisor of elections of each county shall determine the number of verified and valid signatures that have been submitted for their respective jurisdictions, and upon receipt of such determinations, the supervisor of elections of the county in which the clerk is located shall be responsible for providing the reporting required by paragraph (h).
2. The petition and its accompanying documents provided to the clerk must, upon request, be made available in alternative formats by the recall committee as requested by the clerk.
(h) Reporting.—
1. If the supervisor of elections determines that the recall petition does not contain the requisite number of verified and valid signatures, the recall proceedings are terminated and the clerk must provide written notice of such insufficiency determination and termination of recall proceedings to the district's registered agent, the board member subject to recall, and the recall committee without taking further action. Any recall petition deemed insufficient may not be used in any other proceeding.
2. If the supervisor of elections determines that the petition has the requisite number of verified and valid signatures, the clerk must provide written notice, by certified mail, to the district's registered agent and the recall committee of the recall petition sufficiency determination, and shall serve upon the board member sought to be recalled, by certified mail, notice of such certification and a request that the board member submit a rebuttal statement to the clerk within 30 days after receipt of the request.
3. A qualified elector may have his or her name removed from the recall petition by submitting a signed request in writing to the clerk stating such intention. Such request must be made no later than 30 days after the date the elector signed the petition. Within 7 days after a qualified elector notifying the clerk to remove his or her name from the recall petition, the clerk shall recalculate the current percentage of verified and valid signatures. If the clerk determines that the number of current verified and valid signatures falls below the threshold required by paragraph (b), the clerk must send written notice of such insufficiency determination and termination of recall proceedings to the district's registered agent, the board member subject to recall, and the recall committee without taking further action.
(5) RECORD OF RECALL PROCEEDINGS.—If the supervisor of elections determines that a recall petition has the requisite number of verified and valid signatures, and within 30 days after the date of receipt of the rebuttal statement or after the last date a rebuttal statement could have been filed, the clerk must prepare a document entitled "Record of Recall Proceedings." The Record of Recall Proceedings must include the recall petition, the determination of the supervisor of elections regarding the amount of verified and valid signatures, and the rebuttal statement, if provided, or, if no rebuttal statement was received, an indication that none was received. The Record of Recall Proceedings must be sent by certified mail to the district's registered agent, the board member subject to recall, and the chair of the recall committee. The district shall post the Record of Recall Proceedings on its website within 14 days after receipt.
(6) RECALL REFERENDUM PETITION.—
(a) Petition content.—Upon the receipt of the Record of Recall Proceedings, the recall committee may circulate a petition on whether a referendum to recall the board member should be held. A recall referendum petition must contain the name of the person sought to be recalled and a copy of the Record of Recall Proceedings.
(b) Requisite signatures.—The signed recall referendum must be signed by at least 15 percent of the electors.

(c) Signature process.—All qualified electors of the district are eligible to sign the recall referendum petition. Each recall referendum petition must contain appropriate lines for each qualified elector's original signature, which signature shall be made in ink or indelible pencil; printed name; street address; city; county; voter registration number or date of birth; Florida driver license number, Florida identification card number issued pursuant to s. 322.051, or the last four digits of the qualified elector's social security number; and the date signed.
(d) Filing of signed petitions.—The signed recall referendum petition and its accompanying signature pages must be filed with the clerk no later than 60 days after the chair of the recall committee's receipt of the Record of Recall Proceedings.
(e) Notification.—The clerk shall provide written notice, by certified mail, to both the district's registered agent and the board member subject to recall that a recall referendum petition has been filed, and provide a copy of such petition, within 7 days after receipt of the recall referendum petition.
(f) Verification of signatures.—
1. No more than 30 days after the date on which the recall referendum petition is filed, the clerk shall submit the recall referendum petition to the supervisor of elections, who shall promptly verify the signatures in accordance with s. 99.097 and determine whether the requisite number of valid signatures has been obtained. The recall committee must pay in advance to the supervisor of elections the actual cost of such signature verification. If the community development district lies in more than one county, the clerk must submit the recall referendum petition to the supervisor of elections in each county in which the district is located. In such event, the supervisor of elections of each county shall determine the number of verified and valid signatures that have been submitted for his or her respective jurisdiction, and upon receipt of such determinations, the supervisor of elections of the county in which the clerk is located shall be responsible for providing the reporting required by paragraph (g).
2. The recall referendum petition and its accompanying documents provided to the clerk must, upon request, be made available in alternative formats by the recall committee as requested by the clerk.
(g) Reporting.—
1. If the supervisor of elections determines that the recall referendum petition does not contain the requisite number of verified and valid signatures, the recall vote proceedings are terminated and the clerk must provide written notice of such insufficiency determination and termination of recall vote proceedings to the registered agent of the district, the board member subject to recall, and the recall committee without taking further action. Any recall referendum petition deemed insufficient may not be used in any other proceeding.
2. If the supervisor of elections determines that the recall referendum petition has the requisite number of verified and valid signatures, the clerk must provide written notice, by certified mail, to the district's registered agent, the board member sought to be recalled, and the recall committee of the recall referendum petition sufficiency determination and the date, time, and location of the recall referendum.
3. A qualified elector may have his or her name removed from the recall referendum petition by submitting a signed written request to the clerk stating such intention. Such request must be made no later than 30 days after the date the elector signed the petition. Within 7 days after a qualified elector notifying the clerk to remove his or her name from the recall referendum petition, the clerk shall recalculate the current percentage of verified and valid signatures. If the number of current verified and valid signatures falls below the threshold required by paragraph (b), the clerk must send written notice of such insufficiency determination and termination of recall proceedings to the district's registered agent, the board member subject to recall, and the recall committee without taking further action.
(7) RECALL REFERENDUM.—
(a) Upon its confirmation that the recall referendum petition has the requisite number of verified and valid signatures, the supervisor of elections shall fix a day for holding the recall referendum. The supervisor of elections shall administer such referendum in accordance with s. 190.006(3)(d). The recall

committee must pay in advance to the supervisor of elections the actual cost of holding the recall referendum.

(b) Any recall election must be held not less than 30 days or more than 90 days after the certification, and at the same time as any other general or special election held within such period; but if no such election is to be held within that period, the referendum must be conducted at a special election to be held within the period aforesaid.

(c) Notice of the recall referendum shall be published by the district in a newspaper of general circulation in the area of the district at least 14 days in advance of such referendum. Notice of the recall referendum shall also be mailed to each qualified elector at his or her last known address at least 14 days in advance of such referendum. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in each county in determining such addresses. The notices shall contain the date, time, and location of the referendum and shall include a statement that the Record of Recall Proceedings is available for review on the district's website. The recall committee must pay in advance to the district the actual cost of the recall referendum notices.

(d) The ballots at the recall referendum must conform to the following: With respect to each person whose removal is sought, the question must be submitted: "Shall (name of person) be removed as a member of the board of supervisors of (name of community development district) by recall?" Immediately following each question there must be printed on the ballots the two propositions in the following order:

" (name of person) should be removed from office."

" (name of person) should not be removed from office."

(e) A recall referendum authorized by this section must be canceled by the supervisor of elections if the board member subject to the recall submits his or her resignation, which is irrevocable, within 20 days after notice is sent via certified mail pursuant to paragraph (6)(e). The district shall promptly provide the clerk and the supervisor of elections a copy of any such resignation, but no more than 7 days after receipt of such resignation.

(8) FILLING OF VACANCIES CREATED BY RECALL.—

(a) If a majority of the qualified electors of the district or subdistrict voting in the recall referendum approves the recall of the board member in the recall referendum, as determined by the supervisor of elections, the board member subject to the recall immediately ceases to hold office. The vacancy created by the recall must be filled by the board of supervisors pursuant to s. 190.006(4), except that, if three or more board members are recalled at the same referendum, the Governor must fill the vacancy pursuant to s. 114.04.

(b) If a majority of the qualified electors of the district or subdistrict voting in the recall referendum do not approve the recall, the recall proceedings are terminated.

(9) RESTRICTIONS ON BOARD APPOINTMENT.—A person who is removed by a recall pursuant to this section, or who resigns after a petition has been filed against him or her, is not eligible to be appointed to the district's board of supervisors within a period of 2 years after the date of such recall or resignation.

(10) RETENTION OF PETITION.—The clerk shall preserve all papers comprising of or connected with a petition for recall for a period of 2 years after such papers are filed.

(11) OFFENSES RELATING TO RECALL PETITIONS AND RECALL REFERENDUM PETITIONS.—A person may not impersonate another, purposely write his or her name or residence falsely in the signing of any recall petition or recall referendum petition or forge any name thereto, or sign any paper with knowledge that he or she is not a qualified elector of the district. A person may not employ or pay another to accept employment or payment for circulating or witnessing a recall petition or recall referendum petition. A person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 2026-164.

190.008 Budget; reports and reviews.—
(1) The district shall provide financial reports in such form and such manner as prescribed pursuant to this chapter and chapter 218.
(2)(a) On or before each June 15, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes, assessments, and other revenues provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be not fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted prior to October 1 of each year.
(b) At least 60 days prior to adoption, the district board shall submit to the local governing authorities having jurisdiction over the area included in the district, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year and any proposed long-term financial plan or program of the district for future operations.
(c) The local governing authorities may review the proposed annual budget and any long-term financial plan or program and may submit written comments to the board for its assistance and information in adopting its annual budget and long-term financial plan or program.
History.—s. 2, ch. 80-407; s. 5, ch. 2007-160.

190.009 Disclosure of public financing.—
(1) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing residents, and to all prospective residents, of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement. The district shall file the disclosure documents required by this subsection and any amendments thereto in the property records of each county in which the district is located.
(2) The Department of Commerce shall keep a current list of districts and their disclosures pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.
History.—s. 2, ch. 80-407; s. 17, ch. 81-167; s. 15, ch. 83-55; s. 1, ch. 85-60; s. 2, ch. 90-46; s. 9, ch. 94-218; s. 37, ch. 99-378; s. 6, ch. 2007-160; s. 10, ch. 2008-240; s. 70, ch. 2011-142; s. 40, ch. 2024-6.

190.011 General powers.—The district shall have, and the body may exercise, the following powers:
(1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the state retirement fund.
(3) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in s. 190.033.
(4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.
(5) To adopt rules and orders pursuant to the provisions of chapter 120 prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt administrative rules with respect to any of the projects of the district and define the area to be included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.
(6) To maintain an office at such place or places as it may designate within a county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to s. 189.015(3) of a district within the boundaries of a development of regional impact or Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.
(7)(a) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.
(b) When real property in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), to collect ground rent from landowners pursuant to a contract with such governmental entity and to contract with the county tax collector for collection of such ground rent using the procedures authorized in s. 197.3631, other than the procedures contained in s. 197.3632.
(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.
(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.
(10) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.
(11) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, over any property within the state, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.
(13) To assess and impose upon lands in the district ad valorem taxes as provided by this act.
(14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to this act and chapter 170. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of ss. 197.3631, 197.3632, and 197.3635, chapter 170, or chapter 173.
(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.
(16) To exercise such special powers as may be authorized by this act.
History.—s. 2, ch. 80-407; s. 8, ch. 84-360; s. 46, ch. 89-169; s. 4, ch. 91-308; s. 38, ch. 99-378; s. 1, ch. 2003-39; s. 7, ch. 2007-160; s. 5, ch. 2009-142; s. 69, ch. 2014-22.

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:
(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:
(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.
(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.
(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.
(d)1. District roads equal to or exceeding the applicable specifications of the county in which such district roads are located; roads and improvements to existing public roads that are owned by or conveyed to the local general-purpose government, the state, or the Federal Government; street lights; alleys; landscaping; hardscaping; and the undergrounding of electric utility lines. Districts may request the underground placement of utility lines by the local retail electric utility provider in accordance with the utility's tariff on file with the Public Service Commission and may finance the required contribution.
2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.
(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.
(f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.
(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

(h) Any other project, facility, or service required by a development approval, interlocal agreement, zoning condition, or permit issued by a governmental authority with jurisdiction in the district.
(2) After the local general-purpose government within the jurisdiction of which a power specified in this subsection is to be exercised consents to the exercise of such power by the district, the district shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:
(a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.
(b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.
(c) School buildings and related structures and site improvements, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the district school board.
(d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property.
(e) Control and elimination of mosquitoes and other arthropods of public health importance.
(f) Waste collection and disposal.
(3) To adopt and enforce appropriate rules following the procedures of chapter 120, in connection with the provision of one or more services through its systems and facilities.
(4)(a) To adopt rules necessary for the district to enforce certain deed restrictions pertaining to the use and operation of real property within the district and outside the district pursuant to an interlocal agreement under chapter 163 if within another district or, if not within another district, with the consent of the county or municipality in which the deed restriction enforcement is proposed to occur. For the purpose of this subsection, the term "deed restrictions" means those covenants, conditions, restrictions, compliance mechanisms, and enforcement remedies contained in any applicable declarations of covenants and restrictions that govern the use and operation of real property and, for which covenants, conditions, and restrictions, there is no homeowners' association or property owner's association having respective enforcement powers unless, with respect to a homeowners' association whose board is under member control, the association and the district agree in writing to enforcement by the district. The district may adopt by rule all or certain portions of the deed restrictions that:
1. Relate to limitations, prohibitions, compliance mechanisms, or enforcement remedies that apply only to external appearances or uses and are deemed by the district to be generally beneficial for the district's landowners and for which enforcement by the district is appropriate, as determined by the district's board of supervisors; or
2. Are consistent with the requirements of a development order or regulatory agency permit.
(b) The board may vote to adopt such rules only when all of the following conditions exist:
1. The district was in existence on the effective date of this subsection, or is located within a development that consists of multiple developments of regional impact and a Florida Quality Development.
2. For residential districts, the majority of the board has been elected by qualified electors pursuant to the provisions of s. 190.006.
3. For residential districts, less than 25 percent of residential units are in a homeowners' association.

4. The declarant in any applicable declarations of covenants and restrictions has provided the board with a written agreement that such rules may be adopted. A memorandum of the agreement shall be recorded in the public records.

(c) Within 60 days after such rules take effect, the district shall record a notice of rule adoption stating generally what rules were adopted and where a copy of the rules may be obtained. Districts may impose fines for violations of such rules and enforce such rules and fines in circuit court through injunctive relief.

(d) The owners of property located outside the boundary of the district shall elect an advisor to the district board pursuant to paragraph (e). The sole responsibilities of the district board advisor are to review enforcement actions proposed by the district board against properties located outside the district and make recommendations relating to those proposed actions. Before the district board may enforce its rules against any owner of property located outside the district, the district board shall request the district board advisor to make a recommendation on the proposed enforcement action. The district board advisor must render a recommendation within 30 days after receiving a request from the district board or is deemed to have no objection to the district board's proposed decision or action.

(e)1. Whenever an interlocal agreement is entered into pursuant to paragraph (a), a district board advisor seat shall be created for one elected landowner whose property is within the jurisdiction of the governmental entity entering into the interlocal agreement but not within the boundaries of the district. The district board advisor shall be elected by landowners whose land is subject to enforcement by the district but whose land is not within the boundaries of the district. The district board advisor shall be elected for a 2-year term. The first election for a district board advisor shall be within 90 days after the effective date of the interlocal agreement between the district and the government entity.

2. The election of the district board advisor shall occur at a meeting of eligible landowners. The district shall publish notice of the meeting and election once a week for 2 consecutive weeks in a newspaper of general circulation in the area of the parties to the interlocal agreement. The notice must include instructions on how all landowners may participate in the election and how to obtain a proxy form. The last day of publication may not be less than 14 days or more than 28 days before the date of the election. The landowners, when assembled at the meeting, shall organize by electing a chair who shall conduct the meeting. The chair may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions.

3. At the meeting, each landowner is entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots may not be aggregated for purposes of determining the number of voting units held by a landowner or a landowner's proxy.

4. If a vacancy occurs in the district advisor seat, a special landowner election shall be held within 60 days after the vacancy using the notice, proxy, and acreage voting provisions of this subsection.

History.—s. 2, ch. 80-407; s. 51, ch. 83-217; s. 9, ch. 84-360; s. 47, ch. 89-169; s. 8, ch. 93-51; s. 39, ch. 99-378; s. 15, ch. 2000-317; s. 47, ch. 2000-364; s. 33, ch. 2004-345; s. 30, ch. 2004-353; s. 8, ch. 2007-160; s. 9, ch. 2009-142; s. 2, ch. 2016-94; s. 11, ch. 2018-158.

190.0125 Purchase, privatization, or sale of water, sewer, or wastewater reuse utility by district.—No community development district may purchase or sell a water, sewer, or wastewater reuse utility that provides service to the public for compensation, or enter into a wastewater facility privatization contract

for a wastewater facility, until the governing body of the community development district has held a public hearing on the purchase, sale, or wastewater facility privatization contract and made a determination that the purchase, sale, or wastewater facility privatization contract is in the public interest. In determining if the purchase, sale, or wastewater facility privatization contract is in the public interest, the community development district shall consider, at a minimum, the following:
(1) The most recent available income and expense statement for the utility;
(2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;
(3) A statement of the existing rate base of the utility for regulatory purposes;
(4) The physical condition of the utility facilities being purchased, sold, or subject to a wastewater facility privatization contract;
(5) The reasonableness of the purchase, sales, or wastewater facility privatization contract price and terms;
(6) The impacts of the purchase, sale, or wastewater facility privatization contract on utility customers, both positive and negative;
(7)(a) Any additional investment required and the ability and willingness of the purchaser or the private firm under a wastewater facility privatization contract to make that investment, whether the purchaser is the community development district or the entity purchasing the utility from the community development district;
(b) In the case of a wastewater facility privatization contract, the terms and conditions on which the private firm will provide capital investment and financing or a combination thereof for contemplated capital replacements, additions, expansions, and repairs. The community development district shall give significant weight to this criteria.
(8) The alternatives to the purchase, sale, or wastewater facility privatization contract and the potential impact on utility customers if the purchase, sale, or wastewater facility privatization contract is not made;
(9)(a) The ability of the purchaser or the private firm under a wastewater facility privatization contract to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the community development district or the entity purchasing the utility from the community development district;
(b) In the case of a wastewater facility privatization contract, the community development district shall give significant weight to the technical expertise and experience of the private firm in carrying out the obligations specified in the wastewater facility privatization contract; and
(10) All moneys paid by a private firm to a community development district pursuant to a wastewater facility privatization contract shall be used for the purpose of reducing or offsetting property taxes, wastewater service rates, or debt reduction or making infrastructure improvements or capital asset expenditures or other public purpose; provided, however, nothing herein shall preclude the community development district from using all or part of the moneys for the purpose of the community development district's qualification for relief from the repayment of federal grant awards associated with the wastewater system as may be required by federal law or regulation.

The community development district shall prepare a statement showing that the purchase, sale, or wastewater facility privatization contract is in the public interest, including a summary of the purchaser's or private firm's experience in water, sewer, or wastewater reuse utility operation and a showing of financial ability to provide the service, whether the purchaser or private firm is the community development district or the entity purchasing the utility from the community development district.

History.—s. 3, ch. 84-84; s. 9, ch. 93-51; s. 9, ch. 96-202.

190.013 Water management and control plan.—In the event that the board assumes the responsibility for providing water management and control for the district as provided in s. 190.012(1)(a) which is to be

financed by benefit special assessments, the board shall proceed to adopt water management and control plans, assess for benefits, and apportion and levy special assessments, as follows:
(1) The board shall cause to be made by the district's engineer, or such other engineer or engineers as the board may employ for that purpose, complete and comprehensive water management and control plans for the lands located within the district that will be improved in any part or in whole by any system of facilities that may be outlined and adopted, and the engineer shall make a report in writing to the board with maps and profiles of said surveys and an estimate of the cost of carrying out and completing the plans.
(2) Upon the completion of such plans, the board shall hold a hearing thereon to hear objections thereto, shall give notice of the time and place fixed for such hearing by publication once each week for 2 consecutive weeks in a newspaper of general circulation in the general area of the district, and shall permit the inspection of the plan at the office of the district by all persons interested. All objections to the plan shall be filed at or before the time fixed in the notice for the hearing and shall be in writing.
(3) After the hearing, the board shall consider the proposed plan and any objections thereto and may modify, reject, or adopt the plan or continue the hearing to a day certain for further consideration of the proposed plan or modifications thereof.
(4) When the board approves a plan, a resolution shall be adopted and a certified copy thereof shall be filed in the office of the secretary and incorporated by him or her into the records of the district.
(5) The water management and control plan may be altered in detail from time to time until the appraisal record herein provided is filed, but not in such manner as to affect materially the conditions of its adoption. After the appraisal record has been filed, no alteration of the plan shall be made, except as provided by this act.
(6) Within 20 days after the final adoption of the plan by the board, the board shall proceed pursuant to s. 298.301.
History.—s. 2, ch. 80-407; s. 5, ch. 91-308; s. 964, ch. 95-147; s. 26, ch. 97-40.

190.014 Issuance of bond anticipation notes.—In addition to the other powers provided for in this act, and not in limitation thereof, the district shall have the power, at any time, and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine in compliance with s. 215.84, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds; but in such event a like amount of the bonds authorized shall not be issued. Non-ad valorem assessments levied to pay interest on bond anticipation notes shall not constitute an installment of assessments under s. 190.022.
History.—s. 2, ch. 80-407; s. 9, ch. 83-215; s. 9, ch. 2007-160.

190.015 Short-term borrowing.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear such interest as the board may determine in compliance with s. 215.84, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine, subject, however, to the provisions contained in any proceeding under which bonds were

theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times, to bear such interest as the board may determine in compliance with s. 215.84, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the electors residing in the district shall not be necessary except when required by the State Constitution.
History.—s. 2, ch. 80-407; s. 80, ch. 81-259; s. 10, ch. 83-215.

190.016 Bonds.—
(1) SALE OF BONDS.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than 90 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:
(a) The money paid for the bonds;
(b) The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds; and
(c) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.
(2) AUTHORIZATION AND FORM OF BONDS.—Any general obligation bonds, benefit bonds, or revenue bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs as defined in s. 190.003(8); the rate or rates of interest, in compliance with s. 215.84; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state where payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(1)(f) and (g) regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

(3) INTERIM CERTIFICATES; REPLACEMENT CERTIFICATES.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which become mutilated, lost, or destroyed.

(4) NEGOTIABILITY OF BONDS.—Any bond issued under this act or any temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument within the meaning and for all purposes of the law merchant and the laws of the state.

(5) DEFEASANCE.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

(6) ISSUANCE OF ADDITIONAL BONDS.—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(7) REFUNDING BONDS.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

(8) REVENUE BONDS.—

(a) The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval of the qualified

electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

(b) Any two or more projects may be combined and consolidated into a single project and may hereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects, regardless of whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the district and that revenue bonds to be thereafter issued by the district shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original bonds.

(9) GENERAL OBLIGATION BONDS.—

(a) The district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the board of county commissioners of the county upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

(b) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitations as to rate or amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project which has been approved by the electors.

(d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to s. 170.08.

2. Water revenues, sewer revenues, or water and sewer revenues of the district to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1. and 2.

(10) BONDS AS LEGAL INVESTMENT OR SECURITY.—

(a) Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall be and constitute security which may be deposited by banks or trust companies as security for

deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.
(b) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.
(11) COVENANTS.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to assure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.
(12) VALIDATION PROCEEDINGS.—The power of the district to issue bonds under the provisions of this act may be determined, and any of the bonds of the district maturing over a period of more than 5 years shall be validated and confirmed, by court decree, under the provisions of chapter 75 and laws amendatory thereof or supplementary thereto.
(13) ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF BONDS.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to perform anything under this act, except that the issuance or sale of bonds pursuant to the provisions of this act shall comply with the general law requirements applicable to the issuance or sale of bonds by the district. Nothing in this act shall be construed to authorize the district to utilize bond proceeds to fund the ongoing operations of the district.
(14) PLEDGE BY THE STATE TO THE BONDHOLDERS OF THE DISTRICT.—The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations and that it will not in any way impair the rights or remedies of such holders.
(15) DEFAULT.—A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government or the state.
History.—s. 2, ch. 80-407; s. 11, ch. 83-215; s. 10, ch. 84-360; s. 24, ch. 85-80; s. 6, ch. 91-308; s. 965, ch. 95-147; s. 8, ch. 98-47; s. 6, ch. 2009-142.

190.017 Trust agreements.—Any issue of bonds shall be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district

in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company within or without the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.
History.—s. 2, ch. 80-407.

190.021 Taxes; non-ad valorem assessments.—
(1) AD VALOREM TAXES.—An elected board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills, except that a district authorized by a local general-purpose government to exercise one or more powers specified in s. 190.012(2) may levy an additional 2 mills for operating purposes, exclusive of debt service on bonds. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and same time as county taxes. The levy of ad valorem taxes shall be approved by referendum when required by the State Constitution.
(2) BENEFIT SPECIAL ASSESSMENTS.—The board shall annually determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance district facilities and projects which are levied under this act. These assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year, and such assessment shall be entered by the property appraiser on the county tax rolls, and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. Notice of the proposed amount of the assessment pursuant to s. 200.069 that includes the date and time of the hearing may be used in lieu of the notice provisions of s. 197.3632(4)(b). These benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to the benefits received by each tract of land.
(3) MAINTENANCE SPECIAL ASSESSMENTS.—To maintain and preserve the facilities and projects of the district, the board may levy a maintenance special assessment. This assessment may be evidenced to and certified to the property appraiser by the board of supervisors not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds

therefrom shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. Notice of the proposed amount of the assessment pursuant to s. 200.069 that includes the date and time of the hearing may be used in lieu of the notice provisions of s. 197.3632(4)(b). These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

(4) ENFORCEMENT OF TAXES.—The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon; and all other procedures in connection therewith shall be applicable to the district to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(5) WHEN UNPAID TAX IS DELINQUENT; PENALTY.—All taxes provided for in this act shall become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

(6) TAX EXEMPTION.—All bonds issued hereunder and interest paid thereon and all fees, charges, and other revenues derived by the district from the projects provided by this act are exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof; however, any interest, income, or profits on debt obligations issued hereunder are not exempt from the tax imposed by chapter 220. Further, districts are not exempt from the provisions of chapter 212.

(7) TRANSITIONAL PROVISIONS.—Nothing in this act shall be deemed to affect any benefit tax, maintenance tax, non-ad valorem assessment, ad valorem tax, or special assessment imposed by a community development district as of June 21, 1991. Nothing in this act shall be construed to affect any tax or assessment pledged to secure or authorized pursuant to a trust indenture under this chapter, and the district imposing such tax or assessment is hereby authorized to impose such tax or assessment under the terms required by the trust indenture. The terms benefit taxes or maintenance taxes used in this chapter prior to June 21, 1991, are redesignated as benefit or maintenance special assessments pursuant to this act, and such terms may be used interchangeably under the terms of an existing trust indenture.

(8) STATUS OF ASSESSMENTS.—Benefit special assessments, maintenance special assessments, and special assessments are non-ad valorem assessments as defined by s. 197.3632.

(9) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.—Benefit special assessments and maintenance special assessments authorized by this section, and special assessments authorized by s. 190.022 and chapter 170, shall constitute a lien on the property against which assessed from the date of imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes. These non-ad valorem assessments may be collected, at the district's discretion, by the tax collector pursuant to the provisions of s. 197.363 or s. 197.3632, or in accordance with other collection measures provided by law.

(10) LAND OWNED BY GOVERNMENTAL ENTITY.—Except as otherwise provided by law, no levy of ad valorem taxes or non-ad valorem assessments under this chapter, or chapter 170, chapter 197, or otherwise, by a board of a district on property of a governmental entity that is subject to a ground lease as described in s. 190.003(14), shall constitute a lien or encumbrance on the underlying fee interest of such governmental entity.

History.—s. 2, ch. 80-407; s. 11, ch. 84-360; s. 48, ch. 89-169; s. 7, ch. 91-308; s. 40, ch. 99-378; s. 35, ch. 2000-364; s. 10, ch. 2007-160; s. 7, ch. 2009-142.

190.022 Special assessments.—
(1) The board may levy special assessments for the construction, reconstruction, acquisition, or maintenance of district facilities authorized under this chapter using the procedures for levy and collection provided in chapter 170 or chapter 197.
(2) Notwithstanding the provisions of s. 170.09, district assessments may be made payable in no more than 30 yearly installments.
History.—s. 2, ch. 80-407; s. 12, ch. 84-360; s. 8, ch. 91-308; s. 41, ch. 99-378.

190.023 Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.—
(1) The board may, after any assessments for assessable improvements are made, determined, and confirmed as provided in s. 190.022, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be; and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the assessment is made. The certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, in compliance with s. 215.84, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. The certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.
(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited; or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.
(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board; however, the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.
(4) Such assessment bonds or other obligations issued under this section shall bear such interest as the board may determine, not to exceed a rate which is in compliance with s. 215.84, and shall be executed,

shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.
(5) All assessment bonds or other obligations issued under the provisions of this act, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and shall have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the state.
History.—s. 2, ch. 80-407; s. 81, ch. 81-259; s. 12, ch. 83-215.

190.024 Tax liens.—All taxes of the district provided for in this act, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of ss. 194.171, 197.122, 197.333, and 197.432 shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.
History.—s. 2, ch. 80-407; s. 33, ch. 82-226; s. 202, ch. 85-342; s. 27, ch. 95-280.

190.025 Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale.—
(1) The district has the right to:
(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the district; and
(b) To redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.
(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes upon all the real property against which the taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.
(3) In any sale of land pursuant to s. 197.542 and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold; and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.
History.—s. 2, ch. 80-407; s. 203, ch. 85-342.

