

THE



Issue 41.10



BULLETIN

October 2015

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The POA Website - www.poa4us.org

Rebuttal of Misleading Statements and False Innuendos

Made by Janet Tutt in Recent Daily Sun Articles Regarding the SLCDD Plaintiffs' Motives

The POA Board of Directors is compelled to rebut the misleading statements and false innuendos made by Janet Tutt, which were contained in an article in the September 3, 2015 Daily Sun, about the plaintiffs in both the VCCDD and the SLCDD lawsuits. Her comments were **repeated again** in another Daily Sun article on September 11, 2015. The POA had no interest in continuing a "he said, she said" in the media, but Ms. Tutt has forced us to respond so that residents are informed of the **real and complete facts**, which are **far** from what her statements led many residents to believe, about the motives of the plaintiffs in both lawsuits.

The following are the statements regarding both the 2008 VCCDD lawsuit and the recent SLCDD lawsuit, that the POA supported, that we want to address.

First, Janet Tutt stated, "In the lawsuit settlement that created the AAC north of CR466, however, five resident plaintiffs – including Dreidame – and their attorney personally **shared** (emphasis added) more than \$7 million for bringing the action."

POA RESPONSE: The Settlement Agreement and the Court Records clearly state that the attorney was to receive \$6.7M and the class plaintiffs \$300,000.

Ms. Tutt's \$7M "shared" reference was for the VCCDD lawsuit which was settled in 2008, not the current SLCDD case. It had **nothing** to do with this SLCDD case. This "reference" just appeared as a statement from

Janet Tutt. Ms. Tutt was in the court room and has access to the 2008 Settlement Agreement which was approved by the Judge and which **specifically differentiates between the attorney's fees and incentive awards.**

The Agreement reads as follows: "...VLS shall pay to the Plaintiff Class \$6,700,000 for attorney's fees (approximately \$1.4 million less than the standard contingent attorneys'

(Continued on page 2)

RECREATION TRAIL UPDATE

Kudos to the CDD4 Board of Supervisors

The administration and Districts initiative to review concerns over the identification of medians and edge lines on the Multi-Modal Paths (MMP) would likely not have happened if the CDD4 Board had not gone "rogue" and installed center line striping on their MMPs in response to input from their residents, thus going against the recommendation of the Engineer. Following that, the POA surveyed its membership and determined that **80% of the respondents who indicated they used their golf carts at night or in the rain** stated they wanted either center line or edge striping to assist them with visibility issues which kept striping on the 'agenda'. We realize night time users are in the minority, but **the Districts approved night time usage and should take**

(Continued on page 7)

Tuesday, October 20, 2015
POA GENERAL MEMBERSHIP MEETING
 Third Tuesday of the Month - 7 PM
 Laurel Manor Recreation Center

Now is the Time to Evaluate Your Medicare Coverage
 (See Article on Page 10)

Presented by Betty Cunningham,
 Area Coordinator for SHINE
 (Serving Health Insurance Needs of Elders)

Followed by Questions & Answers
Audio and Visual in Overflow Room
Donuts & Coffee after the Meeting

All Residents Welcome - Come and Join Us!

POA Rebuttal

(Continued from page 1)

fee allowed and computed on the monetary recovery in accordance with Rule 4-1.5(f)(4) (B) of the Rules Regulating the Florida Bar) and \$300,000 for incentive awards to (be shared by) the named **Plaintiff Class Representatives for their assumption of risk, the considerable time, effort, expense and expertise they expended in the development and furtherance of the case, and their assistance to Plaintiffs' counsel from the inception of the case through the ensuing negotiation and litigation.**" (Also note, both the \$6.7M and \$300,000 amounts were negotiated by the attorneys **after** they had reached final agreement on the settlement of the case and did not in any way decrease the \$39 million+ that was agreed upon for the settlement of the 2008 VCCDD case and which was allocated to the VCCDD amenity funds.)

