

# **CHAPTER 1, AMENDMENT 1**

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## **PART I: GENERAL MATTERS INCLUDING DEFINITIONS**

1. **Introduction.** In matters of finance, the District is subject to Florida Statutes; principal among which are Chapters 120 and 190. These documents, along with information on all aspects of public financing, are available on the official website for the Florida Legislature, [www.leg.state.fl.us/statutes/](http://www.leg.state.fl.us/statutes/) or via related-links on the District's website, [www.HarmonyCDD.org/related-links](http://www.HarmonyCDD.org/related-links).
2. **Applicability; Rulemaking; Purpose.** The Board of Supervisors (“Board” or “Supervisors”) of the Harmony Community Development District (“District”) shall apply these rules to provide continuing and full disclosure of public financing and maintenance of improvements of the District pursuant to Section 190.009(1), Florida Statutes.
3. **Definitions.**
  - 3.1 “**Charter**” means the charter of the District as created by and expressly set forth in general law in Sections 190.006-190.0041, Florida Statutes, as amended; Section 190.005(2)(d), Florida Statutes; and Section 190.004(4), Florida Statutes; as amended.
  - 3.2 “**Developer**” means a person(s), including an individual(s), partnership(s), corporation(s) or other business organization(s), or a family(ies) who undertakes the preparation of land for residential development or who is either a home builder or contracts with home builders for the construction of the residential units on the land being prepared, or who builds or contracts to build other residential subdivisions within the boundaries and jurisdiction of the District.
  - 3.3 “**Full Disclosure**” means the making known, pursuant to this rule, District public financing information at a level of detail that is fair, understandable, and reasonable, with notification where details and backup information can be obtained, and this disclosure shall be in good faith as of the date disclosed and is subject to change from time to time pursuant to noticed public hearings and legal procedure.
  - 3.4 “**Continuing Full Disclosure**” means full disclosure no less frequently than annually or as major, relevant, and material information changes. This disclosure is to be made to those persons set forth in **Section 3.5** below.
  - 3.5 “**Disclosure Recipients**” means those to whom this disclosure is to be made available, including but not limited to the following:
    - 3.5.1 “**Existing Residents**” means those Residents, both landowners and non-landowners, who live within the boundary of and are subject to the jurisdiction of the District;
    - 3.5.2 “**Prospective Resident(s)**” means any person of the General Public who contacts by telephone, email, facsimile, U.S. mail, or in-person visit to the District or a Developer to make inquiries before there is any interest in negotiating a contract for purchase;
    - 3.5.3 “**Prospective Initial Purchaser**” is a Prospective Resident who is ready to and is interested in negotiating for an initial purchase contract to be signed;
    - 3.5.4 “**Parties to a Contract**” means those who execute a contract for purchase.

- 3.6 “Public Financing”** or “District public financing” means all revenues levied by the Board of the District and any indebtedness issued or entered into by the Board on behalf of the District, in order to carry out its purpose and exercise its powers under its charter, including but not limited to such revenues as those which are liens on the real property (either ad valorem taxes or non-ad valorem special assessments) and those which are non-liable and user-based (service charges or fees); the bonds or debt financing, if any, to which these revenues apply to amortize the debt borrowed; the specific ongoing maintenance cost to which the revenues may be applied; the fact that other or additional revenue and any related debt may be levied and issued from time to time in the future; and the related notices and opportunities to review materials and to approve materials or to ask questions at noticed Board hearings before any such levy or issue is decided upon.
- 3.7 “Maintenance of Improvements to Real Property”** means the function by the District to manage, and the related financing of such management, of the basic systems, facilities, services, projects, and improvements to the property over the long term at sustained levels of quality.
- 3.8 “Notice of Establishment”** means the document known as the “Notice of Establishment of the Harmony Community Development District” which shall be recorded in the property records in Osceola County, which shall at a minimum include the legal description of the land area subject to the jurisdiction of the District and copy of the Disclosure Statement which must attend any contract for purchase, all as provided in Section 190.0485, Florida Statutes.
- 3.9 “Public Facilities Report”** means the report submitted annually to the Osceola County Board of County Commissioners pursuant to Section 189.415(2), Florida Statutes.
- 4. The District.** The District, pursuant to its Charter, makes it the express responsibility of the Chair of the Board of Supervisors of the District, or his or her designee, who may be the Manager of the District, to administer this rule and to report a minimum of every six months to the Board on the status of continuing full disclosure and to make recommendations on how to improve the continuing full disclosure requirement.
- 5. Availability of Forms and Records; Inspection.** The Manager and Secretary of the District shall maintain all records and applicable forms and may be contacted for the purpose of obtaining information as to access to forms or records, including public financing records, and maintenance of records as may be required for purposes of this rule. All records are public and shall be made available for inspection and copying pursuant to applicable general law of Florida.

**PART II: SPECIFIC RULE PROCEDURES**

- 6. Determination of What Constitutes Public Financing & Maintenance of Improvements.** Pursuant to this rule, the Chair of the Board shall make a presentation every six months to the Board of Supervisors for a determination of what constitutes “Public Financing” for the purpose of continuing full disclosure. The Board shall give the Chair or his or her designee authority and the duty to add specific information in good faith as it becomes available during each six-month period, so long as copies are given timely to the Board members.
- 7. Forms Distribution.** Public financing as defined and determined under this Rule shall be reduced to a printed form adopted by the Board and as updated on a continual basis as provided in this Rule. The forms shall be available and distributed along with any applicable brochures or any other documents which may be available from time to time.
- 8. Availability of District Public Financing Information to Existing Residents.** All District public financing forms, as defined and determined under this Rule, and as updated, shall be physically available at the District office for inspection under Florida law and electronically available by website when feasible, with published notice of availability made at the end of each District fiscal year, in a newspaper of general circulation in Osceola County, Florida.

Chapter 1, Amendment 1

Specific Authority: 190.012(3), 190.011(5), 190.011(15),  
190.009(1), 190.0485

Law Implemented: