

**NAPLES RESERVE
COMMUNITY DEVELOPMENT
DISTRICT
October 5, 2023
BOARD OF SUPERVISORS
REGULAR MEETING
AGENDA**

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**AGENDA
LETTER**

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

September 28, 2023

Board of Supervisors
Naples Reserve Community Development District

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

The Board of Supervisors of the Naples Reserve Community Development District will hold a Regular Meeting on October 5, 2023 at 10:30 a.m., at the Island Club at Naples Reserve, Activities Room, 14885 Naples Reserve Circle, Naples, Florida 34114. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Chair's Opening Remarks
4. Sunshine Law Refresher
5. Acceptance of Unaudited Financial Statements as of August 31, 2023
6. Approval of September 7, 2023 Public Hearings and Regular Meeting Minutes
7. Other Business
8. Staff Reports
 - A. District Counsel: *Coleman, Yovanovich & Koester, P.A.*
 - I. Draft Stormwater Management Rules and Policies
 - B. District Engineer: *Bowman Consulting Group LTD*
 - C. Operations Manager: *Wrathell, Hunt and Associates, LLC*
 - I. Consideration of FL GIS Solutions, LLC, Professional Services Agreement
 - II. Monthly Report
 - D. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: December 7, 2023 at 10:30 AM

○ QUORUM CHECK

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|--------|---------------------|------------------------------------|--------------------------------|-----------------------------|
| SEAT 1 | LISA WILD | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 2 | THOMAS MARQUARDT | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 3 | DEBORAH LEE GODFREY | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 4 | GREGORY INEZ | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 5 | ANNA HARMON | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |

9. Public Comments
10. Supervisors' Requests
11. Adjournment

Should you have any questions and/or concerns, please feel free to contact me directly at (561) 512-9027.

Sincerely,



Jamie Sanchez
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE
CALL-IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 131 733 0895

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT**

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FLORIDA COMMISSION ON ETHICS



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

2023

State of Florida
COMMISSION ON ETHICS

John Grant, *Chair*
Tampa

Glenton “Glen” Gilzean, Jr., *Vice Chair*
Orlando

Michelle Anchors
Fort Walton Beach

William P. Cervone
Gainesville

Don Gaetz
Niceville

William N. “Willie” Meggs
Tallahassee

Ed H. Moore
Tallahassee

Wengay M. Newton, Sr.
St. Petersburg

Jim Waldman
Fort Lauderdale

Kerrie Stillman
Executive Director
P.O. Drawer 15709
Tallahassee, FL 32317-5709
www.ethics.state.fl.us
(850) 488-7864*

*Please direct all requests for information to this number.

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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.

In 2018, Florida's Constitutional Revision Commission proposed, and the voters adopted, changes to Article II, Section 8. The earliest of the changes will take effect December 31, 2020, and will prohibit officials from abusing their position to obtain a disproportionate benefit for themselves

or their spouse, child, or employer, or for a business with which the official contracts or is an officer, partner, director, sole proprietor, or in which the official owns an interest. Other changes made to the Constitution place restrictions on lobbying by certain officeholders and employees, and put additional limits on lobbying by former public officers and employees. These changes will become effective December 31, 2022.

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 by Supervisors of Elections and the Commission 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. 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.]

2. *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.]

3. *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.]

4. *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.]

5. *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.]

6. *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. 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.]

E. 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.]

F. 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: mayor; 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 together with and at the same time they file their qualifying papers.

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:

Each LOCAL OFFICER files FORM 1 with the Supervisor of Elections in the county in which he or she permanently resides.

A STATE OFFICER or SPECIFIED STATE EMPLOYEE files with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

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

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.

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:

LOCAL OFFICERS file with the Supervisor of Elections of the county in which they permanently reside.

STATE OFFICERS and SPECIFIED STATE EMPLOYEES file with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

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 in Jacksonville; 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.

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 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 on 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 with his or her annual financial disclosure 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. State procurement employees file their statements 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, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements 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

LOCAL OFFICERS and EMPLOYEES who must file FORM 1 annually will be sent the form by mail from the Supervisor of Elections in the county in which they permanently reside not later than JUNE 1 of each year. Newly elected and appointed officials or employees should contact the heads of their agencies for copies of the form or download it from www.ethics.state.fl.us, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment. The Form 1 will be filed electronically with the Florida Commission on Ethics via the Electronic Financial Disclosure Management System (EFDMS), beginning in 2023.

Beginning January 1, 2023, ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 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.

OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file Form 1 annually will be sent the forms by mail from the Florida Commission on Ethics by June 1, 2023. Newly elected and appointed officers and employees should contact the head of their agencies for copies of the form or download the form from www.ethics.state.fl.us, as should those persons who are required to file their final financial disclosure statement within 60 days of leaving office or employment.

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 \$10,000, 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 \$10,000, 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 \$10,000, 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.]

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 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: 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. A vote of six of the Commission's nine members is required to proceed on such a referral.

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.

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. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

In cases of very minor financial disclosure violations, the official will be allowed an opportunity to correct or amend his or her disclosure form. Otherwise, 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.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of any specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, 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: 850/922-4987

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, and commissioners of community redevelopment agencies (CRAs) 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.

