

Alafia Preserve Community Development District

12051 Corporate Boulevard, Orlando, Florida 32817

Phone 407-723-5900; Fax 407-723-5901

<http://alafiapreservecdd.com/>

Following is the proposed agenda for the Regular Board of Supervisors' Meeting for the Alafia Preserve Community Development District ("District") that is scheduled to be held on **Tuesday, August 4, 2020 at 10:30 a.m. at the 43700 Highway 27, Davenport, Florida 33837.**

For those unable to attend in person, you may participate by telephone:

Phone: 1-844-621-3956

Participant Code: 796 580 192#

Organizational Matters

- Call to Order
- Roll Call to Confirm a Quorum
- Public Comment Period
- 1. **Consideration of the Minutes of the May 5, 2020 Board of Supervisors' Meeting**
- 2. **Consideration of Resolution 2020-04, Approving an Annual Meeting Schedule for Fiscal Year 2020-2021**

Business Matters

- 3. **Public Hearing on the Adoption of the District's Annual Budget**
 - a. **Public Comments and Testimony**
 - b. **Board Comments**
 - c. **Consideration of Resolution 2020-05, Adopting the Fiscal Year 2021 Budget and Appropriating Funds**
- 4. **Consideration of Funding Agreement for Fiscal Year 2020-2021**
- 5. **Review of Legislative Memo from District Counsel**
- 6. **Ratification of Funding Request Nos. 87 – 88**
- 7. **Review of District's Financial Position and Budget to Actual Year to Date**

Other Business

- A. **Staff Reports**
 - 1. **District Counsel**
 - 2. **District Manager**
 - 3. **District Engineer**
- B. **Audience Comments**
- C. **Supervisors Requests**

Adjournment



**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**Minutes of the May 5, 2020
Board of Supervisors' Meeting**

ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

Call to Order

The Board of Supervisors' Meeting for the Alafia Preserve Community Development District was called to order on Tuesday, May 5, 2020 at 10:30 a.m. via telephonic conferencing due to the COVID-19 Executive Orders 20-52 & 20-69. Board Members listed below constituted a quorum:

| | | |
|---------------|---------------------|-------------|
| Anne Kabourek | Chair | (via phone) |
| Jay Diceglie | Assistant Secretary | (via phone) |
| Danny Lopez | Assistant Secretary | (via phone) |
| Glenn Clover | Vice-Chair | (via phone) |

Also present were:

| | | |
|-------------------|------------------|-------------|
| Jennifer Walden | PFM | (via phone) |
| Lynne Mullins | PFM | (via phone) |
| Michael Pawelczyk | District Counsel | (via phone) |

SECOND ORDER OF BUSINESS

Public Comment Period

No members of the public were present.

THIRD ORDER OF BUSINESS

Discussion Regarding Executive Orders 20-52 & 20-69

Ms. Mullins stated the Executive Orders are included in the packet which state that the District is able to hold their meetings via telephonic conferencing due to the COVID-19 situation. Also included is the proof of the ad that was placed for today's meeting which notes those Executive Orders as well as the telephonic conferencing information so the public can safely join the meeting.

Mr. Pawelczyk stated Executive Order 20-69 has been extended through today's date and indefinitely until the Governor's new Executive Order which may put a deadline on the District's ability to meeting virtually.

FOURTH ORDER OF BUSINESS

Oath of Office

Ms. Mullins stated that included in the agenda packet are the oaths of office from Ms. Kabourek, Mr. Clover, and Ms. Vanderveer which were executed prior to today's meeting to have a quorum. No action is required by the Board.

FIFTH ORDER OF BUSINESS

Consideration of Minutes of the August 6, 2019 Board of Supervisors' Meeting

Board Members reviewed the minutes of the August 6, 2019 Board of Supervisors' meeting.

On motion by Mr. Clover, second by Ms. Kabourek, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District approved the Minutes of the August 6, 2019 Board of Supervisors' meeting.

SIXTH ORDER OF BUSINESS

Consideration of Minutes of the November 5, 2019 Landowners' Election

Board Members reviewed the minutes of the November 5, 2019 Landowners' meeting. Mr. Clover noted Alafia Preserve Mulberry owns 559.5 acres of land which allows for 567 votes and asked how those votes were allocated on those acres. Ms. Walden explained the votes are based off the acreage for each Parcel ID. For example, if a Parcel ID has 2.5 acres, they get 3 votes.

On motion by Mr. Clover, second by Ms. Kabourek, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District approved the Minutes of the November 5, 2019 Landowners' Election.

SEVENTH ORDER OF BUSINESS

Letter from Supervisor of Elections – Polk County

Ms. Mullins noted the District is required to state on the record the number of registered voters in the District and as of April 15, 2020 there were no registered voters living in the District. No action is required by the Board.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2020-01, Canvassing and Certifying the Results of the Landowners' Election

This resolution states that Ms. Kabourek and Mr. Clover were elected by 567 votes and Ms. Vanderveer was elected by 550 votes. So, Ms. Kabourek and Mr. Clover will each serve a four-year term and Ms. Vanderveer will serve a two-year term.

On motion by Ms. Kabourek, second by Mr. Clover, with all in favor, Board of Supervisors for the Alafia Preserve Community Development District approved Resolution 2020-01, Canvassing and Certifying the Results of the Landowners' Election.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2020-02, Election of Officers

Ms. Mullins noted the current slate of officers as Ms. Anne Kabourek as Chair, Mr. Glenn Clover as Vice-Chair, Ms. Jennifer Walden as Secretary, Ms. Lynne Mullins, Ms. Patricia Vanderveer, Mr. Danny Lopez, and Mr. Jay Diceglie as Assistant Secretaries, Ms. Jennifer Glasgow as Treasurer, and Ms. Amanda Lane as Assistant Treasurer.

On motion by Ms. Kabourek, second by Mr. Diceglie, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District approved Resolution 2020-02, Election of Officers, as presented.

TENTH ORDER OF BUSINESS

Consideration of First Amendment to Agreement for District Management Services

Ms. Mullins explained section 218.33 Florida Statutes was recently amended to include additional accounting internal controls for local governments, including CDDs, and this amendment to the agreement addresses these practices, procedures and internal controls.

Mr. Pawelczyk explained the amendment is not necessary but highly recommended because the District Management firm is the only entity or employee type entity that has the ability to implement the internal controls required by Florida Statutes. So, the amendment acknowledges that the Manager will comply with those internal controls. He noted PFM has already been implementing internal controls and it is reviewed by the Internal Auditor on a yearly basis. There is no additional cost involved. Mr. Pawelczyk requested a motion to approve the First Amendment to Agreement for District Management Services.

On motion by Ms. Kabourek, second by Mr. Lopez, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District approved the First Amendment to Agreement for District Management Services.

ELEVENTH ORDER OF BUSINESS

Consideration of First Amendment to Agreement for Website Auditing, Remediation, and Maintenance Services

Ms. Mullins stated the District has its Website Agreement with PFM and District staff is requesting to remove PFM and have the agreement be directly with VGlobalTech. It is the same vendor the District uses for the ADA Auditing Services and they agreed to keep the currently monthly maintenance and pricing the same.

Ms. Walden noted everything is staying the same but District Management is asking for this to be in place so the bill will be coming from the vendor directly to the District. Mr. Clover asked if compensation is the same as the District is currently paying and if the only change is who the bill is coming from. Ms. Walden confirmed and noted the District Manager will continue to work with the vendor to get things up on the website that are required to be posted. The only thing changing is where the bill is coming from.

On motion by Mr. Clover, second by Mr. Diceglie, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District approved the First Amendment to Agreement for Website Auditing, Remediation, and Maintenance Services.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2020-03, Approving a Preliminary Budget for Fiscal Year 2021 and Setting a Public Hearing Date

Ms. Mullins noted the overall budget is \$11,975.00 and it is the same overall budget amount that the Board adopted in Fiscal Year 2020. This District is developer funded which means the District will only pay expenses that are incurred. The Board also needs to set a public hearing date and Ms. Mullins suggested August 4, 2020 at 10:30 a.m. at the normal location.

Mr. Clover asked about the Website Maintenance line item as they just approved the amount for \$100,00 per month for \$1,200.00 per year and asked about the remaining \$1,400.00. Ms. Walden explained the remaining amount is for the ADA Quarterly Auditing of the website.

On motion by Ms. Kabourek, second by Mr. Clover, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District approved Resolution 2020-03, Approving a Preliminary Budget for Fiscal Year 2021 and Setting a Public Hearing for August 4, 2020 at 10:30 a.m. at 43700 Highway 27, Davenport, Florida 33837.

THIRTEENTH ORDER OF BUSINESS

Ratification of Funding Request Nos. 79 – 86

The Board reviewed Funding Request Nos. 79– 86. Ms. Mullins stated the Funding Requests have been approved and paid and just need to be ratified by the Board.

On motion by Ms. Kabourek, second by Mr. Diceglie, with all in favor, the Board of Supervisors for the Alafia Preserve Community Development District ratified Funding Request Nos. 79 – 86.

FOURTEENTH ORDER OF BUSINESS

Review of District’s Financial Position and Budget to Actual Year to Date

Board Members reviewed the District’s financial statements. No action was required.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

Attorney – Mr. Pawelczyk reminded the Board to file the Form 1, Statement of Financial Interest before July 1, 2020. He noted most counties allow Board members to send an email with a pdf. Ms. Mullins will send a copy of the Form 1 to each Board Member.

Manager – Ms. Mullins noted for the record that the next scheduled meeting is August 4, 2020 and this is when the Board will formally adopt the budget.

SIXTEENTH ORDER OF BUSINESS

Supervisor and Audience Comments & Adjournment

Ms. Mullins asked if there were any Supervisor requests. There was no other business to discuss. Ms. Mullins requested a motion to adjourn.

On motion by Mr. Clover, second by Mr. Diceglie, with all in favor, the May 5, 2020 meeting of the Alafia Preserve Community Development District Board of Supervisors was adjourned.

Secretary/Assistant Secretary

Chair/Vice-Chair

**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**Resolution 2020-04,
Approving an Annual Meeting Schedule for
Fiscal Year 2020-2021**

RESOLUTION 2020-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Alafia Preserve 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 the City of Mulberry, Florida; and

WHEREAS, the District is an independent special district as defined in Chapter 189, *Florida Statutes*, and subject to certain requirements therein; and

WHEREAS, Section 189.015(1), *Florida Statutes*, requires that the Board of Supervisors of the District (“Board”), file a schedule of its regular meeting dates, times, and location either quarterly, semi-annually, or annually with the local governing authority and the Florida Department of Economic Opportunity; and

WHEREAS, the District is required by Section 189.069(13), *Florida Statutes*, to post the regular meeting dates, times, and locations on its official website, and cause the same to be published in a newspaper of general circulation; and

WHEREAS, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, *Florida Statutes*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT:

Section 1. Regular meetings of the Board of the District shall be held as provided on the schedule attached as Exhibit “A”.

Section 2. In accordance with Sections 189.015 (1), and 189.069(13), *Florida Statutes*, the District’s Secretary is hereby directed to file this resolution with the City of Mulberry and Polk County, Florida, publish a notice of the regular meeting dates, times, and locations in a newspaper of general circulation, and post the same on the District’s official website.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 4th DAY OF AUGUST, 2020.

ALAFIA PRESERVE COMMUNITY
DEVELOPMENT DISTRICT

CHAIRPERSON/VICE-CHAIR

ATTEST:

SECRETARY/ASSISTANT SECRETARY

EXHIBIT "A"
BOARD OF SUPERVISORS MEETING DATES
ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT
FOR FISCAL YEAR 2020/2021

November 3, 2020
February 1, 2021
May 4, 2021
August 3, 2021

All meetings will convene at 10:30 a.m. on the specified dates at
43700 Highway 27, Davenport, FL 33837.

**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**Resolution 2020-05,
Adopting the Fiscal year 2021 Budget
and Appropriating Funds**

RESOLUTION 2020-05

THE ANNUAL APPROPRIATION RESOLUTION OF THE ALAFIA PRESERVE DEVELOPMENT DISTRICT (THE “DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2020, submitted to the District’s Board of Supervisors (the “Board”) a proposed budget for the next ensuing budget year along with an explanatory and complete financial plan for each fund of the Alafia Preserve Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

WHEREAS, at least sixty (60) days prior to the adoption of the proposed annual budget (the “Proposed Budget”), the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

WHEREAS, the Board set August 4, 2020, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT;

Section 1. Budget

- a. The Board of Supervisors has reviewed the District Manager's Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The District Manager's Proposed Budget, as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Year 2020 and/or revised projections for Fiscal Year 2021.
- c. The adopted budget shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Alafia Preserve Community Development District for the Fiscal Year Ending September 30, 2021", as adopted by the Board of Supervisors on August 4, 2020.

Section 2. Appropriations

There is hereby appropriated out of the revenues of the Alafia Preserve Community Development District, for the fiscal year beginning October 1, 2020, and ending September 30, 2021, the sum of \$11,975.00 to be funded per the Developer Funding Agreement for Fiscal Year 2021, executed on August 4, 2020.

Section 3. Supplemental Appropriations

The Board may authorize by resolution, supplemental appropriations or revenue changes for any lawful purpose from funds on hand or estimated to be received within the fiscal year as follows:

- a. Board may authorize a transfer of the unexpended balance or portion thereof of any appropriation item.
- b. Board may authorize an appropriation from the unappropriated balance of any fund.
- c. Board may increase any revenue or income budget amount to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.

The District Manager and Treasurer shall have the power within a given fund to authorize the transfer of any unexpected balance of any appropriation item or any portion thereof, provided such transfers do not exceed Ten Thousand (\$10,000) Dollars or have the effect of causing more than 10% of the total appropriation of a given program or project to be transferred previously approved transfers included. Such transfer shall not have the effect of causing a more than \$10,000 or 10% increase, previously approved transfers included, to the original budget appropriation for the receiving program. Transfers within a program or project may be approved by the Board of Supervisors. The District Manager or Treasurer must establish administrative procedures which require information on the request forms proving that such transfer requests comply with this section.

Introduced, considered favorably, and adopted this 4th day of August, 2020.

ATTEST:

**BOARD OF SUPERVISORS OF THE
ALAFIA PRESERVE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

Alafia Preserve Community Development District
FY 2021 Proposed Preliminary O&M Budget

Exhibit A

| | Actual through 3/31/2020 | Anticipated 4/2020-9/2020 | Anticipated FY 2020 Totals | FY 2020 Adopted Budget | FY 2021 Proposed Budget |
|---|-----------------------------|------------------------------|-------------------------------|---------------------------|----------------------------|
| <u>Revenues</u> | | | | | |
| Developer Contributions | \$ 5,246.82 | \$ 6,728.18 | \$ 11,975.00 | \$ 11,975.00 | \$ 11,975.00 |
| Net Revenues | \$ 5,246.82 | \$ 6,728.18 | \$ 11,975.00 | \$ 11,975.00 | \$ 11,975.00 |
| <u>General & Administrative Expenses</u> | | | | | |
| D&O Insurance | \$ 2,750.00 | \$ - | \$ 2,750.00 | \$ 4,000.00 | \$ 4,000.00 |
| Management | 250.00 | 750.00 | 1,000.00 | 1,000.00 | 1,000.00 |
| District Counsel | 1,250.00 | 1,750.00 | 3,000.00 | 3,000.00 | 3,000.00 |
| Telephone | - | 50.00 | 50.00 | 50.00 | 50.00 |
| Postage & Shipping | 5.90 | 44.10 | 50.00 | 50.00 | 50.00 |
| Copies | - | 100.00 | 100.00 | 100.00 | 100.00 |
| Legal Advertising | 514.92 | 485.08 | 1,000.00 | 1,000.00 | 1,000.00 |
| Web Site Maintenance | 300.00 | 2,300.00 | 2,600.00 | 2,600.00 | 2,600.00 |
| Dues, Licenses, and Fees | 175.00 | - | 175.00 | 175.00 | 175.00 |
| Total General & Administrative Expenses | \$ 5,245.82 | \$ 5,479.18 | \$ 10,725.00 | \$ 11,975.00 | \$ 11,975.00 |
| Total Expenses | \$ 5,245.82 | \$ 5,479.18 | \$ 10,725.00 | \$ 11,975.00 | \$ 11,975.00 |
| Net Income (Loss) | \$ 1.00 | \$ 1,249.00 | \$ 1,250.00 | \$ - | \$ - |

**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**Funding Agreement for
Fiscal Year 2020-2021**

**ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2020/2021 FUNDING AGREEMENT**

This agreement (“**Agreement**”) is made and entered into this **4th** day of **August, 2020**, by and between:

ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in the City of Mulberry, Florida (hereinafter "**District**"), and

ALAFIA PRESERVE (MULBERRY), LLC a Florida limited liability company and a landowner in the District (hereinafter "**Developer**").

RECITALS

WHEREAS, the District was established by an ordinance adopted by the City Council of the City of Mulberry, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

WHEREAS, the District, pursuant to Chapter 190, Florida Statutes, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

WHEREAS, Developer presently owns and/or is developing the majority of all real property described in **Exhibit A**, attached hereto and incorporated herein (“**Property**”), within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

WHEREAS, the District is adopting its general fund budget for the Fiscal Year 2020/2021, which year commences on October 1, 2020, and concludes on September 30, 2021; and

WHEREAS, this general fund budget, which both parties recognize may be amended from time to time in the sole discretion of the District, is attached hereto and incorporated herein by reference as **Exhibit B**; and

WHEREAS, the District has the option of levying non-ad valorem assessments on all land, including the Property, that will benefit from the activities, operations and services set forth in the 2020/2021 Fiscal Year budget, or utilizing such other revenue sources as may be available to it; and

WHEREAS, in lieu of levying assessments on the Property, the Developer is willing to provide such funds as are necessary to allow the District to proceed with its operations as described in **Exhibit B**; and

WHEREAS, the Developer agrees that the activities, operations and services provide a special and peculiar benefit equal to or in excess of the costs reflected on **Exhibit B** to the Property; and

WHEREAS, the Developer has agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the Property located within the District for the activities, operations and services set forth in **Exhibit B**; and

WHEREAS, Developer and District desire to secure such budget funding through the imposition of a continuing lien against the Property described in **Exhibit A** and otherwise as provided herein.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **FUNDING.** The Developer agrees to make available to the District the monies necessary for the operation of the District as called for in the budget attached hereto as **Exhibit B**, as may be amended from time to time in the District's sole discretion, within fifteen (15) days of written request by the District. Amendments to the District's 2020/2021 Fiscal Year budget as shown on **Exhibit B** adopted by the District at a duly noticed meeting shall have the effect of amending this Agreement without further action of the parties. Funds provided hereunder shall be placed in the District's general checking account. These payments are made by the Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District.

