

INDIGO COMMUNITY
DEVELOPMENT DISTRICT

MARCH 28, 2018

AGENDA PACKAGE

Indigo

Community Development District

475 West Town Place, Suite 114, St. Augustine, Florida 32092

Phone: 904-940-5850 - Fax: 904-940-5899

March 21, 2018

Board of Supervisors
Indigo Community
Development District

Dear Board Members:

The regular meeting of the Indigo Community Development District will be held Wednesday, March 28, 2018 at 1:00 p.m. at the Holiday Inn Daytona Beach LPGA Blvd., Boardroom, 137 Automall Circle, Daytona Beach, Florida 32124. Following is the advance agenda for the meeting:

- I. Roll Call
- II. Audience Comments (Limited to 3 minutes per person)
- III. Approval of Minutes of the January 24, 2018 Meeting
- IV. Acceptance of Minutes of the February 26, 2018 Workshop
- V. Discussion of Hayman Wood Delinquent Properties
- VI. Acceptance of the Draft Fiscal Year 2017 Audit
- VII. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. Manager – Discussion on Delinquent Payment Processing by Trustee on Bond Payments
 - D. Field Operations Manager – Discussion of Pocket Parks
- VIII. Supervisors' Request and Audience Comments (Limited to 3 minutes per person)
- IX. Approval of Check Register
- X. Financial Statements as of February 28, 2018
- XI. Other Business
- XII. Next Scheduled Meeting – May 23, 2018 at 1:00 p.m. @ Holiday Inn

Enclosed for your review and approval are the minutes of the January 24, 2018 meeting.

Enclosed under the fourth order of business are the minutes of the February 26, 2018 workshop for acceptance.

The sixth order of business is acceptance of the draft Fiscal Year 2017 audit. A copy of the audit is enclosed for your review.

Enclosed are the check register and financial statements.

The balance of the agenda is routine in nature and staff will give their reports at the meeting. In the meantime if you have any questions, please contact me.

Sincerely,

James Perry

James A. Perry
Manager

cc:	Karen Jusevitch	Jonathan Johnson	Thomas Philpot
	Darrin Mossing	Kent Boulicault	Gabriel McKee
	Katie Buchanan	Robert Gaylord	Leigh Fletcher

AGENDA

Indigo Community Development District Agenda

Wednesday
March 28, 2018
1:00 p.m.

Holiday Inn Daytona Beach LPGA Blvd.
137 Automall Circle
Daytona Beach, Florida 32124
Call In # 1-800-264-8432 Code 752807
www.indigocdd.com

- I. Roll Call
- II. Audience Comments (Limited to 3 minutes per person)
- III. Approval of Minutes of the January 24, 2018 Meeting
- IV. Acceptance of Minutes of the February 26, 2018 Workshop
- V. Discussion of Hayman Wood Delinquent Properties
- VI. Acceptance of the Draft Fiscal Year 2017 Audit
- VII. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. Manager – Discussion on Delinquent Payment Processing by Trustee on Bond Payments
 - D. Field Operations Manager – Discussion of Pocket Parks
- VIII. Supervisors' Request and Audience Comments (Limited to 3 minutes per person)
- IX. Approval of Check Register
- X. Financial Statements as of February 28, 2018
- XI. Other Business
- XII. Next Scheduled Meeting – May 23, 2018 at 1:00 p.m. @ Holiday Inn

XII. Adjournment

MINUTES

INDIGO
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Indigo Community Development District was held Wednesday, January 24, 2018 at 1:00 p.m. in the Holiday Inn Daytona Beach LPGA Boulevard, Ballroom, 137 Automall Circle, Daytona Beach, Florida.

Present and constituting a quorum were:

John McCarthy	Assistant Secretary
Donald Parks	Assistant Secretary
Mark McCommon	Assistant secretary

Also Present were:

James Perry	District Manager
Katie Buchanan	District Counsel
Kurt von der Osten	Field Operations Manager
Jayne Rountree	Team Rountree

FIRST ORDER OF BUSINESS

Roll Call

Mr. Perry called the meeting to order at 1:00 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Perry stated I was here earlier and Mr. Cardino came in and wanted me to tell the board that he had a conflict and couldn't stay for the meeting, but he wanted to thank the board and Kurt for making the adjustments to the reflectors.

Mr. White stated I want to thank Kurt for putting the new sign up in front of our light. At the last meeting I attended one of the board members thought we ought to form a committee of the homeowners and try to look at amending the Interlocal agreement about maintenance and landscaping at the interchange. Since they are getting ready to redo the interchange it is probably the appropriate time to start work on that. If there is anybody here who is interested, see me after the meeting, I will get your name and contact information and maybe we can get some assistance with proper procedures or at least try to get something changed.

A resident stated you canceled a workshop. Are you going to have the workshop and what was it about?

Mr. Perry stated it was to be a presentation by FDOT and their consultants regarding the interchange and they asked that the board be present for that presentation and there were other local businesses they were inviting. The reason we canceled it is this is the only room we had available and we had gotten calls from a number of residents and we can't accommodate 50 or so people in this room. Toward the end of this meeting I am going to ask the board to consider approving a date and right now it is February 26th at the clubhouse. They have a charge for that and maybe one of the supervisors would have better luck than we do but the charge is \$500 and that is a lot. We also looked at different places to conduct it and the only other one that might be viable that Mr. McCarthy has experience with is the Daytona Beach Police Department has a meeting room. I don't know the capacity. We will have to advertise since more than two board members will be there.

Mr. McCommon stated that date works fine for me. The room is big enough the question would be is the room available on that date.

Mr. Perry stated I suggest a motion approving the FDOT meeting on February 26, 2018 at 1:00 p.m. with the first option being the City of Daytona Beach Police Department meeting room if it is available and the fallback would be the LPGA Clubhouse.

Mr. Parks stated I would be glad to speak with them.

On MOTION by Mr. McCommon seconded by Mr. Parks with all in favor a workshop on the I-95 interchange was scheduled with FDOT on February 26, 2018 at 1:00 p.m. at the Daytona Beach Police Department meeting room.

Ms. Davila asked why do we have such a problem, even the local HOAs in the LPGA community with using the clubhouse rooms for meetings? Sometimes there is a scheduling issue and other times there is not and I don't understand why they don't work with us. Is it because it is Consolidated Tomoka again that we have to deal with the I-95 Interchange and the agreement that they backed out of? Everything originally started with Consolidated Tomoka. Why is it that we don't get to work with the new owners now? It was the original owners in the beginning who are responsible for this community, LPGA, I don't understand where the problem is there working with us or the CDD.

Mr. Perry stated keep in mind that Consolidated Tomoka is a corporate entity and you had a lot of different players that were involved with Consolidated over the years that are no longer there. Whether that is good or bad I don't know and you can make your own decision on that but they are a private entity and they can work with us or not.

Ms. Davila stated I would like to thank Kurt for getting the community in shape a lot better and the mulch looks great. Thanks for everything.

Mr. von der Osten stated there are a few more things coming. We have three requests into public works.

Ms. Jenkins stated we used to rent the clubhouse and it was \$100.

Mr. von der Osten stated yes and they have always worked with us and we have always gotten reduced rates. We do have to talk with them.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 29, 2017 Meeting

Mr. Perry stated next is approval of the minutes of the November 29, 2017 meeting and I did have Jennie Rountree listed instead of Jayne and we will make that change.

On MOTION by Mr. McCarthy seconded by Mr. McCommon with all in favor the minutes of the November 29, 2017 meeting were approved as amended.

FOURTH ORDER OF BUSINESS

Discussion of Hayman Wood Delinquent Properties

Mr. Perry stated we have not had any interaction with them since the last meeting, over the holidays things slow down quite a bit. We have had some inquiries in regard to some of the properties that Hayman Wood owns by different prospective purchasers and we referred all of them over to the bondholders and their consultants that are working on a workout deal that we have talked about before. There seems to be a lot of interest.

Mr. McCommon asked have the bondholders advised of anything that is pending or anything of that nature?

Mr. Perry stated no.

Mr. McCommon stated you mentioned at the last meeting that one of the checks we got from the county seemed to be inaccurate to our benefit.

Mr. Perry stated there was \$595,000 in total that was received from the county related to tax certificate sales and they were related to three parcels, NW 21, which is the resort parcel that you are familiar with, Parcel 32-1 and that is also owned by Hayman Wood and there were 51 single-family lots, Grayhawk II Land Trust so those three make up the payments on tax certificates of the \$595,000. Out of that there was \$95,000 in interest related to those. When I say the interest was unbudgeted we had not anticipated that amount in our budget and the tax certificates some of them are related to prior years. Those funds have been deposited, the district has access to them.

Mr. McCommon stated the major concern I had was whether there was an error.

Mr. Perry stated there doesn't appear to be. We have been through it and confirmed it with the county and they provided us a print-out detail of everything. It is very good news for the district so when we are doing our budgeting this year we will look at where we are going to come out on our cash balances. Don't hold me to it because I never like to promise something we can't do but we did a reduction last year in assessments and I'm sure we will probably do another one this year but to what extent I can't tell you right now.

Mr. McCommon stated John had sent out an email to the supervisors related to looking for a rezoning of 300 lots. Obviously, it is something that will affect us if that rezoning is approved but what authority do we have over that since it is part of the CDD?

Mr. Perry responded you don't have any zoning authority at all; that is a City of Daytona Beach issue.

Mr. McCommon stated they want to reduce the lot sizes and that was the issue we ran into with what one of the buyers wanted to do with the resort area. Ultimately it is something that we ought to be either addressing or participating in that discussion, should we not?

Mr. Perry stated you can as an individual, but this board does not have the statutory authority over zoning within the district boundaries.

Ms. Buchanan stated Jim is correct. The reason that we would care is if somehow the new development mix didn't generate sufficient funds to pay the debt service but there is generally a true-up obligation in place.

Mr. McCommon stated one of the comments was if they divide that land up to 420 lots or whatever that it obviously needs a reassessment on our part as well.

Mr. Perry stated correct. If there is a material change we would have to recast the bonds, which we did a few years ago and that process would take several months but theoretically if they were to be granted that prior to us adopting the budget this year and we had 300 lots assigned to that parcel and now it is going to be a density of 450 we would recognize the 450 in our budgetary process. In theory that would reduce everyone's assessments if the expenditures stayed the same and you had a larger number of units to spread it over. Unfortunately, it is very clear when Chapter 190 was set up that CDDs did not have any authority over zoning issues; that remains with cities and/or counties depending on where you are and here it would be the city.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. McCommon stated I received an email from someone who runs an organization that is a consulting group with CDDs.

Mr. Perry stated it is probably the Florida Association of Special Districts.

Mr. McCommon stated yes where he was talking about some potential change in the authority of CDDs.

Mr. Perry stated my understanding is the legislation that is proposed would affect special districts, which the CDD is and it wouldn't affect the CDDs because we assess on a non-ad valorem basis, the legislation that is proposed changes that the special districts that use ad valorem taxing would require a vote of the members within the taxing authority for a change greater than 10% or something like that. It is really geared at water management districts, special fire districts, mosquito control districts and those types of entities. We are wrapped up in it because we are a special district, but it should have no impact.

Ms. Buchanan stated I checked with our legislative affairs monitor and it is up for review tomorrow morning and the unofficial word is they feel like the bill is moving in a positive direction as far as making that clarification to ensure that the CDDs don't get wrapped up in this. Tomorrow is just one point if it does proceed there will be other opportunities to comment as well.

B. Engineer

There being none, the next item followed.

C. Manager

There being none, the next item followed.

D. Field Operational Manager

Mr. von der Osten stated we have three requests related to the CDD in with the City of Daytona Beach Public Works right now, one being the pavers being reset, one being the flooding on International Golf and Champions in front of the driving range and a new one that happened with the rain was a weir that failed several years ago on one of the lakes along Champions started to fail again and had a washout. The lake level dropped probably one to two feet rapidly because of it, it didn't drain like last time down to the bottom, but the city did come out and they have done the repair on the side and the weir has been addressed.

Some vehicle took out a streetlight post at the entrance to Champions and it is not repairable a replacement has been ordered and as soon as it is in it will go up. Also, it was mentioned that maybe we should look at relocating the streetlight at the intersection of Tournament and Champions. One is leaning right now where a tree was hit and fell over, which in turn knocked the streetlight. Everybody tells me that streetlight is not worth much, it is on the wrong side of the road, it is away from the intersection. On the opposite side of the road across the median on the corner of Tournament we do have electricity there. We could bring in an additional streetlight post and install it on one of those corners and illuminate the intersection at night like we have done the entryways. Having the electricity there all we have to do is buy the streetlight and have it installed. The streetlight is in the \$2,000 range and probably \$500 to connect it to the electricity. If that is something the board is interested in doing and having a streetlight installed there we will do that.

Mr. Perry stated if the board would like to you could approve a not to exceed amount.

Mr. McCommon stated I don't want to wait another 30 days or until the next meeting.

Mr. von der Osten stated we have to order these and there is a lead time on those.

Mr. McCommon asked is it appropriate to move that pole and use it as the new pole if it is not in a place of any value anyway?

Mr. von der Osten stated we can look into that but the lens is fogged on it like the old lights and it is 15 years old and it doesn't do much.

Mr. McCarthy asked would we consider cameras? We have had two monuments hit at the entrances, we have had two light poles hit and whoever is doing it never stops. I don't know how expensive the cameras would be.

Mr. McCommon stated it is not just the cameras but you have to have storage for them too.

Ms. Buchanan stated you have to get a really good camera because it is usually dark the photo is not necessarily good.

Mr. McCarthy stated it seems like we get hit a lot.

Mr. McCommon stated I'm okay if the total for the light and installation is below \$3,000.

On MOTION by Mr. McCommon seconded by Mr. Parks with all in favor staff was authorized to proceed with the purchase and installation of a streetlight at the intersection of Tournament and Champions as outlined above in an amount not to exceed \$3,000.

Mr. von der Osten stated the only fountain with a big issue right now is we are replacing a motor in Grand Champion, the south section. The scheduled date is tomorrow for that.

We have had complaints and it is not necessarily CDD but I want to mention it and it is the resort parcel about the homeless encampment. I visited three times this month and haven't found anybody there yet but there is evidence that someone has been there. We are posting sheriff department approved "no trespassing" signs in several locations next week along that parcel along Champions Drive. I had to get permission from the owner to post the signs.

Pressure washing was scheduled when we had the freezing weather come in so it is postponed until next week.

Ms. Rountree stated they should be done by the end of this week. We have Tournament Drive completed, the front entrance is done except for the two top high points of the monument, they are bringing in a lift to finish that part and they are going to start working on International Golf and finish that before the end of the week and they are going to do Grand Champion hopefully by the end of the week. We have to get the lift over there to be able to do that as well. As long as the transporter is available to move it over there we will have it done.

Mr. von der Osten stated we tried a different reflector and I didn't order enough for the entire community. I was waiting for feedback and I had two positive comments. If you like I will hit the additional medians. "No fishing" signs are back in stock if any need replacing.

I have an item about adding small neighborhood pocket parks in the community and the reason for it is because of a city ordinance and when you have pocket parks up to 2,000 foot circumference it becomes a non-sexual offender zone so they cannot move into the community because of the playgrounds and parks. These are small pocket parks with locations to be identified in the community in cooperation with the HOAs and the question is, is the CDD willing to assist in funding these items. We have discussed that before and we were leaning towards a positive outcome. HOAs don't really have excess funds for this type of thing they are willing to assist but they wanted to know if the CDD would do this and there is a community that is willing to be the pilot program for this.

Mr. Parks asked is that Grand Champion?

Mr. von der Osten stated yes and I think if we could work with the Grand Champion HOA there is a lot of community support for it there.

Mr. McCommon asked who owns the property it is going to be located on?

Mr. von der Osten stated that was part of this. Was it going to be HOA property or CDD property and I would ask Katie on that, if the HOA would need to carve out that small piece of property and dedicate it to the CDD, if the CDD would contribute the equipment for the creation of this park.

Mr. Perry stated there are a lot of different ways to do it. You can have a license agreement for it.

Ms. Buchanan stated we need some sort of real estate interest whether it is an easement or we own it.

Mr. McCommon asked who is going to be liable if we were to put playground equipment in and some child hurt themselves seriously are we going to be legally liable for that?

Ms. Buchanan stated the district doesn't contribute improvements for private property like an HOA so it would ultimately need to be the district's park, so we would assume all the risk.

Mr. Perry stated we manage several CDDs that have extensive parks and facilities.

Mr. McCommon stated I wish we had those in the community.

A resident stated it was promised 17 years ago that they would put these little parks around the place and they were going to make a trail along the woods and the other side of the sidewalks so we would have running trails.

Mr. McCommon stated I like the idea but what is the cost going to be?

Mr. von der Osten stated right now we are talking about \$10,000 per park. Let's say the area is prepared and each year a piece could be added either by the HOA or the CDD but a minimum swing set or slide or chin-up bars anything in there that qualifies it as a park then you have accomplished that goal.

Mr. Perry stated for reference keep in mind we visited this two or three years ago and I think you have a map that had potential areas so maybe we ought to pull that back out and bring it to the board so they can get a better idea. Keep in mind that you are going to have a little park, even though it is a pocket park you have to meet ADA requirements, it is going to have to be engineered, the costs start going up. Not to say it is a bad idea but you are going to be exceeding that \$10,000 pretty quickly.

Mr. McCommon stated I think it certainly enhances the community as well outside of the issue of sexual predators. I'm in favor of it but would want to see a more defined budget, also understand who is going to maintain it and who is going to pay for that maintenance. If they want it in Grand Champion there should be some participation by the HOA too. I wouldn't think it should be our expense.

Mr. von der Osten stated before we jumped into a master plan and budgets first I wanted to see if it was something that would be considered by this board and the Grand Champion HOA board. I want to go back to them with the idea.

A resident asked what equipment is needed to be able to call it a park? Something smaller than \$10,000.

Mr. von der Osten stated we are looking into that.

A resident asked why can't you have trees and a mulch path going along there and substations for joggers, a chin-up bar or something like that?

Mr. von der Osten stated if you want it developed like that with a trail throughout the community it would be up to the board if they wanted to.

Mr. McCommon stated I would like to see at the next meeting more of a proposal, what it would cost for Grand Champions, what they agree to or preliminary agreement for participation and any costs we haven't discussed.

Mr. Perry stated we will put it on the next agenda for discussion.

Mr. McCommon asked what about the entry monument that has struck over?

Mr. von der Osten stated I'm on my fifth vendor, two said no, two said yes and then they didn't show up. The one that is assisting now to get it completed is Kargar Homes, I literally went to the homebuilders out here. By the next meeting it is going to be done.

SIXTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

A resident stated I would like to compliment the attendees because I go to several CDD meetings and this is the only one that has public attendance.

Ms. Davila stated I know that the Florida Department of Transportation has to light that interchange. Do you know if the meeting is concerning that or is it for the redesign of the interchange?

Mr. Perry stated I don't know if it will cover both of those topics or not. My understanding is that it is about the redesign. We have asked for the preliminary meeting data and I haven't gotten anything yet.

SEVENTH ORDER OF BUSINESS

Approval of Check Register

On MOTION by Mr. Parks seconded by Mr. McCommon with all in favor the check registers were approved.

EIGHTH ORDER OF BUSINESS

Financial Statements as of December 31, 2017

Mr. Perry stated under section eight are the financial statements including the balance sheet, the general fund, the debt service funds for the three bonds along with the capital projects funds that we still have available, the long-term debt with general fixed assets. After that is the statement of revenues and expenditures for the general fund. We are pretty much favorable to budget in almost all the categories. There are a few that are a little above budget but overall we are favorable by about \$30,000. Some of it is related to timing but we are where we should be at

this time of year. After that is the debt service funds for the 1999A, 1999C and 2005 Bonds along with the capital projects funds, a month by month analysis of the revenues and expenditures and finally the assessment receipts schedule and that includes the receipts we discussed previously of \$595,000.

In January and February we will start getting more tax receipts in from the tax collector for the assessments and it will slow down until they do the tax certificate sales in the June/July timeframe. We are in good shape and are trending where we were other than that large deposit.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Next Scheduled Meeting – March 28, 2018 at 1:00 p.m. @ Holiday Inn

Mr. Perry stated the next scheduled meeting is March 28, 2018 at 1:00 p.m. in the same location. We are going to have a meeting for the sole purpose of listening to and discuss with FDOT and their consultants the I-95 interchange renovations. That meeting will be basically presentations of theirs and you are encouraged to interact with them and ask questions and so forth. We will be in communication prior to that and that meeting is going to be scheduled for the Daytona Beach Police Department.

Ms. Buchanan asked are you going to notice that as a workshop?

Mr. Perry stated we probably ought to discuss that. It probably should be a workshop rather than a regular meeting because we are not going to ask the board to do any other business. We can notice that as a workshop.

Mr. McCommon asked is FDOT presenting or is it the company they have hired to do the work?

Mr. Perry stated it is the company they hired to do the work. My understanding is they have invited other stakeholders in the area such as the Automall and Tangier but they definitely wanted the board members to be available for it. Previously the board had approved by motion to do a meeting on the 26th and I would like a motion to approve having a workshop on the 26th in lieu of a meeting.

On MOTION by Mr. McCommon seconded by Mr. Parks with all in favor staff was authorized to notice a workshop on the I-95 interchange for February 26, 2018 at the Daytona Beach Police Department.

Mr. Perry stated the only difference is it is a little more informal and you can't take any action. It doesn't mean that you can't ask questions and give your opinions you just can't as a board take an official action.

A resident stated there is heavy equipment out there and they have made ruts in the median.

Mr. Perry stated if you have any remediation on that area please segregate those, if you have to sod and fill areas that are CDD so that we can ask for reimbursement by the contractor.

On MOTION by Mr. Parks seconded by Mr. McCarthy with all in favor the meeting adjourned at 1:48 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman

FOURTH ORDER OF BUSINESS

INDIGO
COMMUNITY DEVELOPMENT DISTRICT
WORKSHOP

The Board of Supervisors of the Indigo Community Development District held a workshop on the proposed I-95 interchange on Monday, February 26, 2018 at 1:00 p.m. in the Large Community Room at the Daytona Beach Police Station on Valor Drive, Daytona Beach, Florida.

Present and constituting a quorum were:

Thomas G. Leek	Chairman
Robert E. Welsh	Vice Chairman
John McCarthy	Assistant Secretary
Mark McCommon	Assistant secretary

Also Present were:

James Perry	District Manager
Kurt von der Osten	Field Operations Manager
Jayne Rountree	Team Rountree
Representatives of FDOT and their consultants	
40 residents	

FIRST ORDER OF BUSINESS

Introduction

Mr. Leek called the workshop to order and Mr. Perry called the roll.

SECOND ORDER OF BUSINESS

LPGA Presentation

Representatives of FDOT and their consultants gave an overview and discussed the I-95 interchange project. They are currently in the planning phase with such phase running thru January 2019. After words in the second phase design will commence (will take 18 months to two years) and the third phase is construction. Phases 1 and 2 are funded but no funding has been designated for construction.

Attached are slides from the FDOT presentation. During the presentation FDOT and consultants took questions from members of the public and provided answers to the questions.

The workshop adjourned at 1:45 p.m.

SIXTH ORDER OF BUSINESS

**INDIGO
COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2017**

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA**

TABLE OF CONTENTS

	<u>Page</u>
INDEPENDENT AUDITOR'S REPORT	1-2
MANAGEMENT'S DISCUSSION AND ANALYSIS	3-6
BASIC FINANCIAL STATEMENTS	
Government-Wide Financial Statements:	
Statement of Net Position	7
Statement of Activities	8
Fund Financial Statements:	
Balance Sheet – Governmental Funds	9
Reconciliation of the Balance Sheet – Governmental Funds to the Statement of Net Position	10
Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds	11
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities	12
Notes to the Financial Statements	13-21
REQUIRED SUPPLEMENTARY INFORMATION	
Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – General Fund	22
Notes to Required Supplementary Information	23
INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	24-25
INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH THE REQUIREMENTS OF SECTION 218.415, FLORIDA STATUTES, REQUIRED BY RULE 10.556(10) OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA	26
MANAGEMENT LETTER REQUIRED BY CHAPTER 10.550 OF THE RULES OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA	27-29

DRAFT

INDEPENDENT AUDITOR'S REPORT

To the Board of Supervisors
Indigo Community Development District
Volusia County, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of Indigo Community Development District, Volusia County, Florida ("District") as of and for the fiscal year ended September 30, 2017, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Basis for Qualified Opinion on Debt Service Fund

The District was unable to provide sufficient competent evidential matter for certain default related expenditures paid for by the Trustee from the debt service fund. The financial information of the debt service fund is part of the governmental activities and is considered a major fund.

Opinions

In our opinion, except for the possible effects of the failure to provide sufficient competent evidential matter for certain default related expenditures paid from the debt service fund, as discussed above, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of September 30, 2017, and the respective changes in financial position thereof for the fiscal year then ended in conformity with accounting principles generally accepted in the United States of America.

DRAFT

Emphasis of Matter

As discussed in Notes 6 and other notes to the basic financial statements, the debt service fund had a deficit fund balance of (\$3,028,129) at September 30, 2017. Major landowners within the District failed to pay their share of the current and prior fiscal year assessments. As a result, the District did not have sufficient funds to make certain scheduled debt service payments and, as a result, the payments were not made. The District's failures to make its scheduled debt service payments when they are due are considered events of default. The District is economically dependent on its major Landowners. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated XXXX, 2018, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Report on Other Legal and Regulatory Requirements

We have also issued our report dated XXXX, 2018, on our consideration of the District's compliance with the requirements of Section 218.415, Florida Statutes, as required by Rule 10.556(10) of the Auditor General of the State of Florida. The purpose of that report is to provide an opinion based on our examination conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

XXXX, 2018

MANAGEMENT'S DISCUSSION AND ANALYSIS

Our discussion and analysis of Indigo Community Development District, Volusia County, Florida ("District") provides a narrative overview of the District's financial activities for the fiscal year ended September 30, 2017. Please read it in conjunction with the District's Independent Auditor's Report, basic financial statements, accompanying notes and supplementary information to the basic financial statements.

FINANCIAL HIGHLIGHTS

- The liabilities of the District exceeded its assets at the close of the fiscal year ended September 30, 2017 resulting in a (deficit) net position balance of (\$9,190,514).
- The change in the District's total net position in comparison with the prior fiscal year was (\$28,368), a decrease. The key components of the District's net position and change in net position are reflected in the table in the government-wide financial analysis section.
- At September 30, 2017, the District's governmental funds reported combined ending fund balances of (\$279,989), a decrease of (\$268,625) in comparison with the prior fiscal year. The total fund balance is non-spendable for prepaid items, restricted for capital projects, unassigned, deficit debt service fund balance, assigned for subsequent year's expenditures and the remainder is unassigned fund balance which is available for spending at the District's discretion.

OVERVIEW OF FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as the introduction to the District's basic financial statements. The District's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the District's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all the District's assets, deferred outflows of resources, liabilities, and deferred inflows of resources with the residual amount being reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the District is improving or deteriorating.

The statement of activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

The government-wide financial statements include all governmental activities that are principally supported by special assessment revenues. The District does not have any business-type activities. The governmental activities of the District include the general government (management) and maintenance functions.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The District, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The District has one fund category: governmental funds.

OVERVIEW OF FINANCIAL STATEMENTS (Continued)

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a District's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the District's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The District maintains three governmental funds for external reporting. Information is presented separately in the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund and capital projects fund, all of which are considered major funds.

The District adopts an annual appropriated budget for its general fund. A budgetary comparison schedule has been provided for the general fund to demonstrate compliance with the budget.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of an entity's financial position. In the case of the District, liabilities exceeded assets at the close of the most recent fiscal year.

Key components of the District's net position are reflected in the following table:

NET POSITION SEPTEMBER 30,		
	2017	2016
Current and other assets	\$ 5,076,710	\$ 3,967,554
Capital assets, net of depreciation	4,417,843	4,691,447
Total assets	9,494,553	8,659,001
Current liabilities	5,650,987	4,356,850
Long-term liabilities	13,034,080	13,464,297
Total liabilities	18,685,067	17,821,147
Net position		
Net investment in capital assets	(8,616,237)	(8,772,850)
Restricted	147,339	147,113
Unrestricted	(721,616)	(536,409)
Total net position	\$ (9,190,514)	\$ (9,162,146)

The District's net position reflects its investment in capital assets (e.g. land, land improvements, and infrastructure) less any related debt used to acquire those assets that is still outstanding. These assets are used to provide services to residents; consequently, these assets are not available for future spending. Although the District's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

DRAFT

GOVERNMENT-WIDE FINANCIAL ANALYSIS (Continued)

The restricted portion of the District's net position represents resources that are subject to external restrictions on how they may be used.

The District's net position decreased during the most recent fiscal year.

Key elements of the change in net position are reflected in the following table:

CHANGES IN NET POSITION FOR THE FISCAL YEAR ENDED SEPTEMBER 30,		
	2017	2016
Revenues:		
Program revenues		
Charges for services	\$ 2,225,998	\$ 1,353,924
Operating grants and contributions	13,569	1,048
Capital grants and contributions	226	294
General revenues		
Unrestricted investment earnings	3,177	3,845
Total revenues	2,242,970	1,359,111
Expenses:		
General government	202,209	183,953
Maintenance and operations	1,153,224	1,051,967
Interest on long-term debt	915,905	915,262
Total expenses	2,271,338	2,151,182
Change in net position	(28,368)	(792,071)
Net position - beginning	(9,162,146)	(8,370,075)
Net position - ending	\$ (9,190,514)	\$ (9,162,146)

As noted above and in the statement of activities, the cost of all governmental activities during the fiscal year ended September 30, 2017 was \$2,271,338. The costs of the District's activities were primarily funded by program revenues. Program revenues, comprised primarily of assessments, increased from the prior fiscal year primarily as a result of collecting a large portion of delinquent assessments during the current fiscal year. Expenditures increased as a result of increased maintenance costs incurred in the current fiscal year.

GENERAL BUDGETING HIGHLIGHTS

An operating budget was adopted and maintained by the governing board for the District pursuant to the requirements of Florida Statutes. The budget is adopted using the same basis of accounting that is used in preparation of the fund financial statements. The legal level of budgetary control, the level at which expenditures may not exceed budget, is in the aggregate. Any budget amendments that increase the aggregate budgeted appropriations must be approved by the Board of Supervisors. Actual general fund expenditures did not exceed appropriations for the fiscal year ended September 30, 2017.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

At September 30, 2017, the District had \$7,622,700 invested in capital assets for its governmental activities. In the government-wide financial statements depreciation of \$3,204,857 has been taken, which resulted in a net book value of \$4,417,843. More detailed information about the District's capital assets is presented in the notes of the financial statements.

Capital Debt

At September 30, 2017, the District had \$14,200,000 in Bonds outstanding. More detailed information about the District's capital debt is presented in the notes of the financial statements.

DRAFT

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND OTHER EVENTS

As discussed in the notes to the basic financial statements, the debt service fund had a deficit fund balance of (\$3,028,129) at September 30, 2017. Major landowners within the District failed to pay their share of the current and prior fiscal year assessments. As a result, the District did not have sufficient funds to make certain scheduled debt service payments and, as a result, the payments were not made. The District's failures to make its scheduled debt service payments when they are due are considered events of default. The District continues to work with the Trustee, the Bondholders, and the delinquent property owners for the collection of debt service assessments. Due to the cost and other issues surrounding the foreclosure of the delinquent properties, the District continues to take direction from the Trustee and Bondholders. The foreclosure process has been placed on hold.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, land owners, customers, investors and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the financial resources it manages and the stewardship of the facilities it maintains. If you have questions about this report or need additional financial information, contact the Indigo Community Development District's Finance Department at 135 W. Central Blvd, Suite 320 Orlando, Florida 32801.

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
STATEMENT OF NET POSITION
SEPTEMBER 30, 2017**

	Governmental Activities
ASSETS	
Cash and cash equivalents	\$ 82,987
Investments	1,964,555
Assessments receivable	685,769
Prepaid items	18,887
Restricted assets:	
Investments	2,324,512
Capital assets:	
Nondepreciable	2,507,717
Depreciable, net	1,910,126
Total assets	<u>9,494,553</u>
LIABILITIES	
Accounts payable	37,502
Unearned revenue	2,025
Accrued interest payable	378,516
Due to Bondholders:	
Interest	4,147,944
Principal	1,085,000
Non-current liabilities:	
Due within one year*	460,000
Due in more than one year	12,574,080
Total liabilities	<u>18,685,067</u>
NET POSITION	
Net investment in capital assets	(8,616,237)
Restricted for capital projects	147,339
Unrestricted	(721,616)
Total net position	<u>\$ (9,190,514)</u>

* The missed debt service payments due for the Series 1999C and 2005 Bonds are reflected in the due to Bondholders account.

See notes to the financial statements

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2017**

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	
Primary government:					
Governmental activities:					
General government	\$ 202,209	\$ 202,209	\$ -	\$ -	\$ -
Maintenance and operations	1,153,224	1,430,361	6,075	226	283,438
Interest on long-term debt	915,905	593,428	7,494	-	(314,983)
Total governmental activities	2,271,338	2,225,998	13,569	226	(31,545)
General revenues:					
Unrestricted investment earnings					3,177
Total general revenues					3,177
Change in net position					(28,368)
Net position - beginning					(9,162,146)
Net position - ending					\$ (9,190,514)

See notes to the financial statements

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2017**

	Major Funds			Total
	General	Debt Service	Capital Projects	Governmental Funds
ASSETS				
Cash and cash equivalents	\$ 82,987	\$ -	\$ -	\$ 82,987
Investments	1,964,555	2,177,173	147,339	4,289,067
Assessments receivable	658,127	27,642	-	685,769
Prepaid items	18,887	-	-	18,887
Total assets	<u>\$ 2,724,556</u>	<u>\$ 2,204,815</u>	<u>\$ 147,339</u>	<u>\$ 5,076,710</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 37,502	\$ -	\$ -	\$ 37,502
Due to Bondholders	-	5,232,944	-	5,232,944
Unearned revenue	2,025	-	-	2,025
Total liabilities	<u>39,527</u>	<u>5,232,944</u>	<u>-</u>	<u>5,272,471</u>
Deferred inflows of resources:				
Unavailable revenue	84,228	-	-	84,228
Total deferred inflows of resources	<u>84,228</u>	<u>-</u>	<u>-</u>	<u>84,228</u>
Fund balances:				
Nonspendable:				
Prepaid items	18,887	-	-	18,887
Restricted for:				
Capital projects	-	-	147,339	147,339
Assigned for:				
Subsequent year's expenditures	103,061	-	-	103,061
Unassigned	2,478,853	(3,028,129)	-	(549,276)
Total fund balances	<u>2,600,801</u>	<u>(3,028,129)</u>	<u>147,339</u>	<u>(279,989)</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 2,724,556</u>	<u>\$ 2,204,815</u>	<u>\$ 147,339</u>	<u>\$ 5,076,710</u>

See notes to the financial statements

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION
SEPTEMBER 30, 2017**

Total fund balance - governmental funds \$ (279,989)

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources, therefore, are not reported as assets in the governmental funds. The statement of net position includes those capital assets, net of any accumulated depreciation, in the net position of the government as a whole.

Cost of capital assets	7,622,700	
Accumulated depreciation	<u>(3,204,857)</u>	4,417,843

Assets recorded in the governmental fund financial statements that are not available to pay for current-period expenditures are unavailable revenue in the governmental funds.	84,228
--	--------

Liabilities not due and payable from current available resources are not reported as liabilities in the governmental fund financial statements. All liabilities, both current and long-term, are reported in the government-wide financial statements.

Accrued interest payable	(378,516)	
Bonds payable *	<u>(13,034,080)</u>	<u>(13,412,596)</u>
Net position of governmental activities		<u>\$ (9,190,514)</u>

* The missed debt service payments due for the Series 1999C and 2005 Bonds are reflected in the due to Bondholders account.

See notes to the financial statements

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2017**

	Major Funds			Total Governmental Funds
	General	Debt Service	Capital Projects	
REVENUES				
Assessments	\$ 1,548,342	\$ 593,428	\$ -	\$ 2,141,770
Miscellaneous income	6,075	-	-	6,075
Interest	3,177	7,494	226	10,897
Total revenues	<u>1,557,594</u>	<u>600,922</u>	<u>226</u>	<u>2,158,742</u>
EXPENDITURES				
Current:				
General government	149,575	52,634	-	202,209
Maintenance	879,620	-	-	879,620
Debt service:				
Principal	-	435,000	-	435,000
Interest	-	910,538	-	910,538
Total expenditures	<u>1,029,195</u>	<u>1,398,172</u>	<u>-</u>	<u>2,427,367</u>
Excess (deficiency) of revenues over (under) expenditures	528,399	(797,250)	226	(268,625)
Fund balances - beginning	<u>2,072,402</u>	<u>(2,230,879)</u>	<u>147,113</u>	<u>(11,364)</u>
Fund balances - ending	<u>\$ 2,600,801</u>	<u>\$ (3,028,129)</u>	<u>\$ 147,339</u>	<u>\$ (279,989)</u>

See notes to the financial statements

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2017**

Net change in fund balances - total governmental funds	\$ (268,625)
Amounts reported for governmental activities in the statement of activities are different because:	
Depreciation of capital assets is not recognized in the governmental fund financial statements, but is reported as an expense in the statement of activities.	(273,604)
Expenditures related to debt service payments must be recognized in governmental funds in the period in which they become due, therefore amounts not paid were recorded as a liability in the fund financial statements. The liability has already been recorded on the statement of net position.	435,000
Revenues in the statement of activities that do not provide current financial resources are deferred and not reported as revenues in the fund financial statements.	84,228
The change in accrued interest on long-term liabilities between the current and prior fiscal year is recorded in the statement of activities, but not in the governmental fund financial statements.	(584)
Amortization of Bond discounts/premiums is not recognized in the governmental fund financial statements, but is reported as an expense in the statement of activities.	(4,783)
Change in net position of governmental activities	<u>\$ (28,368)</u>

See notes to the financial statements

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
NOTES TO FINANCIAL STATEMENTS**

NOTE 1 – NATURE OF ORGANIZATION AND REPORTING ENTITY

Indigo Community Development District ("District") was created January 3, 1995 by Rule 42U-1.001 - 1.003, Florida Administrative Code of the Florida Land and Water Adjudicatory Commission, pursuant to the Uniform Community Development District Act of 1980, otherwise known as Chapter 190, Florida Statutes. The Act provides among other things, the power to manage basic services for community development, power to borrow money and issue Bonds, and to levy and assess non-ad valorem assessments for the financing and delivery of capital infrastructure.