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT**

**UNAUDITED
FINANCIAL
STATEMENTS**

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
AUGUST 31, 2023**

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
AUGUST 31, 2023**

| | General Fund | Debt Service Fund Series 2014 | Debt Service Fund Series 2018 | Total Governmental Funds |
|--|-------------------|--|--|--------------------------------|
| ASSETS | | | | |
| Cash | \$ 318,653 | \$ - | \$ - | \$ 318,653 |
| Investments | | | | |
| Reserve | - | 517,100 | 284,882 | 801,982 |
| Revenue | - | 426,871 | 432,496 | 859,367 |
| Prepayment | - | 112 | 1,159 | 1,271 |
| Due from debt service fund - series 2014 | - | - | 38,728 | 38,728 |
| Due from other | 320 | - | - | 320 |
| Total assets | <u>\$ 318,973</u> | <u>\$ 944,083</u> | <u>\$ 757,265</u> | <u>\$ 2,020,321</u> |
| LIABILITIES | | | | |
| Liabilities: | | | | |
| Due to debt service fund - series 2018 | - | 38,728 | - | 38,728 |
| Developer advance | 1,500 | - | - | 1,500 |
| Total liabilities | <u>1,500</u> | <u>38,728</u> | <u>-</u> | <u>40,228</u> |
| FUND BALANCES: | | | | |
| Restricted for | | | | |
| Debt service | - | 905,355 | 757,265 | 1,662,620 |
| Assigned | | | | |
| 3 months working capital | 84,119 | - | - | 84,119 |
| Lake bank remediation | 260,000 | - | - | 260,000 |
| Unassigned | (26,646) | - | - | (26,646) |
| Total fund balances | <u>317,473</u> | <u>905,355</u> | <u>757,265</u> | <u>1,980,093</u> |
| Total liabilities and fund balances | <u>\$ 318,973</u> | <u>\$ 944,083</u> | <u>\$ 757,265</u> | <u>\$ 2,020,321</u> |

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED AUGUST 31, 2023**

| | Current Month | Year to Date | Budget | % of Budget |
|--|------------------|------------------|------------------|-------------|
| REVENUES | | | | |
| Assessment levy: on-roll | \$ - | \$ 462,050 | \$ 459,853 | 100% |
| Miscellaneous income | 41 | 17,320 | - | N/A |
| Total revenues | <u>41</u> | <u>479,370</u> | <u>459,853</u> | 104% |
| EXPENDITURES | | | | |
| Administrative | | | | |
| Engineering | 8,486 | 45,029 | 30,000 | 150% |
| Audit | - | 7,500 | 7,200 | 104% |
| Legal | 1,664 | 12,576 | 20,000 | 63% |
| Management, accounting, recording | 4,080 | 44,880 | 48,960 | 92% |
| Debt service fund accounting | 458 | 5,042 | 5,500 | 92% |
| Postage | 35 | 322 | 500 | 64% |
| Insurance | - | 6,885 | 7,206 | 96% |
| Trustee | - | 5,053 | 5,300 | 95% |
| Trustee - second bond series | - | 4,031 | 5,300 | 76% |
| Arbitrage rebate calculation | 500 | 1,500 | 1,500 | 100% |
| Dissemination agent | 167 | 1,833 | 2,000 | 92% |
| Telephone | 4 | 46 | 50 | 92% |
| Printing & binding | 29 | 321 | 350 | 92% |
| Legal advertising | - | 539 | 1,200 | 45% |
| Annual district filing fee | - | 175 | 175 | 100% |
| Contingencies | - | 304 | 500 | 61% |
| Website | - | 705 | 705 | 100% |
| ADA website compliance | 210 | 210 | 210 | 100% |
| Property appraiser | - | 4,046 | 7,185 | 56% |
| Tax collector | - | 9,235 | 9,580 | 96% |
| Total administration expenses | <u>15,633</u> | <u>150,232</u> | <u>153,421</u> | 98% |
| Field Operations | | | | |
| Operations management | 417 | 4,583 | 5,000 | 92% |
| Drainage / catch basin maintenance | - | - | 5,000 | 0% |
| Other repairs and maintenance | 6,405 | 244,834 | 100,000 | 245% |
| Lake maintenance / water quality | 3,815 | 45,737 | 51,436 | 89% |
| Total field operations expenses | <u>10,637</u> | <u>295,154</u> | <u>161,436</u> | 183% |
| Total expenditures | <u>26,270</u> | <u>445,386</u> | <u>314,857</u> | 141% |
| Excess (deficiency) of revenues over/(under) expenditures | (26,229) | 33,984 | 144,996 | |
| Fund balance - beginning | 343,702 | 283,489 | 204,156 | |
| Fund balance - ending | | | | |
| Assigned | | | | |
| 3 months working capital | 84,119 | 84,119 | 84,119 | |
| Lake bank remediation | 260,000 | 260,000 | 260,000 | |
| Unassigned | (26,646) | (26,646) | 5,033 | |
| Fund balance - ending | <u>\$317,473</u> | <u>\$317,473</u> | <u>\$349,152</u> | |

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND - SERIES 2014
FOR THE PERIOD ENDED AUGUST 31, 2023**

| | Current Month | Year to Date | Budget | % of Budget |
|--|-------------------|-------------------|------------------|----------------|
| REVENUES | | | | |
| Assessment levy: on-roll | \$ - | \$ 540,406 | \$ 539,300 | 100% |
| Interest | 5 | 155 | - | N/A |
| Total revenues | <u>5</u> | <u>540,561</u> | <u>539,300</u> | 100% |
| EXPENDITURES | | | | |
| Debt service | | | | |
| Principal | - | 150,000 | 150,000 | 100% |
| Principal prepayments | - | 30,000 | - | N/A |
| Interest | - | 363,947 | 364,769 | 100% |
| Total debt service | <u>-</u> | <u>543,947</u> | <u>514,769</u> | 106% |
| Other fees and charges | | | | |
| Tax collector | - | 11,575 | 11,235 | 103% |
| Property appraiser | - | 4,745 | 8,427 | 56% |
| Total other fees and charges | <u>-</u> | <u>16,320</u> | <u>19,662</u> | 83% |
| Total expenditures | <u>-</u> | <u>560,267</u> | <u>534,431</u> | 105% |
| Excess/(deficiency) of revenues over/(under) expenditures | 5 | (19,706) | 4,869 | |
| OTHER FINANCING SOURCES/(USES) | | | | |
| Transfers (out) | - | (38,728) | - | N/A |
| Total other financing sources | <u>-</u> | <u>(38,728)</u> | <u>-</u> | N/A |
| Net change in fund balances | 5 | (58,434) | 4,869 | |
| Fund balances - beginning | 905,350 | 963,789 | 924,160 | |
| Fund balances - ending | <u>\$ 905,355</u> | <u>\$ 905,355</u> | <u>\$929,029</u> | |

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND - SERIES 2018
FOR THE PERIOD ENDED AUGUST 31, 2023**

| | Current Month | Year to Date | Budget | % of Budget |
|--|------------------|------------------|------------------|----------------|
| REVENUES | | | | |
| Assessment levy: on-roll | \$ - | \$ 582,070 | \$ 580,060 | 100% |
| Interest | 2,863 | 23,936 | - | N/A |
| Total revenues | <u>2,863</u> | <u>606,006</u> | <u>580,060</u> | 104% |
| EXPENDITURES | | | | |
| Debt service | | | | |
| Principal | - | 155,000 | 155,000 | 100% |
| Interest | - | 400,394 | 400,394 | 100% |
| Total debt service | <u>-</u> | <u>555,394</u> | <u>555,394</u> | 100% |
| Other fees and charges | | | | |
| Property appraiser | - | 5,104 | 9,063 | 56% |
| Tax collector | - | 10,858 | 12,085 | 90% |
| Total other fees and charges | <u>-</u> | <u>15,962</u> | <u>21,148</u> | 75% |
| Total expenditures | <u>-</u> | <u>571,356</u> | <u>576,542</u> | 99% |
| Excess/(deficiency) of revenues over/(under) expenditures | 2,863 | 34,650 | 3,518 | |
| OTHER FINANCING SOURCES/(USES) | | | | |
| Transfers in | - | 38,728 | - | N/A |
| Total other financing sources | <u>-</u> | <u>38,728</u> | <u>-</u> | N/A |
| Net change in fund balances | 2,863 | 73,378 | 3,518 | |
| Fund balances - beginning | 754,402 | 683,887 | 670,376 | |
| Fund balances - ending | <u>\$757,265</u> | <u>\$757,265</u> | <u>\$673,894</u> | |

**NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT**

MINUTES

DRAFT

**MINUTES OF MEETING
NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Naples Reserve Community Development District held Public Hearings and a Regular Meeting on September 7, 2023 at 10:30 a.m., at the Island Club at Naples Reserve, Activities Room, 14885 Naples Reserve Circle, Naples, Florida 34114.

Present at the meeting were:

| | |
|---------------------|---------------------|
| Thomas Marquardt | Chair |
| Deborah Lee Godfrey | Vice Chair |
| Anna Harmon | Assistant Secretary |
| Lisa Wild | Assistant Secretary |

Also present were:

| | |
|----------------|--------------------|
| Jamie Sanchez | District Manager |
| Shane Willis | Operations Manager |
| Meagan Magaldi | District Counsel |
| Terry Cole | District Engineer |

Residents in attendance include:

| | | | |
|-----------------|-------------|--------------|-----------------------|
| Heidi McIntyre | Rein Lewis | Tandy White | Barbara Paternoster |
| Betty Peiskorn | Bob White | Mark Sandler | Richard & Patty Hunt |
| Donna Giolietti | Heidi Welch | Frank DeVito | Sandra & Gary Carinci |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:31 a.m. Supervisors Marquardt, Harmon, Wild and Godfrey were present. Supervisor Inez was not present.

SECOND ORDER OF BUSINESS

Public Comments

Resident Barbara Paternoster asked about the CDD's plan for lake erosion. Mr. Marquardt stated the shorelines were evaluated twice in the past year to identify areas that

39 need repairs. The Fiscal Year 2023 shoreline repairs exceeded budget and funds will be
40 reallocated for erosion repairs in Fiscal Year 2024. Work would be performed in the dry season,
41 when water levels are low. Regarding whether she should submit photographs of the erosion
42 near her home, Mr. Marquardt stated Management will inspect.

43 Resident Heidi Welch asked if the drains are vacuumed every year. Mr. Marquardt
44 stated no, the drains were recently inspected and a few clogged areas were flushed. There are
45 no drainage issues at this time. Asked if excess water drains to the retention ponds, Mr.
46 Marquardt stated all water from the streets flow through a filter and into the lake.

47 A resident asked how much it cost the CDD to remove silt screens and if the CDD will be
48 reimbursed for it. Mr. Marquardt stated no, Stock Development will not regrade and the
49 litigation costs would be higher than the cost to complete the work.

50

51 **On MOTION by Ms. Wild and seconded by Ms. Harmon, with all in favor,**
52 **authorizing District Counsel to send a letter to Stock Development requesting**
53 **reimbursement for payment for removal of silt screens, was approved.**

54

55

56 Resident Rein Lewis voiced concern about garbage, including a dumpster that he thinks
57 looks atrocious, which he thinks lowers property values, and reported seeing buckets full of
58 sewage, flies and trash in the yard of an adjacent property that he documented. Mr. Marquardt
59 stated that the garden that the dumpster is being used for is an HOA project and the CDD has
60 no jurisdiction over the garden. Mr. Lewis can email the other photographs and Staff will have
61 the property inspected.

62 Resident Sandra Carinci asked if the CDD is pursuing a refund from the landscaper that
63 she thinks did a terrible job maintaining the lake banks. Mr. Marquardt stated that the SOLitude
64 contract was terminated and a new vendor was engaged.

65 Discussion ensued regarding the original SOLitude contract, whether funds can be
66 recouped from SOLitude and how long it will take Superior Waterways to bring the lakes back
67 into compliance.