We are confident that residents living north of CR466 who have seen the result of the \$39 million+ the plaintiffs recovered for their amenity services and facilities (Paradise debt pay off, reconstruction of all of the recreation trails north of CR466, improvements at Silver Lake and Chula Rec Centers, construction of Paradise Park, demolition of the one room rec center at Tierra del Sol and construction of a Villages Recreation Center in its place, the purchase of land and construction of the soon to open new El Santiago Villages Recreation Center, and many other enhancements yet to come, with the additional \$11.8M that will be coming in through December 31, 2020), are thankful that five of their POA friends and neighbors were willing to put their own money at risk to contract with the attorney and

risk filing a lawsuit against a billionaire, as well as their time, effort and expertise over a three year period, to gather the info and evidence to convince an attorney to represent the residents, and then spend the next two years working with the attorneys to present and win the case.

In addition to the millions of dollars, the settlement required the establishment of a **resident elected** Amenity Authority Committee (AAC) **composed of five residents** and one supervisor from the VCCDD which would **have control over the expenditure of all of the settlement monies, as well as all non-bond required amenity funds into perpetuity.**

Most importantly, in regard to the statement in the Daily Sun, none of the five plaintiffs had any expectation of any financial award for their efforts – they had been told by VCCDD District Attorney Duncan, in June of 2006, that if they did not like the VCCDD Board's decision on their requests for facility and cart path upgrades and return of services that had been eliminated, to "**TAKE IT TO THE COURTS – THAT'S WHAT THE COURTS ARE FOR**" – and so the five of them began a serious hunt for the right attorney to take the case. They were just trying to save the amenity program and property values of all of the residents living north of CR466.

Think about it for a minute. At the time of the lawsuit there were not enough reserve funds to finance the renovation of Paradise Recreation Center – the District had to take a "loan on a loan", and pool monitors and after hours golf ambassadors were eliminated when the minimum wage was increased in 2005. If not for the work of the VCCDD plaintiffs and

(Continued on page 4)

The POA Bulletin is published monthly by the Property Owners' Association of The Villages, Inc. Articles represent the opinion of the POA or the writer, and Letters to the Editor postings represent the opinions of the writers. Care is taken to ensure that facts reported herein are true and accurate to the best knowledge of the POA and are taken from reliable sources.

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POA Mission Statement

The Property Owners' Association of The Villages is an independent organization devoted to our home ownership experience.

The Vision/Objective of the POA is to make The Villages an even better place in which to live, where Residents' Rights are respected, and local governments are responsive to the needs and interests of residents.

The POA serves Villagers through programs of education, research, analysis, representation, advocacy, and legislative action.

The POA also functions as a "watchdog" organization overseeing the actions of our Developer and our local governments.

Specific POA attention is focused on housing, community, neighborhood, and local government issues. Special emphasis is focused on the Amenity Authority Committee (AAC), our Community Development Districts (CDDs), the Florida Chapter 190 law that regulates CDD operations, and our Developer.

The POA has no ties or obligations to the Developer of The Villages which might compromise the POA position or its advocacy of Residents' Rights.

The POA, founded in 1975, is the original homeowners' organization in The Villages. Membership is open to all Villages residents. □

The Villages Residents' Bill of Rights

RESIDENTS have RIGHTS to:

1. Be treated in a respectful, fair, and responsive manner by the Developer and our local government officials.
2. Have decision making authority for important issues in our community.
3. Elect our top government officials and approve appointments of the top administrative officials in our community.
4. Approve major purchases of common property and the related debt obligations assumed by residents.
5. Have local governments that are free of any conflict of interest issues.
6. Be charged honest monthly amenity fees that are used only for the stated purposes.
7. Receive full disclosure when purchasing a home here in The Villages.
8. Receive an objective market appraisal for major purchases of common property.
9. Receive objective, unbiased, unslanted news reporting from local news sources.
10. Be informed beforehand by the Developer on any major change in our community. □

Hot Off The Presses! Moffitt Leaving

Just as we were ready to go to print we received a copy of a Special Update sent by Dr. Letson, President of the Moffitt Medical Group and Dr. Harrison, Chair of the Moffitt Cancer Center Department of Radiation Oncology directed to area physicians which reads as follows:

"Moffitt Cancer Center strives to provide referring physicians and patients with excellent customer service and timely updates. We are reaching out to let you know that Central Florida Health Alliance has chosen to end its five-year affiliation with Moffitt. The affiliation will cease effective October 15, 2015, including an end to Moffitt provided radiation therapy treatment and radiation oncology follow-up care in THE VILLAGES. As such, effective October 15, 2015, Moffitt Cancer Center will no longer provide services at The Villages, which may impact your referral of patients for radiation oncology care.

"We will remain a part of The Villages and surrounding communities through ongoing strong provider relationships, as well as continuing cancer prevention and outreach efforts. While Moffitt will no longer have a physical presence in The Villages, we will continue to offer comprehensive cancer treatment services at OUR TAMPA LOCATION. Additionally, Moffitt will keep its referring physicians informed regarding their patients in accordance with Moffitt's practices and procedures.

"We are working to ensure a smooth transition for our existing patients seen in The Villages. All current patients will be contacted to be offered appointments at our Tampa location so they can remain with an **established Moffitt treatment team...**"

We hope to have more information for the November POA Bulletin on why this occurred and what is happening to the radiation equipment that residents were solicited to contribute to purchase for Moffitt use. □

POA Members Email Address Announcement

We want to keep your member information as up to date as possible, so whenever you change email addresses, **PLEASE** remember to notify us. You can send us the updated information in the following ways:

1. Send an email to database@poa4us.org stating your whole name and your OLD and NEW email address. Be sure we can tell the difference between L's and I's, o's and 0 zero's and any other similar configuration.

2. Go to the POA website (poa4us.org) and on the left side panel of the home page under **Membership**, there is a drop down menu with the heading "Profile Update". Click the link, fill out the form and click the submit button.

Please be aware that if you "**Unsubscribe**"

from the monthly E-Meeting Notice and then attempt to "**Re-Subscribe**", our bulk email provider does not allow you to re-subscribe using your original email address. This is their rule, not ours. We do not want you to get caught in the middle by sending in an OLD email address and still not get the monthly E-Meeting Notice.

If you are currently "**not**" receiving our monthly E-Meeting Notice and would like to, please follow number 1 or 2 above to make sure we have the correct email address for you. The notice has other information of interest also.

Regards, Ken Copp, Database Manager
database@poa4us.org □

POA 2015 MEMBERSHIP - NEW/RENEWAL & DONATION FORM

Please complete each section and return to: **The POA, P.O. Box 386, Oxford, FL 34484**

New Renewal Number of People in Household

PLEASE PRINT! or Use the **ONLINE FORM** found on our website **POA4US.ORG**

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NAME(S)(2) _____
(DIFFERENT LAST NAME)

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(We respect your privacy. Your email address is for POA Official use ONLY)

1. **MEMBERSHIP NEW/RENEWAL:** Please enroll my POA membership for **2015** at the **Annual Rate of \$10 per household.** A check payable to POA is enclosed. Memberships are for Households and run annually from **JAN 1st to DEC 31st.** (check the box that applies)

I will include a stamped, self-addressed envelope with this form and my check.
Please mail me my **2015** Membership Card.

Please hold my POA Membership Card for me to pick up at one of the monthly POA meetings.

2. **ADDITIONAL DONATION:**

Please accept my additional **2015** contribution to the POA in the following amount: \$ _____

3. **TOTAL CHECK AMOUNT:** \$ _____

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POA Rebuttal

(Continued from page 2)

their attorneys, we would still have the ten foot wide trails, one room rec centers at TDS and El Santiago, no upgrades to facilities east of Hwy 27, etc. Yes, certainly, the plaintiffs were thrilled when they were advised, at the completion of the settlement by the attorneys, that they had negotiated an award to compensate the plaintiffs for their efforts, but **this was never the plaintiffs' motivation.**

The statement by Ms. Tutt above, which was unrelated to the SLCDD case, was likely made in order to set up her next unsubstantiated and absolutely untrue innuendo about the plaintiffs in the current SLCDD case. A second quote in that article referred to the SLCDD plaintiffs as follows:

Dreidame was quoted as saying, "All we

wanted was an amenity authority committee and the formula (to fund it)." The article continued...: **"But Tutt questioned whether the POA members filed the lawsuit in good faith on behalf of all residents or purely for financial motives since the plaintiffs personally stood to gain a large financial payout if successful with their accusations."**

The facts, in this SLCDD case, are that the POA supported the completion of the SLCDD class action lawsuit that the attorneys for the plaintiffs and the Developer had been working on, in conjunction with the VCCDD lawsuit, as far back as 2007. Also, the plaintiffs signed the authorizations to be Plaintiffs on **September 12, 2010, with the understanding that this would be a negotiated SETTLEMENT, if possible, between the attorneys that would proceed without a trial** (just like the VCCDD case), based upon defendants' promises and the agreement made between counsel in 2007, once the IRS investigation was completed. To help defendants' attorneys and their clients, plaintiffs' attorney had agreed in 2007-2008 (when defendants agreed to implement an SLCDD-AAC and to designate a reserve account with a formula for annual funding) to put the case on hold, pending an IRS resolution of its investigation which had just begun.

Seven years later (four years after plaintiffs signed up), the attorney arranged a meeting

with the clients on **August 27, 2014**, and advised them that negotiations had failed, and she had felt it necessary to file suit on March 31, 2014, and, hoping to negotiate a settlement, she did not have the Summons issued to the Defendants until July 23, 2014.

The SLCDD plaintiffs were not actively involved in the presentation of this lawsuit, as were the plaintiffs in the 2008 VCCDD lawsuit. Rest assured, the plaintiffs had no expectation of any monies for signing their names so that the negotiations with the Developer's attorneys could continue. Further, they would never have been recommended for any fee as they had not put in money, time or effort in the research for the lawsuit, and they had no expertise in the case at hand, as did the plaintiffs in the 2008 VCCDD case who actively worked almost daily with the attorneys, who were awarded compensation for their dedication and efforts.

The POA asserts that the three SLCDD plaintiffs have been unjustly and unfairly maligned in articles in the Daily Sun which printed the statement referenced above. Truly, apologies are in order to all three plaintiffs, but especially Jerry Ferlisi who they used as their "poster child".

(Continued on page 5)

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POA Rebuttal

(Continued from page 4)

A message from Jerry Ferlisi, SLCDD Plaintiff, Vice-President of the POA and CDD5 Supervisor:

"There has been much said lately about the SLCDD lawsuit, but only I know what motivated me, and aside from all the "legalese" which I will leave to the attorneys, I will unequivocally state here before you, swear on a Bible or even take a lie detector test, the following:

A) I signed on as a Plaintiff in The Class Action Lawsuit in September 2010 at the request of an Officer of the POA. The facts as stated to me by the Attorney were that a negotiated settlement between the attorneys was being worked on but they needed residents who lived south of CR466 to be Class members.

B) I understood that the two main items being sought were:

1. The establishment of an AAC within the SLCDD (similar to the one north of 466) which would put control of the Amenities in the hands of a Board, all but one being a resident, elected by the residents.

2. A formula insuring that future sales of

Amenities by the Developer to the SLCDD would be well funded with adequate reserves for Renewal & Replacement.

C) It was stated in the Daily Sun article, quoting Janet Tutt, that she questioned whether the POA members filed the lawsuit in good faith on behalf of all residents or purely for financial motives since the plaintiffs personally stood to gain a large financial payout if successful with their accusations. I unequivocally had no knowledge of what the attorneys or plaintiffs received in the 2008 VCCDD case which Janet Tutt referenced, nor did I anticipate a single penny. Whatever benefit that would be brought to the entire Class would be the only benefit that I anticipated."

A message from Carol Anderson, the Plaintiffs' attorney:

"First of all, I don't see how anyone could ever "blame" the plaintiffs and the POA for filing the lawsuit. They did not coerce or force me to file the suit. Just as you and I depend on our doctors to do the right thing by us, they depended on me. Broken promises made by the Developer and his attorneys without explanation and at least one Statute of Limitations coming to a close caused me to file the suit. **You can read the Complaints (Court Pleadings) and clearly see that no dollar**

figures for damages are specified in them, but a dollar figure must be specified in any Notice sent pursuant to the Statute referenced in the Notice. That Statute permits the plaintiffs to make claim against defendants for triple the amount of damages sustained by the class. Those damages are: (1) the proceeds of revenue bonds issued to the SLCDD which used the amenities fees from the homeowners as collateral to secure the debt; (2) the attendant costs of issuing the bonds; plus (3) the amenity fees required to pay the bond interest payments through the date of final payment in October 2038. These damages total approximately \$150 million and when tripled, the figure is approximately \$450 million. (This \$150 million debt, which includes approximately \$68 million in interest, is a priority payment

(Continued on page 6)



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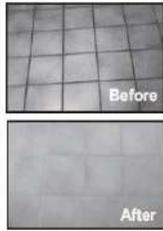
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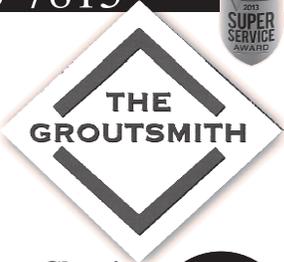
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POA Rebuttal

(Continued from page 5)

that is made with 30-40% of our Amenity Fees every year until 2038). Each defendant, SLCDD and The Villages (includes Morse) was sent the same or similar Notices because each is, in part, responsible for using the amenity fees as collateral to secure an approximate \$60 million payment to the Developer. The Notices preserve the rights of plaintiffs to sue for maximum damages (including triple damages) under the Statute, and the plaintiffs lose that right if they don't send out the Notices, specifying the maximum amount of damages; however, **the Statute does not require plaintiffs to sue for those amounts, and as noted above, no dollar amounts for damages were used in the Complaints filed with the Court.** We sued for damages and offered to settle for the establishment of an SLCDD AAC and a reserve account formula for any further amenity transfers, as promised by the defendants and their attorneys in 2007-2008.

"In her recent article, Ms. Tutt talks a lot about "they failed; their claims were dismissed with prejudice". Because the truth is being so distorted, let me clarify: The Trial Court in Sumter County ruled against us but **never** said the lawsuit was frivolous. In fact, at the time of settlement, the case was on appeal in a higher court (the District Court) where we had a clear chance of prevailing. All parties agreed to the dismissal of the appeal and of all claims. We agreed to this so that the case would not, in any way, impede the SLCDD's first financially viable opportunity without negative arbitrage, to refund the 2005 bonds on October 01, 2015.

"Previously, on January 30, 2015, we had filed an offer to settle and to walk away if they would keep their promises to establish an SLCDD-AAC and arrive at a formula for funding and maintaining a reserve account which the District had **not implemented** before the Notice of the lawsuit was filed in 2010 – three years after they had agreed to do it when the case was put on hold because of the IRS investigation. The SLCDD Board first established a Renewal and Replacement Reserve Fund in the budget year commencing October 1, 2010, **after** the plaintiffs Notice Letters were sent in September of 2010, even though they had agreed to do it in 2007-2008.