The District was established for the purposes of financing and managing the acquisition, construction, maintenance and operation of a portion of the infrastructure necessary for community development within the District.

The District is governed by the Board of Supervisors ("Board"), which is composed of five members. The Supervisors were elected by residents registered to vote within the District through the general election process. The Board of Supervisors of the District exercise all powers granted to the District pursuant to Chapter 190, Florida Statutes.

The Board has the responsibility for, among other responsibilities:

1. Assessing and levying assessments.
2. Approving budgets.
3. Exercising control over facilities and properties.
4. Controlling the use of funds generated by the District.
5. Approving the hiring and firing of key personnel.
6. Financing improvements.

The financial statements were prepared in accordance with Governmental Accounting Standards Board ("GASB") Statements. Under the provisions of those standards, the financial reporting entity consists of the primary government, organizations for which the District is considered to be financially accountable and other organizations for which the nature and significance of their relationship with the District are such that, if excluded, the financial statements of the District would be considered incomplete or misleading. There are no entities considered to be component units of the District; therefore, the financial statements include only the operations of the District.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Government-Wide and Fund Financial Statements

The basic financial statements include both government-wide and fund financial statements.

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the non-fiduciary activities of the primary government. For the most part, the effect of interfund activity has been removed from these statements.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment. Operating-type special assessments for maintenance and debt service are treated as charges for services; and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Other items not included among program revenues are reported instead as *general revenues*.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources measurement* focus and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Assessments are recognized as revenues in the year for which they are levied. Grants and similar items are to be recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures are recorded only when payment is due.

Assessments

Assessments are non-ad valorem assessments on benefited property within the District. Operating and maintenance assessments are based upon the adopted budget and levied annually at a public hearing of the District. Debt service assessments are levied when Bonds are issued and assessed on an annual basis. The District may collect assessments directly or utilize the uniform method of collection under Florida Statutes. Direct collected assessments are due as determined by annual assessment resolution adopted by the Board of Supervisors. Assessments collected under the uniform method are mailed by the County Tax Collector on November 1 and due on or before March 31 of each year. Property owners may prepay a portion or all of the debt service assessments on their property subject to various provisions in the Bond documents.

Assessments and interest associated with the current fiscal period are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. The portion of assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period.

The District reports the following major governmental funds:

General Fund

The general fund is the general operating fund of the District. It is used to account for all financial resources except those required to be accounted for in another fund.

Debt Service Fund

The debt service fund is used to account for the accumulation of resources for the annual payment of principal and interest on long-term debt.

Capital Projects Fund

This fund accounts for the financial resources to be used for the acquisition or construction of major infrastructure within the District.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first for qualifying expenditures, then unrestricted resources as they are needed.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Assets, Liabilities and Net Position or Equity

Restricted Assets

These assets represent cash and investments set aside pursuant to Bond covenants or other contractual restrictions.

Deposits and Investments

The District's cash and cash equivalents are considered to be cash on hand and demand deposits (interest and non-interest bearing).

The District has elected to proceed under the Alternative Investment Guidelines as set forth in Section 218.415 (17) Florida Statutes. The District may invest any surplus public funds in the following:

- a) The Local Government Surplus Trust Funds, or any intergovernmental investment pool authorized pursuant to the Florida Inter-local Cooperation Act;
- b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;
- c) Interest bearing time deposits or savings accounts in qualified public depositories;
- d) Direct obligations of the U.S. Treasury.

Securities listed in paragraph c and d shall be invested to provide sufficient liquidity to pay obligations as they come due.

The District records all interest revenue related to investment activities in the respective funds. Investments are measured at amortized cost or reported at fair value as required by generally accepted accounting principles.

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

Capital Assets

Capital assets which include property, plant and equipment, and infrastructure assets (e.g., roads, sidewalks and similar items) are reported in the government activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 (amount not rounded) and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Property, plant and equipment of the District are depreciated using the straight-line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Entry feature and other improvements	10-20
Infrastructure	10-30

In the governmental fund financial statements, amounts incurred for the acquisition of capital assets are reported as fund expenditures. Depreciation expense is not reported in the governmental fund financial statements.

Unearned Revenue

Governmental funds report unearned revenue in connection with resources that have been received, but not yet earned.

DRAFT

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Assets, Liabilities and Net Position or Equity (Continued)

Long-Term Obligations

In the government-wide financial statements long-term debt and other long-term obligations are reported as liabilities in the statement of net position. Bond premiums and discounts are deferred and amortized ratably over the life of the Bonds. Bonds payable are reported net of applicable premiums or discounts. Bond issuance costs are expensed when incurred.

In the fund financial statements, governmental fund types recognize premiums and discounts, as well as issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Deferred Outflows/Inflows of Resources

Deferred outflows of resources represent a consumption of net position that applies to future reporting period(s). For example, the District would record deferred outflows of resources on the statement of net position related to debit amounts resulting from current and advance refundings resulting in the defeasance of debt (i.e. when there are differences between the reacquisition price and the net carrying amount of the old debt).

Deferred inflows of resources represent an acquisition of net position that applies to future reporting period(s). For example, when an asset is recorded in the governmental fund financial statements, but the revenue is unavailable, the District reports a deferred inflow of resources on the balance sheet until such times as the revenue becomes available.

Fund Equity/Net Position

In the fund financial statements, governmental funds report non spendable and restricted fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. Assignments of fund balance represent tentative management plans that are subject to change.

The District can establish limitations on the use of fund balance as follows:

Committed fund balance – Amounts that can be used only for the specific purposes determined by a formal action (resolution) of the Board of Supervisors. Commitments may be changed or lifted only by the Board of Supervisors taking the same formal action (resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

Assigned fund balance – Includes spendable fund balance amounts established by the Board of Supervisors that are intended to be used for specific purposes that are neither considered restricted nor committed. The Board may also assign fund balance as it does when appropriating fund balance to cover differences in estimated revenue and appropriations in the subsequent year's appropriated budget. Assignments are generally temporary and normally the same formal action need not be taken to remove the assignment.

The District first uses committed fund balance, followed by assigned fund balance and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

Net position is the difference between assets and deferred outflows of resources less liabilities and deferred inflows of resources. Net position in the government-wide financial statements are categorized as net investment in capital assets, restricted or unrestricted. Net investment in capital assets represents net position related to infrastructure and property, plant and equipment. Restricted net position represents the assets restricted by the District's Bond covenants or other contractual restrictions. Unrestricted net position consists of the net position not meeting the definition of either of the other two components.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Other Disclosures

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

NOTE 3 – BUDGETARY INFORMATION

The District is required to establish a budgetary system and an approved Annual Budget. Annual Budgets are adopted on a basis consistent with generally accepted accounting principles for the general fund. All annual appropriations lapse at fiscal year end.

The District follows these procedures in establishing the budgetary data reflected in the financial statements.

- a) Each year the District Manager submits to the District Board a proposed operating budget for the fiscal year commencing the following October 1.
- b) A public hearing is conducted to obtain public comments.
- c) Prior to October 1, the budget is legally adopted by the District Board.
- d) All budget changes must be approved by the District Board, subject to the District's appropriation resolution.
- e) The budgets are adopted on a basis consistent with generally accepted accounting principles.
- f) Unused appropriation for annually budgeted funds lapse at the end of the year.

NOTE 4 – DEPOSITS AND INVESTMENTS

Deposits

The District's cash balances were entirely covered by federal depository insurance or by a collateral pool pledged to the State Treasurer. Florida Statutes Chapter 280, "Florida Security for Public Deposits Act", requires all qualified depositories to deposit with the Treasurer or another banking institution eligible collateral equal to various percentages of the average daily balance for each month of all public deposits in excess of any applicable deposit insurance held. The percentage of eligible collateral (generally, U.S. Governmental and agency securities, state or local government debt, or corporate bonds) to public deposits is dependent upon the depository's financial history and its compliance with Chapter 280. In the event of a failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses.

Investments

The District's investments were held as follows at September 30, 2017:

	Amortized Cost	Credit Risk	Maturities
Fidelity Government Portfolio Class III	\$ 2,061,326	S&P AAAm	Weighted average of the fund portfolio: 30 days
US Bank Money Market Fund	2,227,741	N/A	N/A
	<u>\$ 4,289,067</u>		

Credit risk – For investments, credit risk is generally the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Investment ratings by investment type are included in the preceding summary of investments.

Concentration risk – The District places no limit on the amount the District may invest in any one issuer.

Interest rate risk – The District does not have a formal policy that limits investment maturities as a means of managing exposure to fair value losses arising from increasing interest rates.

However, the Bond Indenture limits the type of investments held using unspent proceeds.

DRAFT

NOTE 4 – DEPOSITS AND INVESTMENTS (Continued)

Investments (Continued)

Fair Value Measurement – When applicable, the District measures and records its investments using fair value measurement guidelines established in accordance with GASB Statements. The framework for measuring fair value provides a fair value hierarchy that prioritizes the inputs to valuation techniques.

These guidelines recognize a three-tiered fair value hierarchy, in order of highest priority, as follows:

- *Level 1*: Investments whose values are based on unadjusted quoted prices for identical investments in active markets that the District has the ability to access;
- *Level 2*: Investments whose inputs - other than quoted market prices - are observable either directly or indirectly; and,
- *Level 3*: Investments whose inputs are unobservable.

The fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the entire fair value measurement. Valuation techniques used should maximize the use of observable inputs and minimize the use of unobservable inputs.

Money market investments that have a maturity at the time of purchase of one year or less and are held by governments other than external investment pools should be measured at amortized cost. Accordingly, the District's investments have been reported at amortized cost above.

NOTE 5 – CAPITAL ASSETS

Capital asset activity for the fiscal year ended September 30, 2017 was as follows:

	Beginning Balance	Additions	Reductions	Ending Balance
<u>Governmental activities</u>				
Capital assets, not being depreciated				
Land and land improvements	\$ 2,507,717	\$ -	\$ -	\$ 2,507,717
Total capital assets, not being depreciated	2,507,717	-	-	2,507,717
Capital assets, being depreciated				
Entrance and other improvements	1,872,969	-	-	1,872,969
Infrastructure	3,242,014	-	-	3,242,014
Total capital assets, being depreciated	5,114,983	-	-	5,114,983
Less accumulated depreciation for:				
Entrance and other improvements	1,073,602	151,594	-	1,225,196
Infrastructure	1,857,651	122,010	-	1,979,661
Total accumulated depreciation	2,931,253	273,604	-	3,204,857
Total capital assets, being depreciated, net	2,183,730	(273,604)	-	1,910,126
Governmental activities capital assets, net	\$ 4,691,447	\$ (273,604)	\$ -	\$ 4,417,843

The District is bifurcated into two distinct development areas known as the North Assessment Area and the South Assessment Area. The District's Series 1999C funded all of the Community Wide Capital Improvements situated in the North Assessment Area and a portion of the Community Wide Capital Improvements situated in the South Assessment Area. The remaining costs of the Community Wide Capital Improvements for the South Assessment Areas have been estimated at \$35 million. A portion of the costs was to be funded with the proceeds from the Series 2005 Bonds (the "2005 Project") and the remaining costs were to be funded with proceeds from a future bond issuance and by the Developer.

NOTE 5 – CAPITAL ASSETS (Continued)

The 2005 Project was originally estimated at \$12 million and included roadway, utility, and landscape projects located in the South Assessment Area. However, due to economic reasons, the scope of the project was revised and improvements costing a total of \$6,306,958 were declared completed (“2005 Completed Project”) in a prior fiscal year. Also in a prior fiscal year, the series 1999C Project was declared completed. The Series 1999C project was also revised and the total cost of the improvements completed under the Series 1999C Project (“1999C Completed Project”) was approximately \$7,183,238. The Engineer certified that the Series 1999C and 2005 Completed Projects will be capable of performing the functions for which they were intended. Due to the default of the series 1999C and 2005 Special Assessments by the Developer and subsequent landowners, the overall timeline for the plan of development has changed and it has been determined that it is economically infeasible to continue expanding the public infrastructure at the present time.

Also in a prior fiscal year, subsequent to the declaration of completion of the 1999C and 2005 projects, \$6,800,000 of excess fund remaining in the Construction Accounts were used to pay down the outstanding principal on Series 2005 Bonds.

Depreciation expense was charged to the maintenance and operations function.

NOTE 6 – LONG-TERM LIABILITIES

At September 30, 2017, the District had Bond issues as follows:

Series	Issue Date	Original Face Amount	Interest Rate	Maturity
Capital Improvement Bonds:				
Series 1999A	December 20, 1999	\$ 980,000	7.00%	May 1, 2031
Series 1999C	December 20, 1999	8,515,000	7.00%	May 1, 2030
Series 2005	February 1, 2005	14,710,000	5.75%	May 1, 2036

The Capital Improvement Bonds, Series 1999A, 1999C and 2005A were issued to finance the acquisition and construction of certain improvements for the benefit of the District.

Interest is to be paid semiannually for each Bond series on each May 1 and November 1. Principal is to be paid serially for each Bond series on each May 1.

The Series 1999A, 1999C, and 2005 Bonds are subject to redemption at the option of the District prior to maturity. Each Bond Series is subject to extraordinary mandatory redemption prior to maturity in the manner determined by the Bond Registrar if certain events occurred as outlined in the Bond Indenture.

The Bond Indentures established debt service reserve requirements as well as other restrictions and requirements relating principally to the use of proceeds to pay for the infrastructure improvements and the procedures to be followed by the District on assessments to property owners. The District agreed at the time of issuance to levy special assessments in annual amounts adequate to provide payment of debt service and to meet the reserve requirements and has agreed to collect the same. The Series 1999A debt service reserve requirements were met at September 30, 2017. However, the Series 1999C and 2005 debt service reserve requirements were not met at September 30, 2017.

During the prior and current fiscal years, there were significant delinquent assessments, and, as a result, certain scheduled debt service payments due on the Series 1999C and 2005 during prior fiscal years were made, in part, by draws on the respective debt service reserve account. Also, default related expenses were paid from funds in the debt service reserve accounts. As a result of these payments, there are deficits of approximately \$644,000 and \$356,000 in the Series 1999C and Series 2005 debt service reserve accounts, respectively. Furthermore, certain scheduled debt service payments due on the Series 1999C and 2005 were not made, resulting in events of default. The amounts due have been reported in the financial statements as Due to Bondholders and reflects unpaid principals of \$655,000 and \$430,000, and unpaid interests of \$1,398,006 and \$2,749,938 for the Series 1999C and 2005, respectively. During the prior fiscal year the District made principal and interest payments of \$65,000 and \$490,769, respectively for past due amounts on the Series 1999C Bonds. See Note 12 – Subsequent Events for additional missed debt service payments.

DRAFT

NOTE 6 – LONG-TERM LIABILITIES (Continued)

Long-term Debt Activity

Changes in long-term liability activity for the fiscal year ended September 30, 2017 were as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
<u>Governmental activities</u>					
Bonds payable:					
Series 1999 A	\$ 725,000	\$ -	\$ 30,000	\$ 695,000	\$ 30,000
Series 1999 C	6,660,000	-	-	6,660,000	925,000 *
Series 2005	6,845,000	-	-	6,845,000	590,000 *
Original issue discount	85,703	-	4,783	80,920	-
Total	<u>\$ 14,144,297</u>	<u>\$ -</u>	<u>\$ 25,217</u>	<u>\$ 14,119,080</u>	<u>\$ 1,545,000</u>

* Includes the missed debt service payments due for the Series 1999C and 2005 Bonds which were not paid.

At September 30, 2017, the scheduled debt service requirements on the long-term debt were as follows:

Year ending September 30:	Governmental Activities		
	Principal	Interest	Total
2018	\$ 1,545,000 *	\$ 5,056,382 *	\$ 6,601,382
2019	495,000	807,663	1,302,663
2020	525,000	775,138	1,300,138
2021	565,000	740,638	1,305,638
2022	600,000	703,463	1,303,463
2023-2027	3,675,000	2,867,638	6,542,638
2028-2032	4,095,000	1,461,163	5,556,163
2033-2036	2,700,000	484,438	3,184,438
Total	<u>\$ 14,200,000</u>	<u>\$ 12,896,523</u>	<u>\$ 27,096,523</u>

* Includes the missed debt service payments due for the Series 1999C and 2005 Bonds which were not paid.

NOTE 7 – ASSESSMENTS

Agreement between the District and GC Land LLC

During a prior fiscal year, the District entered into an agreement with GC Land LLC ("GC Land"), a landowner, regarding the payment of past due O&M on parcels identified as NW-21 and SW-28 that were previously direct-billed. According to the Agreement, past due O&M assessments on NW-21 and SW-28 were \$117,680 and \$46,931, respectively. The amount due on NW-21 is net of a \$35,000 payment that was made prior to the execution of the agreement. Pursuant to the Agreement, GC Land agreed to make monthly payments of \$3,000 toward NW-21 beginning July 31, 2015 until the earlier of the payment of \$25,000 or the sale of the NW-21. If the \$25,000 is paid before the closing of NW-21, the remaining \$92,680 balance (the "Deferred Amount") will be deferred until the closing and sale of SW-28. If SW-28 is not sold by April 30, 2016, GC Land will recommence paying the monthly installment payments to reduce the Deferred Amount. GC Land also agreed to pay any remaining balance of the Deferred Amount plus any current and future unpaid O&M related to SW-28 upon the closing of SW-28. Also pursuant to the agreement, The District, with the consent of the Bondholders, agreed to waive all late fees, penalties, and interest related to the past due O&M and debt service assessments on the parcels.

In accordance with the agreement and in addition to the \$35,000 payment mentioned above, GC Land paid to the District a total of \$33,000 during prior fiscal years and \$30,000 during the current fiscal year. As of September 30, 2017, the District is owed \$101,611 pursuant to the agreement.

Delinquent Assessments

A significant portion of the assessments for the prior and current fiscal years were delinquent as of September 30, 2017. The balance of the delinquent assessments levied using the uniform method of collection was \$1,040,076 as of September 30, 2017, of which \$679,769 was collected subsequent to year end. Since collectability of the remaining assessments was deemed uncertain, these amounts have not been recognized in the financial statements.

DRAFT

NOTE 8 – CONCENTRATION

A significant portion of the District's activity is dependent upon the continued involvement of the major landowners. As such, the nonpayment of assessments by some of the major landowners in the prior, current, and subsequent fiscal years has resulted in the deterioration of the District's financial conditions.

NOTE 9 – MANAGEMENT AGREEMENTS

The District has contracted with management companies to perform management advisory services, which include financial and accounting services, and field management services. Certain employees of one of the management companies also serve as officers of the District. Under the agreements, the District compensates one of the management companies for management, accounting, financial reporting, computer and other administrative costs and the other management company for field operations management services.

NOTE 10 – RISK MANAGEMENT

The District is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. The District has obtained commercial insurance from independent third parties to mitigate the costs of these risks; coverage may not extend to all situations. There were no settled claims during the past three years.

NOTE 11 – LITIGATION

In a prior fiscal year, the Board of Supervisors of the District authorized the foreclosure of certain parcels currently owned by GC Land, LLC, HW CGC Investment Land LLC, and other Landowners for nonpayment of Special assessments as it relates to the District Series 1999C and 2005 Bonds and operating and maintenance assessments for fiscal years 2009 – 2012. During the 2015 fiscal year, The Board of Supervisors entered into an agreement related to specific lands owned by GC Land, LLC in regards to delinquent O&M assessments (see Note 7). The parcels subject to the agreement are NW-21 and SW-28 and as such are secured by title to the lands being held in escrow. If certain payments are not made by GC Land, the title for the parcels will be provided to the District. The Trustee and the Bondholders have been informed of the agreement and at this time have not wanted the District to move forward with foreclosure on lands with delinquent debt service assessments. No adjustment has been made to the financial statements as the impact on the District cannot be determined at this time since it is unclear how events will unfold.

NOTE 12 – SUBSEQUENT EVENTS

Debt Service Payments

Subsequent to fiscal year end, certain scheduled debt service payments were due on the Series 1999C and 2005 Bonds. However, shortfalls in the collection of special assessments caused there to be insufficient amounts available to fully fund these scheduled debt service payments. As a result, the Series 1999C and 2005 debt service payments due on November 1, 2017 were not made. The failure by the District to pay its debt service is considered an event of default.

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL – GENERAL FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2017**

	Budgeted Amounts Original & Final	Actual Amounts	Variance with Final Budget - Positive (Negative)
REVENUES			
Assessments	\$ 1,059,157	\$ 1,548,342	\$ 489,185
Miscellaneous revenue	-	6,075	6,075
Interest	500	3,177	2,677
Total revenues	<u>1,059,657</u>	<u>1,557,594</u>	<u>497,937</u>
EXPENDITURES			
Current:			
General government	195,843	149,575	46,268
Maintenance	910,804	879,620	31,184
Total expenditures	<u>1,106,647</u>	<u>1,029,195</u>	<u>77,452</u>
Excess (deficiency) of revenues over (under) expenditures	(46,990)	528,399	575,389
OTHER FINANCING SOURCES (USES)			
Carryforward	46,990	-	(46,990)
Total other financing sources (uses)	<u>46,990</u>	<u>-</u>	<u>(46,990)</u>
Net change in fund balance	<u>\$ -</u>	528,399	<u>\$ 528,399</u>
Fund balance - beginning		<u>2,072,402</u>	
Fund balance - ending		<u>\$ 2,600,801</u>	

See notes to required supplementary information

DRAFT

**INDIGO COMMUNITY DEVELOPMENT DISTRICT
VOLUSIA COUNTY, FLORIDA
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION**

The District is required to establish a budgetary system and an approved Annual Budget for the general fund. The District's budgeting process is based on estimates of cash receipts and cash expenditures which are approved by the Board. The budget approximates a basis consistent with accounting principles generally accepted in the United States of America (generally accepted accounting principles).

The legal level of budgetary control, the level at which expenditures may not exceed budget, is in the aggregate. Any budget amendments that increase the aggregate budgeted appropriations must be approved by the Board of Supervisors. Actual general fund expenditures did not exceed appropriations for the fiscal year ended September 30, 2017.

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT
OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Board of Supervisors
Indigo Community Development District
Volusia County, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of Indigo Community Development District, Volusia County, Florida ("District") as of and for the fiscal year ended September 30, 2017, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our opinion thereon dated XXXX, 2018, which includes an explanatory paragraph regarding the modified opinion for the debt service fund due to the lack of sufficient competent evidential matter and an emphasis of matter paragraph.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to management of the District in a separate letter dated XXXX, 2018.

The District's responses to the findings identified in our audit are described in the accompanying Management Letter. We did not audit the District's responses and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

XXXX, 2018

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH THE
REQUIREMENTS OF SECTION 218.415, FLORIDA STATUTES, REQUIRED BY
RULE 10.556(10) OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA**

To the Board of Supervisors
Indigo Community Development District
Volusia County, Florida

We have examined Indigo Community Development District, Volusia County, Florida's ("District") compliance with the requirements of Section 218.415, Florida Statutes, in accordance with Rule 10.556(10) of the Auditor General of the State of Florida during the fiscal year ended September 30, 2017. Management is responsible for District's compliance with those requirements. Our responsibility is to express an opinion on District's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the District complied, in all material respects, with the specified requirements referenced in Section 218.415, Florida Statutes. An examination involves performing procedures to obtain evidence about whether the District complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion. Our examination does not provide a legal determination on the District's compliance with specified requirements.

In our opinion, the District complied, in all material respects, with the aforementioned requirements for the fiscal year ended September 30, 2017.

This report is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, management, and the Board of Supervisors of Indigo Community Development District, Volusia County, Florida and is not intended to be and should not be used by anyone other than these specified parties.

XXXX, 2018

MANAGEMENT LETTER PURSUANT TO THE RULES OF THE AUDITOR GENERAL FOR THE STATE OF FLORIDA

To the Board of Supervisors
Indigo Community Development District
Volusia County, Florida

Report on the Financial Statements

We have audited the accompanying basic financial statements of Indigo Community Development District ("District") as of and for the fiscal year ended September 30, 2017, and have issued our report thereon dated XXXX, 2018, which includes an explanatory paragraph regarding the modified opinion for the debt service fund due to the lack of sufficient competent evidential matter and an emphasis of matter paragraph.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Florida Auditor General.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*; and Independent Auditor's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated XXXX, 2018, should be considered in conjunction with this management letter.

Purpose of this Letter

The purpose of this letter is to comment on those matters required by Chapter 10.550 of the Rules of the Auditor General for the State of Florida. Accordingly, in connection with our audit of the financial statements of the District, as described in the first paragraph, we report the following:

- I. Current year findings and recommendations.**
- II. Status of prior year findings and recommendations.**
- III. Compliance with the Provisions of the Auditor General of the State of Florida.**

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, as applicable, management, and the Board of Supervisors of the District and the Auditor General of the State of Florida and is not intended to be and should not be used by anyone other than these specified parties.

We wish to thank Indigo Community Development District, Volusia County, Florida and the personnel associated with it, for the opportunity to be of service to them in this endeavor as well as future engagements, and the courtesies extended to us.

XXXX, 2018

DRAFT

REPORT TO MANAGEMENT

I. CURRENT YEAR FINDINGS AND RECOMMENDATIONS

2017-01: Financial Condition Assessment

Observation: The District's financial conditions continue to deteriorate. The debt service fund had a deficit fund balance of (\$3,028,129) at September 30, 2017. In the prior, current, and subsequent fiscal years, major landowners in the District failed to pay significant portions of their assessments. As a result, certain debt service payments were not made. In addition, the District has not met the debt service reserve requirement. The non-payment of interest and principal payments, when due, are considered events of default. The District is economically dependent on the major landowners of the District. Furthermore, the title work necessary to commence foreclosure proceedings has been completed, but a foreclosure complaint has not yet been filed by the District.

Recommendation: The District should take the necessary steps to alleviate the deteriorating financial condition.

Reference Numbers for Prior Year Findings: 2016-01, 2015-01, 2014-01, 2013-2, 2012-02, 2011-02

Management Response: The District continues to work with the Trustee, the Bondholders, and the land owners of delinquent properties for the collection of debt service assessments. Due to the cost and other issues surrounding the foreclosure of the delinquent assessment properties, the District continue to take direction from the Trustee and the Bondholders. At this time the foreclosure process is on hold.

II. PRIOR YEAR FINDINGS AND RECOMMENDATIONS

2016-01: Financial Condition Assessment

Current Status: See finding 2017-01 above.

III. COMPLIANCE WITH THE PROVISIONS OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

Unless otherwise required to be reported in the auditor's report on compliance and internal controls, the management letter shall include, but not be limited to the following:

1. A statement as to whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report.

There were no significant findings and recommendations made in the preceding annual financial audit report for the fiscal year ended September 30, 2016, except as noted above.

2. Any recommendations to improve the local governmental entity's financial management.

There were no such matters discovered by, or that came to the attention of, the auditor, to be reported for the fiscal year ended September 30, 2017, except as noted above.

3. Noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance.

There were no such matters discovered by, or that came to the attention of, the auditor, to be reported, for the fiscal year ended September 30, 2017, except as noted above.

4. The name or official title and legal authority of the District are disclosed in the notes to the financial statements.

REPORT TO MANAGEMENT (Continued)

III. COMPLIANCE WITH THE PROVISIONS OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA (Continued)

5. The financial report filed with the Florida Department of Financial Services pursuant to Section 218.32(1)(a), Florida Statutes agrees with the September 30, 2017 financial audit report.
6. In connection with our audit, we determined that the District has met one or more of the financial emergency conditions described in Section 218.503(1), Florida Statutes. The District failed to make certain scheduled debt service payments due on the Series 1999C and 2005 Bonds, as a result of a lack of funds. We applied financial condition assessment procedures pursuant to Rule 10.556(7) and determined that a deteriorating financial condition was noted. See Findings section above for additional information. It is management's responsibility to monitor financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

NINTH ORDER OF BUSINESS

Indigo

Community Development District

Summary of Invoices

January 17, 2018 to March 21, 2018

Fund	Date	Check No.'s	Amount
General Fund	1/19/18	4200	\$ 219.64
	1/26/18	4201-4204	\$ 44,507.05
	2/3/18	4205-4208	\$ 6,335.48
	2/6/18	4209	\$ 5,280.61
	2/9/18	4210-4211	\$ 3,677.50
	2/16/18	4212-4214	\$ 9,899.22
	2/23/18	4215-4219	\$ 47,807.25
	3/2/18	4220-4224	\$ 17,579.59
	3/5/18	4225	\$ 5,236.71
	3/15/18	4226-4228	\$ 20,733.00
	3/16/18	4230-4231	\$ 2,380.00
			<hr/>
			\$ 163,656.05
Payroll	<u>January 2018</u>		
	Donald Parks	50457	\$ 184.70
	John McCarthy	50458	\$ 184.70
	Mark McCommon	50459	\$ 159.70
			<hr/>
			\$ 529.10
	<u>February 2018</u>		
	John McCarthy	50460	\$ 184.70
	Mark McCommon	50461	\$ 159.70
	Robert Welsh	50462	\$ 164.70
	Thomas Leek	50463	\$ 184.70
			<hr/>
			\$ 693.80
			<hr/>
			\$ 164,878.95

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	....CHECK..... AMOUNT #
1/19/18	00017	1/07/18 I0227382	201801 310-51300-48000		*	219.64	
		NOT.OF WORKSHOP-01/19/18		NEWS-JOURNAL CORPORATION			219.64 004200
1/26/18	00165	1/02/18 891	201801 300-15500-10000		*	500.00	
		OFFICE LEASE FEB18		C.L.O. MANAGEMENT LLC			500.00 004201
1/26/18	00017	1/15/18 I0227465	201801 310-51300-48000		*	210.78	
		NOT.OF MEETING-01/24/18					
		1/15/18 I0227516	201801 310-51300-48000		*	81.99	
		NOT.WORKSHOP CANCELLATION		NEWS-JOURNAL CORPORATION			292.77 004202
1/26/18	00160	1/01/18 22421	201801 330-53800-46200		*	34,907.00	
		MTHLY GROUND MNT COMM.					
		1/01/18 22421	201801 330-53800-49000		*	525.00	
		PRESS WASH MONUMENT-JAN18					
		1/01/18 22421	201801 330-53800-47000		*	3,600.00	
		MTHLY OAK TRIMMING-JAN18					
		1/01/18 22421	201801 320-53800-46200		*	4,200.00	
		MTHLY GROUND MNT I-95					
		1/12/18 22460	201801 330-53800-46600		*	300.00	
		RMV 2 DEAD TREES		TEAM ROUNDTREE, INC.			43,532.00 004203
1/26/18	00130	1/17/18 5521407	201801 320-53800-49000		*	91.14	
		RENT STORAGE 01/17-02/16					
		1/17/18 5521407	201801 330-53800-49000		*	91.14	
		RENT STORAGE 01/17-02/16		WILLIAMS SCOTSMAN, INC.			182.28 004204
2/03/18	00015	12/01/17 394268	201712 320-53800-46800		*	370.00	
		LAKE/WETLAND SERVICES DEC					
		12/01/17 394384	201712 330-53800-46800		*	3,101.00	
		LAKE/WETLAND SERVICES DEC		AQUATIC SYSTEMS, INC.			3,471.00 004205
2/03/18	00005	1/23/18 6-065-31	201801 310-51300-42000		*	64.48	
		DELIVERY 01/17/18		FEDEX			64.48 004206
2/03/18	00159	1/31/18 13118	201801 330-53800-12000		*	2,650.00	
		SITE MGMT SERVICES-JAN18		SOLARIS MANAGEMENT INC.			2,650.00 004207
				INDI INDIGO			
				TVISCARRA			

*** CHECK DATES 01/17/2018 - 03/21/2018 ***
 INDIGO CDD - GENERAL FUND
 BANK A INDIGO - GENERAL

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	.....CHECK..... AMOUNT #
2/03/18	00160	1/13/18 22471	201801 330-53800-46600	FILL IN DEEP RUTS	*	150.00	
				TEAM ROUNTREE, INC.			150.00 004208
2/06/18	00093	2/01/18 179	201802 310-51300-34000	MANAGEMENT FEES FEB18	*	4,708.33	
		2/01/18 179	201802 310-51300-35100	INFO TECHNOLOGY FEB18	*	233.33	
		2/01/18 179	201802 310-51300-31300	DISSEMINATION FEES FEB18	*	250.00	
		2/01/18 179	201802 310-51300-51000	OFFICE SUPPLIES	*	22.50	
		2/01/18 179	201802 310-51300-42500	COPIES	*	66.45	
				GOVERNMENTAL MANAGEMENT SERVICES			5,280.61 004209
2/09/18	00146	2/01/18 16288	201801 310-51300-32200	FY17 AUDIT FEE-JAN18	*	3,500.00	
				GRAU AND ASSOCIATES			3,500.00 004210
2/09/18	00010	1/31/18 98454	201712 310-51300-31500	MONIT.PROPOSD LEGISLATION	*	177.50	
				HOPPING GREEN & SAMS			177.50 004211
2/16/18	00015	2/01/18 400212	201802 320-53800-46800	LAKE/WETLAND SERVICES FEB	*	370.00	
				AQUATIC SYSTEMS, INC.			370.00 004212
2/16/18	00031	1/31/18 5180	201801 330-53800-46000	FNTN/LIGHT MAINT/REPAIRS	*	1,413.67	
		1/31/18 5180	201801 320-53800-46000	REPLACE BULBS/RESET TIMER	*	306.07	
				SKY'S THE LIMIT HANDYMAN SVCS, INC.			1,719.74 004213
2/16/18	00098	1/31/18 88002585	201801 320-53800-46000	INST.MOTOR/CTRL BOX/PUMP	*	6,177.27	
		1/31/18 88002619	201801 320-53800-46000	RPLC BULB AT NE UNIT	*	72.45	
		1/31/18 88002630	201801 320-53800-46000	INST.MOTR CABLE/RPC 3 BLB	*	1,559.76	
				VERTEX WATER FEATURES			7,809.48 004214
2/23/18	00165	2/02/18 903	201802 300-15500-10000	OFFICE LEASE MAR18	*	500.00	
				C.L.O. MANAGEMENT LLC			500.00 004215
				INDI INDIGO			
				TVISCARRA			

*** CHECK DATES 01/17/2018 - 03/21/2018 ***
 INDIGO CDD - GENERAL FUND
 BANK A INDIGO - GENERAL

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	.....CHECK..... AMOUNT #
2/23/18	00017	2/12/18	I0227832 201802 310-51300-48000 NOT.OF WORKSHOP 02/26/18	NEWS-JOURNAL CORPORATION	*	175.59	175.59 004216
2/23/18	00160	2/01/18	22502 201802 330-53800-46200 MTHLY GROUND MNT COMM.		*	34,907.00	
		2/01/18	22502 201802 330-53800-49000 PRESS WASH MONUMENT-FEB18		*	525.00	
		2/01/18	22502 201802 330-53800-47000 MTHLY OAK TRIMMING-FEB18		*	3,600.00	
		2/01/18	22502 201802 320-53800-46200 MTHLY GROUND MNT I-95	TEAM ROUNTREE, INC.	*	4,200.00	43,232.00 004217
2/23/18	00117	1/25/18	4887859 201801 310-51300-32300 TRUSTEE FEES-SER.1999 A&B	US BANK	*	3,717.38	3,717.38 004218
2/23/18	00130	2/17/18	5572960 201802 320-53800-49000 RENT STORAGE 02/17-03/16		*	91.14	
		2/17/18	5572960 201802 330-53800-49000 RENT STORAGE 02/17-03/16		*	91.14	
				WILLIAMS SCOTSMAN, INC.			182.28 004219
3/02/18	00015	2/01/18	400330 201802 330-53800-46800 LAKE/WETLAND SERVICES FEB		*	3,101.00	
				AQUATIC SYSTEMS, INC.			3,101.00 004220
3/02/18	00010	2/28/18	98761 201801 310-51300-31500 RESRCH STATUTE LIMIT/FDOT		*	737.00	
		2/28/18	98762 201801 310-51300-31500 PREP/ATTEND BOARD MTG		*	1,200.00	
				HOPPING GREEN & SAMS			1,937.00 004221
3/02/18	00031	2/28/18	5214 201802 330-53800-46000 FNTN/LIGHT MAINT/REPAIRS		*	1,836.34	
		2/28/18	5214 201802 320-53800-46000 REPLACE BULBS/RESET TIMER		*	45.00	
				SKY'S THE LIMIT HANDYMAN SVCS, INC.			1,881.34 004222
3/02/18	00159	2/28/18	22818 201802 330-53800-12000 SITE MGMT SERVICES-FEB18		*	2,650.00	
		2/28/18	22818 201802 330-53800-46000 RPR ENTRENCE MONU.REIMB		*	2,850.00	
				SOLARIS MANAGEMENT INC.			5,500.00 004223
				INDI INDIGO TVISCARRA			

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	.....CHECK..... AMOUNT #
3/02/18	00160	1/30/18 22559	201801 330-53800-46000		*	175.00	
			INST.2 POSTS AND A CHAIN				
		1/31/18 22465	201801 330-53800-46100		*	4,015.25	
			RPLC FACEPLATE/FUSE/POPUP				
		1/31/18 22468	201801 320-53800-63100		*	100.00	
			RMV DEAD JUNIPER NW RAMP				
		2/13/18 22567	201802 330-53800-46600		*	540.00	
			RMV DAMAGED BRANCH/DEBRIS				
		2/15/18 22570	201802 330-53800-46100		*	330.00	
			RPLC DECODER/INST CONNCTR				
TEAM ROUNTREE, INC.						5,160.25	004224
3/05/18	00093	3/01/18 180	201803 310-51300-34000		*	4,708.33	
			MANAGEMENT FEES MAR18				
		3/01/18 180	201803 310-51300-35100		*	233.33	
			INFO TECHNOLOGY MAR18				
		3/01/18 180	201803 310-51300-31300		*	250.00	
			DISSEMINATION FEE MAR18				
		3/01/18 180	201803 310-51300-42500		*	38.70	
			COPIES				
		3/01/18 180	201803 310-51300-41000		*	6.35	
			TELEPHONE				
GOVERNMENTAL MANAGEMENT SERVICES						5,236.71	004225
3/15/18	00015	3/01/18 403142	201803 320-53800-46800		*	370.00	
			LAKE/WETLAND SERVICES MAR				
		3/01/18 403263	201803 330-53800-46800		*	3,101.00	
			LAKE/WETLAND SERVICES MAR				
AQUATIC SYSTEMS, INC.						3,471.00	004226
3/15/18	00148	3/13/18 3492-03-	201803 310-51300-31200		*	450.00	
			ARBITRAGE-SERIES 1999A				
		3/13/18 3493-03-	201803 310-51300-31200		*	450.00	
			ARBITRAGE-SERIES 1999C				
		3/13/18 3494-03-	201803 310-51300-31200		*	450.00	
			ARBITRAGE-SERIES 2005				
AMTEC						1,350.00	004227
3/15/18	00151	3/07/18 03072018	201803 330-53800-46000		*	4,300.00	
			50% LPG ENTRANCES PAINT				
PERFECTION PAINTING						4,300.00	004228
3/15/18	00160	2/01/18 22636	201802 330-53800-46900		*	6,287.00	
			CONSRV.EASE.MAINT.UDRBRSH				
		2/02/18 22638	201802 330-53800-63100		*	4,357.50	
			SPRING AN.FLOWER ROTATION				

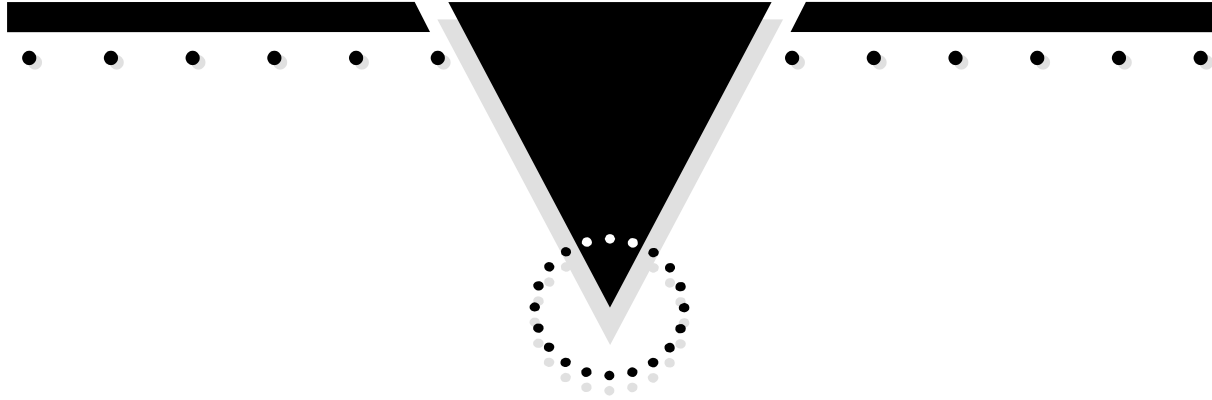
INDI INDIGO TVISCARRA

CHECK DATE	VEND#	.....INVOICE..... DATE INVOICE	...EXPENSED TO... YRMO DPT ACCT# SUB SUBCLASS	VENDOR NAME	STATUS	AMOUNT	....CHECK..... AMOUNT #
		2/28/18 22642	201802 320-53800-46100	POPUP/NOZZLE/SLIP FIX/FIT	*	967.50	
				TEAM ROUNTREE, INC.			11,612.00 004229
3/16/18 00151	3/14/18	03142018	201803 330-53800-46000	25% LPGA ENTRENCES PAINT	*	2,300.00	
				PERFECTION PAINTING			2,300.00 004230
3/16/18 00098	12/21/17	88002565	201712 330-53800-46000	RPR MOTOR/PRESSURE SYSTM	*	80.00	
				VERTEX WATER FEATURES			80.00 004231
TOTAL FOR BANK A						163,656.05	
TOTAL FOR REGISTER						163,656.05	

INDI INDIGO

TVISCARRA

TENTH ORDER OF BUSINESS



Indigo

Community Development District

Unaudited Financial Reporting
February 28, 2018



Indigo
Community Development District
 Combined Balance Sheet
 As of February 28, 2018

	<u>Governmental Funds</u>			<u>Account Groups</u>		<u>Totals</u>
	<u>General</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>General</u> <u>Fixed Assets</u>	<u>General Long-Term Debt</u>	(memorandum only) <u>2018</u>
Assets						
Cash	\$65,448	----	----	----	----	\$65,448
Assessment Receivable	\$11,805	----	----	----	----	\$11,805
Prepaid Expenses	\$500	----	----	----	----	\$500
Investments						
Operating Account	\$2,678,991	----	----	----	----	\$2,678,991
Reserve Account	\$109,500	----	----	----	----	\$109,500
Series 1999A						
Reserve Account	----	\$80,675	----	----	----	\$80,675
Revenue Account	----	\$86,975	----	----	----	\$86,975
Construction	----	----	\$147,463	----	----	\$147,463
Series 1999C						
Reserve Account	----	\$59,586	----	----	----	\$59,586
Revenue Account	----	\$47,732	----	----	----	\$47,732
Redemption Account	----	\$339	----	----	----	\$339
Remedial Expenditure	----	\$0	----	----	----	\$0
Series 2005						
Reserve Account	----	\$58,053	----	----	----	\$58,053
Escrow Deposit Fund	----	\$9,496	----	----	----	\$9,496
Prepayment Account	----	\$876,978	----	----	----	\$876,978
Revenue Account	----	\$691,936	----	----	----	\$691,936
Remedial Expenditure	----	\$0	----	----	----	\$0
Fixed Assets	----	----	----	\$8,305,270	----	\$8,305,270
Amount Available/Long-Term Debt	----	----	----	----	\$1,911,770	\$1,911,770
Amount to be Provided/Long Term Debt 1999A	----	----	----	----	\$552,350	\$552,350
Amount to be Provided/Long Term Debt 1999C	----	----	----	----	\$6,552,343	\$6,552,343
Amount to be Provided/Long Term Debt 2005	----	----	----	----	\$5,208,537	\$5,208,537
Total Assets	\$2,866,243	\$1,911,770	\$147,463	\$8,305,270	\$14,225,000	\$27,455,746
Liabilities						
Accounts Payable	\$30,672	----	----	----	----	\$30,672
Accrued Principal Payment 1999C	----	\$400,000	----	----	----	\$400,000
Accrued Interest Payment 1999C	----	\$750,785	----	----	----	\$750,785
Accrued Principal Payment 2005	----	\$280,000	----	----	----	\$280,000
Accrued Interest Payment 2005	----	\$2,749,938	----	----	----	\$2,749,938
Bonds Payable 1999A	----	----	----	----	\$720,000	\$720,000
Bonds Payable 1999C	----	----	----	----	\$6,660,000	\$6,660,000
Bonds Payable 2005	----	----	----	----	\$6,845,000	\$6,845,000
Fund Equity, Other Credits						
Investments in General Fixed Assets	----	----	----	\$8,305,270	----	\$8,305,270
Fund Balances						
Restricted for Debt Service 1999A/B	----	\$167,650	----	----	----	\$167,650
Restricted for Debt Service 1999C	----	(\$1,043,128)	----	----	----	(\$1,043,128)
Restricted for Debt Service 2005	----	(\$1,393,475)	----	----	----	(\$1,393,475)
Restricted for Capital Projects 1999A/B	----	----	\$147,463	----	----	\$147,463
Assigned for General Fund	\$109,500	----	----	----	----	\$109,500
Unassigned General Fund	\$2,726,072	----	----	----	----	\$2,726,072
Total Liabilities, Fund Equity	\$2,866,243	\$1,911,770	\$147,463	\$8,305,270	\$14,225,000	\$27,455,746

INDIGO

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND

Statement of Revenues & Expenditures

As of February 28, 2018

General Fund Budget	Prorated Budget 2/28/18	Actual 2/28/18	Variance
------------------------	----------------------------	-------------------	----------

REVENUES:

Maintenance Assessments	\$989,768	\$569,818	\$569,818	\$0
GC Land LLC Settlement Agreement	\$0	\$0	\$0	\$0
City of Daytona Funding	\$8,100	\$2,025	\$2,025	\$0
Interest Income	\$1,000	\$417	\$1,991	\$1,574

TOTAL REVENUES	\$998,868	\$572,260	\$573,834	\$1,574
-----------------------	------------------	------------------	------------------	----------------

EXPENDITURES:

ADMINISTRATIVE:

Supervisor Fees	\$12,000	\$5,000	\$2,600	\$2,400
FICA Expense	\$918	\$383	\$199	\$184
Engineering	\$5,000	\$2,083	\$0	\$2,083
Attorney	\$32,000	\$13,333	\$5,026	\$8,307
Annual Audit	\$4,900	\$4,900	\$4,900	\$0
Arbitrage	\$1,800	\$0	\$0	\$0
Trustee	\$3,800	\$3,800	\$3,717	\$83
Dissemination Agent	\$3,000	\$1,250	\$1,250	\$0
Special Assessment Roll Preparation	\$20,000	\$20,000	\$20,000	\$0
Management Fees	\$56,500	\$23,542	\$23,542	\$0
Information Technology	\$2,800	\$1,167	\$1,167	\$0
Telephone	\$300	\$125	\$85	\$40
Postage	\$1,500	\$625	\$212	\$413
Insurance	\$20,300	\$20,300	\$18,387	\$1,913
Printing & Binding	\$1,500	\$625	\$211	\$414
Legal Advertising	\$2,500	\$1,042	\$1,110	(\$68)
Other Current Charges	\$1,000	\$417	\$437	(\$20)
Office Supplies	\$350	\$146	\$91	\$55
Dues, Licenses, Subscriptions	\$175	\$175	\$175	\$0
Office Expense	\$6,000	\$2,500	\$2,500	\$0

TOTAL ADMINISTRATIVE	\$176,343	\$101,412	\$85,608	\$15,804
-----------------------------	------------------	------------------	-----------------	-----------------

FIELD:

Operating Expenses I-95

Landscape Maintenance	\$50,400	\$21,000	\$21,000	(\$0)
Irrigation Repairs & Maintenance	\$10,000	\$4,167	\$6,477	(\$2,310)
Mowing	\$8,100	\$3,375	\$0	\$3,375
Lakes	\$5,156	\$2,148	\$2,208	(\$60)
Plant Replacement & Annuals	\$8,000	\$3,333	\$100	\$3,233
Utilities	\$20,000	\$8,333	\$2,964	\$5,369
Repairs	\$5,000	\$2,083	\$8,638	(\$6,554)
Miscellaneous	\$2,000	\$833	\$443	\$390

Operating Expenses I-95	\$108,656	\$45,273	\$41,830	\$3,444
--------------------------------	------------------	-----------------	-----------------	----------------

INDIGO

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND

Statement of Revenues & Expenditures

	General Fund Budget	Prorated Budget 2/28/18	Actual 2/28/18	Variance
<i>Operating Expenses Community Wide</i>				
Site Manager	\$31,800	\$13,250	\$13,250	\$0
Landscape Maintenance	\$462,084	\$192,535	\$174,535	\$18,000
Landscape Contingency	\$26,912	\$11,213	\$4,056	\$7,157
Irrigation Repairs & Maintenance	\$30,000	\$12,500	\$12,953	(\$453)
Lakes	\$37,212	\$15,505	\$15,505	\$0
Plant Replacement & Annuals	\$35,000	\$14,583	\$15,610	(\$1,026)
Utilities	\$45,000	\$18,750	\$14,608	\$4,142
Repairs	\$40,000	\$16,667	\$20,116	(\$3,449)
Stormwater System	\$3,750	\$1,563	\$0	\$1,563
Sidewalks	\$3,000	\$1,250	\$0	\$1,250
Street Lighting	\$15,972	\$6,655	\$0	\$6,655
Miscellaneous	\$15,000	\$6,250	\$4,575	\$1,675
Conservation Easement Maintenance	\$28,000	\$11,667	\$11,452	\$215
Tree Trimming	\$43,200	\$18,000	\$18,000	\$0
Operating Expenses Community Wide	\$816,930	\$340,388	\$304,659	\$35,729
TOTAL FIELD	\$925,586	\$385,661	\$346,489	\$39,172
TOTAL EXPENDITURES	\$1,101,929	\$487,073	\$432,097	\$54,976
EXCESS REVENUES/ (EXPENDITURES) AND OTHER SOURCES	(\$103,061)	----	\$141,737	----
FUND BALANCE - BEGINNING	\$103,061	----	\$2,693,834	----
FUND BALANCE - ENDING	\$0	----	\$2,835,571	----

INDIGO COMMUNITY DEVELOPMENT DISTRICT

DEBT SERVICE FUND

Series 1999A

Statement of Revenues & Expenditures

As of February 28, 2018

REVENUES:

	Debt Service Budget	Prorated Budget 2/28/18	Actual 2/28/18	Variance
Special Assessments	\$80,675	\$68,251	\$68,251	\$0
Interest Income	\$0	\$0	\$107	\$107
TOTAL REVENUES	\$80,675	\$68,251	\$68,359	\$107

EXPENDITURES:

Interest Expense - 11/01	\$24,325	\$24,325	\$24,325	\$0
Principal Expense - 5/01	\$30,000	\$0	\$0	\$0
Interest Expense - 5/01	\$24,325	\$0	\$0	\$0
TOTAL EXPENDITURES	\$78,650	\$24,325	\$24,325	\$0

OTHER SOURCES/(USES)

Other Debt Service Costs	\$0	\$0	\$0	\$0
TOTAL OTHER	\$0	\$0	\$0	\$0

EXCESS REVENUES/ (EXPENDITURES) AND OTHER SOURCES

	\$2,025	----	\$44,034	----
FUND BALANCE - BEGINNING	\$41,464	----	\$123,617	----
FUND BALANCE - ENDING	\$43,489	----	\$167,650	----

Fund Balance Calculation

Reserve Account	\$80,675
Revenue Account	\$86,975
Total Series 1999A Funds Available	<u>\$167,650</u>

INDIGO COMMUNITY DEVELOPMENT DISTRICT

DEBT SERVICE FUND

Series 1999C

Statement of Revenues & Expenditures

As of February 28, 2018

REVENUES:

	Debt Service Budget	Prorated Budget 2/28/18	Actual 2/28/18	Variance
Special Assessments - Tax Collector	\$301,980	\$262,565	\$262,565	\$0
Special Assessments - Prepayments	\$0	\$0	\$339	\$339
Interest Income	\$0	\$0	\$1,785	\$1,785
TOTAL REVENUES	\$301,980	\$262,565	\$264,689	\$2,124

EXPENDITURES:

Debt Service Obligation	\$301,980	\$0	\$0	\$0
TOTAL EXPENDITURES	\$301,980	\$0	\$0	\$0

OTHER SOURCES/(USES)

Other Debt Service Costs	\$0	\$0	(\$11,996)	(\$11,996)
TOTAL OTHER	\$0	\$0	(\$11,996)	(\$11,996)
EXCESS REVENUES (EXPENDITURES) AND OTHER SOURCES	\$0	----	\$252,693	----
FUND BALANCE - BEGINNING	\$0	----	(\$1,295,821)	----
FUND BALANCE - ENDING	\$0	----	(\$1,043,128)	----

Fund Balance Calculation

Reserve Account	\$59,586
Revenue Account	\$47,732
Redemption Account	\$339
Remedial Expenditure	\$0
Accrued Interest Payable	(\$750,785)
Accrued Principal Payable	(\$400,000)
Total Series 1999C Funds Available	(\$1,043,128)

INDIGO COMMUNITY DEVELOPMENT DISTRICT

DEBT SERVICE FUND

Series 2005

Statement of Revenues & Expenditures

As of February 28, 2018

REVENUES:

	Debt Service Budget	Prorated Budget 2/28/18	Actual 2/28/18	Variance
Special Assessments - Tax Collector	\$87,804	\$66,265	\$66,265	\$0
Special Assessments - Prepayments	\$0	\$0	\$2,883	\$2,883
Interest Income	\$0	\$0	\$5,095	\$5,095
TOTAL REVENUES	\$87,804	\$66,265	\$74,243	\$7,978

EXPENDITURES:

Debt Service Obligation	\$87,804	\$0	\$0	\$0
TOTAL EXPENDITURES	\$87,804	\$0	\$0	\$0

OTHER SOURCES/(USES)

Other Debt Service Costs	\$0	\$0	(\$16,794)	(\$16,794)
TOTAL OTHER	\$0	\$0	(\$16,794)	(\$16,794)

EXCESS REVENUES

(EXPENDITURES) AND OTHER SOURCES

	\$0	----	\$57,449	----
--	-----	------	----------	------

FUND BALANCE - BEGINNING

	\$0	----	(\$1,450,924)	----
--	-----	------	---------------	------

FUND BALANCE - ENDING

	\$0	----	(\$1,393,475)	----
--	-----	------	---------------	------

Fund Balance Calculation

Reserve Account	\$58,053
Escrow Deposit Fund	\$9,496
Prepayment Account	\$876,978
Revenue Account	\$691,936
Remedial Expenditure	\$0
Accrued Interest Payable	(\$2,749,938)
Accrued Principal Payable	(\$280,000)
Total Series 2005 Funds Available	(\$1,393,475)

INDIGO COMMUNITY DEVELOPMENT DISTRICT

CAPITAL PROJECTS FUND

Series 1999A

Statement of Revenues & Expenditures

As of February 28, 2018

	Capital Projects Budget	Prorated Budget 2/28/18	Actual 2/28/18	Variance
<u>REVENUES:</u>				
Interest Income	\$0	\$0	\$124	\$124
TOTAL REVENUES	\$0	\$0	\$124	\$124
<u>EXPENDITURES:</u>				
Capital Outlay	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0
EXCESS REVENUES (EXPENDITURES)	\$0	\$0	\$124	\$124
FUND BALANCE - BEGINNING	\$0	----	\$147,339	----
FUND BALANCE - ENDING	\$0	----	\$147,463	----