68 Resident Bob White asked if all the lake maintenance costs are shared by everyone,
69 even those that do not have a view of the lake. Mr. Marquardt replied affirmatively. Mr. Willis

70 sated the CDD was established with a stormwater system and the primary function of the lake
71 is to be a stormwater system, as established through the State with the land development
72 order (LDO). The CDD was given a set of parameters required to keep the system in compliance
73 and one of those is controlling the weeds and the lake banks.

74 A resident questioned why, if responsibility for erosion repairs for homes along the lake
75 falls on residents, that was not considered when the homes were built. Mr. Marquardt
76 explained that the Developer created the way the CDD was set up, which was for the builder to
77 be responsible for some of the erosion, as well. In many communities, the builder installs
78 extensions or drains directly to the lake, which is what should have happened but, since it did
79 not, they are being retrofitted. Mr. Willis explained the two types of erosion; wear and tear,
80 which erodes the lake bank around the home, and finger erosion, which is runoff erosion that
81 occurs during downpours when rain comes down the downspouts causing erosion on residents'
82 property; the CDD cannot make repairs on private property, it can only repair CDD property.

83 In response to Ms. Welch's question about possibly using a weed-wacker to clear
84 shoreline weeds and spraying them, as opposed to a 4' to 5' high plants, Mr. Willis stated, while
85 he respected her landscaping background, the landscaping rules are different than for aquatics;
86 the CDD uses a State-approved process for treating the lakes.

87

88 **THIRD ORDER OF BUSINESS**

Chair's Opening Remarks

89

90 Mr. Marquardt stated a property owner, Mark Sandler, who lives on the big lake, asked
91 the CDD to install riprap close to his house because there is a gap between the riprap and the
92 dock; there wasn't any erosion there. It was determined that the CDD would not do so since it
93 was already 30% over budget on those repairs. Mr. Sandler offered to proceed with the project,
94 at his expense, sharing with three other neighbors; the work is underway. Mr. Marquardt
95 stated he is bringing this up because it is the first time that the CDD has allowed a homeowner
96 to install riprap. He explained the payment process. It is important to address this in the rules
97 that will be established and this is an opportunity to communicate what homeowners can do on
98 their own property. A homeowner recently asked him if the CDD can have a more proactive role
99 in planting certain grasses along the shoreline and she asked for approval to plant littorals on

100 her property. He feels that this should be approved to see if it is beneficial and, if so, the CDD
101 could start budgeting for more projects like this. The resident will come before the Board soon
102 to make a formal presentation.

103

104 **FOURTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year
2023/2024 Budget**

105

106

107 **A. Affidavit of Publication**

108 **B. Consideration of Resolution 2023-06, Relating to the Annual Appropriations and**
109 **Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending**
110 **September 30, 2024; Authorizing Budget Amendments; and Providing an Effective**
111 **Date**

112 Ms. Sanchez presented Resolution 2023-06. She reviewed the proposed Fiscal Year 2024
113 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal
114 Year 2023 budget, and explained the reasons for any changes.

115 Ms. Wild asked about the GIS system. Mr. Willis explained that GIS is the digital CDD
116 map system with different layers; it can serve as a historical document with a map and it can
117 identify where and when repairs took place. It is a great management tool. He will send Ms.
118 Wild an example of a GIS system from another community.

119

120 **On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor,**
121 **the Public Hearing was opened.**

122

123

124 No members of the public spoke.

125

126 **On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor,**
127 **the Public Hearing was closed.**

128

129

130 **On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor,**
131 **Resolution 2023-06, Relating to the Annual Appropriations and Adopting the**
132 **Budget for the Fiscal Year Beginning October 1, 2023, and Ending September**

133 **30, 2024; Authorizing Budget Amendments; and Providing an Effective Date,**
134 **was adopted.**

135
136

137 **FIFTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and
Objections on the Imposition of
Maintenance and Operation Assessments
to Fund the Budget for Fiscal Year
2023/2024, Pursuant to Florida Law**

142
143

A. Proof/Affidavit of Publication

144

**B. Consideration of Resolution 2023-07, Making a Determination of Benefit and Imposing
Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and
Enforcement of Special Assessments, Including but Not Limited to Penalties and
Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the
Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

149

Ms. Sanchez presented Resolution 2023-07, which coincides with the budget and allows
the assessment roll to be transmitted to the Tax Collector.

151

**On MOTION by Mr. Godfrey and seconded by Ms. Wild, with all in favor, the
Public Hearing was opened.**

154
155

No members of the public spoke.

157

**On MOTION by Ms. Wild and seconded by Ms. Godfrey, with all in favor, the
Public Hearing was closed.**

160
161

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor,
Resolution 2023-07, Making a Determination of Benefit and Imposing Special
Assessments for Fiscal Year 2023/2024; Providing for the Collection and
Enforcement of Special Assessments, Including but Not Limited to Penalties
and Interest Thereon; Certifying an Assessment Roll; Providing for
Amendments to the Assessment Roll; Providing a Severability Clause; and
Providing an Effective Date, was adopted.**

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SIXTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of July 31, 2023**

Ms. Sanchez presented the Unaudited Financial Statements as of July 31, 2023.

On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Unaudited Financial Statements as of July 31, 2023, were accepted.

SEVENTH ORDER OF BUSINESS **Approval of August 3, 2023 Regular Meeting Minutes**

Ms. Sanchez presented the August 3, 2023 Regular Meeting Minutes. The following change was made:

Line 26: Change “Wald” to “Wild”

Mr. Willis reported about a resident who attended a recent meeting and felt that the minutes did not reflect what she recalled occurring. He stated, for the record, that the minutes are summarized and not an exact duplicate of the recording. Residents can contact Management and request the meeting audio.

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the August 3, 2023 Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS **Other Business**

Ms. Wild stated she wants to discuss a DRC collaboration but will defer it to the drainage discussion.

