

TOSCANA ISLES

COMMUNITY DEVELOPMENT DISTRICT

September 4, 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

August 28, 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 September 4, 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
3. Approval of August 7, 2024 Public Hearing and Regular Meeting Minutes
4. Chairman's Opening Remarks
5. Resident Concern(s)
 - Gialla Road Street Signs
6. Public Comments
7. Update: Second Demand Letter to Juniper Landscaping of Florida, LLC for Completion of Warrant Work
8. Update: Correspondence from Becker & Poliakoff Regarding D.R. Horton Construction Defects
9. Acceptance of Unaudited Financial Statements as of July 31, 2024
10. Staff Reports
 - A. District Counsel: *Straley Robin Vericker*
 - B. District Engineer: *AM Engineering, LLC*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: October 2, 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

12. Public Comments

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

DRAFT

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

The Board of Supervisors of the Toscana Isles Community Development District held a Public Hearing and Regular Meeting on August 7, 2024 at 10:00 a.m. at the Toscana Isles Amenity Center, 100 Maraviya Boulevard, 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:

Jamie Sanchez	District Manager
Vivek Babbar (via telephone)	District Counsel
Sebastian Walczak	Master Association General Manager
Linda Hogenmiller	Resident
Jeff Hogenmiller	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 11:04 a.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

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

Mr. Blaser reviewed the rules for conducting CDD meetings and noted the importance of civility.

THIRD ORDER OF BUSINESS

**Discussion/Consideration: Meeting
Duration**

This item will be removed from future agendas.

FOURTH ORDER OF BUSINESS**Approval of June 5, 2024 Regular Meeting Minutes**

The following changes were made.

Lines 111 and 121: Change “He” to “Mr. Traczuk”

Line 113: Change: “He, Mr. Koroll and Ms. Jochum” to “Mr. Traczuk, Mr. Koroll, Ms. Jochum and Mr. Munzing”

Line 117: Insert “Mr. Traczuk believes” after “but”

Line 119: Change “He, Mr. Foxwell and Mr. Copeland” to “Mr. Traczuk and Mr. Foxwell”

Line 122: Insert “CDD” before “Board Members”

<p>On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, the June 5, 2024 Regular Meeting Minutes, as amended, were approved.</p>

FIFTH ORDER OF BUSINESS**Chairman’s Opening Remarks**

Mr. Blaser asked why the Board received the agenda package yesterday, when they typically receive it two weeks prior to the meeting. Ms. Sanchez stated that she will check with District Management’s office.

Mr. Blaser thanked the residents for attending the meeting.

SIXTH ORDER OF BUSINESS**Public Comments**

Resident Jeff Hogenmiller stated that he wants to gain a better understanding of the CDD, the water behind his property and what homeowners are paying for. Mr. Blaser stated that the Board Members are available to educate residents about what the CDD can and cannot do.

SEVENTH ORDER OF BUSINESS**Continued Discussion: Second Demand Letter to Juniper Landscaping of Florida, LLC for Completion of Warranty Work**

Mr. Schmitt reported the following:

➤ The walkthrough with Mr. Anthony Scappatura occurred last week and the warranty work appears to be pretty much done, with the exception of removing one small stump sticking 18" up from the ground, which he agreed to have done and said it was done but is still there.

➤ Mr. Schmitt thinks that the CDD should not be involved in resolving the issue of Juniper reimbursing the HOA the cost for stump grinding, as it does not benefit the CDD to prolong this. He believes the HOA made the mistake of hiring a stump grinding company without informing Juniper or the CDD first.

➤ Mr. Schmitt recommends the CDD execute Mr. Anthony Scappatura's letter confirming and acceptance of completed warranty work. Ms. Sanchez suggests waiting and keeping this item on the agenda as an update until Mr. Schmitt confirms Juniper completed the last item.

As to the suggestion of notifying the HOA of the CDD's decision, Ms. Sanchez suggested waiting until the work has concluded before emailing the HOA and include a reminder that any other negotiations with Juniper will be solely on the HOA.