INDIGO COMMUNITY DEVELOPMENT DISTRICT

Month to Month Income Statement FY2018

REVENUES:

	October	November	December	January	February	March	April	May	June	July	August	September	Total
Maintenance Assessments	\$0	\$5,743	\$541,142	\$16,347	\$6,586	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$569,818
GC Land LLC Settlement Agreement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City of Daytona Funding	\$2,025	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,025
Interest Income	\$331	\$330	\$371	\$461	\$497	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,991
TOTAL REVENUES	\$2,356	\$6,073	\$541,513	\$16,809	\$7,083	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$573,834

EXPENDITURES:

ADMINISTRATIVE:

Supervisor Fees	\$0	\$1,000	\$1,000	\$600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600
FICA Expense	\$0	\$77	\$77	\$46	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$199
Engineering	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Attorney	\$1,265	\$1,647	\$178	\$1,937	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,026
Annual Audit	\$0	\$0	\$0	\$3,500	\$1,400	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,900
Arbitrage	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trustee	\$0	\$0	\$0	\$3,717	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,717
Dissemination Agent	\$250	\$250	\$250	\$250	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,250
Special Assessment Roll Preparation	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000
Management Fees	\$4,708	\$4,708	\$4,708	\$4,708	\$4,708	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$23,542
Information Technology	\$233	\$233	\$233	\$233	\$233	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,167
Telephone	\$28	\$9	\$15	\$32	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$85
Postage	\$52	\$88	\$0	\$72	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$212
Insurance	\$18,387	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,387
Printing & Binding	\$55	\$41	\$48	\$1	\$66	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$211
Legal Advertising	\$211	\$211	\$0	\$512	\$176	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,110
Other Current Charges	\$67	\$143	\$63	\$101	\$63	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$437
Office Supplies	\$23	\$23	\$23	\$0	\$23	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$91
Dues, Licenses, Subscriptions	\$175	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$175
Office Expense	\$500	\$500	\$500	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,500
TOTAL ADMINISTRATIVE	\$45,952	\$8,930	\$7,094	\$16,212	\$7,420	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$85,608

INDIGO COMMUNITY DEVELOPMENT DISTRICT

Month to Month Income Statement FY2018

FIELD:

Operating Expenses I-95

	October	November	December	January	February	March	April	May	June	July	August	September	Total
Landscape Maintenance	\$4,200	\$4,200	\$4,200	\$4,200	\$4,200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,000
Irrigation Repairs & Maintenance	\$1,257	\$3,044	\$1,208	\$0	\$968	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,477
Mowing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Lakes	\$370	\$370	\$370	\$728	\$370	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,208
Plant Replacement & Annuals	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Utilities	\$442	\$443	\$0	\$2,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,964
Repairs	\$156	\$130	\$191	\$8,116	\$45	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$8,638
Miscellaneous	\$77	\$91	\$93	\$91	\$91	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$443
OPERATING EXPENSES I-95	\$6,502	\$8,278	\$6,061	\$15,315	\$5,674	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$41,830

Operating Expenses Community Wide

	October	November	December	January	February	March	April	May	June	July	August	September	Total
Site Manager	\$2,650	\$2,650	\$2,650	\$2,650	\$2,650	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,250
Landscape Maintenance	\$34,907	\$34,907	\$34,907	\$34,907	\$34,907	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$174,535
Landscape Contingency	\$1,750	\$1,316	\$0	\$450	\$540	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,056
Irrigation Repairs & Maintenance	\$3,210	\$3,658	\$1,740	\$4,015	\$330	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,953
Lakes	\$3,101	\$3,101	\$3,101	\$3,101	\$3,101	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,505
Plant Replacement & Annuals	\$4,656	\$686	\$5,910	\$4,358	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,610
Utilities	\$2,855	\$3,115	\$3,228	\$2,584	\$2,826	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$14,608
Repairs	\$6,503	\$2,294	\$5,043	\$1,589	\$4,686	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,116
Stormwater System	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sidewalks	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Street Lighting	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Miscellaneous	\$652	\$775	\$1,916	\$616	\$616	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,575
Conservation Easement Maintenance	\$0	\$0	\$5,165	\$0	\$6,287	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$11,452
Tree Trimming	\$3,600	\$3,600	\$3,600	\$3,600	\$3,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,000
OPERATING EXPENSES COMMUNITY WIDE	\$63,885	\$56,102	\$67,259	\$57,870	\$59,543	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$304,659

TOTAL EXPENDITURES

	\$116,339	\$73,310	\$80,414	\$89,397	\$72,637	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$432,097
--	------------------	-----------------	-----------------	-----------------	-----------------	------------	------------	------------	------------	------------	------------	------------	------------------

EXCESS REVENUES/ (EXPENDITURES)

	(\$113,983)	(\$67,237)	\$461,099	(\$72,588)	(\$65,554)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$141,737
--	--------------------	-------------------	------------------	-------------------	-------------------	------------	------------	------------	------------	------------	------------	------------	------------------

TAX COLLECTOR

NET TAX ROLL ASSESSED	4,912.20	\$ 1,001,750.22	\$ 79,064.20	\$ 299,095.34	\$ 79,551.24	\$ 1,459,461.00
-----------------------	----------	-----------------	--------------	---------------	--------------	-----------------

TAX ROLL RECEIVED	RECEIPTS	O&M	1999A	1999C	2005A	REVENUE
-------------------	----------	-----	-------	-------	-------	---------

TOTAL TAX ROLL RECEIVED	\$ 975,993.03	\$ 574,412.91	\$ 69,457.76	\$ 265,566.57	\$ 66,555.79	\$ 975,993.03
-------------------------	---------------	---------------	--------------	---------------	--------------	---------------

BALANCE DUE TAX ROLL	\$ 427,337.31	\$ 9,606.44	\$ 33,528.77	\$ 12,995.45	\$ 483,467.97
----------------------	---------------	-------------	--------------	--------------	---------------

PERCENT COLLECTED	57.34%	87.85%	88.79%	83.66%	66.87%
-------------------	--------	--------	--------	--------	--------

10

Neighborhood Parks to Prevent Sexual Predators

Indigo Community Development District

LPGA International & Grande Champion

Goal

To create a partnership between the Indigo CDD and the Neighborhood HOA's within LPGA International and Grande Champion to create a series of small playgrounds/parks. These playgrounds/parks, when properly located and registered, will create residency restrictions for the majority of registered sexual offenders and will prohibit their residence within the restricted areas of the community.

Overview

Florida Statutes and City of Daytona Beach Ordinances provide neighborhoods with a mechanism to prevent registered sexual offenders from residing in your neighborhood via Residency Restrictions. Attached are the applicable Florida Statutes and Ordinance.

- City of Daytona Beach Code of Ordinances Section 62-201 – Place of Residence
- Florida Statute 775.215 - Residency Restrictions for Certain Sex Offenses
- Florida Statute 943.0435 - Sexual Offender Required to Register
- Florida Statute 775.261 - Career Offender Registration Act

*\$10-12,000 per
park*

Key Points

- FS 775.215 imposes a 1,000' radius of residency restriction around a playground/park
- CODB Ordinance Section 62-201 creates a 2,500' radius of residency restriction around a playground/park.
- FDLE inputs the location of the playground/park into their GIS mapping system, which establishes the restrictive radius
- Establish an agreement between the HOA/CDD and the City to mirror City Ordinance
- Owners cannot knowingly lease or allow to side a registered felon
- Existing offenders who live in the community prior to the registration are grandfathered and exempt from this restriction. Ordinance applies to offenders from 10.1.04 forward.
- The park/playground must be registered with FDLE, Volusia County and CODB
- Several of the new communities surrounding LPGA are considering this approach to ensuring community safety
- Bayberry Lakes registered their pool area, newly created playground and Champions Elementary

Financial

The costs of these playgrounds/parks is obviously dependent on the size and equipment selected. A minimal park with two pieces of equipment, fall surface, permits and installation can be completed for approximately \$10,000-\$12,000.

City of Daytona Beach Playground Recommendations

Joe Paul with the City of Daytona Public Works offered the following advice when planning and construction parks. Mr. Paul oversees park development and maintenance for the City.

- Must be an area that attracts children
- Walking trail with stations a possibility
- Consider building in phases as budget allows – create master plan
- Purchase equipment from a reputable company that offers replacement parts. Do not buy replacement parts from a home improvement store.
- Go for durability, it will save money in the long run
- Fall zone typically extends 6' around the equipment to pass safety inspection
- Equipment, such as a double swing must be of the same type. Cannot mix toddler and juvenile

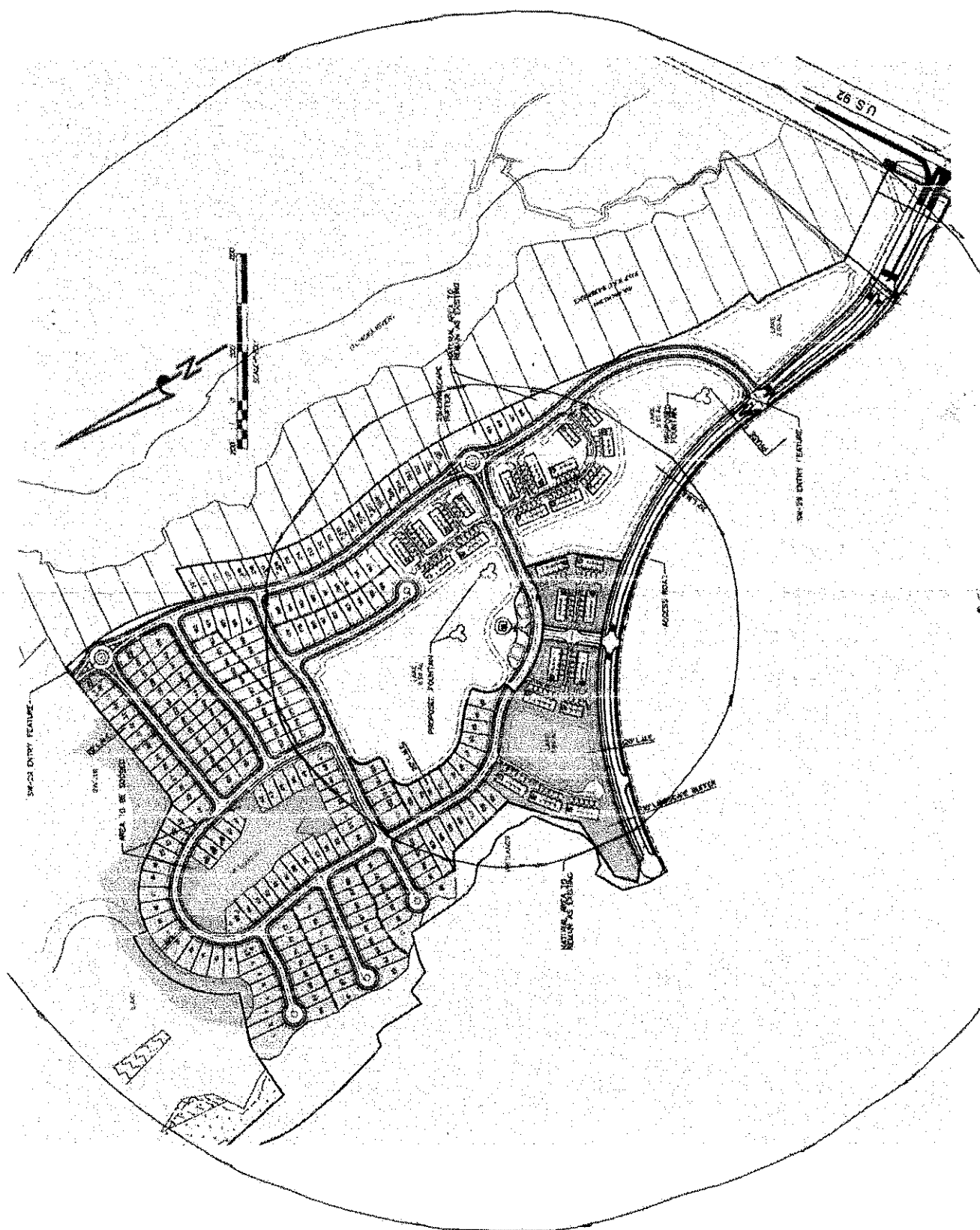
Resources

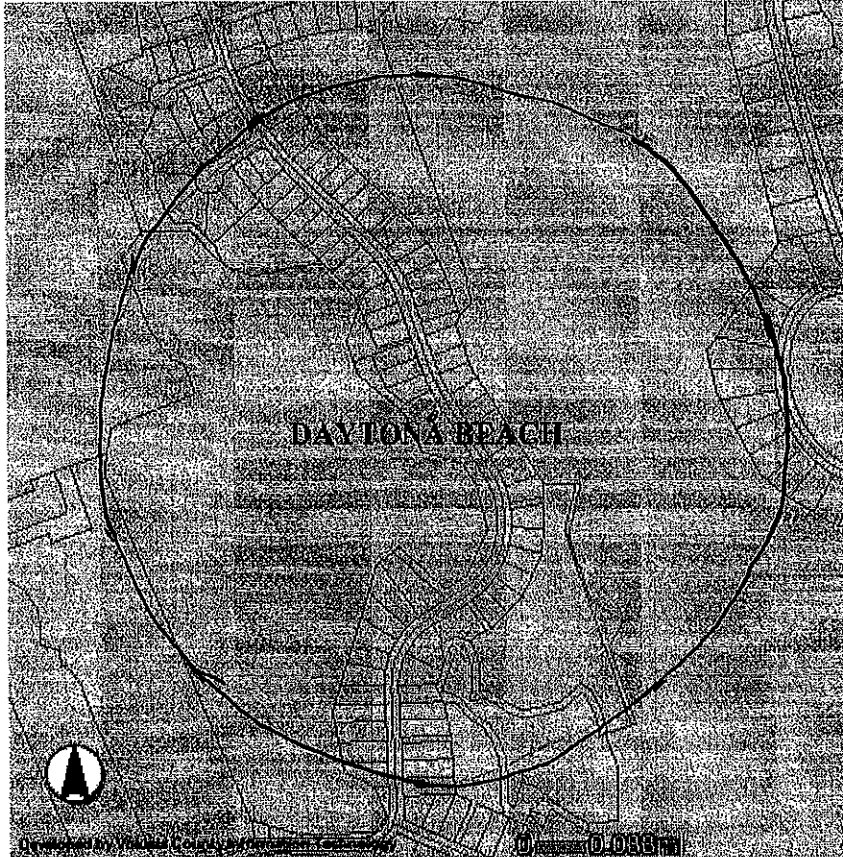
Florida State Attorney Ryan Will was the driving force in establishing Bayberry Lakes with the States first *Playground to Prevent Neighborhood Sex Predators* using existing zoning laws. Since that time, Ryan has consulted with many other communities to ensure the protection of children. Ryan was very helpful in compiling this information and offered to share his experiences as we move this process along.

- City of Daytona Public Works – Joe Paul
- City of Daytona Permit & Licensing Chief Building Inspector – Bo Snowden
- City of Daytona Beach Permitting & Platting - Brent Cohen
- Volusia County Sheriff's Office – Chuck Lee
- Florida Department of Law Enforcement

Attachments

- Grande Champion Radius 1000' vs 2500'
- Opal Hill 1000' Radius
- Bayberry Lakes Radius (Pool Area, Playground, Champion School)
- Equipment Quote & Pictures Florida Statute 775.215
- City of Daytona Ordinance – Section 62-201 – Place of Residence
- Florida Statute 775.215 - Residency Restriction for Certain Sex Offenses
- Florida Statute 775.261 – Career Offender Registration Act
- Florida Statute 943.0435 - Florida Career Criminal Act



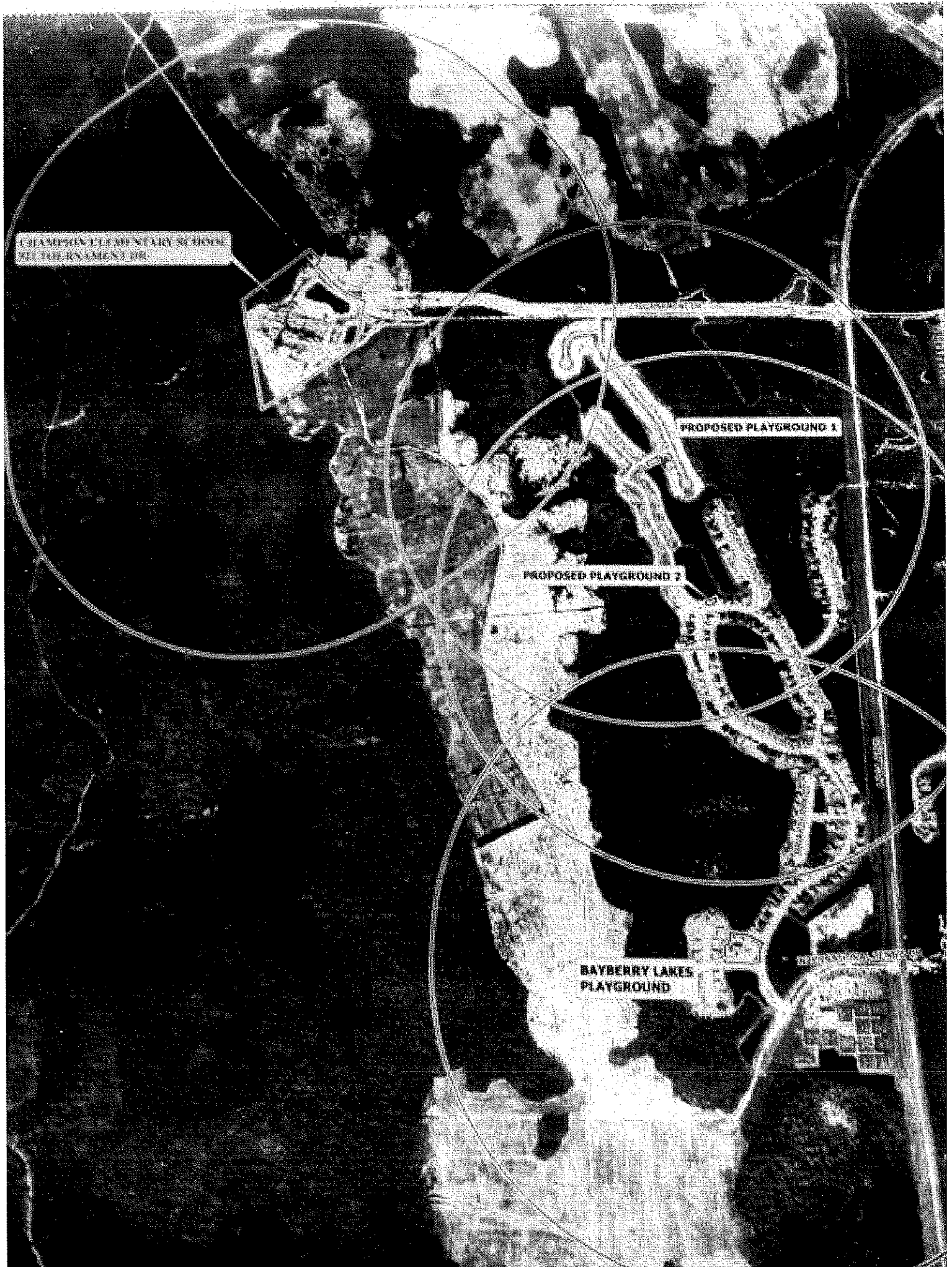


CHAMBERLAIN ELEMENTARY SCHOOL
700 E. 10TH AVE. N.E.