190.026 Foreclosure of liens.—Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 170 or chapter 173 and amendments thereto; the provisions of those chapters shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 170 or chapter 173 may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax,

or installment thereof, becomes delinquent; however no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.
History.—s. 2, ch. 80-407; s. 11, ch. 2007-160.

190.031 Mandatory use of certain district facilities and services.—To the full extent permitted by law, the district shall require all lands, buildings, premises, persons, firms, and corporations within the district to use the water management and control facilities and water and sewer facilities of the district.
History.—s. 2, ch. 80-407.

190.033 Bids required.—
(1) No contract shall be let by the board for any goods, supplies, or materials to be purchased when the amount thereof to be paid by the district shall exceed the amount provided in s. 287.017 for category four, unless notice of bids or other competitive solicitation, including requests for proposals or qualifications, is advertised once in a newspaper in general circulation in the county and in the district. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of s. 255.20 and other applicable general law. In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high, or the board determines it is in the best interests of the district to reject all bids. In each case in which requests for proposals, qualifications, or other competitive solicitations are used, the district shall determine which response is most advantageous for the district and award the contract to that proposer. The board may require the bidders or proposers to furnish bond with a responsible surety to be approved by the board. 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. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.
(2) The provisions of the Consultants' Competitive Negotiation Act, s. 287.055, apply to contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services let by the board.
(3) Contracts for maintenance services for any district facility or project shall be subject to competitive solicitation requirements when the amount thereof to be paid by the district exceeds the amount provided in s. 287.017 for category four. The district shall adopt rules, policies, or procedures establishing competitive solicitation procedures for maintenance services. Contracts for other services shall not be subject to competitive solicitation unless the district adopts a rule, policy, or procedure applying competitive solicitation procedures to said contracts.
History.—s. 2, ch. 80-407; s. 9, ch. 91-308; s. 113, ch. 94-119; s. 42, ch. 99-378; s. 12, ch. 2007-160.

190.035 Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.—
(1) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.
(2) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees,

rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper in the county and of general circulation in the district at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number of average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

(4) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues, or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

(a) To provide for all expenses of operation and maintenance of such facility or service;

(b) To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(c) To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

(5) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services and facilities furnished or to be furnished by the district.

History.—s. 2, ch. 80-407; s. 10, ch. 91-308.

190.036 Recovery of delinquent charges.—In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney’s fees and costs, may be recovered by the district in a civil action.

History.—s. 2, ch. 80-407.

190.037 Discontinuance of service.—In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorney’s fees and other expenses, may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

History.—s. 2, ch. 80-407; s. 82, ch. 81-259.

190.041 Enforcement and penalties.—The board or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act or any

bylaws, resolutions, regulations, rules, codes, or orders adopted under this act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this act or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board or any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid such violation; to prevent the occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.
History.—s. 2, ch. 80-407; s. 83, ch. 81-259.

190.043 Suits against the district.—Any suit or action brought or maintained against the district for damages arising out of tort, including, without limitation, any claim arising upon account of an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in s. 768.28.
History.—s. 2, ch. 80-407.

190.044 Exemption of district property from execution.—All district property shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues; however, nothing contained herein shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.
History.—s. 2, ch. 80-407.

190.046 Termination, contraction, or expansion of district.—
(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:
(a) The petition shall contain the same information required by s. 190.005(1)(a)1. and 8. In addition, if the petitioner seeks to expand the district, the petition shall describe the proposed timetable for construction of any district services to the area, the estimated cost of constructing the proposed services, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use plan element of the adopted local government local comprehensive plan. If the petitioner seeks to contract the district, the petition shall describe what services and facilities are currently provided by the district to the area being removed, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land element of the adopted local government comprehensive plan.
(b) For those districts initially established by county ordinance, the petition for ordinance amendment shall be filed with the county commission. If the land to be included or excluded is, in whole or in part, within the boundaries of a municipality, then the county commission shall not amend the ordinance without municipal approval. A public hearing shall be held in the same manner and with the same public notice as other ordinance amendments. The county commission shall consider the record of the public hearing and the factors set forth in s. 190.005(1)(e) in making its determination to grant or deny the petition for ordinance amendment.
(c) For those districts initially established by municipal ordinance pursuant to s. 190.005(2)(e), the municipality shall assume the duties of the county commission set forth in paragraph (b); however, if any of the land to be included or excluded, in whole or in part, is outside the boundaries of the municipality, then the municipality shall not amend its ordinance without county commission approval.
(d)1. For those districts initially established by administrative rule pursuant to s. 190.005(1), the petition shall be filed with the Florida Land and Water Adjudicatory Commission.

2. Prior to filing the petition, the petitioner shall pay a filing fee of $1,500, to the county if the district or the land to be added or deleted from the district is located within an unincorporated area or to the municipality if the district or the land to be added or deleted is located within an incorporated area, and to each municipality the boundaries of which are contiguous with or contain all or a portion of the land within or to be added to or deleted from the external boundaries of the district. The petitioner shall submit a copy of the petition to the same entities entitled to receive the filing fee. In addition, if the district is not the petitioner, the petitioner shall file the petition with the district board of supervisors.
3. Each county and each municipality shall have the option of holding a public hearing as provided by s. 190.005(1)(c). However, the public hearing shall be limited to consideration of the contents of the petition and whether the petition for amendment should be supported by the county or municipality.
4. The district board of supervisors shall, in lieu of a hearing officer, hold the local public hearing provided for by s. 190.005(1)(d). This local public hearing shall be noticed in the same manner as provided in s. 190.005(1)(d). Within 45 days of the conclusion of the hearing, the district board of supervisors shall transmit to the Florida Land and Water Adjudicatory Commission the full record of the local hearing, the transcript of the hearing, any resolutions adopted by the local general-purpose governments, and its recommendation whether to grant the petition for amendment. The commission shall then proceed in accordance with s. 190.005(1)(e).
5. A rule amending a district boundary shall describe the land to be added or deleted.
(e)1. During the existence of a district initially established by administrative rule, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 percent of the land in the initial district, and in no event greater than 1,000 acres on a cumulative net basis.
2. During the existence of a district initially established by county or municipal ordinance, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 percent of the land in the initial district, and in no event greater than 1,000 acres on a cumulative net basis.
(f) Petitions to amend the boundaries of the district that exceed the amount of land specified in paragraph (e) shall be processed in accordance with s. 190.005, and the petition shall include only the elements set forth in s. 190.005(1)(a)1. and 5.-8. and the consent required by paragraph (g). However, the resulting administrative rule or ordinance may only amend the boundaries of the district and may not establish a new district or cause a new 6-year or 10-year period to begin pursuant to s. 190.006(3)(a)2. The filing fee for such petitions shall be as set forth in s. 190.005(1)(b), as applicable.
(g) In all cases of a petition to amend the boundaries of a district, the filing of the petition by the district board of supervisors constitutes consent of the landowners within the district. In all cases, written consent of those landowners whose land is to be added to or deleted from the district as provided in s. 190.005(1)(a)2. is required.
(h) For a petition to establish a new community development district of less than 2,500 acres on land located solely in one county or one municipality, sufficiently contiguous lands located within the county or municipality which the petitioner anticipates adding to the boundaries of the district within 10 years after the effective date of the ordinance establishing the district may also be identified. If such sufficiently contiguous land is identified, the petition must include a legal description of each additional parcel within the sufficiently contiguous land, the current owner of the parcel, the acreage of the parcel, and the current land use designation of the parcel. At least 14 days before the hearing required under s. 190.005(2)(b), the petitioner must give the current owner of each such parcel notice of filing the petition to establish the district, the date and time of the public hearing on the petition, and the name and address of the petitioner. A parcel may not be included in the district without the written consent of the owner of the parcel.
1. After establishment of the district, a person may petition the county or municipality to amend the boundaries of the district to include a previously identified parcel that was a proposed addition to the

district before its establishment. A filing fee may not be charged for this petition. Each such petition must include:

a. A legal description by metes and bounds of the parcel to be added;

b. A new legal description by metes and bounds of the district;

c. Written consent of all owners of the parcel to be added;

d. A map of the district including the parcel to be added;

e. A description of the development proposed on the additional parcel; and

f. A copy of the original petition identifying the parcel to be added.

2. Before filing with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in the original petition, even if, by adding such parcels, the district exceeds 2,500 acres.

4. The petitioner shall cause to be published in a newspaper qualified to publish legal notices in the proposed district a notice of the intent to amend the ordinance that establishes the district. The notice must be in addition to any notice required for adoption of the ordinance amendment. Such notice must be published as provided in chapter 50 at least 10 days before the scheduled hearing on the ordinance amendment. The notice must include a general description of the land to be added to the district and the date and time of the scheduled hearing to amend the ordinance. The petitioner shall deliver, including by mail or hand delivery, the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

5. The amendment of a district by the addition of a parcel pursuant to this paragraph does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, even if the total size of the district after the addition of the parcel exceeds 5,000 acres. Upon adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

6. This paragraph is intended to facilitate the orderly addition of lands to a district under certain circumstances and does not preclude the addition of lands to any district using the procedures in the other provisions of this section.

(2) The district shall remain in existence unless:

(a) The district is merged with another district as provided in subsection (3) or subsection (4);

(b) All of the specific community development systems, facilities, and services that it is authorized to perform have been transferred to a general-purpose unit of local government in the manner provided in subsections (5), (6), and (7); or

(c) The district is dissolved as provided in subsection (8), subsection (9), or subsection (10).

(3) The district may merge with other community development districts upon filing a petition for merger, which petition shall include the elements set forth in s. 190.005(1) and which shall be evaluated using the criteria set forth in s. 190.005(1)(e). The filing fee shall be as set forth in s. 190.005(1)(b). In addition, the petition shall state whether a new district is to be established or whether one district shall be the surviving district. A community development district may also merge with another type of special district created by special act pursuant to the terms of that special act or by filing a petition for establishment of a new district pursuant to s. 190.005. The government formed by a merger involving a community development district pursuant to this section shall assume all indebtedness of, and receive title to, all property owned by the preexisting special districts, and the rights of creditors and liens upon property are not impaired by such merger. Any claim existing or action or proceeding pending by or against any district that is a party to the merger may be continued as if the merger had not occurred, or the surviving district may be substituted in the proceeding for the district that ceased to exist. Prior to filing a petition, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation

of the indebtedness so assumed and the manner in which such debt shall be retired. The approval of the merger agreement and the petition by the board of supervisors of the district shall constitute consent of the landowners within the district. A community development district merging with another type of district may also enter into a merger agreement to address issues of transition, including the allocation of indebtedness and retirement of debt.

(4)(a) To achieve economies of scale, reduce costs to affected district residents and businesses in areas with multiple existing districts, and encourage the merger of multiple districts, up to five districts that were established by the same local general-purpose government and whose board memberships are composed entirely of qualified electors may merge into one surviving district through adoption of an ordinance by the local general-purpose government, notwithstanding the acreage limitations otherwise set forth for the establishment of a district in this chapter. The filing of a petition by the majority of the members of each district board of supervisors seeking to merge constitutes consent of the landowners within each applicable district.

(b) In addition to meeting the requirements of subsection (3), a merger agreement entered into between the district boards subject to this subsection must also:

1. Require the surviving merged district board to consist of five elected board members.

2. Require each at-large board seat to represent the entire geographic area of the surviving merged district.

3. Ensure that each district to be merged is entitled to elect at least one board member from its former boundary.

4. Ensure a fair allocation of board membership to represent the districts being merged. To that end:

a. If two districts merge, two board members shall be elected from each of the districts and one member shall be elected at-large.

b. If three districts merge, one board member shall be elected from each of the three districts and two board members shall be elected at-large.

c. If four districts merge, one board member shall be elected from each of the four districts and one board member shall be elected at-large.

d. If five districts merge, one board member shall be elected from each of the five districts.

5. Require the election of board members for the surviving merged district to be held at the next general election following the merger, at which time all terms of preexisting board members shall end and the merger shall be legally in effect.

(c) Before filing the merger petition with the local general-purpose government under this subsection, each district proposing to merge must hold a public hearing within its district to provide information about and take public comment on the proposed merger, merger agreement, and assignment of board seats. Notice of the hearing shall be published at least 14 days before the hearing. If, after the public hearing, a district board decides that it no longer wants to merge and cancels the proposed merger agreement, the remaining districts must each hold another public hearing on the revised merger agreement. A petition to merge may not be filed for at least 30 days after the last public hearing held by the districts proposing to merge.

(5) The local general-purpose government within the geographical boundaries of which the district lies may adopt a nonemergency ordinance providing for a plan for the transfer of a specific community development service from a district to the local general-purpose government. The plan must provide for the assumption and guarantee of the district debt that is related to the service by the local general-purpose government and must demonstrate the ability of the local general-purpose government to provide such service:

(a) As efficiently as the district.

(b) At a level of quality equal to or higher than the level of quality actually delivered by the district to the users of the service.

(c) At a charge equal to or lower than the actual charge by the district to the users of the service.

(6) No later than 30 days following the adoption of a transfer plan ordinance, the board of supervisors may file, in the circuit court for the county in which the local general-purpose government that adopted the ordinance is located, a petition seeking review by certiorari of the factual and legal basis for the adoption of the transfer plan ordinance.
(7) Upon the transfer of all of the community development services of the district to a general-purpose unit of local government, the district shall be terminated in accordance with a plan of termination which shall be adopted by the board of supervisors and filed with the clerk of the circuit court.
(8) If, within 5 years after the effective date of the rule or ordinance establishing the district, a landowner has not received a development permit, as defined in chapter 380, on some part or all of the area covered by the district, then the district will be automatically dissolved and a judge of the circuit court shall cause a statement to that effect to be filed in the public records.
(9) In the event the district has become inactive pursuant to s. 189.062, the respective board of county commissioners or city commission shall be informed and it shall take appropriate action.
(10) If a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the general-purpose local governmental entity that established the district or, if the district was established by rule of the Florida Land and Water Adjudicatory Commission, the district may be dissolved by repeal of such rule of the commission.
History.—s. 2, ch. 80-407; ss. 13, 19, ch. 84-360; s. 49, ch. 89-169; s. 11, ch. 91-308; s. 43, ch. 99-378; s. 34, ch. 2004-345; s. 31, ch. 2004-353; s. 10, ch. 2009-142; s. 22, ch. 2013-15; s. 70, ch. 2014-22; s. 3, ch. 2016-94; s. 4, ch. 2017-3; s. 1, ch. 2019-164; s. 18, ch. 2021-17.

190.048 Sale of real estate within a district; required disclosure to purchaser.—Subsequent to the establishment of a district under this chapter, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: "THE (Name of District) COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."
History.—s. 15, ch. 84-360; s. 3, ch. 90-46; s. 44, ch. 99-378.

190.0485 Notice of establishment.—Within 30 days after the effective date of a rule or ordinance establishing a community development district under this act, the district shall cause to be recorded in the property records in the county in which it is located a "Notice of Establishment of the Community Development District." The notice shall, at a minimum, include the legal description of the district and a copy of the disclosure statement specified in s. 190.048.
History.—s. 45, ch. 99-378.