Mr. Schmitt stated that the HOA can still pursue Juniper, as they did not emphatically say they were not going to reimburse the HOA but wants proof supporting it. Mr. Blaser thinks the HOA should pursue reimbursement, as this was pointed out in several letters to them.

A Board Member asked if the six dead sabal palms between the pump station and the corner is a CDD or HOA matter. Mr. Blaser stated that the HOA is responsible for maintenance.

This item will be kept on the agenda as an update.

EIGHTH ORDER OF BUSINESS**Update: Correspondence from Becker & Poliakoff Regarding D.R. Horton Construction Defects**

Ms. Sanchez stated that, as of yesterday, she received 44 emails from residents regarding damage on curbs or sidewalks.

Mr. Traczuk, lead CDD liaison with D.R. Horton on this matter, reported the following:

103 ➤ Based on his evaluation, he identified a lot of defects on the roads in the area where Ms.
104 Jochum resides; he thinks the majority of the damage is to curbing throughout the entire
105 development.

106 Mr. Blaser questioned if the crack in the center of the sidewalk outside the gate before
107 Knights Trail is a defect as opposed to a repair. Mr. Traczuk suggested submitting it as a defect
108 and, if D.R. Horton does not take ownership, then submit it to the Developer.

109 The Board consensus was to wait to respond to D.R. Horton's recent letter, until they
110 finish constructing homes and improvements.

111 Mr. Traczuk stated that he will follow up with Mr. Foxwell regarding whether he
112 designated Ms. Jochum or someone from the HOA to work with him on these issues.

113 As directed at the last meeting, Ms. Sanchez stated that she emailed the 2021 Roadway
114 Study Report and the Geothermal Report to the Board on June 11, 2024, the minutes of the
115 meeting at which the prior CDD Board approved the Geothermal Report and the document that
116 Mr. Contardo passed around at the last meeting.

117 Regarding if conditions have changed since the Reports, Ms. Sanchez stated that the
118 previous CDD Board approved the Roadway Evaluation letter from Universal Engineering
119 Services, which indicated that there were no structural defects and that everything was done in
120 compliance. This was done to address resident concerns in 2021 that the roadways were not
121 constructed properly and that they were defective, which are the same concerns residents have
122 today. As to the roads constructed after the Report, Ms. Sanchez reminded the Board that it
123 added a new in Fiscal Year 2025 "Geotechnical engineering" budget line item of \$10,000 in case
124 the Board wants another study.

125 This item will remain on the agenda as an update.

126

127 **NINTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year
2024/2025 Budget**

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129
130 **A. Affidavit of Publication**

131 **B. Consideration of Resolution 2024-05, Adopting a Budget for the Fiscal Year Beginning**
132 **October 1, 2024, and Ending September 30, 2025; and Providing an Effective Date**

Ms. Sanchez reiterated that the proposed Fiscal Year 2025 budget includes the new “Geotechnical engineering” budget line item of \$10,000 for survey work, which was funded using “Unassigned” funds and resulted in an assessment increase of less than \$1.

On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, the Public Hearing was opened.

Mr. Hogenmiller stated that he thinks the budget seems to be in order.

On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, Resolution 2024-05, Adopting a Budget for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2024-06, Imposing Annually Recurring Operations and Maintenance Non-Ad Valorem Special Assessments; Providing for Collection and Enforcement of All District Special Assessments; Certifying an Assessment Roll; Providing for Amendment of the Assessment Roll; Providing for Challenges and Procedural Irregularities; Providing for Severability; Providing for an Effective Date

Ms. Sanchez presented Resolution 2024-06 and read the title. Mr. Blaser asked if there were any changes in the language from the prior year’s Resolution. Mr. Babbar stated no.

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, Resolution 2024-06, Imposing Annually Recurring Operations and Maintenance Non-Ad Valorem Special Assessments; Providing for Collection and Enforcement of All District Special Assessments; Certifying an Assessment Roll;

171 Providing for Amendment of the Assessment Roll; Providing for Challenges and
172 Procedural Irregularities; Providing for Severability; Providing for an Effective
173 Date, was adopted.

