

# **TOSCANA ISLES**

**COMMUNITY DEVELOPMENT**

**DISTRICT**

**February 7, 2024**

**BOARD OF SUPERVISORS**

**REGULAR MEETING**

**AGENDA**

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**AGENDA  
LETTER**

**Toscana Isles Community Development District**  
**OFFICE OF THE DISTRICT MANAGER**  
**2300 Glades Road, Suite 410W•Boca Raton, Florida 33431**  
**Phone: (561) 571-0100•Toll-free: (877) 276-0889•Fax: (561) 571-0013**

January 31, 2024

**ATTENDEES:**  
Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors  
Toscana Isles Community Development District

Dear Board Members:

The Board of Supervisors of the Toscana Isles Community Development District will hold a Regular Meeting on February 7, 2024 at 10:00 a.m, at the Toscana Isles Amenity Center, 100 Maraviya Blvd, Venice, Florida 34275. The agenda is as follows:

1. Call to Order/Roll Call
2. Continued Discussion: Resolution 2021-05, Policies Regarding the Conduct of Meetings of the Board **[5 minutes]**
3. Discussion/Consideration: Meeting Duration **[1.20 hours]**
4. Approval of Minutes **[5 minutes]**
  - A. November 1, 2023 Regular Meeting
  - B. December 6, 2023 Regular Meeting
5. Chairman's Opening Remarks **[5 minutes]**
6. Public Comments **[15 minutes]**
7. Consideration of Matters Related to Wisdom Properties, LLC vs. LALP Development, LLC, Toscana Isles Community Development District, and Toscana Isles Master Association, Inc., Case No. 2022 CA 004042 NC **[15 minutes]**
8. Consideration of Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Sarasota County Supervisor of Elections Begin Conducting the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date **[5 minutes]**
9. Acceptance of Unaudited Financial Statements as of December 31, 2023 **[3 minutes]**

10. Staff Reports [**10 minutes**]

A. District Counsel: *Straley Robin Vericker*

- Required Ethics Training
- Draft Demand Letter to Juniper Landscaping of Florida, LLC
- Draft Demand Letter to DR Horton

B. District Engineer: *AM Engineering, LLC*

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- NEXT MEETING DATE: March 6, 2024 at 10:00 AM

○ QUORUM CHECK

SEAT 1	WILLIAM CONTARDO	<input type="checkbox"/>	IN-PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 2	JAMES COLLINS	<input type="checkbox"/>	IN-PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 3	SCOTT BLASER	<input type="checkbox"/>	IN-PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 4	MICHAEL TRACZUK	<input type="checkbox"/>	IN-PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 5	PAUL SCHMITT	<input type="checkbox"/>	IN-PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO

11. Board Members' Comments/Requests [**2 minutes**]

12. Public Comments [**15 minutes**]

13. 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**

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**2**

## RESOLUTION 2021-05

### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT ADOPTING POLICIES REGARDING THE CONDUCT OF MEETINGS OF THE BOARD AND PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the District owns and maintains numerous common areas within its boundaries, and the District is governed by the Toscana Isles Community Development District Board of Supervisors (the “**Board**”); and

**WHEREAS**, the Board desires to adopt policies with respect to meetings of the Board.

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

**Section 1. Board of Supervisors Meeting Policies.** The Board hereby adopts the following policies for the conduct of Board meetings:

- a) Board Supervisors and members of the public shall use respectful tones and words when they are addressing the Board, the public, or District Staff.
- b) Board Supervisors and members of the public should avoid repetitive or redundant questions or comments.
- c) Questions, comments, and other communications may not be directed to an individual, but rather should be addressed to the meeting chairperson and should relate to agenda items and discussion topics.
- d) District Staff will record any questions raised at the meeting and will provide a response at a subsequent Board meeting after District staff has had time to research the question.
- e) Degrading, uncomplimentary, or disrespectful remarks about an individual in any way may result in the adjournment of the Board meeting.
- f) Agenda items or discussion topics must pertain to District business.
- g) The Board meeting should be limited to one hour unless the Board votes to extend the time limit of the Board meeting. Time frames for discussion for each agenda item will be provided by the District Manager on the agenda. Unless approved by the Board, the time period allotted to each agenda item shall be followed, with remaining time at the conclusion of a meeting being made available to address topics which were not concluded during the meeting. Agenda items not concluded at a meeting shall be addressed at the following Board meeting.
- h) Agenda items should be submitted to the District Manager nine days prior to the Board meeting date.

- i) Questions based on agenda items should be provided to the District Manager at least two business days in advance of the Board meeting to allow for time to prepare a response. Time permitting, responses may be available at the Board meeting, otherwise questions and corresponding responses will be deferred until the following Board meeting

Section 2. This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED AS OF THE 27TH DAY OF JANUARY, 2021.**

**Attest:**



Name: Daniel Rom  
Assistant Secretary

**Toscana Isles Community  
Development District**



Alex Hays  
Chair of the Board of Supervisors

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**MINUTES A**



**DRAFT**

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

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The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on November 1, 2023, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275.

**Present were:**

Scott Blaser	Chair
Bill Contardo	Vice Chair
Paul Schmitt	Assistant Secretary
James Collins	Assistant Secretary
Michael Traczuk	Assistant Secretary

**Also present were:**

Cindy Cerbone (via telephone)	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar (via telephone)	District Counsel
Shawn Leins (via telephone)	District Engineer
Diane Jochum	Resident/HOA Board Member

**Residents present:**

Joanne Koscielniak	Jim Tenney	Thomas Hart	Lisa Hart	Nancy Gibson
Raymond Foxwell	Bill Ambrose	Dennis Koroll	Irwin Block	Jeff Munzing
Other Residents				

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 10:01 a.m.