190.049 Special acts prohibited.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall be no special law or general law of local application creating an independent special district which has the powers enumerated in two or more of the paragraphs contained in s. 190.012, unless such district is created pursuant to the provisions of s. 189.031.
History.—s. 2, ch. 80-407; s. 16, ch. 84-360; s. 47, ch. 99-378; s. 71, ch. 2014-22.

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2025 Form 1 Instructions

Statement of Financial Interests

Notice

The annual Statement of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1, an automatic fine of $25 for each day late will be imposed, up to a maximum penalty of $1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding $20,000. [s. 112.317, F.S.]

Instructions for Completing and Filing Form 1 Statement of Financial Interests

WHEN TO FILE: ***Initially***, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2025.

WHO MUST FILE FORM 1:

1. Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
2. Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding those required to file full disclosure on Form 6 as well as members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance

Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3. The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.
4. Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.
5. Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.
6. Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
7. Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $35,000 for the local governmental unit.
8. Officers and employees of entities serving as chief administrative officer of a political subdivision.
9. Members of governing boards of charter schools operated by a city or other public entity.
10. Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

11. The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
12. The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
13. Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
14. The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
15. State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding $35,000.
16. The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.
17. Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality *if you submit a written and notarized request.*

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

Instructions for Completing Form 1

Primary Sources of Income

[112.3145(3)(b)1, F.S]

This section is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded $2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you were employed by a company that manufactures computers and received more than $2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded $2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded $2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than $2,500. Do not aggregate all of your investment income.

- If more than $2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than $2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

Secondary Sources of Income

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

1. You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**
2. You received more than $5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than $5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

Real Property

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by its market value for ad valorem tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

Intangible Personal Property

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than $10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example,

CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

Liabilities

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than $10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

Interests in Specified Businesses

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position

held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

Training Certification

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, a commissioner of a community redevelopment agency created under Part III, Chapter 163, or an elected local officer of an independent special district, including any person appointed to fill a vacancy on an elected independent special district board, whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

CE FORM 1 - Effective: January 1, 2026

Incorporated by reference in Rules 34-8.001 and 34-8.202, F.A.C

2026 Form 1F Instructions

Final Statement of Financial Interests

Notice

The annual Statement of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1, an automatic fine of $25 for each day late will be imposed, up to a maximum penalty of $1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding $20,000. [s. 112.317, F.S.]

Instructions for Completing and Filing Form 1F Final Statement of Financial Interests

WHEN TO FILE: At the end of office or employment each local officer, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment, unless he or she takes another position within the 60-day period that requires filing financial disclosure on Form 1 or Form 6.

NOTE: If you are leaving office or employment during the first half of 2026, you may not have filed Form 1 for 2025. In that case, this is not the last form you will file. Form 1F covers January 1, 2026, through your last day of office or employment. You will be required to file Form 1 for 2025 by July 1, 2026, and risk being fined if you do not file Form 1 by the filing deadline, even if you have already filed the CE Form 1F.

WHO MUST FILE FORM 1:

1. Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
2. Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding those required to file full disclosure on Form 6 as well as members

of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3. The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.
4. Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.
5. Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.
6. Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
7. Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $35,000 for the local governmental unit.
8. Officers and employees of entities serving as chief administrative officer of a political subdivision.

9. Members of governing boards of charter schools operated by a city or other public entity.
10. Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
11. The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
12. The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
13. Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
14. The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
15. State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding $35,000.
16. The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.
17. Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality *if you submit a written and notarized request.*

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325

John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

Instructions for Completing Form 1F

Primary Sources of Income

[112.3145(3)(b)1, F.S]

This section is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded $2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you were employed by a company that manufactures computers and received more than $2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded $2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded $2,500, list the name of the business, its address, and its principal business activity (retail gift sales).

- If you received income from investments in stocks and bonds, list each individual company from which you derived more than $2,500. Do not aggregate all of your investment income.
- If more than $2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address, and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than $2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

Secondary Sources of Income

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

1. You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**
2. You received more than $5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds

above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than $5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

Real Property

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by its market value for ad valorem tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

Intangible Personal Property

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than $10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own

campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

Liabilities

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than $10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

Interests in Specified Businesses

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or

beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

CE FORM 1F - Effective: January 1, 2026

Incorporated by reference in Rules 34-8.001 and 34-8.208, F.A.C

2025 Form 1X Instructions

Amendment to Statement of Financial Interests

Notice

The annual Statement of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1, an automatic fine of $25 for each day late will be imposed, up to a maximum penalty of $1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding $20,000. [s. 112.317, F.S.]

Instructions for Completing and Filing Form 1X Amendment to Statement of Financial Interests

Use this form to report the new information you believe should have been reported on your original Form 1 or 1F. You will be asked to explain the changes you are making to your original Form 1 or 1F.

WHO MUST FILE FORM 1:

1. Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
2. Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding those required to file full disclosure on Form 6 as well as members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For

Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3. The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.
4. Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.
5. Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.
6. Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
7. Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $35,000 for the local governmental unit.
8. Officers and employees of entities serving as chief administrative officer of a political subdivision.
9. Members of governing boards of charter schools operated by a city or other public entity.
10. Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
11. The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

12. The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
13. Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
14. The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
15. State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding $35,000.
16. The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.
17. Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

Instructions for Completing Form 1X

Primary Sources of Income

[112.3145(3)(b)1, F.S]

This section is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded $2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you were employed by a company that manufactures computers and received more than $2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded $2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded $2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than $2,500. Do not aggregate all of your investment income.
- If more than $2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address, and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than $2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that

institution), list the name of the institution, its address, and its principal business activity.

Secondary Sources of Income

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

1. You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**
2. You received more than $5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than $5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more

than 10% of the partnership's gross income and the tenant's address and principal business activity.

Real Property

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by market value for ad valorem tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

Intangible Personal Property

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than $10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

Liabilities

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than $10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

Interests in Specified Businesses

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

Training Certification

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, a commissioner of a community redevelopment agency created under Part III, Chapter 163, or an elected local officer of an independent special district, including any person appointed to fill a vacancy on an elected independent special district board, whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

CE FORM 1X - Effective: January 1, 2026

Incorporated by reference in Rules 34-8.001 and 34-8.209, F.A.C

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: ☐ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I,_____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative,_____ ;

___ inured to the special gain or loss of _____ , by whom I am retained; or

___ inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

_____ _____

Date Filed Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

Grand Haven
A Community Development District

NEW SUPERVISOR INFORMATION SHEET
Please return completed forms to
Vesta District Services
Records Management
250 International Parkway, Suite 208
Lake Mary, FL 32746
Phone: 321-263-0132
District Manager: Howard McGaffney

1) Name: _____

2) Address: _____

_____

_____

3) County of Residence _____

4) Phone or Cell _____

5) Email Address _____

6) Waive OR Accept Compensation of Statutorily Allowed $200 per Meeting _____. If you have elected to receive compensation then please forward the attached payroll forms along with the New Supervisor Information Sheet.

Payroll Information

1) Date of Birth: _____
2) Drivers License Number: _____

GRAND HAVEN
COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
OATH OF OFFICE

I,_____, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF FLORIDA.

_____
Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF _____

The foregoing oath was administered before me this ___ day of _____, 20____, by _____, who personally appeared before me, and is personally known to me or has produced _____ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of _____ Community Development District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

_____
Notary Public, State of Florida

Print Name: _____

Commission No.: _____ Expires: _____

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of _____

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

_____

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature _____

Sworn to and subscribed before me by means of physical presence ☐ *OR online notarization* ☐ *this _____ day of _____, 20____.*

_____

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

_____
Print Name

_____
Title

_____
Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

Personally Known ☐ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☐

_____
Street or Post Office Box

_____
City, State, Zip Code

_____
Print Name

_____
Signature

Discussion of the Government in the Sunshine Law and common issues

Scott D. Clark, Esq.

Introduction

Florida's Government in the Sunshine Law generally requires covered state and local collegial bodies to conduct meetings openly, provide reasonable public notice, promptly record minutes, and allow public inspection of those minutes, subject to constitutionally or statutorily authorized exemptions; *see* Fla. Const. Art. I, § 24; Fla. Stat. § 286.011.

Historical Development

The Legislature enacted the Sunshine Law in 1967 to extend open-meeting requirements broadly to state, county, and political-subdivision boards and commissions. The Florida Supreme Court has described its purpose as covering gatherings at which board members discuss matters on which foreseeable official action will be taken and preventing secret decisions from crystallizing just short of formal approval. The Sunshine Law has been held broad in its interpretation, and there are no exceptions to the open meeting requirement except those that may be adopted by the legislature. There are few such exceptions, and they are narrowly construed.

In 1992, Florida incorporated open-government rights into Article I, section 24 of its Constitution. The constitutional provision requires meetings of covered executive-branch and local collegial public bodies to be open and noticed when official acts will be taken or public business will be transacted or discussed.

Covered Meetings and Bodies

The statutory law covers meetings of boards or commissions of state agencies or authorities and agencies or authorities of counties, municipal corporations, and political subdivisions at which official acts are to be taken, including meetings attended by persons elected to those bodies who have not yet taken office.

Informal status does not remove a gathering from the law: the Florida Supreme Court has treated gatherings of two or more members concerning matters on which foreseeable action will be taken as within the law's purpose. Early in the development of the law, certain public officials argued that "meeting" should be construed only to include formal meetings and not informal or casual discussions, but many court decisions have extended the requirement to any form of discussion regarding public business. Subordinate committees are covered when they receive delegated decision-making authority, including the right to recommend a particular action, but a committee conducting only delegated information gathering or fact finding is not covered on that basis.

Enforcement and Consequences

Florida circuit courts may issue injunctions upon application by any Florida citizen to enforce the statute. A public officer who violates the statute commits a noncriminal infraction punishable by a fine of up to $500, while a board or commission member who knowingly attends a noncompliant meeting commits a second-degree misdemeanor, which provides the possibility of jail time for each violation.

The Sunshine Law includes a provision requiring public comment prior to formal decision-making. For violations of the statutory public-comment requirement, a court must assess reasonable attorney's fees against the violating board or commission; fees may be assessed against a plaintiff who files in bad faith or brings a frivolous action. An action taken in violation of that public-comment provision is not void solely because of that violation but, in appropriate circumstances, courts have ruled that actions taken in violation of the sunshine are null and void.

In summary, Florida officials should treat deliberation concerning foreseeable public action as public business, provide meaningful notice and access, preserve minutes, allow the required opportunity for public input, and rely on a closed-meeting exception only when every substantive and procedural condition is satisfied.

Florida Supreme Court's Definition

In *Sarasota Citizens for Responsible Gov't v. City of Sarasota,* 48 So. 3d 755, 763 (Fla. 2010), the court stated that covered meetings include "any gathering, formal or informal, of two or more members of the same board or commission" where the members address a matter on which foreseeable board action will be taken. Some of the violations found to exist in the *Sarasota Citizens* case were emails exchanged between board members or emails which were exchanged by others with board members.

Limits and Applications

The definition generally requires at least two members of the same covered body. As such, discussions between a board member and staff about a matter that will come before the body does not create a violation in itself. However, if such a meeting is used to relay information, such as when the staff member then communicates the substance of the meeting to another board member, then a violation may occur.

Modern Problems

Of course, the originators of the Sunshine Law of the could not have conceived problems that exist in modern life with the application of technology. Violations of the Sunshine Law at that time would have consisted of private in-person meetings or telephone calls. In the modern technological age, there are many more means by which the Sunshine Law can be violated, and they raise the possibility that violations can occur unknowingly and not

willfully. Of course, that does not mean that they do not constitute violations. Many of the issues that come out in modern cases or discussions about open meetings violations have to do with exchanges of emails or text messages, exchanges of ideas through social media outlets and probably some other things that have yet to be litigated. What follows is a discussion of developing case law in the last few years where open meetings violations have occurred. Not surprisingly, the amount of litigation regarding the Sunshine Law is increasing in the modern age.

Major fact patterns appearing in Sunshine Law claims since 2020

1. Serial Communications ("Walking Quorum") Claims
This remains the most common litigation pattern.
Typical allegation:

- Supervisor A talks with Supervisor B.
- Supervisor B talks with Supervisor C.
- No three-member meeting ever occurs.
- Information, positions, or commitments are passed along sequentially.
- Plaintiff alleges a de facto board meeting occurred outside the sunshine.

Evidence commonly alleged:

- Emails
- Text messages
- Telephone calls
- One-on-one meetings
- Staff acting as go-betweens

Litigation focus: Courts generally examine whether the communications were simply informational or whether they were used to obtain consensus before a public vote. The key question is whether the process circumvented public deliberation.

2. Text Messaging During Public Meetings

A growing category after widespread smartphone use.
Typical allegation:

- Board members exchange texts during a meeting.
- Messages concern agenda items being actively discussed.
- The public cannot observe the communications.

Recent controversies involving the Jacksonville City Council illustrate the concern even though prosecutors ultimately decline action. The dispute focused on text exchanges regarding legislation while matters were under discussion during an open meeting. One of the parties involved with the issue under discussion noticed the text exchanges going on and sought to have the council members prosecuted. The text message issue has also arisen in several other venues.

3. Staff Members Used as Intermediaries

Another recurring pattern.

Typical allegation:

- A city manager, attorney, administrator, consultant, or staff member polls board members individually.
- Staff reports positions back and forth.
- Consensus is developed outside a noticed public meeting.

The Florida Attorney General's Sunshine Manual repeatedly identifies the use of staff as liaisons as a significant Sunshine concern.

Example pattern:

- Staff asks each Supervisor how he/she plans to vote.
- Staff summarizes results to the group.
- Agenda strategy is adjusted accordingly.

Plaintiffs generally characterize this as a hidden meeting.

4. Email Chains and Reply-All Discussions

A frequent source of litigation.

Typical allegation:

- Board members circulate emails regarding an upcoming vote.
- Members respond to each other.
- Discussion develops outside a public meeting.

Important distinction:

Generally lower risk:

- Distribution of reports.
- One-way circulation of information.

Higher risk:

- Members commenting on substance.
- Members responding to each other's views.
- Efforts to build consensus.

5. Advisory Boards and Committees

Many recent lawsuits involve committees rather than governing bodies.

Typical allegation:

- A city or special district claims a committee is merely advisory.
- Plaintiff argues the committee effectively performs decision-making functions.

Fact patterns include:

- Search committees.
- Evaluation committees.
- Procurement review groups.

- Redistricting or planning task forces.

Courts continue to examine whether recommendations carry substantial weight with the parent board.

6. Shade Meetings That Exceed Their Authorized Scope

Typical allegation:

- A board enters a closed attorney-client session.
- Discussion extends into policy matters, settlements not actually under negotiation, or other subjects beyond the statutory exception.

These suits often arise from:

- Litigation settlement discussions.
- Real estate negotiations.
- Risk-management issues.