"None of the defendants, neither the Developer nor the SLCDD, responded to our January 30 settlement offer; yet, on September 3rd, we read in the Daily Sun what they had known all along and deliberately refused to share (thereby deliberately and calculatingly forcing the filing of the lawsuit and prolonging the litigation.)

"That is, we learned that because of an IRS determination, the SLCDD is no longer eligible to issue TAX EXEMPT Bonds to fund the payment to the Developer for the transfer of his amenity properties and the amenity fee contracts, as they did for the \$250 million plus sum they received for the transfers made to the VCCDD north of CR466, and that they are not going to establish an AAC for the SLCDD residents. This means the residents living south of CR466 will have no vote in how their amenity fees are spent. **Honesty and fairness dictate such disclosures should have been made at my last meeting with the Developer's attorneys in March of 2014, before the suit was filed, and certainly after the offer of Settlement was made January 30, 2015.**

"Had this disclosure been timely made and discussed early on, the lawsuit would have been avoided or at the very least, it certainly would have provided for a speedy resolution." □



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Your Safety is Our Concern

Recreation Trail Update

(Continued from page 1)

responsibility for seeing that the visibility needs of these users are accommodated.

We are pleased that the Engineer was recently directed by the Multi-Modal Path Discussion Group (MMPDG) to review and recommend improvements to the markings of medians, obstructions and 'blind curves' to the MMPDG at their September 21st meeting and that he finally recommended adoption of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines for these situations, but wonder why they were not installed when the paths were originally built and **designed by that same Engineer** – not five to ten years later. (At the April 8, 2015, AAC meeting Ms. Tutt acknowledged in regard to identification of the medians that neither she nor the Engineer were aware of the problems residents were having with the use of a single (or in some cases, multiple) reflectors, because it did not provide them with the width of the bull-noses at night. As a result, they had Mr. Wartinbee add additional reflectors to the bull-noses to indicate their width – still not in compliance with MUTCD recommendations. Finally, with the September 21st unanimous

approval of all members of the MMPDG, the Engineer is now going to follow the instructions in the MUTCD. It's too bad numerous residents, who drive their carts at night and in the rain and struck the bull-noses, had to suffer bumps, bruises and/or cuts and cart damage because the medians were not properly marked for them to see at night time and in inclement weather.

The second improvement is to properly identify obstructions along the path (non-movable - such as trees or tree roots) according to MUTCD guidelines. Had this also been implemented originally, residents would not have been subjected to unnecessary injuries due to striking unidentified objects.

Based on the above omissions, we encourage the Engineer to listen to what residents who drive their carts at night and during inclement weather are telling him NOW - that they have visibility issues on the MMPs at night and during inclement weather and recommend the Engineer use the guidelines from the MUTCD, which indicate that edge line striping can assist with night time golf cart operation and will not make the paths less safe, instead of standing pat on the fact that crash data does not warrant it. Although few crashes are reported on the MMPs, the real

issue remains visibility and the fact that at night or when it is raining, it is easy to drive off the MMP with the incident never reported. MUTCD is permissive in this situation and the Engineer has the knowledge from the residents that he claims he did not have related to the median identification problems. So why is he ignoring the residents' concerns now?

(Continued on page 8)

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Recreation Trail Update

(Continued from page 7)

It was noted in the July 6, 2015 MMPDG minutes that the Engineer stated "...when the engineers designed the multi-modal paths it was determined that a visible delineation along the edge of the trail was necessary, which is why the ribbon curbing was installed, and adheres to the MUTCD which provides that curbs are allowed to fulfill that delineation along a roadway or multi-modal path." Residents who use their carts at night and in the rain are telling the Engineer this curbing cannot be seen in the dark or in inclement weather – yet he indicates it is necessary. We ask District Supervisors, who have heard the request for assistance from their night time driving constituents, to step up and

ask that the Engineer reconsider his position on edge line striping. PLEASE, let's get it right this time – listen to the residents who drive their golf carts after dark and during inclement weather who STATE they need edge line striping for better visibility.