2. **CONTINUING LIEN.** District shall have the right to file a continuing lien upon the Property described in **Exhibit A** for all payments due and owing under the terms of this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement this lien, and all sums advanced and paid by the District for taxes and payment on account of superior interests, liens and encumbrances in order to preserve and protect the District's lien. The lien shall be effective as of the date and time of the recording of a "Notice of Lien for FY 2020/2021 Budget" in the public records of Polk County, Florida, stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice of Lien for FY 2020/2021 Budget on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also bring an action at law against the record title holder to the Property to pay the amount due under this Agreement, or may foreclose the lien against the Property in any manner authorized by law. The District may partially release any filed lien for portions of the Property subject to a plat if and when the Developer has demonstrated, in the District's sole discretion, such release will not materially impair the ability of the District to enforce the collection of funds hereunder. In the event the Developer sells any of the Property described in **Exhibit A** after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a lien upon the remaining Property owned by the Developer.

3. **ALTERNATIVE COLLECTION METHODS.**

a. In the alternative or in addition to the collection method set forth in Paragraph 2 above, the District may enforce the collection of funds due under this Agreement by action against the Developer in the appropriate judicial forum in and for Polk County, Florida. The enforcement of the collection of funds in this manner shall be in the sole discretion of the District Manager on behalf of the District. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.

b. The District hereby finds that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property, which benefit is initially allocated on an equal developable acreage basis. The Developer agrees that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property equal to or in excess of the costs set forth in **Exhibit B**, on an equal developable acreage basis. Therefore, in the alternative or in addition to the other methods of collection set forth in this Agreement, the District, in its sole discretion, may choose to certify amounts due hereunder as a non-ad valorem assessment on all or any part of the Property for collection, either through the Uniform Method of Collection set forth in Chapter 197 or under any method of direct bill and collection authorized by Florida law. Such assessment, if imposed, may be certified on the next available tax roll of the Polk County property appraiser.

4. **AGREEMENT; AMENDMENTS.** This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

5. **AUTHORIZATION.** The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

6. **ASSIGNMENT.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.

7. **DEFAULT.** A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right of damages, injunctive relief and specific performance and specifically including the ability of the District to enforce any and all payment obligations under this Agreement in the manner described herein in Paragraphs 2 and 3 above.

8. **THIRD PARTY RIGHTS; TRANSFER OF PROPERTY.** This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in

this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns. In the event the Developer sells or otherwise disposes of its business or of all or substantially all of its assets relating to improvements, work product, or lands within the District, the Developer shall continue to be bound by the terms of this Agreement and additionally shall expressly require that the purchaser agree to be bound by the terms of this Agreement. The Developer shall give 90 days prior written notice to the District under this Agreement of any such sale or disposition.

9. **FLORIDA LAW GOVERNS.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

10. **ARM'S LENGTH TRANSACTION.** This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.

11. **EFFECTIVE DATE.** The Agreement shall be effective after execution by both parties hereto. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties execute this agreement the day and year first written above.

Attest:

**ALAFIA PRESERVE COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____
Its: _____

**ALAFIA PRESERVE (MULBERRY),
LLC** a Florida limited liability company

By: Alafia & Eagle Ridge (Mulberry)
Venture, LLLP, Delaware limited liability
limited partnership, its member/manager

By: Alafia & Eagle Ridge (Mulberry) ASLI
V, LLLP, a Delaware limited liability limited
partnership, its sole general partner

By: Avanti Properties Group II, L.L.L.P., a
Delaware limited liability limited
partnership, its sole general partner

By: Avanti Management Corporation, a
Florida corporation, its sole general partner

Witness:

By: _____
Its: _____

EXHIBIT A: Property Description

EXHIBIT B: Fiscal Year 2020/2021 General Fund Budget

EXHIBIT "A"

LEGAL DESCRIPTION OF LANDS ENCOMPASSED WITH THE
ALAFIA PRESERVE COMMUNITY DEVELOPMENT DISTRICT

543759 v6

ALAFIA PRESERVE

Legal Description

PARCEL 1

That part of Section 9, Township 30 South, Range 23 East, Polk County, Florida, described as:

Begin at the Northeast corner of said Section 9, and run along the East line thereof, and along a Non-Radial line South00°12'46"West, 470.13 feet to a point on the North Right-of-Way line of State Road Number 676 - Nichols Road, said point also being a point on a curve concaved to the northwesterly having a Radius of 34,327.48 feet, a Central Angle of 01°35'56", a Chord Bearing of S65°26'20"W and a Chord Distance of 957.86 feet, thence along said curve and said North Right-of-Way line 957.89 feet, thence S69°13'36"W, still along said North Right-of-Way line, 1,312.30 feet, thence N25°38'42"W, still along said North Right-of-Way line 45.35 feet to a point on that certain Conservation Easement recorded in Official Records Book 2731, Page 840, of the Public Records of Polk County, Florida; thence along the Easterly line of said Conservation Easement the following five (5) courses: thence N01°40'12"W 174.36 feet, thence N75°44'19"W 179.94 feet, thence N04°13'25"W 339.81 feet, thence N01°05'42"E 386.91 feet, thence N33°51'36"W 397.98 feet to a point on the North line of said Section 9, thence N89°35'39"E along said North line of Section 9 a distance of 2,538.62 feet to the POINT OF BEGINNING.

PARCEL 2

That part of Sections 3 and 10 Township 30 South, Range 23 East, Polk County, Florida, as described as:

Begin at the Southwest corner of said Section 3, also being the Northwest corner of said Section 10, and run along the West line of said Section 3, North 00°16'55" West, 2876.21 feet to a point on the Southwesterly Right-of-Way line of State Road Number 60; thence along said Southwesterly Right-of-Way line the following six (6) courses: South58°25'47"East, 1107.76 feet; thence South30°57'48"West, 16.89 feet; thence South58°23'59"East, 211.00 feet to a Point of Curve to the Right; thence Southeasterly along said curve having a radius of 9084.00 feet, a Central Angle/Delta of 01°29'34", a Cord Distance of 236.67 feet, a Chord Bearing of South57°45'14"East, thence along said curve 236.68 feet; thence North33°07'26"East, 16.98 feet to a point on a curve concaved Southwesterly having a Radius of 9101.00 feet, a Central Angle/Delta of 00°10'00", a Cord Distance of 26.45 feet, a Chord Bearing of South56°15'24"East, thence along said curve 26.45 feet; thence South00°41'37"East, 1863.37 feet to a point on the Northerly Right-of-Way line of State Road Number 676 - Nichols Road, said point also being a point on a curve concaved to the Northwesterly having a Radius of 3769.71 feet, a Central Angle/Delta of 04°13'39", a Chord Distance of 278.08 feet, a Chord Bearing of South63°33'08"West, thence along said curve and Northerly Right-of-Way line 278.15

feet; thence continue along the said Northerly Right-of-Way line the following two (2) courses, thence South64°32'22"West, 1156.50 feet to a point on a curve to the left; thence Southwesterly along said curve having a Radius of 34,327.48 feet, a Central Angle/Delta of 00°07'02", a Chord Distance of 70.27 feet, a Chord Bearing of South64°28'51"West, thence along said curve 70.61 feet to a point on the West line of said Section 10; thence along said West line of Section 10, North00°13'51"East, 470.12 feet to the Point of Beginning.

PARCEL 5

That part of Section 4, Township 30 South, Range 23 East, Polk County, Florida described as follows:

Begin at the Southeast corner of said Section 4, and run along the East line thereof North00°17'39"West, 1154.64 feet; thence South89°44'06"West, 1547.27 feet; thence North00°16'24"West, 494.27 feet; thence South89°46'56"West, 495.02 feet; thence North00°19'15"West, 329.91 feet; thence South89°43'40"West, 1484.55 feet; thence North00°16'09"West, 2718.69 feet to a point on the Southerly Boundary of "SHADY HAMMOCK", according to the Plat thereof as recorded in Plat Book 86, Pages 15 and 16, of the Public Records of Polk County, Florida; thence along said Southerly boundary the following four (4) courses; South85°54'12"West, 334.16 feet; thence South73°47'00"West, 428.00 feet; thence South69°45'25"West, 490.42 feet; thence South77°53'43"West, 504.64 feet to a point on the West line of said Section 4, said point also lies on the Easterly line of that certain Conservation Easement recorded in Official Records Book 2731, Page 840, of the Public Records of Polk County, Florida; thence along said Easterly line of said Conservation Easement the following nine (9) courses; along the West line of said Section 4, South00°00'58"West, 1268.12 feet; thence South14°37'54"East, 726.34 feet; thence South25°52'26"East, 693.23 feet; thence South35°47'09"East, 921.33 feet; thence South81°17'50"East, 660.70 feet; thence North88°06'01"East, 388.44 feet; thence South37°07'07"East, 251.88 feet; thence South02°33'22"West, 95.57 feet; thence South41°50'08"East, 737.16 feet, thence South33°51'36"West 6.94 feet to a point on the South line of said Section 4; thence along said South line of Section 4, North89°35'39"East, 2538.62 feet to the Point of Beginning.

PARCEL 6

Commence at the Southeast corner of Section 4, Township 30 South, Range 23 East, Polk County, Florida, run thence North00°17'39"West along the East boundary of said Section 4 a distance of 1154.64 feet, thence South89°44'19"West, 722.33 feet to the Point of Beginning, thence South89°43'54"West, 824.94 feet, thence North00°16'24"West, 494.27 feet, thence South89°46'56"West, 495.02 feet, thence North00°19'15"West, 329.91 feet, thence South89°43'40"West, 1485.55 feet, thence North00°16'27"West, 2144.88 feet, thence North73°20'49"East, 1477.83 feet to a point on the Southwesterly Right-of-Way of State Road 60, said Point being the P.C. of a curve concave to the Northeast having a Radius of 9681.32 feet, thence Southeasterly along said curve through a Central Angle of 06°29'20", an Arc Distance of 1096.46 feet, a Chord Distance of 1095.87 feet, a Chord

Bearing of South47°18'54"East, thence South89°43'24"West leaving said Right-of-Way, 900.66 feet, thence South00°17'41"East, 6659.65 feet, thence South89°40'04"West, 330.04 feet, thence South00°18'13"East, 660.07 feet, thence North89°42'18"East, 1815.33 feet, thence South00°15'40"East, 1320.18 feet to the Point of Beginning.

PARCEL 7

Commence at the Southeast corner of Section 4, Township 30 South, Range 23 East, Polk County, Florida, run thence North00°17'39"West along the East boundary of said Section 4, 1154.64 feet to the Point of Beginning, Thence North00°16'26"West along said East Boundary 1721.57 feet to a point on the Southwesterly Right-of-Way of State Road 60, thence North58°27'10"West along said Right-of-Way 268.66 feet to the Point of Curvature of a curve to the right having a Radius of 9681.75 feet, thence Northwesterly along said curve through a Central Angle of 07°52'25", an Arc distance of 1330.40 feet, a Chord distance of 1329.36 feet, a Chord bearing of North54°31'53"West, thence South89°43'24"West leaving said Right-of-Way, 900.66 feet, thence South00°17'41"East, 659.65 feet, thence South89°40'04"West, 330.04 feet, thence South00°18'13"East, 660.07 feet, thence North89°42'18"East, 1815.33 feet, thence South00°15'40"East, 1320.18 feet, thence North89°44'19"East, 722.33 feet to the Point of Beginning.

PARCEL 8

Commence at the Southeast corner of Section 4, Township 30 South, Range 23 East, Polk County, Florida, run thence North00°17'39"West along the East boundary of said Section 4, 1154.64 feet, thence South89°44'06"West, 1547.27 feet, thence North00°16'24"West, 494.27 feet, thence South89°43'56"West, 495.02 feet, thence North00°19'15"West, 329.91 feet, thence South89°43'40"West, 1484.55 feet, thence North00°16'27"West, 2144.88 feet to the Point of Beginning. Thence continue North00°15'02"West, 573.81 feet to a point on the Southerly boundary of SHADY HAMMOCK SUBDIVISION as recorded in Plat Book 86, Pages 15 and 16 of the Public Records of Polk County, Florida, run thence North85°48'04"East along said Southerly boundary, 617.48 feet, thence continue along said Southerly boundary and its Easterly extension, South88°58'07"East, 624.54 feet to a point on the Southwesterly Right-of-Way of State Road 60, thence South44°01'30"East along said Right-of-Way, 256.26 feet, thence South73°20'49"West leaving said Right-of-Way, 1477.83 feet to the Point of Beginning.