All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Discussion: Resolution 2021-05, Policies Regarding the Conduct of Meetings of the Board [3 minutes]**

41 Mr. Blaser read portions of Resolution 2021-05 concerning conductin CDD meetings.

42

43 **THIRD ORDER OF BUSINESS** **Discussion/Consideration: Meeting**  
44 **Duration [1.05 hour]**

45

46 Mr. Blaser hoped to conduct the meeting within 1.05 hours.

47

48 **FOURTH ORDER OF BUSINESS** **Consideration of Resolution 2024-01,**  
49 **Adopting Revised Policies Relating to Golf**  
50 **Carts on District Property; Designating**  
51 **Certain District Roads and Areas for Golf**  
52 **Cart Use; Providing for Conflicts,**  
53 **Severability, and an Effective Date [5**  
54 **minutes]**

55

56 This item was presented following the Fifth Order of Business.

57

58 **FIFTH ORDER OF BUSINESS** **Approval of September 6 2023 Public**  
59 **Hearing and Regular Meeting Minutes [2**  
60 **minutes]**

61

62 **On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, the**  
63 **September 6, 2023 Public Hearing and Regular Meeting Minutes, as presented,**  
64 **were approved.**

65

66

67 **▪ Consideration of Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts**  
68 **on District Property; Designating Certain District Roads and Areas for Golf Cart Use;**  
69 **Providing for Conflicts, Severability, and an Effective Date [5 minutes]**

70 **This item, previously the Fourth Order of Business, was presented out of order.**

71 Mr. Babbar stated Resolution 2024-01 depicts policy changes with respect to golf carts  
72 and raising the age limit to 18. Some requirements and language were streamlined to ensure  
73 compliance with State laws.

74 **Mr. Blaser opened Public Comments.**

75 Resident and HOA Board Member Diane Jochum noted that the HOA adopted the same  
76 policies pertaining to age limits, including permits, and adopted the registration requirement,

77 which is done at the office at no cost. Mr. Blaser asked if the CDD needs to incorporate the HOA  
78 policy into the CDD Policy. Mr. Babber stated it is already covered under Section 7e.

79 A resident asked if the State requires insurance on the golf carts. It was noted that  
80 Section 7B requires proper insurance; some think it is homeowner's insurance that covers it.

81 Resident Irwin Block asked how the registration requirement will be enforced. Ms.  
82 Sanchez stated it is an HOA question; she suggested speaking to Ms. Jochum after the meeting.

83 Having reviewed statutes, Mr. Babbar stated that low speed vehicles require liability  
84 insurance. He noted that golf cart usage in the CDD is a privilege, not a right.

85 A resident asked about a policy for golf carts and asked why it does not require  
86 insurance on motorcycles, motorized bikes and skateboards. It was noted that those are  
87 governed by Florida Law and golf cart usage is regulated by local governmental entities.

88 **Mr. Blaser closed Public Comments.**

89

90 **On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor,**  
91 **Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts on District**  
92 **Property; Designating Certain District Roads and Areas for Golf Cart Use;**  
93 **Providing for Conflicts, Severability, and an Effective Date, was adopted.**

94

95

96 **SIXTH ORDER OF BUSINESS**

**Chairman's Opening Remarks [5 minutes]**

97

98 Mr. Blaser deferred his remarks to after Juniper Landscaping's (Juniper) update.

99

100 **SEVENTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

101

102 Resident Nancy Gibson asked about the study to determine ownership/responsibilities  
103 of the CDD and the HOA. Ms. Sanchez stated that will be covered later in the meeting.

104 Resident Dennis Koroll asked if it is the responsibility of the CDD or HOA to install and  
105 pay for weight limit signs on bridges. He thinks the District Engineer stated the weight capacity  
106 is 20 to 25 tons. He asked for signage with that information to be installed on the bridge. Ms.  
107 Sanchez stated that the District Engineer can provide a response, if available; otherwise, it will  
108 be provided at the next meeting. Regarding Mr. Blaser's comment that the Florida Department

109 of Transportation (FDOT) determines the appropriateness of signs, Mr. Korol voiced his opinion  
110 that FDOT regulations should not matter if the homeowners want signs posted.

111 Mr. Block voiced concern about liability litigation. He believes posting a weight limit sign  
112 has a significant risk mitigation on the CDD; in the event of trucks damaging the bridge, the  
113 burden becomes on the party who caused the damage.

114 A resident asked for the CDD to provide the drawings for the clubhouse and guardhouse  
115 to the HOA. He thinks it will be helpful when mechanical and control issues arise.

116 Ms. Sanchez read the following email from Mr. Leins regarding the bridges:

117 "As far as the weight limits on bridges and required signage; the design of these  
118 bridges meet FDOT standards with a weight capacity of 20 to 25 tons. Whether  
119 to post signs or not would be an HOA call, but there are not too many vehicles  
120 that exceed those limits. A fully loaded cement truck could exceed those limits,  
121 but they would be using a construction entrance."

122 Mr. Leins affirmed the above statement.

123 A resident stated that cement and sod trucks are accessing through the south gate and  
124 not adhering to the sign directing construction traffic to the north gate. Asked who oversees  
125 the gates, Mr. Blaser stated that it is the HOA.

126 Mr. Blaser asked if the CDD should research liability concerning the bridges. Mr. Babbar  
127 stated that the Agreement with the HOA covers liability and incidents. The District Engineer  
128 confirmed that the CDD is not liable and, if the CDD was required, then it would have more  
129 liability. The CDD has completed its research as to its contractual and legal obligation.

130 It was noted that information about the missing stop signs and whether the signs are  
131 FDOT compliant will be addressed later in the meeting.

132

133 **EIGHTH ORDER OF BUSINESS**

**Update: Juniper Landscaping Sabal Palm  
Warranty Work [5 minutes]**

134

135

136 In his absence, Ms. Sanchez presented Mr. Scappatura's email list of the following  
137 outstanding items:

138 ➤ The remaining punch list items from Mr. Schmitt have not been completed.

- 139 ➤ A few more palms on Soliera need bracing.  
140 ➤ A few more holes need to be filled.  
141 ➤ Two piles of 2x4's need to be picked up.

142 Mr. Blaser asked Mr. Babber about the next step regarding legal action. Mr. Babber  
143 stated he will contact Ms. Sanchez offline to review Juniper's actions to determine if a phone  
144 call or demand letter is needed.

145 Mr. Blaser referred to Line 114 of the last meeting minutes and asked Ms. Sanchez if  
146 Juniper is backing out of Mr. Scappatura's response about addressing outstanding items. Ms.  
147 Sanchez stated she could not determine that from Mr. Scappatura's recent email.

148 Mr. Schmitt reviewed the sabal palm warranty terms with Juniper, paying Juniper to  
149 address hurricane related damages, Mr. Scappatura's verbal commitment to fill the holes and  
150 remove stakes and Juniper's unwillingness to finish the punch list items, since the HOA  
151 terminated them.

152 Suggestions to address this matter included having the HOA get the work done and  
153 charge the CDD and/or filing a claim with Juniper's insurance carrier for not fulfilling the  
154 contract. The consensus was for Mr. Babber to send a letter to Mr. DaMont, at Juniper, to  
155 include certain language and to appoint Mr. Schmitt as the contact person.

156

157 **NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of September 30, 2023 [3  
minutes]**

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160

161 **On MOTION by Mr. Contardo and seconded by Mr. Collins, with all in favor, the**  
162 **Unaudited Financial Statements as of September 30, 2023, were accepted.**

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165 **TENTH ORDER OF BUSINESS**

**Staff Reports [10 minutes]**

166

167 **A. District Counsel: Straley Robin Vericker**

168 Mr. Babbar stated he received a request for a Shade Session within a Public Meeting to  
169 discuss the 2022 litigation involving Wisdom Properties, LLC versus the CDD, HOA and  
170 Developer. A request was made for full mediation and to discuss the settlement offer.

171 Mr. Babbar formally requested a Shade Session for advice concerning the litigation; the  
172 subject matter will be confined to settlement negotiations and strategy sessions related to the  
173 litigation and expenditures.

174 The notice for the Shade Session will include the Board Members, CDD Staff with  
175 relevant information, Mr. Schmitt, District Counsel, Defense Counsel and the District Engineer.  
176 Members of the public cannot attend this portion of the meeting. A Court Reporter will  
177 transcribe the meeting, which will be made public once litigation has concluded.

178

179 **On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor,**  
180 **holding a Shade Session on Wednesday, December 6, 2023 at 9:00 a.m., at the**  
181 **Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275, and**  
182 **authorizing District Counsel to arrange the newspaper advertisement and**  
183 **engage a Court Reporter, was approved.**

184

185

186 **B. District Engineer: AM Engineering, LLC**

187 • **Inspection Report Regarding CDD Ownership**

188 Mr. Leins presented the Inspection Report dated October 27, 2023 and responded to  
189 questions about recommendations to address safety matters noted in his Report, such as  
190 installing signage and landscaping or fencing at dead end streets. A Board Member asked if  
191 reflectors can be installed around the curbs to illuminate the islands. Mr. Leins replied  
192 affirmatively and stated another option is to use reflective paint.

193 Mr. Schmitt noted broken curbs and scars in the asphalt roadways need to be repaired.  
194 He voiced his belief that the top coat is not typically installed on roadways until construction is  
195 completed and asked why the protocol changed with construction still ongoing. Mr. Leins  
196 stated asphalt lifts are done both ways and there is no requirement to do the roads in two lifts.

197 Mr. Schmitt asked if the CDD can have the builder repair the damaged roadways. Mr.  
198 Babbar stated the CDD has no recourse unless there is a latent defect or it is not the best  
199 recommended practice. The CDD can send a letter to the Developer/contractor but, if the City  
200 and County requirements were met and it failed, they have sufficient defenses supporting that  
201 they did what they were obligated to do and complied with those requirements.

202 Mr. Babbar and Mr. Leins addressed questions about recourse, which involves obtaining  
203 evidence to prove which party is responsible for repairing damaged roadways and sidewalks.

204 Regarding the irrigation system issues, Ms. Sanchez recalled that the Board approved  
205 engaging a third party to assess the system after completion of Mr. Liens’ Inspection Report.

206 Discussion ensued about identifying which improvements were paid for with bond funds  
207 and water quality testing being excluded from the scope, which affects the irrigation system.

208 Mr. Liens confirmed that the traffic signs are FDOT compliant.

209 A Board Member thinks the CDD should know who repaired the roads and sidewalks  
210 and how they were repaired before sending a letter to the Developer/Builder. A Board Member  
211 voiced their belief that the CDD will receive information once the letter is sent. Ms. Sanchez  
212 was asked to research who previously performed the repairs.

213

**On MOTION by Mr. Traczuk and seconded by Mr. Schmitt, with all in favor, authorizing District Counsel to draft and send a letter to the Developer/Builder asking for the roadways, gutters and sidewalks damaged during construction to be repaired, was approved.**

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**Supervisor Collins left the meeting at 11:11 a.m.**

221

**C. District Manager: Wrathell, Hunt and Associates, LLC**

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- **NEXT MEETING DATE: December 6, 2023 at 10:00 AM**

223

- **QUORUM CHECK**

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**ELEVENTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests [2 minutes]**

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228 This item was presented following the Twelfth Order of Business.

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**TWELFTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

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232 Ms. Gibson noted that the sidewalk on Soliera was repaired a few weeks ago and  
233 concrete was spilled on the driveways.

234 Resident Thomas Hart voiced his belief that curbing was funded with CDD bond funds  
235 and that the curbs were replaced more than once because the neighbors photographed the  
236 damaged areas and complained. He thinks the Curbcos invoice should show the repairs made.

237 Ms. Jochum voiced her opinion that copying Mr. Peshkin on the letter to Juniper might  
238 push Juniper to expedite completion of the outstanding items, since it was his construction  
239 warranty. She suggested scheduling a final walkthrough with the CDD, HOA and Juniper, to  
240 ensure all parties are on the same page before signing off that any repairs are completed.

241 Resident Jeff Munzing asked if Juniper had notified the CDD that they had a problem  
242 with irrigation. He believes that the roadways' transverse cracking could have been prevented if  
243 the developer proceeded with the original plans. He suggested the community submit pictures  
244 to the CDD of how the roads were paved and of troubled areas and that the Developer should  
245 have an expert with them on the walkthrough to identify failed roads. In his opinion, the  
246 current condition will not last to the 20-year life expectancy as noted in the Reserve Study. He  
247 thinks the CDD should hold all parties accountable.

248 ▪ **Board Members' Comments/Requests [2 minutes]**

249 **This item, previously the Eleventh Order of Business, was presented out of order.**

250 Mr. Traczuk stated his belief that the Builder or Developer should make the repairs and  
251 that the CDD and/or HOA should not fund the repairs.

252 Mr. Schmitt clarified an earlier comment that, when the CDD expends funds, those  
253 funds originate from the homeowners' assessments.

254 Mr. Blaser asked for clarification as to how the CDD pays for items that the HOA  
255 maintains. Ms. Sanchez stated she would email the information.

256 Regarding payment, Mr. Blaser voiced his opinion that the CDD should find out who was  
257 on the CDD Board at that time.

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259 **THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

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**On MOTION by Mr. Blaser and seconded by Mr. Schmitt, with all in favor, the meeting adjourned at 11:24 a.m.**



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Secretary/Assistant Secretary

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Chair/Vice Chair

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**MINUTES B**

**DRAFT**

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on December 6, 2023, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275.

**Present were:**

Scott Blaser	Chair
Bill Contardo	Vice Chair
Paul Schmitt	Assistant Secretary
James Collins	Assistant Secretary
Michael Traczuk	Assistant Secretary

**Also present:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Whitney Sousa	District Counsel
Shawn Leins	District Engineer

**Residents present:**

Paula Steinert	Jeff Munzing	Dennis Koroll	Tom Gerson
Frank Pokornik	Deb Pokornik	Bill Ambrose	Raymond Foxwell
Thomas Hart	Lisa Hart	Other Residents	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 10:03 a.m.

All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Continued Discussion: Resolution 2021-05,  
Policies Regarding the Conduct of  
Meetings of the Board [5 minutes]**

Mr. Blaser read portions of Resolution 2021-05 concerning conduct in CDD meetings.

41

42 **THIRD ORDER OF BUSINESS**43 **Discussion/Consideration: Meeting**  
44 **Duration [1.00 hour]**

45 Mr. Blaser hoped to conduct the meeting within 1.00 hour.

46

47 **FOURTH ORDER OF BUSINESS**48 **Approval of November 1, 2023 Regular**  
49 **Meeting Minutes [5 minutes]**50 **Mr. Schmitt left the meeting briefly and returned at 10:05 a.m.**51 Regarding Line 241, Mr. Schmitt asked what was meant by “Resident Jeff Munzing asked  
52 if the CDD knew Juniper had a problem with irrigation, as he thinks that the roadways’  
53 transverse cracking could have been prevented if the contractor proceeded with the original  
54 plans.”55 Ms. Cerbone suggested approval of the minutes be deferred; Ms. Sanchez will review  
56 the audio and provide necessary edits to the minutes.

57 This item was deferred.

58

59 **FIFTH ORDER OF BUSINESS**60 **Chairman’s Opening Remarks [5 minutes]**

61 Mr. Blaser asked for the meeting to be kept as cordial as possible.

62

63 **SIXTH ORDER OF BUSINESS**64 **Public Comments [15 minutes]**65 Resident Dennis Koroll stated he has been asking for drawings of the Clubhouse. He  
66 located some preliminary drawings of the Clubhouse and the bridge, which he offered to  
67 provide to the CDD. Mr. Blaser thanked Mr. Koroll and asked him to provide them to Staff.68 Mr. Koroll asked if a letter was sent to the Developer regarding the roads, as discussed  
69 at the last meeting.70 Mr. Blaser reminded attendees that questions will be answered after public comments  
71 are received.

72 Ms. Sanchez stated District Counsel will address that before the end of the meeting.

73 Resident Jeff Munzing criticized Juniper’s work. He asked if signs for the bridges were  
74 given to the HOA and questioned whether the road plans and specifications were followed. He  
75 stated his belief that transverse cracking will lead to premature road failure. He thinks a  
76 comment was made two meetings ago about the CDD paying for roads, when it should have  
77 been the HOA or the Developer, He asked who approved it, if that is correct.

78 Resident Paula Steinert asked if the CDD has additional documents regarding turnover  
79 from the Developer.

80 Mr. Blaser stated some of these questions might be addressed at the next meeting.

81 Ms. Sanchez stated Mr. Munzing’s questions regarding Juniper should be addressed to  
82 the Master Association. Regarding road cracking and the letter to the builder, an update will be  
83 provided later in the meeting.

84 Ms. Sanchez stated she will provide her email address so that Ms. Steinert can make a  
85 public records request for the documents she is seeking.

86 Ms. Cerbone stated the CDD utilized construction funds, bond money, for construction  
87 of the roads. Once all the bond money was depleted, if it was determined that additional  
88 construction-related expenses were necessary so the Developer, under the Completion  
89 Agreement, would have paid for those. The Developer would have paid for those by depositing  
90 money in the Construction Account in the CDD’s name. Through the submission of invoices  
91 reviewed by the District Engineer, the CDD would have utilized the money that the Developer  
92 or an applicable party sent to the Construction Fund and then issued a check to pay the  
93 contractors. The CDD did not use assessment-related funds to pay for the construction of the  
94 roads. That is where Ms. Sanchez’s remark is helpful; a public records request can provide a link  
95 to construction requisitions.

96 Ms. Cerbone stated, with regard to “turnover documents,” the term “turnover” is not  
97 utilized with the CDD. “Turnover” typically is utilized with the Master Association and the HOA  
98 or the POA; therefore, the CDD would not have those documents. The CDD has a Certificate of  
99 Completion regarding the 2014 Project and the 2018 Project and the improvements to be  
100 installed; those would be the public records that the CDD can provide.

101 Mr. Blaser stated there will be an additional opportunity for public comment at the end  
102 of the meeting.

103

104 **SEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of September 30, 2023 [3  
minutes]**

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109 **On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor,  
110 the Unaudited Financial Statements as of September 30, 2023, were accepted.**

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113 **EIGHTH ORDER OF BUSINESS**

**Staff Reports [10 minutes]**

114

115 **A. District Counsel: Straley Robin Vericker**

116 Ms. Sousa stated that Mr. Babbar is working on both items discussed at the last  
117 meeting; he is following up with Juniper regarding outstanding warranties related to  
118 landscaping and he is working on the letter to the Developer.

119 Ms. Sanchez stated she sent all her emails with Juniper, including Mr. Dan Damont and  
120 Mr. Anthony Scappatura, to Mr. Babbar and he stated drafting something but she believes he  
121 would like to present it himself. If she receives a draft prior to the next meeting, she will blind  
122 copy it to the Board. She stated that Mr. Babbar also has all the information she could find  
123 related to the letter to the builder; she sent Mr. Babbar the information from requisitions and  
124 Meeting Minutes and she can also blind copy the information to the Board.

125 Discussion ensued regarding the letter Mr. Babbar is drafting.

126 Ms. Sanchez stated her understanding that Mr. Babbar is addressing the letter to the  
127 builder, with a copy to the Developer.

128 **B. District Engineer: AM Engineering, LLC**

129 There was no report, as Mr. Leins left earlier to attend another meeting.

130 **C. District Manager: Wrathell, Hunt and Associates, LLC**

131 • **NEXT MEETING DATE: January 3, 2024 at 10:00 AM**

132 ○ **QUORUM CHECK**

133 The next meeting will be held on January 3, 2024, unless canceled.

134 Discussion ensued regarding whether to cancel the January meeting, the upcoming  
135 mediation and the goal of scheduling meetings on a quarterly basis.