The dispute usually concerns whether the closed discussion remained within the narrow exception permitted by statute.

7. Remote Meeting Technology

Post-COVID litigation has generated a significant number of claims.

Typical allegation:

- Inadequate public access.
- Notice problems.
- Breakout rooms or side channels.
- Members discussing matters through private electronic means during a virtual meeting.

Courts generally focus on whether the public retained meaningful access to observe the decision-making process.

8. Predetermined Decisions

A recurring theme in local-government litigation.

Typical allegation:

- Public meeting appears ceremonial.
- Most members have already agreed on an outcome.
- Public vote is merely ratification.

Common evidence:

- Pre-meeting communications.
- Developer meetings.
- Individual lobbying sessions.
- Emails showing commitments before the meeting.

Plaintiffs attempt to show that the actual decision occurred outside public view rather than at the noticed meeting.

9. Procurement and Vendor Selection Cases

Especially common with:

- School boards
- Counties
- Municipalities
- Special districts

Typical allegation:

- Evaluation committee deliberated privately.
- Board members communicated with evaluators outside public meetings.
- Ranking processes occurred outside Sunshine requirements.

These cases often involve challenges to contract awards rather than purely transparency concerns.

10. Special District and Community Development Districts

A common misconception is that the Sunshine Law does not apply to smaller governments like special districts because they are considered "quasi-governmental." That misconception is not true. One CDD supervisor requested an opinion from the Florida Attorney General in 2007 after he was told he could not speak to other supervisors about district business outside of a meeting. The attorney general response, in an informal opinion, is included at the end of this memorandum.

It is common for new supervisors to bring prior experience to the position. For those from a business background, the impulse may be strong to reach out to other board members through technological means to expedite discussion of an issue. Others may have served on HOA Boards or non-profit organizations where consensus by email is common and preferred. As such, the Sunshine Law seems to be an unnecessary impediment to progress. There is no question that it slows progress and lengthens the decision-making process. However, that is by design.

Overall Trend Since 2020

The strongest Sunshine Law cases tend to involve:

1. Text messages between board members regarding pending business.
2. Serial one-on-one communications creating a walking quorum.
3. Staff being used to poll or coordinate board members.
4. Email chains showing substantive deliberation.
5. Evidence that a public vote had effectively been predetermined.

The weakest cases typically involve:

- Mere social interaction.
- One-way distribution of information.
- Communications lacking discussion or consensus-building.
- Speculative allegations unsupported by records or testimony.

The **highest litigation risk today is no longer the unnoticed physical gathering**. It is the digital record: texts, email threads, messaging apps, and staff-mediated communications that can be construed as a substitute for public deliberation.

These growing trends in Sunshine Law litigation caused one Florida appellate judge in 2023 to write an extensive concurring opinion expressing his concern over rising noncompliance with the Sunshine Law. In the case, *Gilliams v. State*, 359 So. 3d 784 (Fla. 4th DCA 2023), early in the Covid-19 pandemic, two members of the Sebastian City Council took it upon themselves to convene an unnoticed meeting in frustration after the mayor cancelled the scheduled meeting. What began for them as an act of frustration ended up in jail time. The case illustrates how a prosecutor in a Sunshine Law case will obtain emails, text messages and other electronic evidence to prove a violation. It also illustrates that Sunshine Law violations do not always end with a "slap on the wrist," which is what I believe many supervisors believe. The concurring opinion is an excellent read for all sitting or prospective supervisors, and it is included below.

Appendix 1 -- Attorney General Informal Opinion of March 28, 2007

View PDF

SUNSHINE LAW, DUTIES OF COMM. DEV. DIST. SUPERVISOR

Number: INFORMAL
Issued March 28, 2007
Subject: Sunshine Law, duties of comm. dev. dist. supervisor

The Honorable Donald G. Pratt
Supervisor, Community Development District
20945 Pixie Court
Land O Lakes, Florida 34637

Dear Mr. Pratt:

The Office of Attorney General Bill McCollum is in receipt of your letter requesting information regarding your duties under the Government in the Sunshine Law as a member of the board of supervisors of a community development district. You state that you have been advised that you may not speak with the other supervisors on the board regarding issues that may come before the board for action.

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied by the courts to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of section 286.011, Florida Statutes:

(1) meetings of public boards or commissions must be open to the public;
(2) reasonable notice of such meetings must be given; and
(3) minutes of the meetings must be taken.

A right of access to meetings of collegial public bodies is also recognized in Article I, section 24 of the Florida Constitution, which virtually all collegial public bodies are covered by the open meetings mandate of the open government constitutional amendment with the exception of the judiciary and the state Legislature, which has its own constitutional provision requiring access. The only exceptions are those established by law or by the Constitution.

The Sunshine Law extends to the discussions and deliberations as well as the formal action taken by a public board or commission. There is no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to section 286.011, Florida Statutes. Instead, the law is applicable to *any* gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which *foreseeable action* will be taken by the public board or commission. See *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973). *And see*, *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969); and *Wolfson v. State*, 344 So. 2d 611 (Fla. 2d DCA 1977). The courts have recognized that it is the how and the why officials decided to so act which

interests the public, not merely the final decision. Thus, the court stated in *Times Publishing Company v. Williams*, 222 So. 2d 470, 473 (Fla. 2d DCA 1969), *disapproved in part on other grounds, Neu v. Miami Herald Publishing Company,* 462 So. 2d 821 (Fla. 1985):

"Every thought, as well as every affirmative act, of a public official as it relates to and is within the scope of his official duties, is a matter of public concern; and it is the entire *decision-making process* that the legislature intended to affect by the enactment of the statute before us."

You should also be aware that while the Sunshine Law generally requires two or more members of the same board discussing some issue that will foreseeably come before the board, there are circumstances in which the Sunshine Law may apply to a single individual or where two board members are not physically present. Certain factual situations have arisen where, in order to assure public access to the decision-making processes of public boards or commissions, it has been necessary to conclude that the presence of two individuals of the same board or commission is not necessary to trigger application of section 286.011, Florida Statutes. As stated by the Supreme Court, the Sunshine Law is to be construed "so as to frustrate all evasive devices." See *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974). *And see, State v. Childers,* No. 02-21939-MMC; 02-21940-MMB (Escambia Co. Ct. June 5, 2003), *per curiam affirmed*, 886 So. 2d 229 (Fla. 1st DCA 2004) (county commissioner violated the Sunshine Law when he expressed his opinion on a commission issue to two other commissioners at an unannounced meeting in the office of a county administrator).

For example, while the use of a written report by one commissioner to inform other commissioners of a subject which will be discussed at a public meeting is not a violation of the Sunshine Law if prior to the meeting, there is no interaction related to the report among the commissioners, if the report is circulated among board members for comments with such comments being provided to other members, there is interaction among the board members which is subject to section 286.011, Florida Statutes. Discussions conducted via telephones, computers, or other electronic means are not exempted from the Sunshine Law. Moreover, a public body cannot escape the application of the Sunshine Law by undertaking to delegate the conduct of public business through an "alter ego." The Sunshine Law is also applicable to meetings between a board memberand an individual who is not a member of the board when that individual is being used as a liaison between, or to conduct a de facto meeting of, board members.

You may wish to review the Government in the Sunshine Manual which discusses the requirements of both the Government in the Sunshine Law and the Public Records Laws. An abridged edition of the manual is available online at: www.myfloridalegal.com/. Click on "Open Government" from the menu on the left side of the screen to access the manual.

Thank you for contacting the Florida Attorney General's Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

Appendix 2 – Concurring opinion in Gilliam v. State

GILLIAMS V. STATE
4TH DISTRICT COURT OF APPEAL
APRIL 12, 2023 359 SO. 3D 784

CIKLIN, J., concurring specially.

The majority opinion solidly stands for the "clinical" legal reasoning and academic analysis behind our decision to both affirm and reverse certain of the convictions that occurred before a jury below. I think it is important, however, to issue a clarion call to the hundreds of Florida public officials who are subject to the Florida Sunshine Law. Indeed, as more and more individuals become Floridians and engage in civic involvement, our new citizens need to be fully aware of [**13] Florida's Sunshine Law.**3** The appellate briefs filed in this case suggesting that the Sunshine Law is vague and unclear or that the law is weak and unprovable have given me pause and a commensurate urge to raise a warning flag. It has been many years since a comprehensive opinion has been issued by a Florida intermediate appellate court on the subject and, thus, perhaps this admonition is particularly timely.

It seems unlikely, in this unfortunate series of events, that former Sebastian City Councilmembers Pamela Parris and Damien Gilliams would have ever thought it imaginable that they would now be appealing criminal convictions for which they have been sentenced to serve jail time of two months and six months, respectively. My guess is, that in retrospect, they would have run away and resisted any temptation to get caught up in the excitement of the moment . . . as, unfortunately, they ultimately did. These recent Indian River County Sunshine Law prosecutions and convictions illustrate actual examples of popularly elected local governing body officials being ordered to do real jail time in a real Florida county jail for the commission of a real Florida crime. Of course, whether elected [**14] or appointed is of no consequence. The Florida Sunshine Law applies equally to all.

After now engaging in significant research on the law itself, plus sitting for oral argument on the topic in January, I have developed a concern that some government officials subject to the Sunshine Law may not fully appreciate the Law's meaning and/or the possible criminal penalties that lie in wait for those who carelessly fail to fully comprehend the Sunshine Law and abide by it. And this baffling complacency is not for want of official publications—including the current 360-page Government-In-The-Sunshine manual prepared by the Florida Attorney General. 44 Government-in-the-Sunshine Manual (2022 ed.). To be sure, the briefings in these consolidated cases, and our majority opinion are considerably lengthy because the issues are complex and yet, paradoxically, not all that difficult to understand.

The scenario in this case is alarming. Three duly elected members of the Sebastian City Council who were not allowed to privately discuss foreseeable government issues did so anyway. They decided amongst themselves—as their personal protest to the mayor and city manager's decision to cancel a regularly scheduled [**15] city council meeting because of Covid—to enter the city council chambers and conduct the cancelled meeting anyway. Armed with a government-issued pass key, and in [*791] unlit city council chambers, these three city councilmembers took to the dais and purported to take official action at what in essence became a spontaneous, non-announced meeting of the three of them that lasted until the police showed up. That imprudent action was itself a flagrant violation of the Sunshine Law and a reading of the statute makes this conclusion abundantly clear.

Whether two or more officials privately discuss, in any manner whatsoever, a foreseeable issue of any magnitude, inside the other's office or at a coffee shop or in the spectator audience of a child's soccer match or at a statewide education conference or by quick text or whether they do so through surrogates (such as aides, friends, relatives, other government officials) or whether, as in this case, they decide to spontaneously convene an unannounced rally or meeting, so long as two or more are involved, these are all distinctions without a difference. And every individual unauthorized private discussion between two or more officials along the way [**16] constitutes an individual statutory crime against each person with each separate charge carrying a possible penalty of 60 days in the county jail. Plus a $500 fine. Plus substantial court costs. Plus six months of probation. Per act. And notably, in the State of Florida, no statutory sentencing guidelines exist for these types of crimes, and consecutive jail sentences and consecutive probationary periods are permitted and within the unfettered discretion of the trial judge.

Even though ample publications, and just as many available seminars, meetings, discussions, and groups, are specifically charged with fully educating officials subject to the Sunshine Law (which, ironically all three charged city councilmembers attended), here are my very easy takeaways from the current state of the Florida Sunshine Law.

1. Meetings of two or more fellow government officials who are subject to the Sunshine Law are not allowed if any words of any type pertaining to any possible foreseeable issue will be communicated in any way unless they are open to the public to whom reasonable notice has been provided.

2. There is rarely any purpose for a private meeting or communication between two or more government [**17] officials who are both subject to the Sunshine Law. Those who engage in such activity widely open themselves to allegations that some aspect of the governmental decisional process has unlawfully occurred behind closed doors. Any aspect of the decisional process—ranging from whether to conduct a meeting in the first instance to the concept of terminating administrative staff to the seemingly inane decision as to which government officials will even make a motion to begin open public discussion—is part of the official decisional process and must be wide-open and advertised in advance to the public.

3. Under Florida law, there is no such thing as an "informal" conference or "unofficial" caucus or pass-you-in-the-hallway information gathering (or sharing) by two or more government officials subject to the Sunshine Law which would thereby remove such communication from the Sunshine Law's ambit. Indeed, such "innocuous" meetings have been held to be illegal and nothing short of the unlawful crystallization of secret decisions to a point just short of public discussion and ceremonial acceptance. And whether done personally or through surrogates (such as aide-to-aide), such meetings are illegal [**18] under Florida's Sunshine Law.

[*792] 4. Any attempt to distinguish between a "formal," "informal," "ministerial," "informational gathering-only," or "just a listening" meeting between two or more government officials—for purposes of determining whether the Sunshine Law applies—is by itself alien to the law's design, exposing it to the very evasions which it was designed to prevent.

5. Because a violation of Florida's Sunshine Law can be investigated and charged as a crime, all of those law enforcement and prosecutorial techniques, such as the issuance of subpoenas for cell phone records is but a signature away. In these cases, prosecutors easily gathered data and produced it for the jury showing numerous texts,

emails, telephone conversations, and voicemails over a wide-ranging period between all three city councilmembers. The flow chart prepared by the prosecution and shown to the jury highlighted the dates of the calls, to whom they were made, the duration of the calls, and the overall sequence of communications.

6. When in *any* doubt as to whether a meeting or communication, either directly or indirectly between two or more government officials may be illegal under the Sunshine Law, the easy [**19] answer is: "LEAVE." *See City of Miami v. Berns*, 245 So. 2d 38, 41 (Fla. 1971) ("The evil of closed door operation of government without permitting public scrutiny and participation is what the law seeks to prohibit. If a public official is unable to know whether by any convening of two or more officials he is violating the law, he should leave the meeting forthwith.").

7. Lying, under oath, about any matter that is material to an alleged Sunshine Law violation is considered as an additional crime of perjury and every individual lie constitutes an individual statutory crime against each person with each separate charge carrying a possible penalty of 1 year in the county jail. Plus a $1000 fine. Plus substantial court costs. Plus 12 months of probation. Per lie. And just as is the case with the underlying Sunshine Law crime, no statutory sentencing guidelines exist for this type of crime in Florida, and thus consecutive jail sentences and consecutive probationary periods are permitted and within the trial judge's unfettered discretion.

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EXHIBIT 4

FLORIDA COMMISSION ON ETHICS



GUIDE
to the
SUNSHINE AMENDMENT
and
CODE of ETHICS
for Public Officers and Employees

2026

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I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida's first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;

- Prepares mailing lists of public officials subject to financial disclosure for use in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

A. Prohibited Actions or Conduct

1. Stolen Valor

A candidate, an elected public officer, an appointed public officer, or a public employee may not, for the **purpose of material gain**, knowingly misrepresent their military service or a decoration, medal title, honor, awarded qualification or military occupational specialty from the Armed Forces of the United States.