NINTH ORDER OF BUSINESS **Staff Reports**

- A. District Counsel: Coleman, Yovanovich & Koester, P.A.**
 - I. Draft Stormwater Management Rules and Policies**

204 Ms. Magaldi presented the Stormwater Management Rules and Policies for another
205 CDD as an example of rulemaking procedures. The CDD can adopt rulemaking policies, which
206 would necessitate a public hearing, open for public comment. Rules would be specifically
207 tailored to the needs of the CDD and address issues related to drainage, riprap installation and
208 ongoing maintenance of the storm drains. The interplay between the DRC, HOA and CDD could
209 be incorporated into the rules, as much or as little as the Board desires. Ms. Magaldi stated if
210 the Board is amenable to adopting Rules, she can draft a tailored version for review.

211 Mr. Marquardt voiced his support for creating rules and asked if the Board would be
212 amending something that already exists or creating something new. Ms. Magaldi stated it
213 would be something new, created from scratch.

214 Ms. Wild stated the HOA and DRC approached the CDD for direction; those committees
215 are following the advice of the CDD.

216 Discussion ensued regarding creating rules and policies about other items such as trees,
217 the Sandler property, littoral plantings, drains, downspouts, swales, catch basins, bubble-ups,
218 having different rules for different lakes, preventing runoff erosion, irrigation rules, DRC rules,
219 riprap maintenance and cost-sharing between homeowners and the CDD.

220 Ms. Magaldi stated the main questions will be the costs and identifying if homeowners
221 or the CDD is tasked with compliance when installing drains and, when it comes to installation
222 of drain pipes, will it be solely a homeowner choice or a process whereby the CDD identifies
223 problematic areas that are creating finger erosion.

224 Ms. Magaldi will draft a sample rules policy for the CDD and distribute it to the Board for
225 review in advance of the next meeting.

226 This item will remain on the agenda.

227 **B. District Engineer: Bowman Consulting Group LTD**

228 Mr. Cole reported the following:

229 ➤ Staff coordinated with District Counsel and the District Manager to provide proposals
230 for the southeast corner of Lake 24 for a 70' section of riprap that the homeowner will have
231 installed. Ms. Magaldi is drafting an agreement for that project.

232 ➤ Cleaning of several pipes discussed at the last meeting was completed.

233 ➤ The work on Lake 24 on the northeast corner and partly on the east side is still
234 underway and should be completed by next month.

235 A Board Member stated one catch basin in the Coral Harbor subdivision done by DR
236 Horton still has felt on it. Mr. Cole confirmed the location for inspection purposes.

237 Regarding pool runoff from a home that recently had a pool installed, Mr. Cole stated
238 the lot owner who built the pool needs to have the pool material that was placed in the swale
239 removed. Ms. Magaldi will draft and send a letter to the homeowner.

240 Mr. Marquardt asked Mr. Willis to inspect a separate property with an erosion issue.

241 **C. Operations Manager: Wrathell, Hunt and Associates, LLC**

242 **I. District Newsletter Options**

243 **II. Monthly Report**

244 Mr. Willis reported the following:

245 ➤ He received and addressed a few resident complaints about silt filters, flooding and
246 contractors using the easement.

247 ➤ He presented two examples of how other CDDs communicate with their residents.

248 **D. District Manager: Wrathell, Hunt and Associates, LLC**

249 • **NEXT MEETING DATE: October 5, 2023 at 10:30 AM**

250 ○ **QUORUM CHECK**

251

252 **TENTH ORDER OF BUSINESS**

Public Comments

253

254 Resident Betty Peiskorn asked if every downspout must have a drain going out from the
255 home. Mr. Marquardt stated only if that particular property has an issue that caused erosion
256 and it is clear that it came from that source. If so, the CDD will ask the homeowner to make the
257 repairs. Asked if the builders in Parrot Cay can be asked to install drains, Mr. Willis stated the
258 CDD cannot intervene, it is up to the homeowner and the builder.

259 Resident Mark Sandler commented on the costs of the drain boxes and stated that he
260 recently had very positive interactions with Ms. Sanchez and Mr. Ferguson.

261 In response to a question about gutter extenders, Mr. Willis stated those devices are not
262 helpful and simply shift the runoff to other areas. The only real solution is to install an
263 underground pipe to direct the runoff to the lake.

264

265 **ELEVENTH ORDER OF BUSINESS**

Supervisors' Requests

266

267 There were no Supervisors' requests.

268

269 **TWELFTH ORDER OF BUSINESS**

Adjournment

270

271 **On MOTION by Ms. Godfrey and seconded by Ms. Wild, with all in favor, the**
272 **meeting adjourned at 12:09 p.m.**

273

274

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277

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

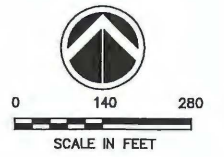
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Secretary/Assistant Secretary

Chair/Vice Chair

NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS
B



MATCHLINE - SEE SHEET 3

MATCHLINE - SEE SHEET 4

LEGEND

- L21 - NRC = LAKE # PER PLAT
(LAKE 21) = (ORIGINAL LAKE #)
- COMMUNITY DEVELOPMENT DISTRICT LANDS
- LAKE TRACTS CONVEYED TO CDD
- PRESERVE TRACTS MAINTAINED BY HOA
- DRAINAGE EASEMENTS AND PIPES MAINTAINED BY CDD
- LAKE LITTORAL AREA

| PLAT | REFERENCE |
|-------------|----------------------------|
| C.H.I | CORAL HARBOR PHASE I |
| C.P. & B.I. | CRANE POINT & BIMINI ISLE |
| N.R.C. | NAPLES RESERVE CIRCLE |
| N.R.I.C. | NAPLES RESERVE ISLAND CLUB |
| N.R.I | NAPLES RESERVE PHASE I |
| N.R.II | NAPLES RESERVE PHASE II |
| N.R.III | NAPLES RESERVE PHASE III |
| P.C. | PARROT CAY |
| S.C. | SUTTON CAY |

NOTES:

1. ALL LAKES, STORMWATER MANAGEMENT PIPING AND PRESERVE SHALL BE MAINTAINED BY THE NAPLES RESERVE HOMEOWNERS ASSOCIATION, INC.
2. THE DEVELOPMENT IS ZONED 'RPUD'.