PROPOSED PLAYGROUND 1

PROPOSED PLAYGROUND 2

BAYBERRY LAKES
PLAYGROUND



Stacy Moseley, CPSI
Principal Sales Executive
KOMPAN
904.716.7605 mobile
stamos@kompan.com



Date: 3.27.18

COURTESY ESTIMATE

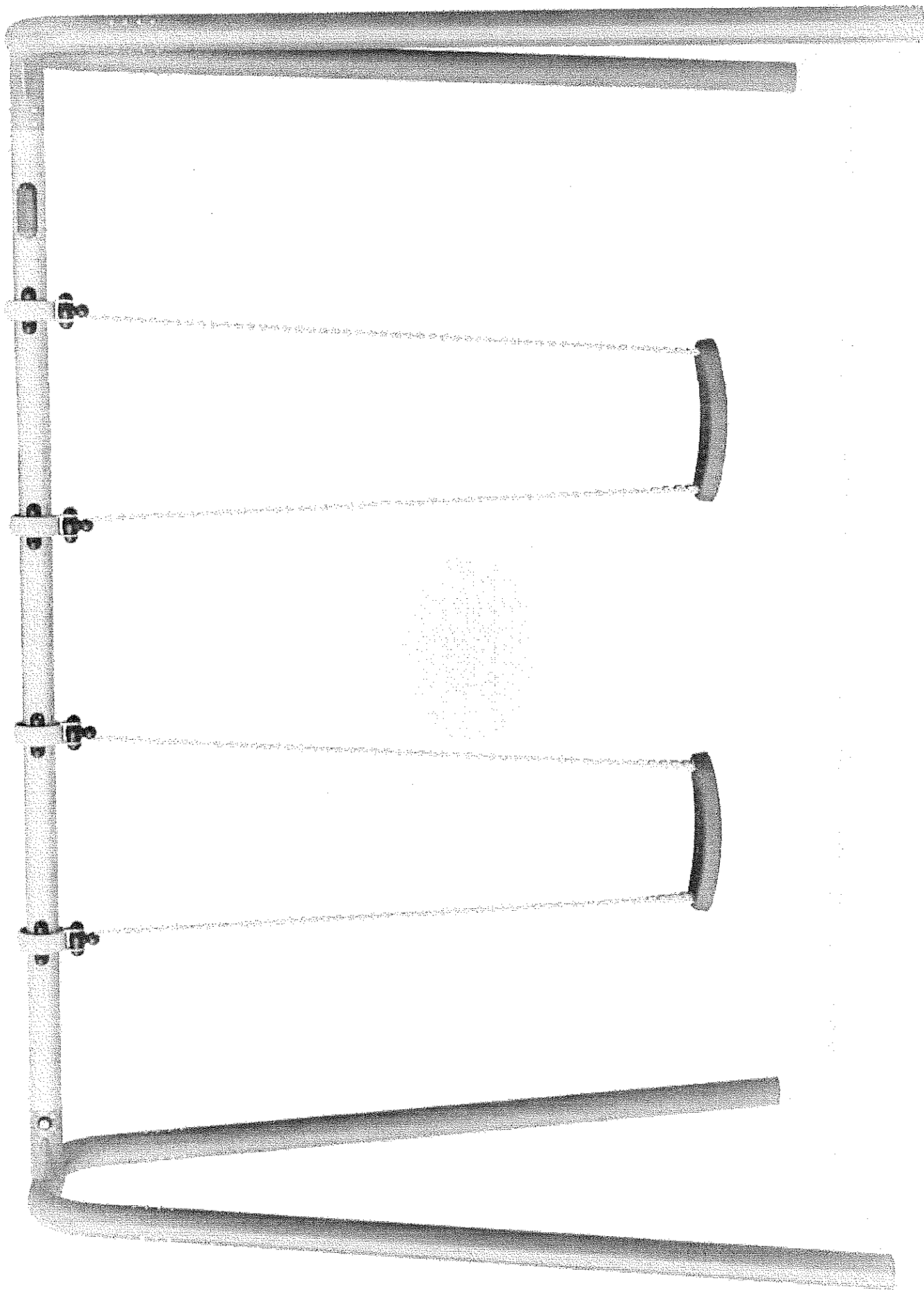
Customer: Solaris Management Inc
Address: 1617 Ridgewood Ave, Ste D
City / Zip: West Palm, FL 33417

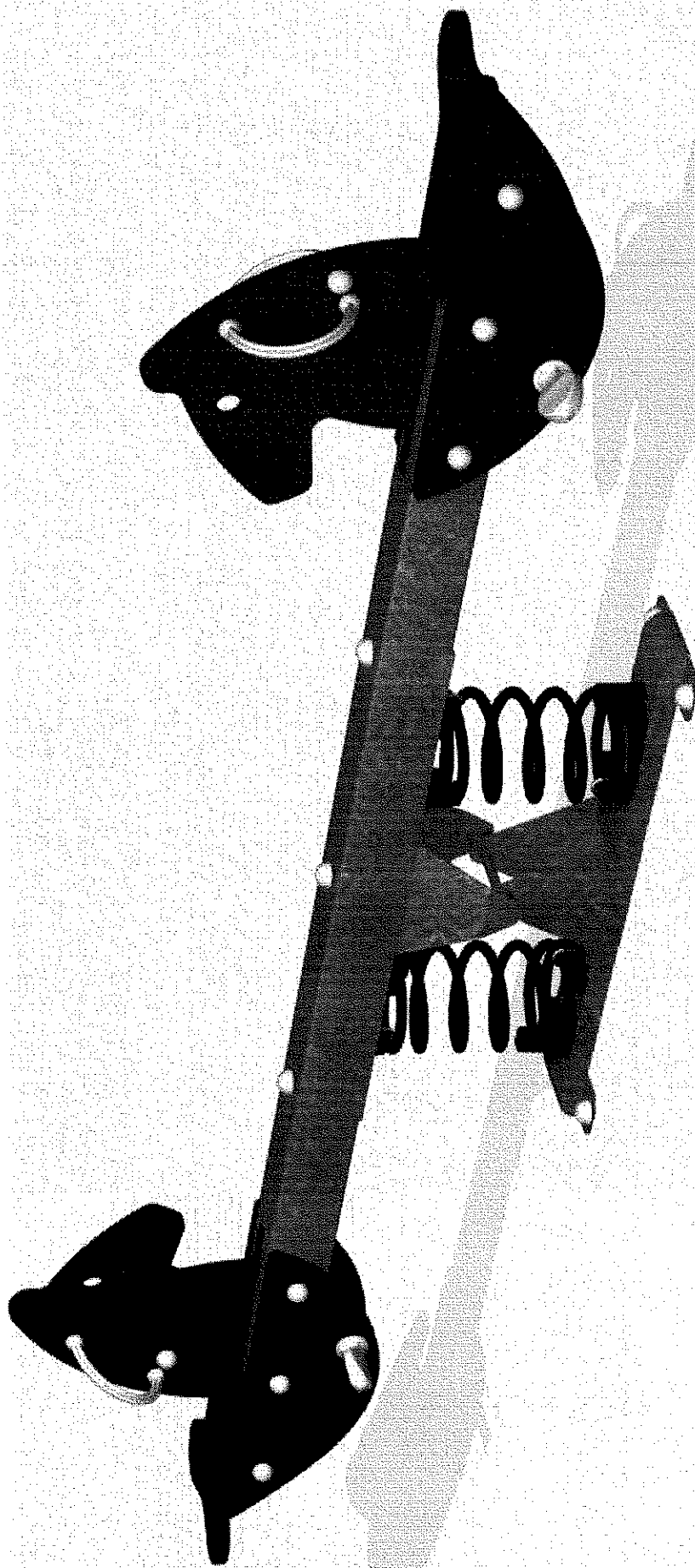
Project: HOA/CDC
Address: 152 Grande Sunningdale Loop
City / Zip: Daytona Beach 32134

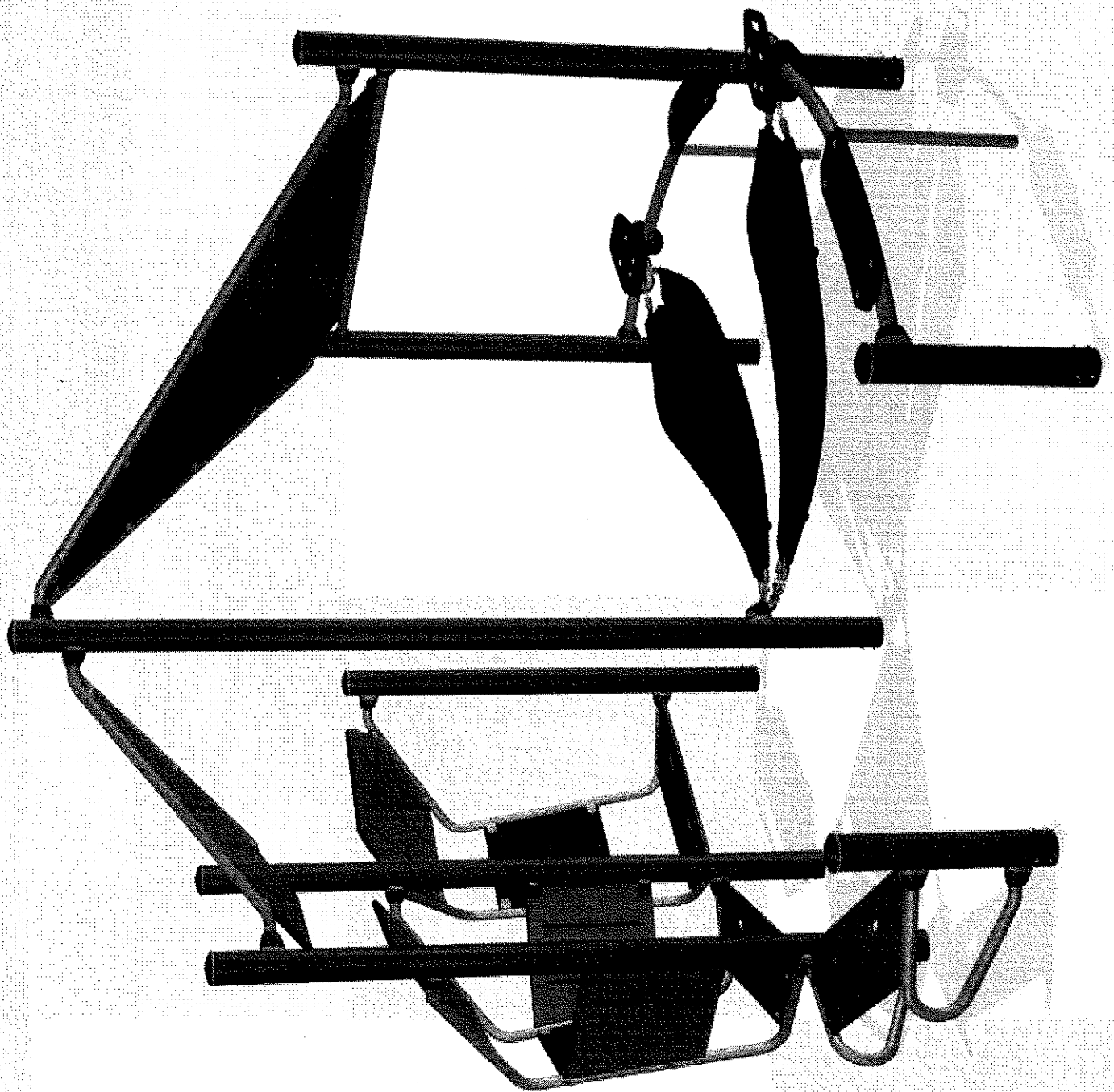
Part	Quantity	Description	Price	Total	Install	Per Weight
KSW92004	1	Swings	\$2,580.00	\$2,580.00	\$674.77	1595
M18201	1	Horse Seesaw	\$2,300.00	\$2,300.00	\$601.54	359
NRO105	1	Double Seesaw natural IG	\$1,530.00	\$1,530.00	\$400.15	657
PCM704	1	Double Meeting Point	\$16,440.00	\$16,440.00	\$4,299.69	659
PCM803	1	Triple summersault Bars	\$1,130.00	\$1,130.00	\$295.54	582
				\$0.00	\$0.00	
				\$0.00	\$0.00	
				\$0.00	\$0.00	
				\$0.00	\$0.00	
Part	Quantity	Corocord / Robinia	Price	Total	Install	Per Weight
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0
			\$0.00	\$0.00	\$0.00	0

Equipment	23,980	
Install	6,271.69	
Freight	3,122	
Engineered Wood Fiber & Filter @ 12" (SqFt)	0	\$0.00
Engineered Wood Fiber Install (Cubic Yards)	0	\$0.00
Delivery - EWF		\$0.00
Borders and/or Ramps	0	\$0.00
Border / Ramp Install	0	\$0.00
Engineered Stamped Drawings (Y/N)		\$0.00
Permitting Fee - NOT the cost of permit		\$0.00
Sales Tax - Estimated		\$0.00
Total		\$0.00

This is NOT an official Sales Proposal, but a best guess, good faith estimate based upon the information (or lack of information) provided by the customer. If KOMPAN is providing installation, surfacing, borders, engineered stamped drawings or permitting services, a site plan MUST be reviewed and approved by the KOMPAN Design Team. KOMPAN can not be held responsible for any changes or inaccuracies in this courtesy document and reserves the right to correct, or cancel, at anytime. Once an approved site plan is created, an official KOMPAN Sales Proposal will be created. Pricing effective thru 12.31.18. Thank you.







West's F.S.A. § 775.215

West's Florida Statutes Annotated Currentness

Title XLVI. Crimes (Chapters 775-899)

*Chapter 775. Definitions; General Penalties; Registration of Criminals (Refs & Annos)

➔**775.215. Residency restriction for persons convicted of certain sex offenses**

(1) As used in this section, the term:

(a) "Child care facility" has the same meaning as provided in s. 402.302.

(b) "Park" means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(c) "Playground" means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(d) "School" has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, the Florida Virtual School as established under s. 1002.37, and a K-8 Virtual School as established under s. 1002.415, but does not include facilities dedicated exclusively to the education of adults.

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was classified as a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

West's F.S.A. § 402.302

West's Florida Statutes Annotated Currentness

Title XXIX. Public Health (Chapters 381-408)

Chapter 402. Health and Human Services: Miscellaneous Provisions (Refs & Annos)

➔ **402.302. Definitions**

As used in this chapter, the term:

(1) "Child care" means the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

(2) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;

(b) Summer camps having children in full-time residence;

(c) Summer day camps;

(d) Bible schools normally conducted during vacation periods; and

(e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs that provide care for children 15 hours or more each week in public or nonpublic schools, family day care homes, or programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term "personnel" for the purposes of screening and training if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an

intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

(4) "Child welfare provider" means a licensed child-caring or child-placing agency.

(5) "Department" means the Department of Children and Family Services.

(6) "Drop-in child care" means child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted.

(7) "Evening child care" means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts.

(8) "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

(a) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

(9) "Household children" means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator's household children shall be left to the discretion of the operator unless those children receive subsidized child care through the School Readiness Program pursuant to s. 411.0101 to be in the home.

(10) "Indoor recreational facility" means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child care facility under s. 402.305, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in that section, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space.

(11) "Large family child care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an

operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

(a) A maximum of 8 children from birth to 24 months of age.

(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

(12) "Local licensing agency" means any agency or individual designated by the county to license child care facilities.

(13) "Operator" means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility.

(14) "Owner" means the person who is licensed to operate the child care facility.

(15) "Screening" means the act of assessing the background of child care personnel and volunteers and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation.

(16) "Secretary" means the Secretary of Children and Family Services.

(17) "Substantial compliance" means that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within 90 days to impact, the health, safety, or well-being of a child, there is no substantial compliance.

(18) "Weekend child care" means child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

ARTICLE VII. - SEXUAL OFFENDERS

Sec. 62-201. - Place of residence.

Sec. 62-201. - Place of residence.

(a)

Prohibited residence. It is prohibited and unlawful for any person who has been convicted of a violation of F.S. §§ 794.011,¹ 800.04,² 827.071,³ 847.0135(5),⁴ or 847.0145,⁵ or an offense in another jurisdiction that is similar to any such violation, regardless of whether adjudication has been withheld, when the victim of the offense for which the conviction resulted was under 16 years of age at the time the offense was committed, and who is required to register as a sexual offender or sexual predator pursuant to state law, to establish a permanent residence or temporary residence located within the city when such residence is located within 2,500 feet of any school, day care center, public park, public or private playground including miniparks and recreational open spaces, library, or church, regardless of whether the school, day care center, public park, public or private playground, library, or church lies within the city limits of the City of Daytona Beach or within unincorporated Volusia County.

(b)

Prohibited to knowingly rent. It is prohibited and unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence if such place, structure or part thereof, trailer or other conveyance is located within 2,500 feet of any school, day care center, public park, public or private playground including miniparks and recreational open spaces, library, or church regardless of whether the school, day care center, public park, public or private playground, library, or church lies within the city limits of the City of Daytona Beach or within unincorporated Volusia County.

(c)

Measurement of distance. For the purposes of determining the minimum distance separation requirement, distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the any school, day care center, public park, public or

private playground including miniparks and recreational open spaces, library, or church.

(d)

Exceptions. A person residing within 2,500 feet of the school, day care center, public park, public or private playground including miniparks and recreational open spaces, library, or church does not commit a violation of this section if any of the following apply:

(1)

The person established the permanent residence or temporary residence and reported and registered the residence pursuant to F.S. §§ 775.21, 943.0435 or 944.607, prior to the first reading of this ordinance.

(2)

The person was a minor when he/she committed the offense and was not convicted as an adult.

(3)

The person is a minor.

(4)

The school, day care center, public park, public or private playground including miniparks and recreational open spaces, library, or church was opened after the person established the permanent residence or temporary residence and reported **and** registered the residence pursuant to F.S. §§ 775.21, 943.0435 or 944.607. (Emphasis added)

(e)

Permanent residence means a place where a person abides, lodges, or resides for a period of 14 or more consecutive days.

(f)

Temporary residence means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address.

(g)

Adoption by reference. The city hereby adopts by reference the definitions of "child care facility," "park," "playground," and "school" as defined in F.S. § 775.215(1).