Candidates, elected public officers, appointed public officers, and public employees are also prohibited, for the purpose of material gain, from knowingly making false statements or misrepresenting active service in the Armed Forces of the United States during a wartime era, regardless of whether there was a declared war, or service in combat operations in a warzone, including misrepresentations or false statement of being a prisoner of war.

A candidate elected public officer, appointed public officer or a public employee may not, for the purpose of material gain, wear the uniform or any medal or insignia authorized for use by members or veterans of the Armed Forces of the United States that he or she is not authorized to wear.

2. Solicitation and Acceptance of Gifts

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from soliciting any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly accepting a gift worth more than $100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

However, notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, any expenditure made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than $100 that formerly were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

3. Unauthorized Compensation

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

4. Misuse of Public Position

Public officers and employees, and local government attorneys are prohibited from **corruptly** using or attempting to use their official positions or the resources thereof to obtain a **special privilege or benefit** for themselves or others. [Sec. 112.313(6), Fla. Stat.]

5. Abuse of Public Position

Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others. [Article II, Section 8(h), Florida Constitution.]

6. Disclosure or Use of Certain Information

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

7. Solicitation or Acceptance of Honoraria

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to $5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

B. Prohibited Employment and Business Relationships

1. Doing Business With One's Agency

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. Conflicting Employment or Contractual Relationship

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

(c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

(d) When an emergency purchase must be made to protect the public health, safety, or welfare.

(e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

(f) When the aggregate of any such transactions does not exceed $500 in a calendar year.

(g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

(h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

(i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

4. Additional Exemptions

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way

in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.]

5. Legislators Lobbying State Agencies

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

6. Additional Lobbying Restrictions for Certain Public Officers and Employees

A statewide elected officer; a member of the legislature; a county commissioner; a county officer pursuant to Article VIII or county charter; a school board member; a superintendent of schools; an elected municipal officer; an elected special district officer in a special district with ad valorem taxing authority; or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office. [Art. II Sec 8(f)(2), Fla. Const. and Sec. 112.3121, Fla. Stat.]

7. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

8. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

9. Contractual Services: Prohibited Employment

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

10. Local Government Attorneys

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

11. Dual Public Employment

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

C. Restrictions on Appointing, Employing and Contracting with Relatives

1. Anti-Nepotism Law

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. Additional Restrictions

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a

relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. Standards of Conduct for Officers and Employees of Entities Serving as Chief Administrative Officers of Political Subdivisions

The officers, directors, and chief executive officer of a business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any employee of that business entity who is acting as the chief administrative or executive officer or employee of the political subdivision, are public officers and employees subject to the following standards of conduct:

i. Section 112.313, and their "agency" is the political subdivision. However, the contract allowing the business entity to serve as the chief executive or administrative officer of the political subdivision is not deemed to violate the prohibitions against doing business with one's own agency [Sec. 112.313(3), Fla. Stat.] and conflicting employment and contractual relationships [Sec. 112.313(7)(a), Fla. Stat.];
ii. The Form 1 financial disclosure requirement for "local officers" [Sec. 112.3145, Fla. Stat.];
iii. And the Form 9 and the Form 10 gift disclosure requirements for "reporting individuals" [Secs. 112.3148 & 112.3149, Fla. Stat.]. [Sec. 112.3136, Fla. Stat.]

E. Post Office Holding and Employment (Revolving Door) Restrictions

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. Lobbying by Former State Employees

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions,

unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

(a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

(b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

3. 6-Year Lobbying Ban

For a period of six years after vacation of public position occurring on or after December 31, 2022, a statewide elected officer or member of the legislature shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature or any state government body or agency. [Art. II Sec 8(f)(3)a., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a person serving as a secretary, an executive director, or other agency head of a

department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature, the governor, the executive office of the governor, members of the cabinet, a department that is headed by a member of the cabinet, or his or her former department. [Art. II Sec 8(f)(3)b., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, or an elected special district officer in a special district with ad valorem taxing authority shall not lobby for compensation on issues of policy, appropriations, or procurement before his or her former agency or governing body. [Art. II Sec 8(f)(3)c., Fla. Const. and Sec. 112.3121, Fla. Stat.]

4. Additional Restrictions on Former State Employees

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

5. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of which he or she was an officer for two years after leaving office. Appointed officers and

employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

F. Voting Conflicts of Interest

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

G. Disclosures

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.; members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $35,000 for the local governmental unit.

5) Members of governing boards of charter schools operated by a city or other public entity.

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a

political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

1) Employees in the Office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

5) The superintendent or director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding $35,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 or a verification of filing in EFDMS together with and at the same time they file their qualifying papers. Candidates for City Council or Mayor must file a Form 6 or a verification of filing in EFDMS.[1]

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

File with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. FORM 1F - Final Form 1 Limited Financial Disclosure

Beginning January 1, 2024, all Form 1 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures are published and searchable by name or organization on the Commission's website.

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. FORM 2 - Quarterly Client Disclosure

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

[1] During the pendency of ongoing litigation, the Commission on Ethics is enjoined from enforcing the Form 6 requirement for mayors and elected members of municipal governing bodies, and they will have to file a CE Form 1 ("Statement of Financial Interest").

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

File with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

Beginning January 1, 2024, all Form 2 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures are published and searchable by name or organization on the Commission's website.

4. FORM 6 - Full and Public Disclosure

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of the city council and candidates for these offices;[1] the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over $1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth.

In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

[1] During the pendency of ongoing litigation, the Commission on Ethics is enjoined from enforcing the Form 6 requirement for mayors and elected members of municipal governing bodies, and they will have to file a CE Form 1 ("Statement of Financial Interest").

When and Where To File:

Officials must file FORM 6 annually by July 1 with the Commission on Ethics.

Beginning January 1, 2023, all Form 6 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable on the Commission's website.

CANDIDATES must register and use the electronic filing system to complete the Form 6, then print and file the disclosure with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

5. FORM 6F - Final Form 6 Full and Public Disclosure

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. FORM 9 - Quarterly Gift Disclosure

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics no later than the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than $100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than $100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The

officer or employee then must disclose this information by filing a statement by July 1 that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. The statements are filed with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year. The statements are filed with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

8. FORM 30 - Donor's Quarterly Gift Disclosure

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than $100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between $25 and $100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to

any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

9. FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

Beginning January 1, 2024, LOCAL OFFICERS and EMPLOYEES, and OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file FORM 1 annually must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 annually, including City Commissioners and Mayors, must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS).[1] Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

[1] During the pendency of ongoing litigation, the Commission on Ethics is enjoined from enforcing the Form 6 requirement for mayors and elected members of municipal governing bodies, and they will have to file a CE Form 1 ("Statement of Financial Interest").

V. PENALTIES

A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed $20,000, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the ballot, public censure, reprimand, or a civil penalty not to exceed $20,000, and triple the value of a gift received from a political committee.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed $20,000, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to $5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between $25 and $100, may be penalized by a fine of not more than $5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined $50 per day per report for each day the report is late, up to a maximum fine of $5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of $25 for each day late the form is filed after September 1, up to a maximum penalty of $1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

The Commission must undertake an investigation of a public officer or employee who accrues the $1,500 maximum fine and currently holds their filing position to determine if the failure to file was willful. If the Commission finds a willful failure to file, the only penalty that can be recommended, by law, is removal.

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and

all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

C. How to Obtain Published Opinions

All of the Commission's opinions are available for viewing or download at its website:

www.ethics.state.fl.us.

VII. COMPLAINTS

A. Citizen Involvement

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at www.ethics.state.fl.us. The Commission may only investigate complaints based on personal knowledge or information other than hearsay. The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can download a complaint form (FORM 50) from the Commission's website at www.ethics.state.fl.us, or contact the Commission office at the address or phone number shown on the inside front cover of this booklet.

B. Referrals

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney.

C. Confidentiality

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

D. How the Complaint Process Works

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt. Amendments to complaints must be received within 60 days of the original complaint.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. During the first stage, the Commission must also determine whether the allegation(s) in the complaint are based on personal knowledge or information other than hearsay. If the complaint is found not to be legally sufficient or the allegations are not based on personal knowledge or infomation other than hearsy, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

E. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

F. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at www.floridalobbyist.gov. Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4990

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing

information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. TRAINING

Constitutional officers, elected municipal officers, commissioners of community redevelopment agencies (CRAs), commissioners of community development districts, and local officer of an independent special district are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. The Commission on Ethics does not track compliance or certify providers. Officials indicate their compliance with the training requirement when they file their annual Form 1 or Form 6.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff.

EXHIBIT 5

RESOLUTION 2027-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Grand Haven Community Development District ("District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Board of Supervisors of the District desires to designate certain Officers of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. _____ is appointed Chairman.

SECTION 2. _____ is appointed Vice Chairman.

SECTION 3. **Howard McGaffney** is appointed Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Jacquelyn Leger is appointed Assistant Secretary.

Christine Richie is appointed Treasurer.

Patricia Kehr is appointed Assistant Treasurer.

Scott Smith is appointed Assistant Treasurer.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 19th day of November, 2026.

ATTEST**:**

GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT

_____
Secretary/Assistant Secretary

_____
Chairperson/Vice Chairperson, Board of Supervisors

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EXHIBIT 6

Kimley»Horn

AMENDMENT TO INDIVIDUAL PROJECT ORDER #2

AMENDMENT DATED October 29, 2026, to IPO 2 between Grand Haven Community Development District (the "Client") and Kimley-Horn and Associates, Inc., ("Kimley-Horn or Consultant") dated March 14, 2022 ("IPO") concerning Grand Haven (the "Project").

Kimley-Horn has entered into the IPO with the Client for the furnishing of professional services, and the parties now desire to amend the IPO.

Therefore, it is mutually agreed that the IPO is amended to include Additional Services to be performed by Kimley-Horn and provisions for additional compensation by the Client to Kimley-Horn. The parties ratify the terms and conditions of the IPO not inconsistent with this Amendment, all of which are incorporated by reference.

Identification of Project:

Project: Stormwater Needs Analysis

Client: Grand Haven Community Development District

Project Understanding:

The Grand Haven CDD (Grand Haven) must prepare and submit a Stormwater Needs Analysis (SNA) to Flagler County on or before June 30, 2027, as required by 403.9302 FS. Grand Haven has requested that Kimley-Horn perform the work necessary to complete the SNA in a timely manner to comply with this statute.

Specific Scope of Basic Services:

Task 10 – 2027 Stormwater Needs Analysis

A. Kimley-Horn will develop a 5-year and 20-year estimate for stormwater improvements, in coordination with the Operations Manager and the District Manager, as required by the statute.

The deliverable from this task will be an excel file of the SNA using the template provided by the State.

Schedule:

The Consultant will provide services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

Method of Compensation:

The services within this IPO will be performed hourly with an estimated budget of $2,750 based upon current hourly rates. The estimated budget is not a guaranteed price. The overall fee may exceed the estimated budget. Actual effort will be reflected in the monthly invoices.

ACCEPTED: GRAND HAVEN COMMUNITY DEVELOPMENT DISTRICT	KIMLEY-HORN AND ASSOCIATES, INC.
BY:_____	BY:_____ Chris Towne, PE
TITLE:_____	TITLE: Vice President
DATE:_____	DATE: October 29, 2026

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EXHIBIT 7

Monthly Amenity Update

Date of report 11/11/2026 *Submitted by:* John Lucansky

CDD Meeting Action Items:

- Supervisor's request:
    - Cones get set up around the bend by the trees on River Front Drive during all events

- We continue to monitor the hourly amenity usage
    - Monthly totals will be included in monthly report.
    - Hourly usage counts began on Monday March 27th for all amenities.
        - Pools, spas, bocce, pickleball, tennis, croquet courts 1-(2&3 combined), Grand Haven room and Creekside Room.
    - ***Please see the attached monthly amenity hourly usage information***

Café

- We are starting to see more patronage since the snowbirds are back

- We are happy to announce that the **Early Bird Dinner Specials** are going very well

- These dinners specials are offered from 3-5pm and are dine in only. Dinners are at a lower cost with adjusted portion sizes.
- This has become very well attended
  - Resident feedback has been very positive and appreciated

<u>October Events:</u>

We continue to offer as many events as possible. We strive to reach all demographics with a variety of special events including Trivia Nights, Name That Tune, Karaoke, singers, and more.

- Trivia was held on the 1st and 21st
  - The Wednesday trivia has between 140-150 attending
  - The Thursday trivia (additional night) has 90-110 attending
- Bunco group played on 6th
- Karaoke was held on the 5th
- Labor Day Dinner special was on the 7th
- Singer Michael Kohn hosted on the 8th
- Open Mic Night (new event) was on the 10th held outside in the foyer
- Name That Tune on the 15th
- Bingo was held on the 22nd
- Trunk or Treat and Halloween party on the 24th
- Line dancing on the 26th
- Prime Rib dinner special was held on the 28th
- Karaoke in the cafe on the 29th
- We also had six private parties this month

Tiki Hut

- Closed for the season

Tennis Courts:

- Clay was added to all the courts due to the heavy rain we received the week of October 5th.
- Courts were rolled on the week of the 19th.
- Windscreens reattached to fences as needed
- Algaecide applied all needed areas

Pickleball:

- Net caps cleaned
- No other issues

Bocce:

- **Fall league still going strong**
  - Fall season has 152 people signed up
  - We will continue to put the cones up on River Front Drive when we have other events on bocce nights
- Fall season started September 2nd and will end November 27th.
- Playoffs will be held Dec. 2nd and 3rd
  - Game nights are Wednesdays and Thursdays 3pm-8pm
  - We still have steady groups that play on different days
    - Monday, Tuesday, and Saturday are big non-Bocce league play days

<u>Amenities quality checks and reporting</u>:

- We continue to monitor and check all amenities.
- We use QR codes so the facilitators must physically go to the amenities (restrooms, tennis courts, etc…) scan the code and enter all required information. Below are some examples of the reports.
- The facilitators also have a QR code for any issues/repairs that need to be reported to the CDD office.