I:\Projects\2013\030\104\104030_01.dwg, PLOTTED TO: HOA\104030_01.dwg, 10:15am, 5/22/22 - 10:15am, Printed by: jehs

| LETTER | REVISIONS | DATE |
|--------|---------------------|------|
| A | ADDED WCS's & WQS's | 5/22 |

NAPLES RESERVE

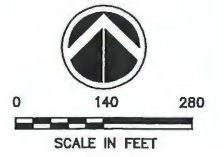
| | | | |
|----------------|--------|------------------|---------|
| DESIGNED BY | W.W.B. | DATE | 2/21 |
| DRAWN BY | W.W.B. | DATE | 2/21 |
| CHECKED BY | W.T.C. | DATE | 2/21 |
| VERTICAL SCALE | N/A | HORIZONTAL SCALE | 1"=140' |



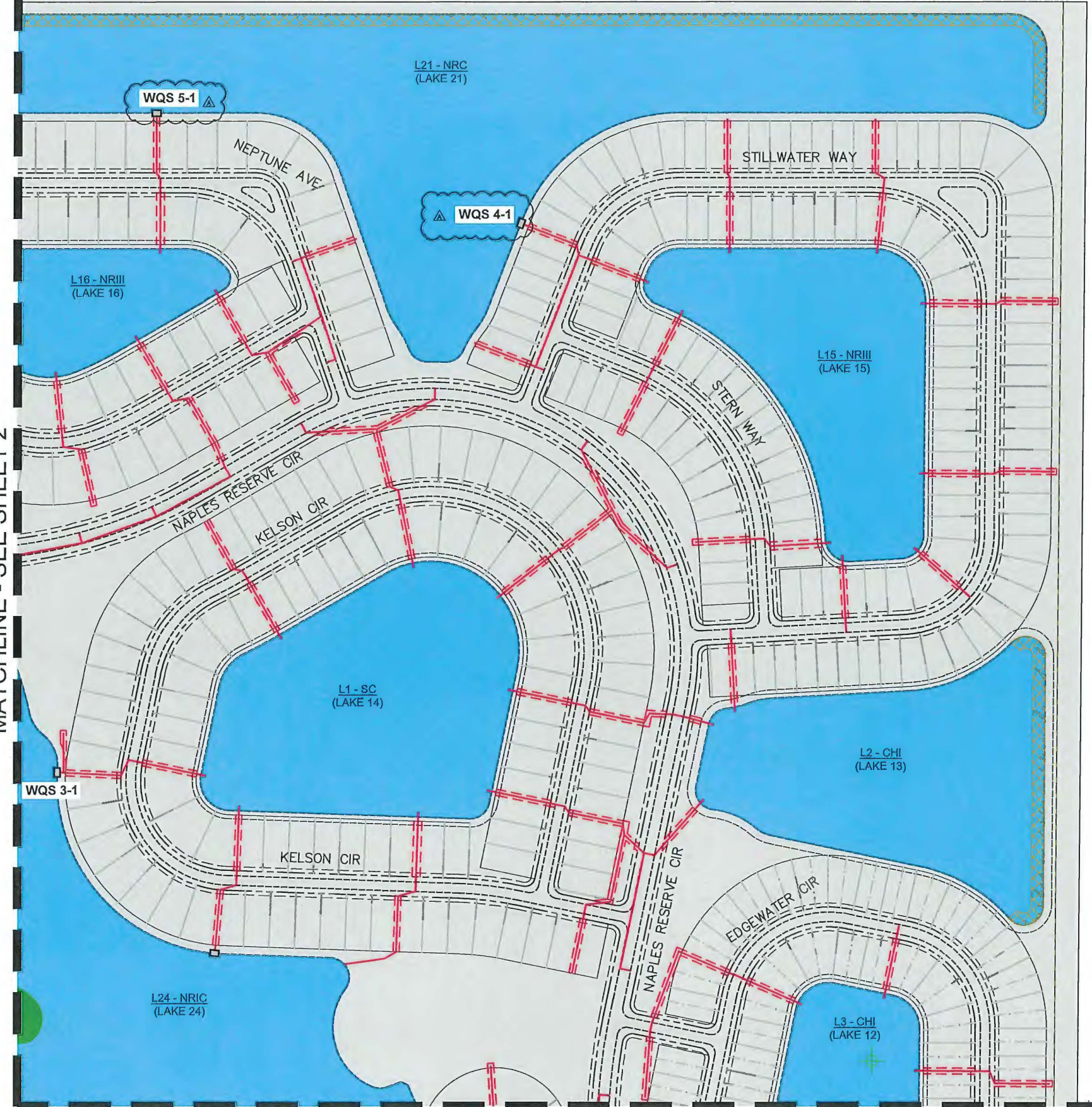
950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

**CDD DRAINAGE EASEMENTS
and LAKE CONVEYANCE MAPS**

| | | |
|---|---------------|-------------|
| THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW: | REFERENCE NO. | DRAWING NO. |
| DATE _____ | SEE PLOTSTAMP | 2005-02 |
| | PROJECT NO. | SHEET NO. |
| | 2013.030 | 2 OF 5 |



MATCHLINE - SEE SHEET 2



MATCHLINE - SEE SHEET 5

LEGEND

L21 - NRC = LAKE # PER PLAT
(LAKE 21) = (ORIGINAL LAKE #)

- COMMUNITY DEVELOPMENT DISTRICT LANDS
- LAKE TRACTS CONVEYED TO CDD
- PRESERVE TRACTS MAINTAINED BY HOA
- DRAINAGE EASEMENTS AND PIPES MAINTAINED BY CDD
- LAKE LITTORAL AREA

| PLAT | REFERENCE |
|------------|----------------------------|
| C.H.I | CORAL HARBOR PHASE I |
| C.P.& B.I. | CRANE POINT & BIMINI ISLE |
| N.R.C. | NAPLES RESERVE CIRCLE |
| N.R.I.C. | NAPLES RESERVE ISLAND CLUB |
| N.R.I | NAPLES RESERVE PHASE I |
| N.R.II | NAPLES RESERVE PHASE II |
| N.R.III | NAPLES RESERVE PHASE III |
| P.C. | PARROT CAY |
| S.C. | SUTTON CAY |

NOTES:

1. ALL LAKES, STORMWATER MANAGEMENT PIPING AND PRESERVE SHALL BE MAINTAINED BY THE NAPLES RESERVE HOMEOWNERS ASSOCIATION, INC.
2. THE DEVELOPMENT IS ZONED 'RPUD'.

14: 2/21/2023 10:30 AM C:\Users\wbb\OneDrive\Documents\2023-05-04_CDD_PRESERVE TO HOA\2023_CDD_PRESERVE TO HOA\2023_CDD_PRESERVE TO HOA.dwg, 2023-05-04, 10:30 AM, Printed by: wbb

| LETTER | REVISIONS | DATE |
|--------|---------------------|------|
| △ | ADDED WCS's & WQS's | 5/22 |

NAPLES RESERVE

| | |
|-----------------------|-----------------------------|
| DESIGNED BY W.W.B. | DATE 2/21 |
| DRAWN BY W.W.B. | DATE 2/21 |
| CHECKED BY W.T.C. | DATE 2/21 |
| VERTICAL SCALE N/A | HORIZONTAL SCALE 1"=140' |

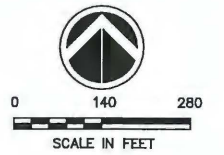


950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

**CDD DRAINAGE EASEMENTS
and LAKE CONVEYANCE MAPS**

| | | |
|---|--------------------------------|-----------------------|
| THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW: | REFERENCE NO. SEE PLOTSTAMP | DRAWING NO. 5008-3 |
| DATE | PROJECT NO. 2013.030 | SHEET NO. 3 OF 5 |

MATCHLINE - SEE SHEET 2



MATCHLINE - SEE SHEET 5

LEGEND

L21 - NRC = LAKE # PER PLAT
(LAKE 21) = (ORIGINAL LAKE #)

- COMMUNITY DEVELOPMENT DISTRICT LANDS
- LAKE TRACTS CONVEYED TO CDD
- PRESERVE TRACTS MAINTAINED BY HOA
- DRAINAGE EASEMENTS AND PIPES MAINTAINED BY CDD
- LAKE LITTORAL AREA

| PLAT | REFERENCE |
|------------|----------------------------|
| C.H.I | CORAL HARBOR PHASE I |
| C.P.& B.I. | CRANE POINT & BIMINI ISLE |
| N.R.C. | NAPLES RESERVE CIRCLE |
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NOTES:

1. ALL LAKES, STORMWATER MANAGEMENT PIPING AND PRESERVE SHALL BE MAINTAINED BY THE NAPLES RESERVE HOMEOWNERS ASSOCIATION, INC.
2. THE DEVELOPMENT IS ZONED 'RPUD'.

H:\2013\2013030\DWG\5008-04-CDD_21RESERVE TO HOA\5008-04-CDD_21RESERVE.dwg Plot: 5008-04_3P May 24, 2022 - 10:18am Plotted by: jld

| LETTER | REVISIONS | DATE |
|--------|---------------------|------|
| △ | ADDED WCS's & WQS's | 5/22 |

NAPLES RESERVE

| | |
|-----------------------|-----------------------------|
| DESIGNED BY W.W.B. | DATE 2/21 |
| DRAWN BY W.W.B. | DATE 2/21 |
| CHECKED BY W.T.C. | DATE 2/21 |
| VERTICAL SCALE N/A | HORIZONTAL SCALE 1"=140' |

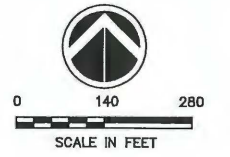


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 Naples, FL 34110
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CDD DRAINAGE EASEMENTS
and LAKE CONVEYANCE MAPS






| | | |
|---|--------------------------------|------------------------|
| THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW: | REFERENCE NO. SEE PLOTSTAMP | DRAWING NO. 5008-04 |
| | PROJECT NO. 2013.030 | SHEET NO. 4 OF 5 |
| DATE | | |

MATCHLINE - SEE SHEET 3



LEGEND

L21 - NRC = LAKE # PER PLAT
(LAKE 21) = (ORIGINAL LAKE #)

-  COMMUNITY DEVELOPMENT DISTRICT LANDS
-  LAKE TRACTS CONVEYED TO CDD
-  PRESERVE TRACTS MAINTAINED BY HOA
-  DRAINAGE EASEMENTS AND PIPES MAINTAINED BY CDD
-  LAKE LITTORAL AREA

| PLAT | REFERENCE |
|------------|----------------------------|
| C.H.I | CORAL HARBOR PHASE I |
| C.P.& B.I. | CRANE POINT & BIMINI ISLE |
| N.R.C. | NAPLES RESERVE CIRCLE |
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| N.R.I | NAPLES RESERVE PHASE I |
| N.R.II | NAPLES RESERVE PHASE II |
| N.R.III | NAPLES RESERVE PHASE III |
| P.C. | PARROT CAY |
| S.C. | SUTTON CAY |

NOTES:

1. ALL LAKES, STORMWATER MANAGEMENT PIPING AND PRESERVE SHALL BE MAINTAINED BY THE NAPLES RESERVE HOMEOWNERS ASSOCIATION, INC.
2. THE DEVELOPMENT IS ZONED 'RPUD'.