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175
176 **ELEVENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report
for the Fiscal Year Ended September 30,
2023, Prepared by McDirmit Davis**

179
180 Ms. Sanchez noted the pertinent information in the Audited Annual Financial Report for
181 the Fiscal Year Ended September 30, 2023. It was a clean audit; there were no findings,
182 recommendations, deficiencies on internal control or instances of noncompliance.

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184 **TWELFTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-07,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2023**

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189 On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor,
190 Resolution 2024-07, Hereby Accepting the Audited Financial Report for the
191 Fiscal Year Ended September 30, 2023, was adopted.

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194 **THIRTEENTH ORDER OF BUSINESS**

**Consideration of Goals and Objectives
Reporting [HB7013 - Special Districts
Performance Measures and Standards
Reporting]**

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199 Ms. Sanchez read the first paragraph of the Memorandum, which states:

200 "To enhance accountability and transparency, new regulations were established for all
201 special districts, by the Florida Legislature, during their 2024 legislative session. Starting on
202 October 1, 2024, or by the end of the first full fiscal year after its creation (whichever comes
203 later), each special district must establish goals and objectives for each program and activity, as
204 well as develop performance measures and standards to assess the achievement of these goals
205 and objectives. Additionally, by December 1 each year (initial report due on December 1, 2025),
206 each special district is required to publish an annual report on its website, detailing the goals

and objectives achieved, the performance measures and standards used, and any goals or objectives that were not achieved.

Ms. Sanchez stated that District Management identified the following key categories to focus on for Fiscal Year 2025 and developed statutorily compliant goals for each:

- Community Communication and Engagement
- Infrastructure and Facilities Maintenance
- Financial Transparency and Accountability”

Ms. Sanchez presented the Performance Measures/Standards & Annual Reporting Form developed for the CDD, identifying the goals and explaining how the CDD will meet its goals, which consists primarily of what the CDD is already required to do statutorily.

Mr. Blaser stated that what Management prepared is similar to what the Florida Association of Special District’s (FASD) discussed in its annual meeting and what most of the other CDDs are doing to be in compliance. The Fire Districts and Water Management Districts require much larger specific goals. He congratulated the Management group on providing these in a really nice manner. He also completed his ethics training courses.

On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, the Goals and Objections and the Performance Measures/Standards & Annual Reporting Form, were approved.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2024

Ms. Sanchez explained why the “Engineering” budget line item exceeded budget; she does not expect the CDD to exceed its overall budget for the Fiscal Year Ending September 30, 2024.

On MOTION by Mr. Contardo and seconded by Mr. Collins, with all in favor, the Unaudited Financial Statements as of June 30, 2024, were accepted.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

242 There was no report.

243 Asked if there was any update on the Wisdom Property litigation, Mr. Babbar replied no.

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

245 There was no report.

246 **C. District Manager: Wrathell, Hunt and Associates, LLC**247 • **1,281 Registered Voters in District as of April 15, 2024**248 • **NEXT MEETING DATE: September 4, 2024 at 10:00 AM**249 ○ **QUORUM CHECK**

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251 **SIXTEENTH ORDER OF BUSINESS****Board Members' Comments/Requests**

252

253 Mr. Blaser congratulated the incumbent Board Members who ran unopposed and will
254 retain their Board seats in the upcoming November 2024 General Election.255 Discussion ensued regarding whether Mr. Schmitt's seat transitioned from a Landowner
256 elected seat to the upcoming November 2024 General Election.257 Management's Office will verify if all Landowner-elected seats transitioned to the
258 General Election process.259 Mr. Contardo reported a missing street sign on the corner of Gialla Court and asked if
260 this is a CDD matter. Ms. Sanchez stated that she would have the District Engineer verify if one
261 was included in the original plans.262 Mr. Contardo expressed concerns about the lakes flooding and certain water levels
263 rising downstream from the weir but not on the other side of the road.264 The Board Members voiced their opinions of why the lakes are flooding and discussion
265 ensued regarding whether to address this now; some think the stormwater systems are
266 working as constructed.267 Ms. Sanchez stated that the weirs are not CDD property. She and Mr. Babbar suggested
268 residents individually report concerns to the County or the Water Management District so one
269 of those entities can investigate the weirs, as they are in charge of the waterflow; they would

270 likely take quicker action if they receive resident concerns as opposed to if the CDD reports it.
271 Mr. Blaser, as a resident, stated that he will inspect the weir; his preference is to wait to see if
272 conditions worsen.