- ***Brittani Thomas checks the observation reports daily and forwards any to CDD office staff. This ensures no delays in reporting and expedite repairs.***

October 2026 - Creeks

Activity	Monthly Total	Share of Location	Daily Average	Peak Date
Kiddie Pool	27	0.6%	0.9	Oct 3
Basketball	50	1.1%	1.6	Oct 25
Spa	149	3.2%	4.8	Oct 28
Croquet 1	345	7.5%	11.1	Oct 31
Gym	743	16.2%	24.0	Oct 28
Croquet 2-3	1030	22.5%	33.2	Oct 17
Creekside RM	1390	30.3%	44.8	Oct 29
Pool	852	18.6%	27.5	Oct 3
TOTAL	**4586**	**1**	**147.9354839**	

Date	Basketball	Creekside RM	Croquet 1	Croquet 2-3
Oct 1	0	48	25	22
Oct 2	2	48	6	0
Oct 3	0	14	0	27
Oct 4	0	8	12	42
Oct 5	1	64	6	13
Oct 6	0	12	9	32
Oct 7	0	68	0	8
Oct 8	0	57	25	2
Oct 9	1	35	0	34
Oct 10	7	16	0	63
Oct 11	0	9	4	48
Oct 12	1	97	12	21
Oct 13	0	24	17	33
Oct 14	2	34	13	32
Oct 15	0	62	16	58
Oct 16	1	5	5	68
Oct 17	0	10	12	127
Oct 18	0	28	4	53
Oct 19	1	101	7	27
Oct 20	0	31	21	27
Oct 21	3	79	9	24
Oct 22	2	60	16	16
Oct 23	0	85	20	16
Oct 24	0	13	10	30
Oct 25	13	15	6	33
Oct 26	0	98	12	16

Oct 27	0	0	0	0
Oct 28	1	77	20	24
Oct 29	0	131	20	37
Oct 30	5	55	12	16
Oct 31	10	6	26	81

side Participation Summary

Peak Daily Count
11
13
15
26
53
127
131
164

Gym	Kiddie Pool	Pool	Spa	Daily Total
14	2	28	5	144
21	0	12	2	91
16	11	164	3	235
16	0	30	3	111
28	0	22	2	136
23	0	12	3	91
39	0	4	0	119
37	0	5	4	130
24	0	8	1	103
12	2	49	6	155
22	4	45	12	144
28	4	57	5	225
25	0	48	3	150
16	0	24	6	127
28	1	38	7	210
16	1	30	5	131
20	0	7	7	183
22	0	1	5	113
28	0	10	3	177
25	0	21	4	129
27	0	24	5	171
33	0	31	5	163
28	0	27	4	180
24	0	11	5	93
20	0	15	14	116
29	0	16	3	174

0	0	0	0	0
53	2	53	15	245
31	0	9	3	231
25	0	26	3	142
13	0	25	6	167

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EXHIBIT 8

Monthly Operations Report

Prepared by: Vanessa Koper, Director of Operations
Submitted: November 12, 2026

MAINTENANCE & OPERATIONAL HIGHLIGHTS:

- **Holiday Lighting/Decorating.** CDD field staff have been busy putting up lights throughout the community and decorating the amenity centers. The work typically takes four to six weeks, depending on the weather, how many lights need to be replaced, and what other maintenance priorities come up. The goal is to turn on the lights Thanksgiving night to kick off the holiday season.
- **Feral Hog Activity.** We continue to receive reports of feral hog activity on CDD property bordering the Crossings. The trapper remains active in the area and has captured 46 hogs on CDD property over the past six months.
- **Village Center Electrical Upgrades.** Following recurring issues with a main breaker tripping, we completed an electrical upgrade to reduce the risk of future outages and provide enough capacity for the upcoming pool lighting installation. The contractor ran a dedicated power line from the main distribution panel to subpanel K-2 and installed heavy-duty safety breakers in both panels, along with the required wiring and conduit.

PROJECT UPDATES:

Amenity Center Music System Upgrades

Status: Completed October 30, 2026
Creekside Budget: $19,270
Village Center Budget: $19,270
Final Equipment Costs: $1,040 for Creekside and $2,860 for Village Center, for a total of $3,900

Progress to Date:
The existing music equipment at Creekside stopped working in September. The replacement equipment was installed on September 23 to restore music at the amenity center. Because the purchase occurred before October 1, the $1,040 expense was charged to FY2026.
The Village Center installation was completed on October 30, 2026. The $2,860 equipment cost included a larger amplifier to support the facility's additional speakers. Staff can now manage music at both amenity centers through a computer, tablet, or smartphone. The project was completed with no additional costs.

Budget Scope:
The original budgets included replacing the speakers and wiring at both amenity centers. After evaluating the existing systems, the vendor recommended retaining those components. The final purchases covered the Rockbot devices and associated equipment.

Community App

Status: Implementation in Progress
Approved Amount: $10,408, paid in full
Board Approval Date: September 17, 2026

Progress to Date:
Staff attended a kickoff meeting with GoGov on October 6 to begin onboarding and establish an implementation timeline. Since then, staff have completed several administrator training sessions, including a session for all department heads and vendors on how to create, respond to, and update service requests and reported issues.

Next Steps:
- GoGov is scheduled to complete the app by November 20, 2026.
- Staff will review a demonstration and test the app before the planned community launch in December 2026.

Pond Bank Reinforcement

Status: Contract Executed, Scheduling Pending
Revised Budget: $66,300 for five locations

Project Scope:
Coquina rock will be installed along pond banks at five locations qualified by the District Engineer. The work will stabilize the banks and help prevent further erosion caused by wind and water.

Progress to Date:
The Board approved repairs at all five proposed locations and increased the project budget from $35,000 to $66,300. The contract has been fully executed, and staff have received the contractor's deposit invoice.

Next Steps:

- The contractor indicated that work can begin soon and will schedule it once the deposit payment is received. Staff will notify affected residents once the schedule is confirmed.

Mailbox Replacements

Status: Ordered – Delivery Pending
Budget: $18,884
Mailbox Cost: $13,350
Order Date: October 21, 2026

Project Scope:
Replacement of mailboxes and surrounds at two locations: Waterside Parkway and Sand Pine Drive.

Progress to Date:
The new mailboxes were ordered on October 21 for $13,350. Delivery has not yet been scheduled. The typical lead time is 8–12 weeks. Additional costs for replacing the surrounds have not yet been determined.
Next Steps:

- Determine surround replacement costs and coordinate installation.

Village Center Pool Lighting

Status: Contract Executed, Awaiting Lighting Delivery
Board Approval Date: October 29, 2026
Approved Installation Contract: $37,454
Electrical Engineering Costs: $12,000 ($8,000 paid and $4,000 due after installation)
Total Identified Project Cost: $49,454

Project Scope:
Additional lighting will be installed at the Village Center pool to meet the lighting requirements for amending the pool's operating permit to allow night swimming.

Progress to Date:
The Board approved NexStar Electrical's proposal at the October GHCDD Board meeting, and the contract was fully executed on November 4, 2026. On November 3, NexStar estimated a delivery lead time of 3-5 weeks for the lighting package and 2-3 weeks for installation.

Next Steps

- Coordinate installation with NexStar once the lighting package arrives.
- After installation, obtain the certification and survey report required by the State of Florida for the permit change. The District will pay the electrical engineer an additional $4,000 for this work.

EXHIBIT 9

GRAND HAVEN
COMMUNITY DEVELOPMENT DISTRICT
FY2026/2027 CAPITAL IMPROVEMENT PLAN PROJECT TRACKER
11/12/2026

Line	Description	Adopted Budget	Revised Budget	Variance (+/-)	Invoiced Amount	Comments/Notes	Completed
1	Convection Oven, Dbl - Café Kitchen	$6,684	$0	-$6,684	$0	Deferred upon recommendation of the Amenity Manager	-
2	Table - 30" Round metal table with 2 chairs	$4,138	$4,138	$0			
3	Table - 48" Round metal table with 4 chairs	$12,731	$12,731	$0			
4	Fitness, Cardio, Treadmill	$20,688	$20,688	-$5,091	$15,597	Completed 10/06/26	x
5	Replacement of Furnishings and Décor	$31,827	$31,827	$0			
6	~~Electronics, Sound System - CS Amenity Center~~	$19,270	$0	-$19,270	$0	Completed 9/25/26 in FY26 $1,040	x
7	Vehicle, 2014 UTV, Kawasaki Mule	$16,444	$16,444	-$815	$15,629	Delivered 10/30/26	x
8	~~Purchase - New Mini Excavator - Catepillar~~	$58,350	$0	-$58,350	$0	Completed 9/23/26 in FY 26 $52,811	x
9	GVWR 14,000 to 15,000 lb Trailer - for Caterpillar	$14,853	$14,853	-$1,046	$13,807	Order placed. Estimated delivery date mid November.	
10	Infrastructure Repairs - Stormwater System	$100,000	$100,000	$0			
11	Pond Bank Reinforcement	$35,000	$66,300	$31,300	$33,150	Contract fully executed. Work to be scheduled following payment of deposit.	
12	Lake Aerator (Annual)	$37,000	$37,000	$0	$9,667	Surface aerator to be installed on Pond 6	
13	Main Entrance Landscape Enhancement Project	$58,000	$58,000	$0		To be scheduled after any potential freezing weather has passed.	
14	Mailboxes	$18,884	$18,884	$0	$13,350	Order placed on 10/21/26. Waiting for scheduled delivery date.	
15	Road Resurfaciing Project 2027	$297,052	$297,052	$0			
16	Road Resurfacing Project - Curbs and Gutters	$79,568	$79,568	$0			
17	Electronics, Sound System for VC Pool Area	$19,270	$2,860	-$16,411	$2,860	Completed 10/30/26	x
18	Pool Equipment, Handicap Lift x2	$28,644	$28,644	$0			
19							
20	Café Dehumidifier	$0	$6,000	$6,000	$6,000	Not included in Adopted CIP: Completed 10/06/26	x
21	Café Mini Split Unit	$0	$6,000	$6,000	$6,000	Not included in Adopted CIP: Completed 10/10/26	x
22	Main Guardhouse Cameras	$0	$9,150	$9,150	$9,150	Not included in Adopted CIP: Completed 10/15/26	x
23	Village Center Pool Lighting	$0	$49,454	$49,454	$8,000	Lighting installation estimated to begin mid December 2026.	
24	**Totals:**	**$858,403**	**$859,593**	**($5,762)**	**$133,210**		

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EXHIBIT 10

GRAND HAVEN MEETING ATTORNEY REPORT LIST (11/19/26)

1. **Tasks Accomplished**

   Since the last report:

   -finalized Resolution 2027-01 (HR) and attachment based on Board approval
   -prepared pool lighting agreement per Board approval
   -prepared addendum to scope of pool electric consulting agreement
   -prepared agreement for pond bank conquina improvements
   -reviewed and provided material for supervisor orientation packet
   -reviewed survey of golf course parking lot and Parcel K area

2. **Sunshine Law Discussion**

   For this election cycle, rather than providing an oral summary of the Sunshine Law for Supervisors, I have provided a more extensive memorandum that focuses on problem areas as disclosed by cases. The memorandum is found at Tab 15 of the Supervisor orientation document in the agenda.

3. **Attorney Fee Tracker**

   October 2027 fees: $14,040.00

   Over/Under Budget: $ 127.00

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EXHIBIT 11

11/3/2026

Grand Haven Management
Palm Coast, Florida

Subject: Request for Contract Rate Adjustment – Security Services

Dear Grand Haven Management Team,

First, we would like to thank you for the continued opportunity to provide security services at Grand Haven. We value our relationship with your community and remain committed to delivering dependable, professional security services and maintaining consistent staffing at the property.

Following the recent acquisition of Security Solutions by PalAmerican Security, we are excited about the additional resources, operational support, and organizational strength available to help us continue serving Grand Haven. Our commitment to reliable security coverage, responsive supervision, and professional service remains unchanged, and we look forward to building on our existing relationship.

As part of our ongoing commitment to maintaining service quality, we are requesting a contract rate adjustment to address rising labor costs and the need to remain competitive in recruiting and retaining qualified security personnel.

Our current contract rate of $20.76 per hour has remained unchanged for nearly three years. During that time, labor costs have increased, and Florida's minimum wage has reached $15.00 per hour.

Recent market research for Palm Coast indicates an average security officer wage of approximately $17.46 per hour, with current job postings showing rates of approximately $16.00 to $21.00 per hour for various security assignments. While compensation varies by assignment and qualifications, these figures demonstrate the competitive labor market in which we operate. Our current officer pay rate of $15.00 per hour makes it increasingly challenging to attract and retain qualified, dependable personnel.

To help us continue attracting and retaining reliable officers, supporting our on-site supervisor, and maintaining the level of service Grand Haven expects, we respectfully request an adjustment to our hourly contract rate from $20.76 to $22.50, effective January 1, 2027, subject to the terms of our existing agreement.

We believe this moderate adjustment is a reasonable step toward addressing increased operating costs while allowing us to continue providing consistent coverage, responsive supervision, and professional security services. We have made every effort to keep this request measured and mindful of Grand Haven's budget considerations.

We appreciate the relationship we have established with Grand Haven and would welcome the opportunity to discuss this request at your convenience. Our goal is to reach a mutually

agreeable solution that supports the property's security needs while allowing us to sustain the quality and reliability of our services.

Thank you for your time and consideration. We look forward to continuing our partnership with Grand Haven under PalAmerican Security.

Sincerely,

Donnie Cantwell
Regional Vice President
PalAmerican Security

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EXHIBIT 12

EXHIBIT 13

MINUTES OF MEETING

GRAND HAVEN

COMMUNITY DEVELOPMENT DISTRICT

The Regular Meeting of the Board of Supervisors of the Grand Haven Community Development District was held on October 29, 2026, at 9:03 a.m. at the Creekside Amenity Center, 2 N. Village Parkway, Palm Coast, Florida, 32137.

FIRST ORDER OF BUSINESS – Call to Order/Roll Call

Mr. McGaffney called the meeting to order and conducted roll call.

Present and constituting a quorum were:

Dr. Merrill Stass-Isern	Board Supervisor, Chairwoman
Richard Mayor	Board Supervisor, Vice Chairman
Kevin Foley	Board Supervisor, Assistant Secretary
Janet Greenwood	Board Supervisor, Assistant Secretary
Kathy Myers	Board Supervisor, Assistant Secretary

Also present were:

Howard McGaffney	District Manager
Scott Clark	District Counsel
David Sowell *(via phone)*	District Engineer
Vanessa Stepniak	Director of Operations
John Lucansky	Amenity Manager
Louise Leister	District Horticulturist
Tom Byrne	Resident
Mike Debitetto	Resident
Dr. Michael Tebbano	Resident

The following is a summary of the discussions and actions taken at the October 29, 2026 Grand Haven CDD Board of Supervisors Regular Meeting. Audio for this meeting is available upon public records request.

SECOND ORDER OF BUSINESS – Pledge of Allegiance

The Pledge of Allegiance was led by Dr. Merrill.

THIRD ORDER OF BUSINESS – Audience Comments – *(limited to 3 minutes per individual for agenda and non-agenda items)*

Mr. Byrne expressed gratitude to all members of the community that attended the Meet The Candidates event, noting a strong turnout in person and online.

Mr. Debitetto suggested clearing an area by the basketball court and laying down crushed stone and pavers as an overflow parking area. Mr. Debitetto additionally requested for it to be made clear via verbal announcement when meeting discussion had moved to each new topic in order to make it easier for audience members to follow.