LESS AND EXCEPT:

Cell Tower Site:

A parcel of land in Section 4, Township 30 South, Range 23 East, Polk County, Florida being more particularly described as follows:

Commencing at the Southeast corner of said Section 4, thence along the East boundary of said Section 4, North0°17'39"West, a distance of 1154.64 feet; thence

South89°44'06"West, a distance of 1547.27 feet; thence North0°16'24"West, a distance of 494.27 feet; thence South89°46'56"West, a distance of 495.02 feet; thence North0°19'15"West, a distance of 329.91 feet; thence South89°43'40"West, a distance of 1484.55 feet; thence North0°16'27"West, a distance of 2144.88 feet; thence North73°20'49"East, a distance of 1347.40 feet; thence North16°39'11"West, a distance of 2.00 feet to the POINT OF BEGINNING; thence continuing North16°39'11"West along said line, a distance of 50.00 feet; thence North73°20'49"East, a distance of 50.00 feet; thence South16°39'11"East, a distance of 50.00 feet, thence South73°20'49"West, a distance of 50.00 feet to the POINT OF BEGINNING; said described tract containing 0.05474 acre, MORE OR LESS.

Alafia Preserve Community Development District
FY 2021 Proposed Preliminary O&M Budget

Exhibit B

| | Actual through 3/31/2020 | Anticipated 4/2020-9/2020 | Anticipated FY 2020 Totals | FY 2020 Adopted Budget | FY 2021 Proposed Budget |
|---|-----------------------------|------------------------------|-------------------------------|---------------------------|----------------------------|
| <u>Revenues</u> | | | | | |
| Developer Contributions | \$ 5,246.82 | \$ 6,728.18 | \$ 11,975.00 | \$ 11,975.00 | \$ 11,975.00 |
| Net Revenues | \$ 5,246.82 | \$ 6,728.18 | \$ 11,975.00 | \$ 11,975.00 | \$ 11,975.00 |
| <u>General & Administrative Expenses</u> | | | | | |
| D&O Insurance | \$ 2,750.00 | \$ - | \$ 2,750.00 | \$ 4,000.00 | \$ 4,000.00 |
| Management | 250.00 | 750.00 | 1,000.00 | 1,000.00 | 1,000.00 |
| District Counsel | 1,250.00 | 1,750.00 | 3,000.00 | 3,000.00 | 3,000.00 |
| Telephone | - | 50.00 | 50.00 | 50.00 | 50.00 |
| Postage & Shipping | 5.90 | 44.10 | 50.00 | 50.00 | 50.00 |
| Copies | - | 100.00 | 100.00 | 100.00 | 100.00 |
| Legal Advertising | 514.92 | 485.08 | 1,000.00 | 1,000.00 | 1,000.00 |
| Web Site Maintenance | 300.00 | 2,300.00 | 2,600.00 | 2,600.00 | 2,600.00 |
| Dues, Licenses, and Fees | 175.00 | - | 175.00 | 175.00 | 175.00 |
| Total General & Administrative Expenses | \$ 5,245.82 | \$ 5,479.18 | \$ 10,725.00 | \$ 11,975.00 | \$ 11,975.00 |
| Total Expenses | \$ 5,245.82 | \$ 5,479.18 | \$ 10,725.00 | \$ 11,975.00 | \$ 11,975.00 |
| Net Income (Loss) | \$ 1.00 | \$ 1,249.00 | \$ 1,250.00 | \$ - | \$ - |

**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

Legislative Memo from District Counsel

MEMORANDUM

TO: District Manager

FROM: Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
District Counsel

DATE: July 22, 2020

RE: 2020 Legislative Update – Updated and Revised

As District Counsel, throughout the year we continuously monitor pending legislation that may be applicable to the governance and operation of our Community Development District and other Special District clients. It is at this time of year that we summarize those legislative acts that have become law during the most recent legislative session, as follows:

1. Chapter 2020-077, Laws of Florida (SB 1466). This legislation pertains to government accountability and amends Sections 189.031 and 190.007, F.S. to specify (i) those conditions under which board members and public employees of special districts and community development districts, respectively, do not abuse their public positions under Article II, section 8(h)(2) of the Florida Constitution when the board member or public employee commits an act or omission that is authorized under Sections 112.313 (7), (12), (15), or (16), or Section 112.3143(3)(b), and (ii) that an abuse of a board member's position does not include any act or omission in connection with a vote when the board member has followed the procedures required by Section 112.3143. The act also amends Section 189.069, which requires special districts to maintain a website, to allow the district to provide a link to the district's audit report on the Auditor General's website rather than posting the audit report for the most recent completed fiscal year in its entirety, and removes the requirement that the public facilities report be posted on the website. The act clarifies that the agenda for each meeting or workshop shall be posted on the website for at least seven days prior to such meeting or workshop and removes the requirement that any meeting materials available in electronic format also be posted. This act takes effect on July 1, 2020.

2. Chapter 2020-154, Laws of Florida (HB 279). Special districts, counties, municipalities, and other political subdivisions are required to competitively bid projects to construct or improve a public building or structure if the projected cost of the project exceeds \$300,000 and for electrical work estimated to cost more than \$75,000. This act provides direction with respect to calculating the estimated cost of a project for purposes of Section 255.20, Florida Statutes, by clarifying that the estimated project cost shall include all costs associated with performing and completing the work, including employee compensation and benefits, the cost of equipment and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project including those materials to be directly purchased by the local government, and other direct costs, plus a factor of 20% for management, overhead and other indirect costs. The act also amends Section 218.80, F.S., to require that local government issuing bid documents or other requests for proposals disclose in such documents a list of other governmental entities that may have additional permits or fees generated by the project. If such

entities, permits or fees are not disclosed in the bidding documents or other requests for proposal or a contract between the local government and the contractor, such fee shall not be assessed or collected after the contract is let. The effective date of this legislation is July 1, 2020

3. Chapter 2020-127, Laws of Florida (HB 441/SB 506). This act pertains specifically to “continuing contracts” as that term is utilized in the Consultants’ Competitive Negotiation Act, Section 287.055, F.S. The act amends Section 287.055, F.S., to amend the definition of “continuing contract” with respect to contracts for professional services to authorize such contracts where the estimated construction cost of each individual project under the continuing contract does not exceed \$4 million (formerly \$2 million) and where the fee for professional services for each individual study activity under the continuing contract does not exceed \$500,000 (increased from \$200,000 dollars). The act also amends Section 255.103 (4), F.S. to increase the threshold amount from \$2 million to \$4 million dollars for each project in which a governmental entity is authorized to enter into a continuing contract for construction management or program management. The effective date of this act is July 1, 2020.