273

274 **SEVENTEENTH ORDER OF BUSINESS**

Public Comments [15 minutes]

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276 Mr. Hogenmiller asked if the CDD should be concerned and take action due to water
277 running across the street in an area on the east side of CDD property. This has been occurring
278 since the City built the pump station and damaged the water flow when redoing the road. Mr.
279 Blaser stated that he thinks that is an HOA matter.

280

281 **EIGHTEENTH ORDER OF BUSINESS**

Adjournment

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283 **On MOTION by Mr. Traczuk and seconded by Mr. Blaser, with all in favor, the**
284 **meeting adjourned at 11:27 a.m.**

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[SIGNATURES APPEAR ON THE NEXT PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT

7

Straley Robin Vericker

Attorneys at Law

1510 W. Cleveland St.
Tampa, Florida 33606
Tel: (813) 223-9400

Writer's Direct Dial: (813) 321-4107
Writer's E-mail: vbabbar@srvlegal.com
Website: www.srvlegal.com

March 29, 2024

Via Email

Juniper Landscaping of Florida, LLC ("Juniper")
Attn: Brandon Duke
Brandon@juniperlandscaping.com

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

Dear Brandon,

The Board of Supervisors ("Board") of the Toscana Isles Community Development District (the "District") requested that I send you this follow up letter to my prior correspondence dated February 14, 2024. The Board reviewed Juniper's email response dated February 15, 2024 from Anthony Scappatura at its March meeting. The Board respectfully requests that you or another upper management level personnel respond to this letter as the relationship between the community and Anthony is tenuous and the Board disagrees with his responses.

The Board demands that Juniper reimburse the HOA in the amount of \$7,215 for the grinding and flush cutting work pursuant to the attached invoice that was supposed to be part of the warranty work as evidenced by Juniper's letter dated March 28, 2023 (attached for your convenience and relevant portions highlighted) and complete the work related to grinding and flush cutting any remaining stumps and fill in any remaining holes.

The Board does not want to drag this out any further and wish to simply make the residents whole for the out-of-pocket costs already paid and avoid paying any additional out of pocket costs.

Sincerely,

Vivek K. Babbar

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

cc via email. Dan Damont, Chief Revenue Officer, dan@juniperlandscaping.com
Anthony Scappatura, Operations Manager, Ascappatura@juniperlandscaping.com
Keith Scappatura, Associate Branch Manager/Operations,
keithscappatura@juniperlandscaping.com
Jamie Sanchez, District Manager

March 28th, 2023

Dear Toscana Isles, CDD & Residents,

Due to hurricane Ian reaching Category 4 strength with wind exceeding 100 mph, the northeast buffer along Soliera/Vinadio sustained significant damage. Since hurricane Ian landed, we staked 200+ trees. Unfortunately, due to residential roads being blocked with debris, we had to cut and remove many trees to reopen the flow of traffic following the storm. At the time of original planting, Juniper was requested to furnish an insurance policy. At the time of the loss, the community had active coverage on those trees. The extent of that coverage is to re-stake, replace or credit affected trees at Juniper's expense. To date, Juniper has spent approximately \$80k restoring this buffer and there is still a little remaining.

To date, we have replaced 110 palms under warranty. There still are around 53 root balls in the ground that should not be removed. Removing additional root balls would damage the integrity of the existing berm. In addition, there is no access to remove these with a machine. **We will be sending a crew back through to flush cut any large stumps remaining and then they will be covered by mulch.** While the crew is flush cutting the stumps, they will identify any other trees that pose a threat and re-stake them. We feel like we have exceptionally staked all or all at risk trees.