136 Ms. Sanchez stated the January meeting will not be canceled for now; rather, she will  
137 poll the Board a week and a half before the meeting date.

138

139 **NINTH ORDER OF BUSINESS**

**Board Members' Comments/Requests [2  
140 minutes]**

141

142 A Board Member asked Ms. Cerbone to explain her earlier comment regarding the  
143 Developer's contribution.

144 Ms. Cerbone stated she did not reference any improvement in her statement; she  
145 stated, once bond funds were utilized for the construction of the roadways and other  
146 improvements in the CDD and when funds were totally depleted, the Completion Agreement  
147 obligated the Developer to complete those improvements, whether bond funds remained or  
148 not. While a Developer will typically pay the vendor, some Developers like to keep everything  
149 flowing through the CDD so, when there is an expenditure, the Developer will fund the CDD  
150 Construction Account, not the Operating Account. The pay draw will then be made from the  
151 Construction Account to pay the vendor. The Developer did deposit money into the  
152 Construction Account to fund the expenses, which she does not believe were over \$100,000 or  
153 \$200,000. If there were any other applicable parties, the Developer could have asked those  
154 applicable parties to also contribute via a check payable to the CDD Construction Account. She  
155 believes DR Horton and possibly another party could have contributed; once the public records  
156 request is received, the same information will be sent to the Board regarding monies into the  
157 account and payments made from the account. There were several hundred requisitions so the  
158 information will be sent via a Dropbox or similar link.

159 Mr. Collins stated, with regard to road and sidewalk issues, the HOA was supposed to  
160 negotiate with the Developer regarding turnover. He repeatedly asked the last HOA President  
161 about whether the HOA actually met with the Developer and had discussions but he did not  
162 receive a straight answer. He thinks the new Board might be more responsive. In his opinion,  
163 these issues are very common in developments where things are turned over and issues might

164 not be apparent until months or years later. Such matters are handled with the HOA and with  
165 the Developer; outside experts inspect and verify. He stated, while these questions are being  
166 asked of the CDD Board, a lot of these issues and matters are handled by the HOA. He  
167 encouraged homeowners to bring these questions to the HOA and follow up with them rather  
168 than with the CDD.

169 A Board Member asked if the letters to the builder regarding the roads and sidewalks  
170 will be passed on to the HOA.

171 Mr. Collins stated the letters can be passed on but it is an HOA issue so it should be  
172 communicated by, followed up by and resolved by the HOA.

173 It is hoped that further information will be available for discussion at the next meeting.

174 Mr. Contardo stated he observed a lot of growth around the lake. There is a  
175 maintenance contract and he informed Sebastian, who will look into it. There was a  
176 presentation regarding the littoral grasses, which are planned to grow 20% per year. It will  
177 overtake the lake in a short time. He believes a plan should be developed to address the issue  
178 going forward.

179 Mr. Blaser asked attendees to send photos of any road damage to Staff.

180

181 **TENTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

182

183 Ms. Steinert asked about any remaining warranty on the Developer contracts that the  
184 CDD can pursue, in writing.

185 Mr. Munzing expressed his opinion that, based on the reserve study, all homeowners  
186 will have to pay a lot in the future for road and sidewalk repairs. He stated another reserve  
187 study was just done and discussed what he thinks are potential and observed issues that could  
188 be found. He discussed dumpsters on finished roads and opined that the paving was not  
189 finished properly when the project was nearing completion. He voiced his opinion that there are  
190 issues with gutter curbs and that they need to be milled. In his opinion, an outside Engineering  
191 opinion is needed.

192 Mr. Blaser noted that all Board Members are also homeowners.

193



194 ELEVENTH ORDER OF BUSINESS

Adjournment

195

196

197

198

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor,  
the meeting adjourned at 10:32 a.m.

199

200

201

202

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

203  
204  
205  
206  
207

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Secretary/Assistant Secretary

---

Chair/Vice Chair

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**8**

## RESOLUTION 2024-02

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT IMPLEMENTING SECTION 190.006(3), FLORIDA STATUTES, AND REQUESTING THAT THE SARASOTA COUNTY SUPERVISOR OF ELECTIONS BEGIN CONDUCTING THE DISTRICT'S GENERAL ELECTIONS; PROVIDING FOR COMPENSATION; SETTING FOR THE TERMS OF OFFICE; AUTHORIZING NOTICE OF THE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

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

WHEREAS, the Board of Supervisors ("Board") of Toscana Isles Community Development District seeks to implement section 190.006(3), Florida Statutes, and to instruct the Sarasota County Supervisor of Elections ("Supervisor") to conduct the District's General Election ("Election").

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

- 1. GENERAL ELECTION SEATS.** Seat 2, currently held by James Collins, Seat 4, currently held by Michael Traczuk, and Seat 5, currently held by Paul Schmitt, are scheduled for the General Election in November 2024. The District Manager is hereby authorized to notify the Supervisor of Elections as to what seats are subject to General Election for the current election year, and for each subsequent election year.
- 2. QUALIFICATION PROCESS.** For each General Election, all candidates shall qualify for individual seats in accordance with Section 99.061, *Florida Statutes*, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Sarasota County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, *Florida Statutes*.
- 3. COMPENSATION.** Members of the Board receive \$200 per meeting for their attendance and no Board member shall receive more than \$4,800 per year.
- 4. TERM OF OFFICE.** The term of office for the individuals to be elected to the Board in the General Election is four years. The newly elected Board members shall assume office on the second Tuesday following the election.

5. **REQUEST TO SUPERVISOR OF ELECTIONS.** The District hereby requests the Supervisor to conduct the District's General Election in November 2024, and for each subsequent General Election unless otherwise directed by the District's Manager. The District understands that it will be responsible to pay for its proportionate share of the General Election cost and agrees to pay same within a reasonable time after receipt of an invoice from the Supervisor.

6. **PUBLICATION.** The District Manager is directed to publish a notice of the qualifying period for each General Election, in a form substantially similar to **Exhibit A** attached hereto.

7. **SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

8. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED THIS 7TH DAY OF FEBRUARY, 2024.**

**TOSCANA ISLES COMMUNITY DEVELOPMENT  
DISTRICT**

---

**CHAIR/VICE CHAIR, BOARD OF SUPERVISORS**

**ATTEST:**

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**SECRETARY/ASSISTANT SECRETARY**

## Exhibit A

**NOTICE OF QUALIFYING PERIOD FOR CANDIDATES FOR THE BOARD OF SUPERVISORS OF THE  
TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT**

Notice is hereby given that the qualifying period for candidates for the office of Supervisor of the Toscana Isles Community Development District will commence at noon on June 10, 2024, and close at noon on June 14, 2024. Candidates must qualify for the office of Supervisor with the Sarasota County Supervisor of Elections located at 101 S. Washington Blvd., Sarasota, Florida 34236, (941) 861-8600. All candidates shall qualify for individual seats in accordance with Section 99.061, Florida Statutes, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Sarasota County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, Florida Statutes.

The Toscana Isles Community Development District has three (3) seats up for election, specifically seats 2, 4 and 5. Each seat carries a four-year term of office. Elections are nonpartisan and will be held at the same time as the general election on November 5, 2024, in the manner prescribed by law for general elections.

For additional information, please contact the Sarasota County Supervisor of Elections.

**District Manager**  
**Toscana Isles Community Development District**

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**UNAUDITED  
FINANCIAL  
STATEMENTS**



**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
DECEMBER 31, 2023**

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
DECEMBER 31, 2023**

	General Fund	Debt Service Fund Series 2014	Debt Service Fund Series 2018	Total Governmental Funds
<b>ASSETS</b>				
Cash	\$1,315,869	\$ -	\$ -	\$ 1,315,869
Investments				
Reserve	-	710,363	804,077	1,514,440
Prepayment	-	118	719	837
Revenue	-	418,277	367,787	786,064
Due from general fund	-	485,956	672,125	1,158,081
Total assets	<u>\$1,315,869</u>	<u>\$1,614,714</u>	<u>\$1,844,708</u>	<u>\$ 4,775,291</u>
<b>LIABILITIES</b>				
Liabilities:				
Due to debt service fund 2014	\$ 485,956	\$ -	\$ -	\$ 485,956
Due to debt service fund 2018	672,125	-	-	672,125
Taxes payable	306	-	-	306
Total liabilities	<u>1,158,387</u>	<u>-</u>	<u>-</u>	<u>1,158,387</u>
<b>FUND BALANCES</b>				
Restricted for:				
Debt service	-	1,614,714	1,844,708	3,459,422
Assigned:				
Three months working capital	41,772	-	-	41,772
Unassigned	115,710	-	-	115,710
Total fund balances	<u>157,482</u>	<u>1,614,714</u>	<u>1,844,708</u>	<u>3,616,904</u>
Total liabilities and fund balances	<u>\$ 1,315,869</u>	<u>\$ 1,614,714</u>	<u>\$ 1,844,708</u>	<u>\$ 4,775,291</u>

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED DECEMBER 31, 2023**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 87,680	\$ 118,401	\$ 139,582	85%
Interest and miscellaneous	5	7	-	N/A
Total revenues	<u>87,685</u>	<u>118,408</u>	<u>139,582</u>	85%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Supervisor's fees	1,000	2,000	12,000	17%
FICA	76	153	918	17%
Management/accounting/recording	4,287	12,862	43,721	29%
Debt service fund accounting	-	-	7,725	0%
Legal	497	497	36,000	1%
Engineering	1,400	7,600	5,000	152%
Audit	-	-	4,400	0%
Arbitrage rebate calculation	-	-	750	0%
Dissemination agent	167	500	2,000	25%
Trustee	-	4,926	11,236	44%
Telephone	17	50	200	25%
Postage	10	10	500	2%
Printing & binding	42	125	500	25%
Legal advertising	152	261	1,200	22%
Annual special district fee	-	175	175	100%
Insurance	-	8,467	9,167	92%
Contingencies/bank charges	22	69	1,000	7%
Website	-	705	705	100%
ADA website compliance	-	-	210	0%
Total professional & administrative	<u>7,670</u>	<u>38,400</u>	<u>137,407</u>	28%
<b>Other fees &amp; charges</b>				
Tax collector	1,315	1,776	2,181	81%
Total other fees & charges	<u>1,315</u>	<u>1,776</u>	<u>2,181</u>	81%
Total expenditures	<u>8,985</u>	<u>40,176</u>	<u>139,588</u>	29%
Excess/(deficiency) of revenues over/(under) expenditures	78,700	78,232	(6)	
Fund balances - beginning	78,782	79,250	62,329	
Assigned				
Three months working capital	41,772	41,772	41,772	
Unassigned	115,710	115,710	20,551	
Fund balances - ending	<u>\$ 157,482</u>	<u>\$ 157,482</u>	<u>\$ 62,323</u>	

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2014  
FOR THE PERIOD ENDED DECEMBER 31, 2023**

	Current Month	Year To Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 493,357	\$ 666,217	\$ 785,537	85%
Interest	3,901	15,682	-	N/A
Total revenues	<u>497,258</u>	<u>681,899</u>	<u>785,537</u>	87%
<b>EXPENDITURES</b>				
Principal	-	205,000	205,000	100%
Interest	-	276,056	546,219	51%
Tax collector	7,400	9,993	12,274	81%
Total expenditures	<u>7,400</u>	<u>491,049</u>	<u>763,493</u>	64%
Excess/(deficiency) of revenues over/(under) expenditures	489,858	190,850	22,044	
Fund balances - beginning	1,124,856	1,423,864	1,381,547	
Fund balances - ending	<u>\$ 1,614,714</u>	<u>\$ 1,614,714</u>	<u>\$ 1,403,591</u>	

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2018  
FOR THE PERIOD ENDED DECEMBER 31, 2023**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy	\$ 682,361	\$ 921,444	\$ 1,086,623	85%
Interest	4,016	17,843	-	N/A
Total revenues	<u>686,377</u>	<u>939,287</u>	<u>1,086,623</u>	86%
<b>EXPENDITURES</b>				
Principal	-	265,000	265,000	100%
Interest		400,894	795,991	50%
Tax collector	10,235	13,822	16,978	81%
Total expenditures	<u>10,235</u>	<u>679,716</u>	<u>1,077,969</u>	63%
Excess/(deficiency) of revenues over/(under) expenditures	676,142	259,571	8,654	
Fund balances - beginning	<u>1,168,566</u>	<u>1,585,137</u>	<u>1,532,589</u>	
Fund balances - ending	<u><u>\$ 1,844,708</u></u>	<u><u>\$ 1,844,708</u></u>	<u><u>\$ 1,541,243</u></u>	

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**STAFF  
REPORTS  
A**

## MEMORANDUM

**To:** Board of Supervisors  
**From:** District Counsel  
**Date:** January 1, 2024  
**Subject:** Ethics Training Requirements

---

Beginning January 1, 2024, all Board Supervisors of Florida Community Development Districts will be required to complete four (4) hours of Ethics training each year. The four (4) hours must be allocated to the following categories: two (2) hours of Ethics Law, one (1) hour of Sunshine Law, and one (1) hour of Public Records law.

This training may be completed online, and the four (4) hours do not have to be completed all at once. The Florida Commission on Ethics (“COE”) has compiled a list of resources for this training. An overview of the resources are described below, and links to the resources are included in this memo.

Each year when Supervisors complete the required financial disclosure form (Form 1 Statement of Financial Interests), Supervisors must mark a box confirming that he or she has completed the Ethics training requirements. At this time, there is no requirement to submit a certificate; however, the COE advises that Supervisors keep a record of all trainings completed (including date and time of completion), in the event Supervisors are ever asked to provide proof of completion. The training is a calendar year requirement and corresponds to the form year. So, Supervisors will not report their 2024 training until they fill out their Form 1 for the 2025 year.

### **Free Training Options**

The Florida Commission on Ethics’ (“COE”) website has several free online resources and links to resources that Supervisors can access to complete the training requirements. Navigate to that page here: [Florida Commission on Ethics Training](https://ethics.state.fl.us/Training/Training.aspx).<sup>1</sup> Please note that the COE only provides free training for the two (2) hour Ethics portion of the annual training. However, the COE does provide links to free outside resources to complete the Sunshine and Public Records portion of the training. These links are included in this memorandum below for your ease of reference.

---

<sup>1</sup> <https://ethics.state.fl.us/Training/Training.aspx>

### **Free Ethics Law Training**

The COE provides several videos for Ethics training, none of which are exactly two (2) hours in length. Please ensure you complete 120 minutes of Ethics training when choosing a combination of the below.

#### **State Ethics Laws for Constitutional Officers & Elected Municipal Officers (100 minutes)**

Click here: [Kinetic Ethics](#)

#### **Business and Employment Conflicts and Post-Public-Service (56 minutes) Restriction**

Click here: [Business and Employment Conflicts](#)

#### **Gifts (50 minutes)**

Click here: [Ethics Laws Governing Acceptance of Gifts](#)

#### **Voting Conflicts - Local Officers (58 minutes)<sup>1</sup>**

Click here: [Voting Vertigo](#)

### **Free Sunshine/Public Records Law Training**

The Office of the Attorney General provides a two (2) hour online training course (audio only) that meets the requirements of the Sunshine Law and Public Records Law portion of Supervisors' annual training.

Click here to access: [Public Meeting and Public Records Law](#)

### **Other Training Options**

#### **4- Hour Course**

Some courses will provide a certificate upon completion (not required), like the one found from the Florida State University, Florida Institute of Government, linked here: [4-Hour Ethics Course](#). This course meets all the ethics training requirements for the year, including Sunshine Law and Public Records training. This course is currently \$79.00

#### **CLE Course**

The COE's website includes a link to the Florida Bar's Continuing Legal Education online tutorial which also meets all the Ethics training requirements. However, this is a CLE course designed more specifically for attorneys. The 5 hours 18 minutes' long course exceeds the 4-hour requirement and its cost is significantly higher than the 4-Hour Ethics course provided by the Florida State University. The course is currently \$325.00. To access this course, click here: [Sunshine Law, Public Records and Ethics for Public Officers and Public Employees](#).

If you have any questions, please do not hesitate to contact me.



# Straley Robin Vericker

## Attorneys at Law

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February \_\_, 2024

### *Via Email*

Juniper Landscaping of Florida, LLC (“**Juniper**”)  
Attn: Anthony Scappatura  
[AScappatura@juniperlandscaping.com](mailto:AScappatura@juniperlandscaping.com)

### **Re: Toscana Isles Community Development District Demand Letter for Completion of Warranty Work**

Dear Anthony,

The Board of Supervisors (“**Board**”) of the Toscana Isles Community Development District (the “**District**”) requested that I send you this letter. The District is beyond disappointed and frustrated that the warranty work has yet to be completed and that you have ignored communications from the District Manager.

A portion of the remainder warranty work is described in the following email excerpts between the District Manager (with some modifications by me for clarity and keeping things concise):

1. 200 Soliera St. Clean up next to common area along the fence that runs along Gene Green Rd.  
**Juniper's Response:**
  - a. We will be able to go ahead and clean up the debris and 2x2s. There will be no more replacement material.
  - b. We expect to have everything completed by end of next week (**sent 7/31**). We're having a little trouble getting the zoysia turf at the moment.
2. 304 Soliera Street. **Juniper's Response:**
  - a. We will take care of the turf replacement needs behind this home with the approved budget. We will also add additional tree stakes to the trees if needed.
  - b. We expect to have everything completed by end of next week (**sent 7/31**). We're having a little trouble getting the zoysia turf at the moment.
  - c. **8/4 Update:** Sod replacement was completed today at the corner of Soliera and Vinadio. In addition, we replaced the backyard of 304 Soliera. The team is reporting low pressure on the irrigation. Our team will be by to program both areas to run daily.
3. Agree to five more Sabals in the corner of Vinadio out of good faith, but that will be the end.  
**Juniper's Follow Up:**
  - a. There will be no more additional warranty material after this, please understand our contract ended with the association May 15.
  - b. Since our departure, we know longer have any control over the irrigation programming.
  - c. In addition, the master association replaced all four of their pump stations, leading to the water being off for an unknown period of time.
  - d. To add, we just went through an extreme drought, which also voids warranty.
  - e. The crew finished the items on Vinadio along with replacing five Sabals on the bend.
  - f. **As of 10/26:** Soliera: Some of the Sabal palms that are leaning will remain, as there is no access.
    - i. We will have to add tree stakes.
    - ii. Handful of holes we need to fill

- iii. A couple piles of 2x4s that need to be removed.
- 4. October 26: Mulch was supposed to be put down around the fishtail palms and other new plants. **Juniper's Response:**
  - a. The irrigation system at the fishtail palms has a major leak (at 193 Vinadio).
  - b. It has been a while so it has likely faded and thinned out. No additional mulch will be put down.
  - c. The irrigation leak needs to be addressed by the association maintenance company. We did this inspection, and everything was working When the palms went in weeks ago. That break must be after the fact that I do not recommend waiting until we get out there to fix it.
- 5. No further stump removal on Soliera unless HOA pays for it. I also do not recommend removing most of them as it will damage the integrity of the existing remaining sabals.
- 6. November 10: I reviewed the buffer this week, and it looks like the association had somebody come through and remove all tree staking, including some of the trees we restate along with some of the replacements. At this point, Juniper is complete on this buffer, and any additional work would have to be billed to the association. All replacements have been installed, and turf was replaced.