4. Chapter 2020- __, Laws of Florida (HB 101). This act amends Sections 218.735, 255.05 and 255.078, F.S., to change the amount of retainage that may be withheld from progress payments for any state and local government construction services contracts, including those in which a special district is a party. The law previously limited retainage that could be withheld to 10% per progress payment where the contract is more than \$200,000. The law changes the maximum amount of retainage per progress payment to 5%. This act shall take effect on October 1, 2020.

5. Chapter 2020- __, Laws of Florida (HB 7009). Florida voters approved Amendment 12 during the 2018 General Election, amending Article II, Section 8 of the Florida Constitution to provide a constitutional prohibition on public officers and public employees abusing their positions in order to obtain a “disproportionate benefit” for themselves or others. This legislation has the effect of reenacting provisions of the Florida Code of Ethics that provide penalties for violations of the Code of Ethics and further provides for statutory penalties applicable to Article II, Section 8 (h)(2) of the Florida Constitution. As a result, the Florida Commission on Ethics recently enacted rules implementing this provision and further defining “disproportionate benefit” as a benefit, privilege, exemption or result arising from an act or omission by public office or public employee inconsistent with the proper performance of his or her duties. The rule enacted by the Florida Commission on Ethics also describes the requisite intent for finding a violation of this provision if the public officer or public employee acted, or refrained from acting, with wrongful intent for the purpose of obtaining any benefit, privilege, exemption or result from the act or omission which is inconsistent with the proper performance of his or her public duties. The effective date of this legislation is December 31, 2020.

6. Chapter 2020-149, Laws of Florida (SB 664). This act pertains to employment eligibility and creates Section 448.095, F.S. to require public employers, contractors, and subcontractors to register with and use the E-Verify system to prohibit such entities from entering into a contract with a government entity unless each party to the contract registers with and uses the E-Verify system, and requires private employers to also verify the employment eligibility of newly hired employees beginning on a specified date. The requirements contained herein are

scheduled to take effect on July 1, 2020. Our special district clients will need to include this E-Verify requirement when entering into construction and service contracts and otherwise pursuant to this Section 448.095, F.S.

7. Chapter 2020- 058, Laws of Florida, (HB 637/SB 1066). Impact fees are imposed by counties, municipalities and special districts to fund local public infrastructure that is needed to meet the demands accompanying population growth caused by development. Impact fees are imposed by ordinance and the impact fee amount is required to have a rational nexus to the need for additional capital facilities and to the expenditures of funds collected and the benefits accruing to the new construction. This act relates to impact fees and amends Section 163.318(01), F.S. to prohibit new or increased impact fees from applying to current or pending permit applications submitted prior to the effective date of an ordinance or resolution imposing a new or increased impact fee. Accordingly, this act limits the ability of a local government to increase impact fees when permit applications are submitted prior to the effective date of an ordinance or resolution imposing a new impact fee. The act further clarifies that impact fee credits are assignable and transferrable any time after the establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and receives benefits from the improvement or contribution that generated the credits. The effective date of this act is July 1, 2020.

8. Chapter 2020-119, Laws of Florida, (HB 579/SB 178). This act creates Section 161.551, F.S. and relates to the public financing of construction projects within the coastal building zone. The act requires sea level impact projection studies prior to the beginning of construction, requires the Department of Environmental Protection to develop study standards, publish studies on its website, enforce the requirements and adopt rules related thereto. This act appears to apply only to public entities that commission or manage construction projects utilizing funds appropriated from the State of Florida. This act is scheduled to take effect on July 1, 2020.

9. Chapter 2020-150, Laws of Florida (HB 1343/SB 712). This act makes numerous changes to current laws relating to water quality improvements, septic systems, basin management action plans, stormwater management, sanitary sewer overflows, and wastewater project plans. The act could result in an increase in the number of required site monitoring visits, water quality improvements costs, water quality monitoring, and monitoring of total maximum daily loads, and will likely primarily impact the development approval process. This act takes effect on July 1, 2020, and pertains primarily to the effort to reduce sewage and sewage related waste from being disposed of into the stormwater systems.

10. Chapter 2020-__, Laws of Florida (SB 7004). This act relates to public records and amends Section 197.3225, F.S. to maintain the public record exemption for taxpayer email addresses, where such email addresses are held by tax collectors for certain tax notice purposes. This public records exemption was scheduled to expire on October 2, 2020, but that schedule for the repeal of this exemption has been removed. This act will take effect on October 1, 2020.

11. Chapter 2020-114, Laws of Florida (HB 5003). This act implements the 2020/21 General Appropriations Act, and contains provisions establishing the local government efficiency

task force within the legislature to review the governance structure and function of local governments and make recommendations on any changes that may be necessary to make such local governments more efficient. The legislation specifies the task force membership, authorizes the task force to conduct meetings, and requires the task force to submit a report to the Governor and the Florida Legislature by June 1, 2021. This act is effective July 1, 2020. It is unclear how this will affect special districts, but we will continue to monitor over the next year and will advise our special district clients accordingly.

12. Chapter 2020-021, Laws of Florida (SB 7018). This act pertains to essential state infrastructure and expands special treatment for the utility industry. Pursuant to Section 337.401, F.S., the Department of Transportation (DOT) and each local government having control of public roads or publicly owned rail corridors is authorized to prescribe and enforce reasonable rules and regulations pertaining to the placement and maintenance of utility facilities within the rights-of-way under its jurisdiction. This act expands the expedited permitting process to include right-of-way permits for electric, natural gas, water and sewer facilities, and other utilities. The Act also creates Section 338.236, F.S to allow for staging areas to be activated during a declared state of emergency at key geographic locations on Florida's Turnpike system. The bill further promotes electric vehicle (EV) charging station infrastructure by providing for the establishment of a recommended plan for EV charging station infrastructure, requires the DOT to coordinate, develop, and recommend a master plan for the implementation of EV charging station infrastructure along the State Highway System. Finally, the bill addresses conservation easements to indicate that owners of land are not restricted from negotiating the use of lands traditionally used for agriculture that are the subject of a conservation easement for any private or public linear facility, right of access, and related appurtenances. The effective date of this legislation is July 1, 2020.

13. Chapter 2020- __, Laws of Florida (HB 133). This act requires counties and permits municipalities to establish maximum rates for the towing and immobilization of vessels, as well as vehicles. The act further requires that tow-away zone notices be placed within ten (10) feet of the road, as defined in Section 334.03 (22), F.S. instead of within five (5) feet of the public right-of-way line, as was formerly permitted. This act becomes effective on October 1, 2020.