At a minimum, the Engineer could endorse CDD8's intent to put down edge line striping – on a trial basis, to see if it solves the expressed visibility problems.

Cost has never been the true concern with the much cheaper retroreflective paint estimated at \$1,056 per mile. CDD8 is in an ideal position as it owns only one mile of the trails and could have a sign, at each end, stating "Edge Line Testing Site" so as to alert everyone, and it is located between two of the circles so the striping would not just all of a sudden appear on the path. He could go one step

further and have one half mile with the paint installed on the curb and the other half with the paint installed on the asphalt to determine the advantages and disadvantages of each location from the various users of the trails.

RECALL, at the July 6, 2015 MMPDG, there was a motion by Diane Spencer, seconded by Ron Ruggeri, WITH ALL DISTRICT REPRESENTATIVES IN FAVOR, directing "...Staff to take the necessary steps to issue a bid or Request for proposal (RFP) for the costs and engineering associated with the median markings and edge line markings..." Staff never did supply the MMPDG with a breakdown of costs, which would show the true annual cost of paint or thermoplastic based on longevity of the material, leaving residents with the impression it was going to cost \$300,000 a year to put the striping down (Sticker Shock). Next, prior to the August meeting, the District Manager raised the question of liability if the Districts did not follow the "actual recommendation" of the Engineer who had based his position on crash data only.

Thoughts on LIABILITY – if districts do

(Continued on page 9)

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Recreation Trail Update

(Continued from page 8)

not put down edge lines when the districts unanimously agreed to "proceed with edge line striping to provide increased visibility at night and in inclement weather" at their July 6, 2015 meeting, having heard from the Engineer that, "...while edge line striping is not warranted he does not believe the edge line striping would decrease the safety of the paths **and if the Boards' chose to install the edge line striping to assist them with visibility they could proceed,**" could the District be sued for negligence by someone who loses sight of the path at night or during inclement weather and hits, a tree, drain, etc. resulting in injury, because there is substantial evidence that they ALL were aware of the expressed concerns of night time users of the paths and could have taken action to remedy the situation but opted not to?

OR, could the Engineer be liable, having said that they could install edge lines and then providing a strong recommendation against it even though he was aware of the request by residents that they needed some type of path markings to better identify the edges of the paths at night and during inclement weather?

(**Legal Definition of Negligence:** A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, **but can also consist of omissions when there is some duty to act.**)

On behalf of all residents, POA members or not, who drive their golf carts at night or during inclement weather, and who want assistance in seeing the paths, the POA will continue to keep edge striping on the "radar". □

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Verizon Update

Based on the numerous problems and issues we received from our readers, we [POA], in partnership with Seniors vs. Crime, have continued to pursue answers and solutions from Verizon.

We have received a letter from Mariano Legaz, Region President, Verizon Wireless, Florida, addressing the actions they are taking to solve the cell phone reception issues. Some actions are:

1. Enhancement at Turtle Mound (Completed June)
2. New sites at the DR462/CR134 intersection. (Recently added)

3. New Site at Micro Racetrack Road/Emory Drive. (Recently added)
 4. Planned new site in Sumter Landing (Planned for October 2015)
 5. Two more cell sites (Planned for 2016-will share timing once confirmed)
- These are the actions they have implemented and those planned.

Mariano Legaz encourages users to visit their Lady Lake Verizon corporate store at 870 North Hwy 27 to insure you are getting the most out of your wireless device. They are planning another store at a new location in November.

Based on Verizon's response to our issues, we feel they have responded to many of them and are expanding their actions to meet the cell phone reception needs of the users. □

Medicare Annual Enrollment Is Here!