MATCHLINE - SEE SHEET 4



S:\Projects\2013\030\Drawings\5008-5.dwg, 5/22/2013 10:40:00 AM, W.W.B., 2013-05-22 10:40:00 AM, 10:40:00 AM, 10:40:00 AM, 10:40:00 AM

| LETTER | REVISIONS | DATE |
|--------|---------------------|------|
| △ | ADDED WCS's & WQS's | 5/22 |

NAPLES RESERVE

| | | | |
|----------------|--------|------------------|---------|
| DESIGNED BY | W.W.B. | DATE | 2/21 |
| DRAWN BY | W.W.B. | DATE | 2/21 |
| CHECKED BY | W.T.C. | DATE | 2/21 |
| VERTICAL SCALE | N/A | HORIZONTAL SCALE | 1"=140' |



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**CDD DRAINAGE EASEMENTS
and LAKE CONVEYANCE MAPS**

| | | |
|---|--------------------------------|-----------------------|
| THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW: | REFERENCE NO. SEE PLOTSTAMP | DRAWING NO. 5008-5 |
| | PROJECT NO. 2013.030 | SHEET NO. 5 OF 5 |
| DATE _____ | | |

NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS
CI



Mr. Shane Willis
Naples Reserve Community Development District
c/o Wrathell, Hunt, and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

**RE: Professional Services Agreement between FL GIS Solutions, LLC and
Naples Reserve Community Development District**

Dear Shane:

We at FL GIS Solutions, LLC are excited to work with Naples Reserve Community Development District (“NRCDD”) to develop and build GIS capabilities. Pursuant to our conversations, I am providing this professional services agreement. Services performed by consultant include gathering and manipulating spatial data, inputting data into a GIS geodatabase, and creating maps and graphs. This will include the beginning stages of building an online interface that allows users to visually see and locate community assets and access important documents.

Scope of Services:

- I. Services – FL GIS Solutions, LLC will provide “NRCDD” with the following data layers. The following deliverables include:

Phase One (Year 2023) – Base Map

1. Parcels / Ownership
 - Ownership category (legend provided)
 - Parcel Owner
 - Owner’s Address
 - Site Address
 - Approximate acreage
2. Lake / Flow ways
 - Current Number
 - Lake Area & Perimeter
 - Lake Acreage
 - Maintained By
 - Lake Aeration





3. Labels:
 - Tract Names
 - Address Numbers
4. Platted Easements
 - Type
 - Plat Recording
 - Width
5. Drainage (where construction plans are available):
 - Drainage Pipes & Structures
 - Structure Type
 - Pipe Width
6. Labels:
 - Street Name and Delineation
 - Community Names





- A. For project maintenance Naples Reserve Community Development District (“NRCDD”) will be billed at a rate of \$100.00 per hour. Updates include revising ownership information, adding/revising website hyperlinks and incorporating any master plan changes.
- B. The project may be customized with other items “NRCDD” may want to add that are not included in this agreement (i.e. fountains, utility data, and additional document hyperlinks). Such services will be billed at a rate of \$100.00 per hour.

II. Compensation– “NRCDD” will pay FL GIS Solutions, LLC the sum of \$13,000.00 for Phase One in the year 2023. Any additional requests beyond Phase 1.0 for year 2023 will be billed at a rate of \$100.00 per hour. FL GIS Solutions, LLC will provide three monthly invoices to Naples Reserve Community Development District (“NRCDD”) on the 1st and or 15th of every month for approximately \$4,000.00 each, with payment expected within 10 days.

| Phase | Description | Amount |
|-------|--------------------------------------|--------------------|
| 1.0 | GIS Services – Phase One (Year 2023) | \$12,000.00 |
| | Total | \$12,000.00 |

- III. Termination** - This agreement may be terminated by either party with 30 days written notice. FL GIS Solutions, LLC will not assume liability for obligations to other parties caused by termination of this agreement.
- IV. Data** - All data created for the project described in this agreement is the property of “NRCDD” and will be turned over to “NRCDD” at the completion or termination of this agreement.
- V. Other** - This agreement is only between FL GIS Solutions, LCC and Naples Reserve Community Development District (“NRCDD”). No obligations to third parties are created by this agreement unless mutually agreed upon and amended in writing by both parties.
- VI. Reimbursables** - Should “NRCDD” request paper prints and or paper plots, the standard rate will be \$4.50 per square foot.





GIS
SOLUTIONS, LLC

If you are in agreement with these conditions, please countersign below and send us a signed copy for our records.

Thank you.

FL GIS Solutions, LLC
12821 Fairway Cove Ct
Fort Myers, FL 33905

Naples Reserve CDD
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

Felipe Lemus
President

Date

Shane Willis
District Manager

Date



NAPLES RESERVE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS
D

NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE

LOCATION

Island Club at Naples Reserve, 14885 Naples Reserve Circle, Naples, Florida 34114

| DATE | POTENTIAL DISCUSSION/FOCUS | TIME |
|--------------------------|-----------------------------------|-----------------|
| October 5, 2023 | Regular Meeting | 10:30 AM |
| December 7, 2023 | Regular Meeting | 10:30 AM |
| February 1, 2024 | Regular Meeting | 10:30 AM |
| March 7, 2024 | Regular Meeting | 10:30 AM |
| May 2, 2024 | Regular Meeting | 10:30 AM |
| June 6, 2024 | Regular Meeting | 10:30 AM |
| August 1, 2024 | Regular Meeting | 10:30 AM |
| September 5, 2024 | Regular Meeting | 10:30 AM |