FOURTH ORDER OF BUSINESS – Exhibit 1: Presentation of Proof of Publication(s)

FIFTH ORDER OF BUSINESS – Staff Reports

A. District Engineer

1. Exhibit 2: Presentation of Pond 13 & 14 Bank Erosion Report

Mr. Sowell noted that Ponds 13 and 14 had experienced ongoing bank erosion issues due to their designs, and that Grand Haven had been working for several years to continue to remediate the problems. Mr. Sowell noted that the general guidance was to remediate any slopes that had gotten steeper than a 3:1 horizontal -to-vertical ratio, and to remediate any major dropoff ledges. In response to questions from the Board, Mr. Sowell noted that the grade of the slope caused by erosion had been the long-term design flaw issue, but that recent fluctuating water levels had resulted in a more significant drop off in 2026. Mr. Sowell expressed concerns about the shelf creating a major hazard for mowers and contractor vehicles, and the Board discussed the coquina fill-in proposal included under Exhibit 20.

2. Exhibit 3: Presentation of South Parking Lot Concept

Mr. Sowell gave a brief overview of the parking lot concepts that had been prepared, noting that previous concepts had preserved the basketball court, but that more recent concepts were made with the idea that the court would be removed. Mr. Sowell noted additional proposed concepts involving the potential removal of a croquet court to add parking by the Village Center, and for adding some additional parking to Riverside. At Mr. Sowell's recommendation, Board opted to table this item to a future workshop meeting for more extensive discussion. Mr. McGaffney stated that the next scheduled workshop meeting was set for 2027.

3. Exhibit 4: Presentation of 2026 Annual Infrastructure Inspection Report

Mr. Sowell explained that this report was the result of a full day's site visit and inspection throughout the community, and suggested that the most significant deficiencies were issues with curbs and sidewalks. Mr. McGaffney noted that Ms. Stepniak was working on plans with the team to address issues highlighted in the report. Mr. Foley commented that it may be prudent to include the system of stormwater structures as part of the scope of the annual inspections.

4. Consideration of 2027 Stormwater Needs Analysis – State Required 5-Year Review

The outfall structure in Pond 28 was discussed by staff. Mr. McGaffney noted that the statute required for an analysis of the stormwater system needs every five years, and that the most recent analysis had been completed in 2022. Mr. Sowell acknowledged that he was working on getting a proposal for the analysis ready for the Board's consideration, and stated that he had no concerns about the possibility of exceeding any deadlines for the process. Further discussion of the stormwater needs analysis was tabled to the next meeting.

5. Update on Survey of Certain Parcels

Mr. Sowell stated that the field work for the parcels survey had been completed a couple weeks prior, and that he expected to receive the CAD file and a PDF of the boundaries by the end of the month, which he would forward to District staff. Mr. McGaffney added that this would be disseminated to the Board upon receipt.

Dr. Merrill suggested that the Board perform a site visit to Parcel K as a group once the survey had been received, such that all Supervisors understood the area and the golf course integration.

B. Exhibit 5: Amenity Manager

Mr. Lucansky presented his report, noting that usage statistics would continue to be monitored for amenities as snowbirds came down for the winter season, and highlighting some holiday events on

the calendar. Mr. Lucansky noted that business at the Tiki Hut had been slowing down over the past month, so it had been closed for the season and would reopen in the Spring.

C. Director of Operations

1. Exhibit 6: Monthly Operations & Administration Report
2. Exhibit 7: Updated FY 2027 Capital Project Tracker

D. Exhibit 8: District Counsel

Mr. Clark stated that his report included a memorandum that had been sent to all his CDDs that had stormwater ponds to explain the required stormwater needs analysis 5-year cycle.

E. District Manager: Howard McGaffney

1. Exhibit 9: Acceptance of Final FY 2026 Goals & Objectives Review

Mr. McGaffney noted that the audit had been approved at the July meeting, which was after the July 1 deadline specified in the Goals & Objectives. Mr. McGaffney stated that all other objectives had been met for the Fiscal Year.

> On a MOTION by Dr. Merrill, SECONDED by Mr. Mayor, WITH ALL IN FAVOR, the Board accepted the final review of the FY 2026 Goals & Objectives for the Grand Haven Community Development District.

2. Exhibit 10: Consideration of Draft FY 2027 Goals & Objectives

Mr. McGaffney stated that the audit approval deadline had been shifted back to July 31 to allow for its compliant approval during the July meeting. Mr. McGaffney additionally noted new language in the objectives related to financial management, with a goal to keep annual expenses at or below the adopted budget (excluding acts of nature, storm cleanup, or Board directed expenditures) and to amend the budget as necessary. Mr. McGaffney additionally noted a new goal related to employee management, for the effective execution of the District's employee management policy and maintenance of adequate staffing levels. Mr. McGaffney also highlighted a vendor management goal, for the Director of Operations to effectively manage all vendors and contractors performing on-site services, and to conduct annual contract service reviews.

> On a MOTION by Dr. Merrill, SECONDED by Ms. Myers, WITH ALL IN FAVOR, the Board approved the FY 2027 Goals & Objectives, as presented, for the Grand Haven Community Development District.

F. District Liaison: HOA Report

Ms. Myers stated that the HOA had met twice since the CDD's last meeting and noted that September's meeting had primarily focused on the 2027 budget and contracts. Ms. Myers additionally noted that the terms were up for three positions on the HOA Board, and that ballots would be going out. Additional work on HOA violations, landscaping proposals, and recommendations for the street tree rule was noted.

Ms. Myers suggested having an HOA Board member deliver and present reports directly at CDD meetings rather than having a CDD Board member give the reports. Ms. Myers additionally suggested that she could in turn provide a CDD report at the HOA meetings. The Board expressed support for the concept, with comments in favor of Dr. Tebbano providing HOA reports. Discussion ensued regarding advance meeting agenda packets and materials made public.

SIXTH ORDER OF BUSINESS – Consent Agenda Items

A. Exhibit 11: Consideration for Acceptance – The September 2026 Unaudited Financial Report

Mr. McGaffney highlighted $1,791,005 in unassigned fund balance, and suggested that a portion of these funds be reallocated into capital reserves. The Board and Mr. McGaffney discussed major projects and possible deferrals, with road resurfacing projects and Riverfront Drive parking issues being major topics of discussion. The Board opted to defer any major decisions on Riverfront parking, pending further research by the District Engineer and a dedicated discussion at the February 2027 workshop meeting.

B. Exhibit 12: Consideration for Approval – The Minutes of the Board of Supervisors Workshop Meeting Held September 3, 2026

C. Exhibit 13: Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting Held September 17, 2026

D. Exhibit 14: Final FY 2026 Capital Improvement Plan – Project Tracker

E. Exhibit 15: Ratification of St. Johns Turf Care, LLC Croquet Court Maintenance Agreement

> On a MOTION by Mr. Foley, SECONDED by Ms. Greenwood, WITH ALL IN FAVOR, the Board approved all items of the Consent Agenda for the Grand Haven Community Development District.

SEVENTH ORDER OF BUSINESS – Business Items

A. Exhibit 16: Consideration of Village Center Night Swimming Proposal Options

Mr. McGaffney noted that a third proposal had been received on October 28 from Breakers Electrical Construction, and the new proposal was distributed to the Board. Discussion ensued regarding additional costs associated with having an electrical company perform a site visit for a final inspection after the installation.

1. Exhibit 16A: NexStar Electrical Contractors, LLC - $37,454.00

   Ms. Myers questioned the addition of a "to be determined" permit fee at the bottom of the invoice submitted by NexStar, suggesting that the company being in the industry should have the knowledge of permit costs readily available.

2. Exhibit 16B: American Electrical

   Ms. Stepniak noted that American Electrical's bid had come in at a higher cost as they were operating out of Jacksonville. Ms. Stepniak noted that Breakers and NexStar both operated out of Palm Coast, and she was familiar and confident with both vendors' work

   The Board discussed the nature of the proposals as unexpected costs. Dr. Merrill noted that as this expenditure had not been anticipated, the Board had the option to not move forward with the work. Mr. McGaffney stated that, if approved, the night swimming work would be added to the current year's capital plan and could be amended through the procurement policy. The Board requested identification and clarification on what capital projects, if any, were being delayed on the plan as a result of this project.

> On a MOTION by Mr. Foley, SECONDED by Dr. Merrill, WITH ALL IN FAVOR, the Board approved the NexStar Electrcal Contractors proposal for Village Center night swimming, in the amount of $57,454.00, plus any additional costs associated with permit acquisition fees, for the Grand Haven Community Development District.

B. Consideration of November 19th Meeting at 9:00AM Vs. December 3rd Meeting at 9:00AM

On a MOTION by Ms. Myers, SECONDED by Dr. Merrill, WITH ALL IN FAVOR, the Board approved rescheduling the next meeting date to November 19 at 9:00 a.m., and cancelling the December 3 meeting date, for the Grand Haven Community Development District.

C. Exhibit 17: Consideration & Adoption of **Resolution 2027-01**, Human Resources, Evaluations & Retention Policy

Mr. Clark introduced the topic by giving an overview of work between himself and the District Manager to address specifics governing compensation and bonuses, in particular the legal guardrails on what public funds could be used for. Mr. McGaffney acknowledged feedback received from Board members, and suggested that the Board could adopt the amounts, bonus structures, format, and policy in substantial form, which would allow for further tweaks to language based on further feedback at this meeting. Mr. McGaffney noted the renaming of the holiday bonus as a year-end bonus, to be tied to individual performance and the overall performance of the District, subject to Board approval.

Ms. Myers commented on the importance of strong benefits and perks for employee retention, and expressed appreciation for the new performance appraisal process as presented. Mr. Foley indicated his agreement with Ms. Myers' perspectives.

Ms. Greenwood noted her concerns about rising healthcare costs per employee which the CDD was responsible for bearing per the current structure. Ms. Greenwood also expressed concerns about the two annual bonus structure, indicating her preference for consolidating into one bonus, as well as bonuses tying into time and grade components. Ms. Greenwood stated that she was in agreement with the merit increase, KPIs, and standards as presented.

Mr. Mayor commented on the layout of the charts in the policy, suggesting that the detailed view with percentages be simplified into the five grade categories. Mr. Clark advised that the public setting necessitated outlining structures as part of the contract. Mr. Mayor asked for clarification on what would happen to funds allocated for performance bonuses that went unused, and Mr. Clark stated that the remaining funds would be reallocated to fund balance.

Dr. Merrill explained that the healthcare provider for staffing had changed within the past few years as part of an overall change with the professional employment organization. Dr. Merrill, acknowledged reflected increases to the cost year-over-year, but stressed the importance of the PEO's management assets and resources for HR.

Ms. Stepniak provided insight for the Board as to the reasoning behind two bonuses throughout the year rather than one consolidated bonus around the employee's anniversary date, as well as potential negative feedback from employees if the system was switched to the latter.

The Board requested for Counsel to amend language in the policy to include a process of authorization for the District Manager to recommend bonus amounts within the adopted budget and with the Chair's approval.

On a MOTION by Mr. Foley, SECONDED by Mr. Mayor, with Mr. Foley, Mr. Mayor, Dr. Merrill, and Ms. Myers voting "AYE", and Ms. Greenwood voting "NAY", the Board adopted **Resolution 2027-01**, adopting the Human Resources, Evaluations & Retention Policy, in substantial form, as amended to include the process for the District Manager's bonus structure recommendations, for the Grand Haven Community Development District.

Following the motion, Counsel was requested to draft employment agreements for all staff members, as well as a formal notice to communicate the adopted change in policy.

D. Exhibit 18: Consideration & Adoption of **Resolution 2027-02**, Board Code of Conduct – 2027 Revision

The Board requested for any subsequent changes to the policy to be presented with the exact redlined differences rather than a summary.

> On a MOTION by Dr. Merrill, SECONDED by Ms. Myers, WITH ALL IN FAVOR, the Board adopted **Resolution 2027-02**, adopting the 2027 revision to the Board Code of Conduct, for the Grand Haven Community Development District.

E. Exhibit 19: Consideration & Adoption of **Resolution 2027-03**, Security Assignment

Mr. Clark advised that this Resolution was a housekeeping matter related to the acquisition of Guard-One Security by PalAmerican Security Inc. via an equity purchase agreement. Mr. Clark confirmed that the appropriate updated W-9s and Certificates of Insurance had been received and were in place.

> On a MOTION by Ms. Greenwood, SECONDED by Mr. Foley, WITH ALL IN FAVOR, the Board adopted **Resolution 2027-03**, establishing a Security Assignment, for the Grand Haven Community Development District.

F. Exhibit 20: Consideration of Joshua Trees Landscaping Couquina Proposal - $66,300.00

Mr. Sowell noted that the coquina material was highly durable and had no ongoing maintenance considerations.

Ms. Stepniak stated that five locations for pond bank repairs via coquina installation had been identified following evaluation and qualification by the District Engineer, but that the total cost exceeded the CDD's budgeted amount by about $35,000. Ms. Stepniak noted that the quote had been broken out by location by the vendor, and that two locations could be approved within budget. Ms. Stepniak stated that she recommended repairing all five locations, but that it was unclear where the necessary funds would be pulled from.

The Board and staff reviewed the capital fund, and discussed establishing a plan to review all Grand Haven ponds to better factor for remediation costs in the IRP. Mr. McGaffney stated that he could work out the impact to the 10-year outlook and include updated projections under his report at the next meeting.

> On a MOTION by Mr. Mayor, SECONDED by Dr. Merrill, WITH ALL IN FAVOR, the Board approved the Joshua Trees Landscaping coquina proposal, in the amount of $66,300.00 for the Grand Haven Community Development District.

EIGHTH ORDER OF BUSINESS – Discussion Topics

NINTH ORDER OF BUSINESS – Supervisors' Requests

Ms. Myers noted that she had been collaborating with the District Manager on developing a Supervisor quick reference guide.

Dr. Merrill requested for a mini-session going over the latest version of the IRP software, and Mr. McGaffney stated that a review of the IRP for Supervisors and staff could be added to the January 2027 meeting agenda under his report.

Mr. Mayor indicated a need for additional clarity on GL codes and their descriptions on the financials, suggesting that the glossary of terms be merged into the financials. The Board requested for an ongoing list of open items to be added for presentation and discussion on future meeting

agendas. Mr. Mayor additionally requested for the letter of communication received by Ms. Stepniak from the cell tower company to be distributed to Supervisors. Mr. Mayor also suggested that as a practice, any Supervisors dissenting on a motion could be given the opportunity to outline their reasoning for the opposing vote.

TENTH ORDER OF BUSINESS – Next Meeting Quorum Check: November 19th or December 3rd at 9:00 AM

Dr. Merrill, Ms. Greenwood, Ms. Myers, and Mr. Mayor stated that they would be in attendance at the next meeting, rescheduled for November 19 at 9:00 a.m., in person, which would constitute a quorum. Mr. McGaffney acknowledged that this would be Mr. Foley's last meeting, and that a new Supervisor would be brought on at the next meeting.

ELEVENTH ORDER OF BUSINESS – Adjournment

On a MOTION by Dr. Merrill, SECONDED by Ms. Myers, WITH ALL IN FAVOR, the Board, at 12:16 p.m., adjourned the meeting for the Grand Haven Community Development District.

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

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on November 19, 2026.

Signature	**Signature**
Printed Name	**Printed Name**
Title: □ Secretary □ Assistant Secretary	**Title: □ Chairman □ Vice Chairman**

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