(Ord. No. 11-222, § 5, 9-21-2011; Ord. No. 11-298, § 1, 12-7-2011)

FOOTNOTE(S):

⁽⁵⁹⁾ *Editor's note—* Ord. No. 11-222, § 5, adopted Sept. 21, 2011, did not specifically amend the Code; hence, inclusion herein as Art. VII, § 62-201, was at the editor's discretion. Additionally, § 6 of said

ordinance provides that it is not the intent of this ordinance to impair valid, existing, bona fide contract rights. The provisions of this ordinance shall not be applied to persons residing at a prohibited location on the effective date [9-21-2011] of this ordinance subject to a written or oral lease. When a person who is the subject of this ordinance changes residences, this ordinance shall fully apply to such persons. Per § 11, said ordinance shall take effect immediately upon its adoption; provided, however, that this ordinance shall apply to any person convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, 847.0135(5), or 847.0145, for offenses that occur on or after October 1, 2004. (Back)

1 Sexual battery. 2 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age. 3 Sexual performance by a child. 4 Computer pornography, prohibited transmissions. 5 Selling or buying of minors.

Select Year: 2017 ▼ Go

The 2017 Florida Statutes

Title XLVI

Chapter 775

[View Entire Chapter](#)

CRIMES DEFINITIONS; GENERAL PENALTIES; REGISTRATION OF CRIMINALS

775.215 Residency restriction for persons convicted of certain sex offenses.—

(1) As used in this section, the term:

(a) “Child care facility” has the same meaning as provided in s. [402.302](#).

(b) “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(c) “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(d) “School” has the same meaning as provided in s. [1003.01](#) and includes a private school as defined in s. [1002.01](#), a voluntary prekindergarten education program as described in s. [1002.53\(3\)](#), a public school as described in s. [402.3025\(1\)](#), the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. [1002.37](#) but does not include facilities dedicated exclusively to the education of adults.

(2)(a) A person who has been convicted of a violation of s. [794.011](#), s. [800.04](#), s. [827.071](#), s. [847.0135\(5\)](#), or s. [847.0145](#), regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction under s. [794.011](#), s. [800.04](#), s. [827.071](#), s. [847.0135\(5\)](#), or s. [847.0145](#) was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. [775.082](#) or s. [775.083](#). A person who violates this subsection and whose conviction under s. [794.011](#), s. [800.04](#), s. [827.071](#), s. [847.0135\(5\)](#), or s. [847.0145](#) was classified as a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) This subsection applies to any person convicted of a violation of s. [794.011](#), s. [800.04](#), s. [827.071](#), s. [847.0135\(5\)](#), or s. [847.0145](#) for offenses that occur on or after October 1, 2004, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. [943.04354](#).

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. [794.011](#), s. [800.04](#), s. [827.071](#), s. [847.0135\(5\)](#), or s. [847.0145](#), regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.

(b) A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. [775.082](#) or s. [775.083](#). A person who violates this subsection and whose conviction in another jurisdiction resulted in a penalty that is substantially similar to a felony of the second or third degree commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) This subsection applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

History.—s. 2, ch. 2004-55; s. 21, ch. 2008-172; ss. 3, 18, ch. 2010-92; s. 6, ch. 2014-39.

Note.—Former s. 794.065.

Select Year: 2017 ▼ Go

The 2017 Florida Statutes

[Title XLVI](#)[Chapter 775](#)[View Entire Chapter](#)**CRIMES DEFINITIONS; GENERAL PENALTIES; REGISTRATION OF CRIMINALS****775.261 The Florida Career Offender Registration Act.—**

(1) **SHORT TITLE.**—This section may be cited as “The Florida Career Offender Registration Act.”

(2) **DEFINITIONS.**—As used in this section, the term:

(a) “Career offender” means any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. [775.084](#) or as a prison releasee reoffender under s. [775.082](#)(9).

(b) “Chief of police” means the chief law enforcement officer of a municipality.

(c) “Community” means any county where the career offender lives or otherwise establishes or maintains a temporary or permanent residence.

(d) “Department” means the Department of Law Enforcement.

(e) “Entering the county” includes being discharged from a correctional facility, jail, or secure treatment facility within the county or being under supervision within the county with a career-offender designation as specified in paragraph (a).

(f) “Permanent residence” means a place where the career offender abides, lodges, or resides for 14 or more consecutive days.

(g) “Temporary residence” means:

1. A place where the career offender abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the career offender’s permanent address;

2. For a career offender whose permanent residence is not in this state, a place where the career offender is employed, practices a vocation, or is enrolled as a student for any period of time in this state; or

3. A place where the career offender routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the career offender’s permanent residence, including any out-of-state address.

(3) **CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—**

(a) A career offender released on or after July 1, 2002, from a sanction imposed in this state must register as required under subsection (4) and is subject to community and public notification as provided under subsection (5). For purposes of this section, a sanction imposed in this state includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, private correctional facility, or local detention facility, and:

1. The career offender has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph; or

2. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(b) This section does not apply to any person who has been designated as a sexual predator and required to register under s. [775.21](#) or who is required to register as a sexual offender under s. [943.0435](#) or s. [944.607](#). However, if a person is no longer required to register as a sexual predator under s. [775.21](#) or as a sexual offender under s. [943.0435](#) or s. [944.607](#), the person must register as a career offender under this section if the person is otherwise designated as a career offender as provided in this section.

(c) A person subject to registration as a career offender is not subject to registration as a convicted felon under s. 775.13. However, if the person is no longer required to register as a career offender under this section, the person must register under s. 775.13 if required to do so under that section.

(d) If a career offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the career offender's fingerprints are taken and forwarded to the department within 48 hours after the court renders its finding that an offender is a career offender. The fingerprints shall be clearly marked, "Career Offender Registration."

(4) REGISTRATION.—

(a) A career offender must register with the department by providing the following information to the department, or to the sheriff's office in the county in which the career offender establishes or maintains a permanent or temporary residence, within 2 working days after establishing permanent or temporary residence in this state or within 2 working days after being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility:

1. Name, social security number, age, race, gender, date of birth, height, weight, hair and eye color, photograph, address of legal residence and address of any current temporary residence within the state or out of state, including a rural route address or a post office box, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the career offender. A career offender may not provide a post office box in lieu of a physical residential address. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the career offender shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a career offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the career offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(b) If a career offender registers with the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the career offender and forward the photographs and fingerprints to the department, along with the information that the career offender is required to provide pursuant to this section.

(c) Within 2 working days after the registration required under paragraph (a), a career offender who is not incarcerated and who resides in the community, including a career offender under the supervision of the Department of Corrections pursuant to s. 944.608, shall register in person at a driver license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration. At the driver license office, the career offender shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The career offender shall identify himself or herself as a career offender who is required to comply with this section, provide his or her place of permanent or temporary residence, including a rural route address or a post office box, and submit to the taking of a photograph for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of career offenders. The career offender may not provide a post office box in lieu of a physical residential address. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the career offender shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the motor vehicle registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a career offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the career offender shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the

manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section.

3. Provide, upon request, any additional information necessary to confirm the identity of the career offender, including a set of fingerprints.

(d) Each time a career offender's driver license or identification card is subject to renewal, and within 2 working days after any change of the career offender's residence or change in the career offender's name by reason of marriage or other legal process, the career offender must report in person to a driver license office, and shall be subject to the requirements specified in paragraph (c). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by career offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the department for purposes of public notification of career offenders as provided in this section.

(e) If the career offender registers at an office of the department, the department must notify the sheriff and, if applicable, the police chief of the municipality, where the career offender maintains a residence within 48 hours after the career offender registers with the department.

(f) A career offender who intends to establish residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence or the department within 2 working days before the date he or she intends to leave this state to establish residence in another state or jurisdiction other than the State of Florida. If the career offender is under the supervision of the Department of Corrections, the career offender shall notify the supervising probation officer of his or her intent to transfer supervision, satisfy all transfer requirements pursuant to the Interstate Compact for Supervision of Adult Offenders, as provided in s. 949.07, and abide by the decision of the receiving jurisdiction to accept or deny transfer. The career offender must provide to the sheriff or department the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the career offender. The failure of a career offender to provide his or her intended place of residence is punishable as provided in subsection (8).

(g) A career offender who indicates his or her intent to reside in a state or jurisdiction other than the State of Florida and later decides to remain in this state shall, within 2 working days after the date upon which the career offender indicated he or she would leave this state, report in person to the sheriff or the department, whichever agency is the agency to which the career offender reported the intended change of residence, of his or her intent to remain in this state. If the sheriff is notified by the career offender that he or she intends to remain in this state, the sheriff shall promptly report this information to the department. A career offender who reports his or her intent to reside in a state or jurisdiction other than the State of Florida, but who remains in this state without reporting to the sheriff or the department in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h)1. The department shall maintain online computer access to the current information regarding each registered career offender. The department must maintain hotline access so that state, local, and federal law enforcement agencies may obtain instantaneous locator file and criminal characteristics information on release and registration of career offenders for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints need not be stored in a computerized format.

2. The department's career offender registration list, containing the information described in subparagraph (a)1., is a public record. The department may disseminate this public information by any means deemed appropriate, including operating a toll-free telephone number for this purpose. When the department provides information regarding a career offender to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a career offender cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a career offender to facilitate the commission of a crime.

3. The department shall adopt guidelines as necessary regarding the registration of a career offender and the dissemination of information regarding a career offender as required by this section.

(i) A career offender must maintain registration with the department for the duration of his or her life, unless the career offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a career offender for purposes of registration. However, a registered career offender who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years and has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court of the circuit in which the registered career offender resides for the purpose of removing the requirement for registration as a career offender. The court may grant or deny such relief if the registered career offender demonstrates to the court that he or she has not been arrested for any crime since release and the court is otherwise satisfied that the registered career offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the registered career offender may again petition the court for relief, subject to the standards for relief provided in this paragraph. The department shall remove a person from classification as a career offender for purposes of registration if the person provides to the department a certified copy of the court's written findings or order that indicates that the person is no longer required to comply with the requirements for registration as a career offender.

(5) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies may inform the community and the public of the presence of a career offender in the community. Upon notification of the presence of a career offender, the sheriff of the county or the chief of police of the municipality where the career offender establishes or maintains a permanent or temporary residence may notify the community and the public of the presence of the career offender in a manner deemed appropriate by the sheriff or the chief of police.

(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.

(6) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of career offenders. The sheriff of each county shall annually verify the addresses of career offenders who are not under the care, custody, control, or supervision of the Department of Corrections. The sheriff shall promptly provide the address verification information to the department in an electronic format. The address verification information must include the verifying person's name, agency, and phone number, the date of verification, and the method of verification, and must specify whether the address information was verified as correct, incorrect, or unconfirmed.

(7) IMMUNITY.—The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a career offender fails to report or falsely reports his or her current place of permanent or temporary residence.

(8) PENALTIES.—

(a) Except as otherwise specifically provided, a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or identification card; who fails to provide required

location information or change-of-name information; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(b) Any person who misuses public records information concerning a career offender, as defined in this section, or a career offender, as defined in s. [944.608](#) or s. [944.609](#), to secure a payment from such career offender; who knowingly distributes or publishes false information concerning such a career offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(9) PROSECUTIONS FOR ACTS OR OMISSIONS.—A career offender who commits any act or omission in violation of this section, s. [944.608](#), or s. [944.609](#) may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the career offender, the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a career offender, or in the county in which he or she was designated a career offender.

(10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#), for a person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section, to:

- (a) Withhold information from, or fail to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section and, if known, the whereabouts of the career offender;
- (b) Harbor or attempt to harbor, or assist another in harboring or attempting to harbor, the career offender;
- (c) Conceal or attempt to conceal, or assist another in concealing or attempting to conceal, the career offender; or
- (d) Provide information to the law enforcement agency regarding the career offender which the person knows to be false.

History.—s. 3, ch. 2002-266; s. 9, ch. 2004-371; s. 2, ch. 2006-200; s. 1, ch. 2010-69; s. 60, ch. 2013-116; s. 45, ch. 2016-24.

Select Year: 2017 ▼ Go

The 2017 Florida Statutes

Title XLVII
CRIMINAL PROCEDURE AND
CORRECTIONS

Chapter 943
DEPARTMENT OF LAW ENFORCEMENT

[View Entire Chapter](#)

943.0435 Sexual offenders required to register with the department; penalty.—

(1) As used in this section, the term:

(a) “Change in status at an institution of higher education” has the same meaning as provided in s. 775.21.

(b) “Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) “Electronic mail address” has the same meaning as provided in s. 668.602.

(d) “Institution of higher education” has the same meaning as provided in s. 775.21.

(e) “Internet identifier” has the same meaning as provided in s. 775.21.

(f) “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning as provided in s. 775.21.

(g) “Professional license” has the same meaning as provided in s. 775.21.

(h)1. “Sexual offender” means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-sub-subparagraph or at least one offense listed in this sub-sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to

registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals;

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals; or

(V) Any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph.

2. For all qualifying offenses listed in sub-subparagraph 1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, except for a violation of s. 794.011, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall also make a written finding indicating whether the offense involved sexual activity and indicating whether the offense involved force or coercion. For a violation of s. 800.04(5), the court shall also make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(i) "Vehicles owned" has the same meaning as provided in s. 775.21.

(2) Upon initial registration, a sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent, temporary, or transient residence within 48 hours after:

a. Establishing permanent, temporary, or transient residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the information required to be provided pursuant to paragraph (b), including, but not limited to, any change in the sexual offender's permanent, temporary, or transient residence; name; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and any change in status at an

institution of higher education after the sexual offender reports in person at the sheriff's office must be reported in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph; employment information; address of permanent or legal residence or address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state, address, location or description, and dates of any current or known future temporary residence within the state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; home telephone numbers and cellular telephone numbers; electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(c) Provide any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers, when available.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, unless a driver license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual offender shall:

(a) If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph for use in issuing a driver license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or identification card as required by this section. The driver license or identification card issued must be in compliance with s. 322.141(3).

(c) Provide, upon request, any additional information necessary to confirm the identity of the sexual offender, including a set of fingerprints.

(4)(a) Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall also report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles. The reporting requirements under this paragraph do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section.

(b)1. A sexual offender who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

2. A sexual offender shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual offender must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall establish procedures for reporting transient residence information and provide notice to transient registrants to report transient residence information as required in this subparagraph. Reporting to the sheriff's office as required by this subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this subparagraph. The sheriff's office shall, within 2 business days, electronically submit and update all information provided by the sexual offender to the department.

(c) A sexual offender who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (b) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (b) but fails to make a report as required under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The failure of a sexual offender who maintains a transient residence to report in person to the sheriff's office every 30 days as required in subparagraph (b)2. is punishable as provided in subsection (9).

(e)1. A sexual offender shall register all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, with the department through the department's online system or in person at the sheriff's office within 48 hours after using such electronic mail addresses and Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to electronic mail addresses; Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers; employment information; and institution of higher education information.

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections, and may verify the addresses of sexual offenders who are under the care, custody, control, or supervision of the Department of Corrections, in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least 21 days before the date he or she intends to travel if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual offender 21 days before the departure date must be reported in person to the sheriff's office as soon as possible before departure. The sexual offender shall provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual offender shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(8) A sexual offender who indicates his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than the State of Florida, or another country and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would

leave this state, report in person to the sheriff to which the sexual offender reported the intended change of permanent, temporary, or transient residence, and report his or her intent to remain in this state. The sheriff shall promptly report this information to the department. A sexual offender who reports his or her intent to establish a permanent, temporary, or transient residence in another state, a jurisdiction other than the State of Florida, or another country but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender, in the county where the sexual offender was released from incarceration, or in the county of the intended address of the sexual offender as reported by the offender prior to his or her release from incarceration.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(10) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual offender fails to report or falsely reports his or her current place of permanent, temporary, or transient residence.

(11) Except as provided in s. 943.04354, a sexual offender shall maintain registration with the department for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender shall be considered for removal of the requirement to register as a sexual offender only if the person:

(a)1. Has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

a. For a violation of s. 787.01 or s. 787.02;

b. For a violation of s. 794.011, excluding s. 794.011(10);

c. For a violation of s. 800.04(4)(a)2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

- d. For a violation of s. 800.04(5)(b);
- e. For a violation of s. 800.04(5)(c)2. where the court finds the offense involved the use of force or coercion and unclothed genitals or genital area;
- f. For a violation of s. 825.1025(2)(a);
- g. For any attempt or conspiracy to commit any such offense;
- h. For a violation of similar law of another jurisdiction; or
- i. For a violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.

2. If the sexual offender meets the criteria in subparagraph 1., the sexual offender may, for the purpose of removing the requirement for registration as a sexual offender, petition the criminal division of the circuit court of the circuit:

- a. Where the conviction or adjudication occurred, for a conviction in this state;
- b. Where the sexual offender resides, for a conviction of a violation of similar law of another jurisdiction; or
- c. Where the sexual offender last resided, for a sexual offender with a conviction of a violation of similar law of another jurisdiction who no longer resides in this state.

3. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

4. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

(b) As defined in sub-subparagraph (1)(h)1.b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

- (a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;
- (b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or
- (c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or
- (d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor;
2. Section 794.011, excluding s. 794.011(10);
3. Section 800.04(4)(a)2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;
4. Section 800.04(5)(b);
5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;
6. Section 800.04(5)(c)2. where the court finds molestation involving the use of force or coercion and unclothed genitals or genital area;
7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;
8. Section 825.1025(2)(a);
9. Any attempt or conspiracy to commit such offense;
10. A violation of a similar law of another jurisdiction; or
11. A violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph,

must reregister each year during the month of the sexual offender's birthday and every third month thereafter.

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all electronic mail addresses or Internet identifiers and each Internet identifier's corresponding website homepage or application software name; all home telephone numbers and cellular telephone numbers; employment information; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

2. If the sexual offender is enrolled or employed, whether for compensation or as a volunteer, at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and

county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence, who fails to report all electronic mail addresses and all Internet identifiers, and each Internet identifier's corresponding website homepage or application software name, or who knowingly provides false registration information by act or omission commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department.

History.—s. 8, ch. 97-299; s. 7, ch. 98-81; s. 114, ch. 99-3; s. 3, ch. 2000-207; s. 3, ch. 2000-246; s. 3, ch. 2002-58; s. 2, ch. 2004-371; s. 9, ch. 2005-28; s. 3, ch. 2006-200; s. 4, ch. 2006-299; s. 159, ch. 2007-5; s. 10, ch. 2007-143; s. 4, ch. 2007-207; s. 2, ch. 2007-209; s. 3, ch. 2009-194; s. 4, ch. 2010-92; s. 4, ch. 2012-19; s. 11, ch. 2012-97; s. 11, ch. 2013-116; s. 10, ch. 2014-4; s. 5, ch. 2014-5; s. 26, ch. 2014-160; s. 99, ch. 2015-2; ss. 10, 51, ch. 2016-24; s. 3, ch. 2016-104; s. 2, ch. 2017-170.