Additionally, no formal response was provided to the punch list of items provided by Supervisor Paul Schmitt sent on August 7<sup>th</sup> (*they have been modified to be grouped in categories for this letter*):

Vanadia Street Sabal Palm Issues:

- 1) Leaning Issues but no staking issue:
  - a. 149 Vanadia- A Sabal is leaning on a new palm. Another Sabal is also leaning on a palm.
  - b. 141 Vanadia- 3 Sabals are leaning on other palms (staking is falling apart)
  - c. 169 Vanadia- A Sabal is leaning too much.
  - d. 205 Vanadia A Sabal is leaning too much.
  - e. 245 Vanadia -A Sabal leaning on another palm.
- 2) Leaning Sables with no Staking:
  - a. 201 Vanadia -Several tall palms leaning that are not staked.
  - b. 209 Vanadia
  - c. 213-217 Vanadia
  - d. 221-225 Vanadia
  - e. 237-241 Vanadia
- 3) Looks like dead Sabals
  - a. 157 Vanadia A newly planted Sabal is dead.
  - b. 161 Vanadia Two tall palms are dead.
  - c. 221 Vanadia A newly planted Sabal is dead.
- 4) 145 Vanadia
  - i. Large holes in the ground left behind after palm removal all along this side.
  - ii. Large piece of stump
  - iii. Staking is broken, rotted and falling apart.
- 5) 185 Vanadia
  - i. Three Sabals are leaning.
  - ii. Five newly planted Sabals are dead.
  - iii. A stump needs to be cut down.
  - iv. Newly installed staking is broken (Two palms).

Soliera Street Sabal Palm Issues:

- 1) Leaning Sables with no Staking:
  - a. 332 Soliera
  - b. 324 Soliera – 2 trees

- c. 316-312 Soliera – 2 trees
- 2) Looks like dead Sabals
  - a. 304 Soliera – 7 Trees
  - b. 296 Soliera
- 3) Multiple Things:
  - a. 290 Soliera
    - i. Leaning Sabal with no staking
    - ii. One newly planted Sabal is dead.
  - b. 228 Soliera
    - i. Largehole in the ground
    - ii. Broken staking
  - c. 200 Soliera
    - i. Piles of stakes
  - d. 172 Soliera -Large hole in the ground
  - e. 281 Soliera - Large pile of broken Stakes:
  - f. 273 Soliera Large pile of broken stakes

The District followed up with the Association regarding some of the alleged work you believed they or their vendor performed, but they assert that such work did not take place. The District understands your position with respect to the irrigation issues, drought, and no further stump removal on Soliera, but demands that Juniper complete the remainder of the warranty work and coordinate with the District Manager and a designated Board Member a time in which they can walk the property, review the issues, and come up with a plan to complete the warranty work. Alternatively, Juniper can send a check to the District so that it could complete the warranty work with another vendor. If Juniper is unwilling or fails to coordinate and cooperate with the District, then the District may take action to pursue any and all rights and remedies provided for by Florida law.

Sincerely,

*Vivek K. Babbar*

Vivek K. Babbar  
*Board Certified in City, County,  
and Local Government Law*

cc via email. Keith Scappatura, Associate Branch Manager/Operations,  
[keithscappatura@juniperlandscaping.com](mailto:keithscappatura@juniperlandscaping.com)  
Board of Supervisors  
Jamie Sanchez, District Manager

# Straley Robin Vericker

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Website: [www.srvlegal.com](http://www.srvlegal.com)

February \_\_, 2024

### *Via Email*

D.R. Horton  
Attn: Michael Fusco, Construction Area Manager Southwest Florida  
[MEFusco@drhorton.com](mailto:MEFusco@drhorton.com)

**Re: Toscana Isles Community Development District  
Damage to Roadway, Curbing, and Sidewalk from Homebuilding Activity.**

Dear Michael,

The Board of Supervisors of the Toscana Isles Community Development District (the “**District**”) requested that I send you this letter as the homebuilding activities in the community are completed or nearly completed. During the homebuilding activities by D.R. Horton, there have been several instances of damage to District roadways, curbing, and sidewalks. The District Engineer prepared the attached Improvement Inspection Report dated October 27, 2023 which goes into more detail.

The District expects that D.R. Horton will repair the damage and wanted to initiate the communications. Please let the District know when such work will take place and how long it will take. The District appreciates your cooperation in the past to remedy these issues and if you would prefer for the District to obtain proposals for this work and for DR Horton to send the District a check like you did in December 2020/January 2021 for curbing work, please let us know.

Thank you for your attention and cooperation on this matter.

Sincerely,

*Vivek K. Babbar*

Vivek K. Babbar  
*Board Certified in City, County,  
and Local Government Law*

cc via email. Board of Supervisors  
Jamie Sanchez, District Manager

**TOSCANA ISLES  
COMMUNITY DEVELOPMENT DISTRICT**

**STAFF  
REPORTS  
C**

**TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT**

**BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE**

**LOCATION**

*Toscana Isles Amenity Center, 100 Maraviya Blvd, Venice, Florida 34275*

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>October 4, 2023 CANCELED</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>November 1, 2023</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>December 6, 2023</b>	<b>Special Meeting and Attorney-Client Session Shade Meeting</b>	<b>9:00 AM</b>
<b>December 6, 2023</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>January 3, 2024 CANCELED</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>February 7, 2024</b>	<b>Attorney-Client Session Shade Meeting</b>	<b>9:00 AM</b>
<b>February 7, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>March 6, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>April 3, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>May 1, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>June 5, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>July 3, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>August 7, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>
<b>September 4, 2024</b>	<b>Regular Meeting</b>	<b>10:00 AM</b>