Due to access, size, and character of the trees, not every palm is going to be perfectly straight. Most of these trees have a curved character to them and were not planted perfectly straight originally. The trees that remain slightly leaning will naturally straighten their head toward the sunlight. Those at risk, **we have** an obligation to stake. The palms that were replaced do not match the ones that were lost for a few reasons. First, the availability of the large Sabal palm is challenging, as these were all purchased from a specific ranch that no longer harvests them. Next, **to weave** large Sabal palms back into the existing ones is logistically not possible. They were originally planted back to front which we clearly do not have the luxury to do this time. For these reasons, plugging in the holes with smaller palms is the most beneficial solution to accomplish the goal of this buffer. We do not want to cause further damage to what remains, but in time, the newly installed replacements will grow to fill the holes that were created by the storm. The original intent of the planting was to create immediate opacity from the adjacent property and since the sabals come without established heads a tight and dense spacing was required. Now that they are established, we feel it is meeting the intent of the planting without replacements.

Regarding the size of the heads, when Sabal palms are harvested, their fronds are completely removed (hurricane cut). Trimming the Sabals this way increases the chances of their survivability when being transplanted, helps encourage early root development and reduces the risk of wind damage. Once Sabal palms are established, they can grow 2 to 3 feet per year. Heads should be well developed after about 6 months in the ground. Knowing the goal of this buffer is to visually cover activity that borders the north property line and reduce the sound that generated, filling the holes with these smaller palms is the best way to accomplish this. These replacements were planted strategically, so they grow to fill the holes created and are now visible from the back of the homes along Soliera. Originally, the Sabal palms were installed when there were no homes present. Now that homes are built on the lots, the visual angle to accomplish that goal has changed. Strategically packing the reachable areas of this buffer is the best way to achieve our goal.

Regarding replacing these palms, one for one, that will be done but not in the exact location. For example, an area along Vinadio that only lost one tree, did not get a replacement due to the density of what remains. Rather replace an area that was minimally impacted, that replacement was put where more significant damage was done. One home on Soliera lost 8 of about 14 behind their home. We added 12 in this location to fill the large hole created.

Another factor when planning these replacements was to consider causing damage to the turf due to machine traffic, along with damaging irrigation. Turf replacement and irrigation repairs are not covered by the warranty. We took reasonable care to do as little damage as possible to these areas to minimize those costs. To date, we have not billed for the irrigation repairs and adjustments caused by this storm damage. We have had 2 to 3 irrigation techs making repairs and adjustments that was caused by this damage.

Originally, there were 1,913 Sabal palms planted. Today, there are 1,868 palms, including the 110 we replaced. In addition, there are 30 dead trees in the ground that we will be cutting down. After cutting and removing these 30 trees, 75 palms will be missing from the original count. We are proposing a credit on these remaining trees to enhance the northeast corner on Vinidio, which took the most damage. The credit will be for 75 palms at \$285.30 each for a total of \$21,397.50. Upon approval of this credit, adding additional support to the at-risk trees and **flush cutting the remaining stumps**, warranty work on this buffer will be complete.

Thanks,
Anthony Scappatura
Venice Operations Manager

DATE: December 3, 2023

Invoice

FROM:

**Alan Tree Service
P.O Box 51832
Sarasota, FL 34232
(941) 312- 3000**

To:

**Raymond Foxwell & Jeff Mandel
Community: VP FOR Toscana Isles HOA**

Item Description	Quantity	Price Each	Total Amount
Stump Grinding/Roots	111	\$65 each stump	\$7,215
LABORERS X4	4	N/A	N/A
Stump's leveled to the ground.	111	\$65 stumps	N/A
Subtotal			\$7,215
Tax			We Notify You
BALANCE DUE			\$7,215

Notes

Thank you for your business!

TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT

8

Mark J. Stempler
Office Managing Shareholder
Board Certified Construction Lawyer
AAA Arbitrator
Phone: 561.820.2884 Fax: 561.832.8987
mstempler@beckerlawyers.com



Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

April 2, 2024

Via Electronic Mail
vbabbar@srvlegal.com

Vivek K. Babbar, Esq.
Straley Robin Vericker
1510 W. Cleveland Street
Tampa, FL 33606

Re: Toscana Isles Community Development District
Response to Correspondence (dated February 14, 2024)
Our File No.: D06090.415152

Dear Mr. Babbar:

The undersigned law firm represents D.R. Horton, Inc. ("D.R. Horton") concerning the Toscana Isles Community. We have been provided your letter dated February 14, 2024, concerning alleged damage to roadways, curbing, and sidewalks.

D.R. Horton denies that there are construction defect issues related to, "materials used, installation issues, or possibly both" as stated in your correspondence. Please advise what concerns are being raised about the concrete material, or specific installation issues. Further, it is not clear where all the alleged defects are located, based on your letter and the report from AM Engineering, LLC dated October 23, 2023. D.R. Horton, however, commits to working with the Toscana Isles Community Development District on these issues. D.R. Horton requests an opportunity to inspect the property and have someone from the CDD identify all areas alleged to have problems. A representative from the Toscana Isles association can accompany an inspection as well. Following the inspection, D.R. Horton will determine what areas, if any, are needed to be repaired and will make those repairs.

D.R. Horton is in the process of constructing homes and improvements within the Toscana Isles Community. It would be prudent for D.R. Horton to complete its work and then make the repairs it determines are required, since some or all of the alleged areas may be where D.R. Horton is currently working. It can make any and all repairs at one time.

Toscana Isles Community Development District
Vivek K. Babbar, Esq.
Page 2

Please provide dates and times when D.R. Horton can inspect the areas subject of your correspondence. D.R. Horton reserves all rights, and nothing herein shall be construed as a waiver of any defenses, claims, or otherwise concerning these issues.

We look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Mark J. Stempler".

Mark J. Stempler
For the Firm

MJS2/lb
cc: D.R. Horton, Inc.

**TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT**

**UNAUDITED
FINANCIAL
STATEMENTS**

**TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JULY 31, 2024**

**TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
JULY 31, 2024**

	General Fund	Debt Service Fund Series 2014	Debt Service Fund Series 2018	Total Governmental Funds
ASSETS				
Cash	\$ 112,385	\$ -	\$ -	\$ 112,385
Investments				
Reserve	-	710,363	801,431	1,511,794
Prepayment	-	17,182	741	17,923
Revenue	-	798,759	866,238	1,664,997
Due from general fund	-	133	183	316
Total assets	<u>\$ 112,385</u>	<u>\$1,526,437</u>	<u>\$1,668,593</u>	<u>\$ 3,307,415</u>
LIABILITIES				
Liabilities:				
Due to debt service fund 2014	\$ 133	\$ -	\$ -	\$ 133
Due to debt service fund 2018	183	-	-	183
Total liabilities	<u>316</u>	<u>-</u>	<u>-</u>	<u>316</u>
FUND BALANCES				
Restricted for:				
Debt service	-	1,526,437	1,668,593	3,195,030
Assigned				
Three months working capital	41,772	-	-	41,772
Unassigned	70,297	-	-	70,297
Total fund balances	<u>112,069</u>	<u>1,526,437</u>	<u>1,668,593</u>	<u>3,307,099</u>
Total liabilities and fund balances	<u>\$ 112,385</u>	<u>\$1,526,437</u>	<u>\$1,668,593</u>	<u>\$ 3,307,415</u>

**TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED JULY 31, 2024**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 24	\$ 140,617	\$ 139,582	101%
Interest and miscellaneous	1	27	-	N/A
Total revenues	<u>25</u>	<u>140,644</u>	<u>139,582</u>	101%
EXPENDITURES				
Professional & administrative				
Supervisor's fees	-	8,000	12,000	67%
FICA	-	612	918	67%
Management/accounting/recording	3,643	36,434	43,721	83%
Debt service fund accounting	644	6,438	7,725	83%
Legal	532	13,156	36,000	37%
Engineering	-	13,551	5,000	271%
Audit	-	4,300	4,400	98%
Arbitrage rebate calculation	-	-	750	0%
Dissemination agent	167	1,667	2,000	83%
Trustee	-	10,403	11,236	93%
Telephone	17	167	200	84%
Postage	32	107	500	21%
Printing & binding	42	417	500	83%
Legal advertising	-	830	1,200	69%
Annual special district fee	-	175	175	100%
Insurance	-	8,467	9,167	92%
Contingencies/bank charges	33	295	1,000	30%
Website	-	705	705	100%
ADA website compliance	-	-	210	0%
Total professional & administrative	<u>5,110</u>	<u>105,724</u>	<u>137,407</u>	77%
Other fees & charges				
Tax collector	-	2,101	2,181	96%
Total other fees & charges	-	2,101	2,181	96%
Total expenditures	<u>5,110</u>	<u>107,825</u>	<u>139,588</u>	77%
Excess/(deficiency) of revenues over/(under) expenditures	(5,085)	32,819	(6)	
Fund balances - beginning	117,154	79,250	62,329	
Assigned				
Three months working capital	41,772	41,772	41,772	
Unassigned	70,297	70,297	20,551	
Fund balances - ending	<u>\$ 112,069</u>	<u>\$ 112,069</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 JULY 31, 2024**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 133	\$ 791,225	\$ 785,537	101%
Assessment prepayments	17,064	17,064	-	N/A
Interest	6,016	57,324	-	N/A
Total revenues	<u>23,213</u>	<u>865,613</u>	<u>785,537</u>	110%
EXPENDITURES				
Principal	-	205,000	205,000	100%
Interest	-	546,219	546,219	100%
Tax collector	-	11,821	12,274	96%
Total expenditures	<u>-</u>	<u>763,040</u>	<u>763,493</u>	100%
Excess/(deficiency) of revenues over/(under) expenditures	23,213	102,573	22,044	
Fund balances - beginning	<u>1,503,224</u>	<u>1,423,864</u>	<u>1,381,547</u>	
Fund balances - ending	<u>\$ 1,526,437</u>	<u>\$ 1,526,437</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 JULY 31, 2024**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 183	\$ 1,094,342	\$ 1,086,623	101%
Interest	6,989	66,455	-	N/A
Total revenues	<u>7,172</u>	<u>1,160,797</u>	<u>1,086,623</u>	107%
EXPENDITURES				
Principal	-	265,000	265,000	100%
Interest	-	795,991	795,991	100%
Tax collector	-	16,350	16,978	96%
Total expenditures	<u>-</u>	<u>1,077,341</u>	<u>1,077,969</u>	100%
Excess/(deficiency) of revenues over/(under) expenditures	7,172	83,456	8,654	
Fund balances - beginning	<u>1,661,421</u>	<u>1,585,137</u>	<u>1,532,589</u>	
Fund balances - ending	<u><u>\$ 1,668,593</u></u>	<u><u>\$ 1,668,593</u></u>	<u><u>\$ 1,541,243</u></u>	

**TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT**

**STAFF
REPORTS**

TOSCANA ISLES COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2024/2025 MEETING SCHEDULE		
LOCATION		
<i>Toscana Isles Amenity Center, 100 Maraviya Blvd, Venice, Florida 34275</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 2, 2024	Regular Meeting	10:00 AM
November 6, 2024	Regular Meeting	10:00 AM
December 4, 2024	Regular Meeting	10:00 AM
February 5, 2025	Regular Meeting	10:00 AM
March 5, 2025	Regular Meeting	10:00 AM
April 2, 2025	Regular Meeting	10:00 AM
May 7, 2025	Regular Meeting	10:00 AM
June 4, 2025	Regular Meeting	10:00 AM
July 2, 2025	Regular Meeting	10:00 AM
August 6, 2025	Regular Meeting	10:00 AM
September 3, 2025	Regular Meeting	10:00 AM

***Exception**

There will be no January meeting in order to accommodate the New Year's Day holiday.