For convenience, we have included copies of the legislation referenced in this memorandum. We request that you include this memorandum as part of the agenda packages for upcoming meetings of the governing boards of those special districts in which you serve as the District Manager and this firm serves as District Counsel. For purposes of the agenda package, it is not necessary to include the attached legislation, as we can provide copies to anyone requesting the same. Copies of the above are also accessible by visiting this link: <http://laws.flrules.org/>.

**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**Funding Request
Nos. 87 - 88**

**Alafia Preserve
Community Development District**

Anne Kabourek
Avanti Properties Group
923 N. Pennsylvania Ave.
Winter Park, FL 32789
(407) 628-8488
(407) 644-3115
akabourek@avantiprop.com

Funding Request No. 87
3/24/2020

| Item No. | Vendor | Invoice Number | FY20 General Fund | FY21 General Fund |
|--------------|---|-------------------|-------------------------|-------------------------|
| 1 | Billing, Cochran, Lyles, Mauro & Ramsey, P.A. Dist. Counsel Svcs Jan 2020 | 160679 | \$ 250.00 | |
| | | 161095 | \$ 250.00 | |
| 2 | PFM Group Consulting LLC Postage Jan 2020 | OE-EXP-00652 | \$ 3.90 | |
| | | | | |
| | | | \$ 503.90 | \$ - |
| TOTAL | | | \$503.90 | |

Secretary / Asst. Secretary

Chairman / Vice Chairman

Please Return To:
Alafia Preserve CDD
c/o PFM Group Consulting LLC
12051 Corporate Boulevard
Orlando, FL 32817

**Alafia Preserve
Community Development District**

Anne Kabourek
Avanti Properties Group
923 N. Pennsylvania Ave.
Winter Park, FL 32789
(407) 628-8488
(407) 644-3115
akabourek@avantiprop.com

Funding Request No. 88
4/23/2020

| Item No. | Vendor | Invoice Number | FY20 General Fund | FY21 General Fund |
|--------------|---|------------------|-------------------|-------------------|
| 1 | Billing, Cochran, Lyles, Mauro & Ramsey, P.A. Legal Fees Mar 2020 | 161819 | \$ 250.00 | |
| 2 | PFM Group Consulting LLC Dist. Mgmt Fee Q2 2020 (Jan- Mar) | DM-01-2020-0001 | \$ 250.00 | |
| | Website Fee Q2 2020 (Jan- Mar) | DM-01-2020-0002 | \$ 300.00 | |
| | Dist. Mgmt Fee Q3 2020 (Apr- Jun) | DM-04-2020-00094 | \$ 250.00 | |
| | Website Fee Q3 2020 (Apr-Jun) | DM-04-2020-00095 | \$ 300.00 | |
| | | | \$ 1,350.00 | \$ - |
| TOTAL | | | \$1,350.00 | |

Secretary / Asst. Secretary

Chairman / Vice Chairman

Please Return To:
Alafia Preserve CDD
c/o PFM Group Consulting LLC
12051 Corporate Boulevard
Orlando, FL 32817

**ALAFIA PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**District's Financial Position and
Budget to Actual Year to Date**

Alafia Preserve
Statement of Financial Position
As of 5/31/2020

General Fund

Assets

Current Assets

| | |
|--------------------------|----------|
| General Checking Account | \$367.38 |
| Total Current Assets | \$367.38 |

Total Assets

\$367.38

Net Assets

| | |
|--|----------|
| Net Assets - General Government | \$366.38 |
| Current Year Net Assets - General Government | 1.00 |

Total Net Assets

\$367.38

Total Liabilities and Net Assets

\$367.38

Alafia Preserve
Statement of Activities
As of 5/31/2020

General Fund

Revenues

| | |
|-------------------------|-------------------|
| Developer Contributions | \$6,596.82 |
| Total Revenues | <u>\$6,596.82</u> |

Expenses

| | |
|--------------------------|-------------------|
| D&O Insurance | \$2,750.00 |
| Management | 750.00 |
| District Counsel | 1,500.00 |
| Postage & Shipping | 5.90 |
| Legal Advertising | 514.92 |
| Web Site Maintenance | 900.00 |
| Dues, Licenses, and Fees | 175.00 |
| Total Expenses | <u>\$6,595.82</u> |

Other Revenues (Expenses) & Gains (Losses)

| | |
|--|---------------|
| Total Other Revenues (Expenses) & Gains (Losses) | <u>\$0.00</u> |
|--|---------------|

Change In Net Assets \$1.00

Net Assets At Beginning Of Year \$366.38

Net Assets At End Of Year \$367.38

Alafia Preserve
 Budget to Actual
 For the Month Ending 05/31/2020

| | Actual | Year To Date Budget | Variance | FY 20 Budget |
|---|--------------------------|--------------------------|----------------------------|---------------------------|
| <u>Revenues</u> | | | | |
| Developer Contributions | \$6,596.82 | \$7,983.36 | (\$1,386.54) | \$11,975.00 |
| Net Revenues | <u>\$6,596.82</u> | <u>\$7,983.36</u> | <u>(\$1,386.54)</u> | <u>\$11,975.00</u> |
| <u>General & Administrative Expenses</u> | | | | |
| D&O Insurance | \$2,750.00 | \$2,666.64 | \$83.36 | \$4,000.00 |
| Management | 750.00 | 666.64 | 83.36 | 1,000.00 |
| District Counsel | 1,500.00 | 2,000.00 | (500.00) | 3,000.00 |
| Telephone | 0.00 | 33.36 | (33.36) | 50.00 |
| Postage & Shipping | 5.90 | 33.44 | (27.54) | 50.00 |
| Copies | 0.00 | 66.64 | (66.64) | 100.00 |
| Legal Advertising | 514.92 | 666.64 | (151.72) | 1,000.00 |
| Web Site Maintenance | 900.00 | 1,733.36 | (833.36) | 2,600.00 |
| Dues, Licenses, and Fees | 175.00 | 116.64 | 58.36 | 175.00 |
| Total General & Administrative Expenses | <u>\$6,595.82</u> | <u>\$7,983.36</u> | <u>(\$1,387.54)</u> | <u>\$11,975.00</u> |
| Total Expenses | <u>\$6,595.82</u> | <u>\$7,983.36</u> | <u>(\$1,387.54)</u> | <u>\$11,975.00</u> |
| Net Income (Loss) | <u>\$1.00</u> | <u>\$0.00</u> | <u>\$1.00</u> | <u>\$0.00</u> |