The Annual Enrollment Period (AEP) is from Oct. 15th – Dec. 7th each year and the changes are effective Jan. 1st of the following year. This is a time when Medicare beneficiaries can make changes to their health care coverage. Most employer groups have an annual enrollment period that allows changes to be made. Individuals need to review their coverage every year to make the most cost effective decision, as well as getting the most coverage in the area.

Medicare Advantage Plans have restrictions and limitations on their coverage. Try to make the best selection to meet your needs. Be familiar with the coverage. Prescription coverage (Part D) can change every year. The plans can change their deductible, tiers for the drugs, cost of the drugs and premiums, etc.

Know all of the facts before you decide.

SHINE (Serving Health Insurance Needs of Elders) volunteers are trained Medicare and Health Care Insurance specialist. They do not sell, endorse or recommend providers or companies. They will provide unbiased information to help you make a decision to suit your needs. Please take advantage of this free service.

(Continued on page 11)

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Medicare Enrollment

(Continued from page 10)

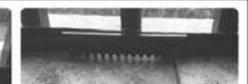
Visit www.floridashine.org website for counseling sites or you can call 1-800-963-5337 (Elder Helpline).

Betty Cunningham, Area Coordinator for Lake & Sumter Counties and The Villages □

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It's Parade Time!!

The parades this year are going to be bigger and better once again! The parades are organized by the Villages Resident Parade Committee (picture below), headed by Jackie Campbell. The Committee consists of a representative from each of the three Italian Clubs, four Irish Clubs and two German Clubs.



Mark your calendars and come and join the fun with the Villages HS band, along with a number of our new Villages club members, for both parades. Come early, at 3PM, for the music and camaraderie with your friends and neighbors! Want to be part of the action? Volunteer positions are available for parade marshals, the staging area, parking and cross-

ing marshals and for the clean up crew - contact Sallycanna@centurylink.net to sign up.

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Amenity Authority Committee (AAC) September 9, 2015

Old Business:

Capital Projects Update:

• El Santiago Recreation Center: Scheduled to open in December. District Staff has requested input from residents on food and beverage suggestions for the proposed concession area which is a covered outside patio area that consists of approximately 1,171 square feet and will provide seating capacity for approximately 24. If you know of a vendor who might be interested, contact John Rohan@Districtgov.org or call him at 674-1800.

• CDD4 Expansion Proposal: Ms. Tutt reported investigating the status of the property adjacent to CDD4 that previously housed the First Baptist Church (before they built their new and larger facility). The Church is interested in selling the property to the AAC and the AAC attorney advised that he has prepared a Purchase and Sale Agreement to be submitted to the Church for their input. Staff has arranged for Committee members to schedule individual tours of the building and the acreage in preparation for further discus-

sion at the October AAC meeting. If the AAC members are interested in proceeding, each party will have the property appraised and the sales price would be the midpoint between them. This does not mean the AAC is buying the Church. They are doing their due diligence and once all of the information is available (including the price) either party could decline to proceed with the transaction.

• Del Mar Gate Expansion Proposal: The AAC was ready to move ahead with the more than \$100,000 gate expansion at their August meeting, but concerns were raised by Mr. Wilcox and audience members residing in the Chula Vista Villas, which is located just inside the Del Mar gate, that the proposed "fix" would worsen the problems residents of those Villas face when trying to exit onto Del Mar. As a result Kimley Horn Engineering was asked to look at the possibility of creating a second exit lane.

Their report indicated that a wall would have to be demolished and rebuilt creating drainage and utility issues which would have to be addressed, all of which would be very costly. Mr. Wilcox suggested that the use of Community Watch (CW) personnel at the gates to speed up traffic should be considered as an alternative to the expensive gate expansion and requested staff look into cost estimates of using CW personnel. Ms. Tutt advised that if CW was to

be on the gate for extended periods of time, the guard house would need to be expanded in order to add a bathroom. The AAC then voted to hire the engineers to provide a cost analysis for adding a second exit lane, even though it would be difficult and expensive to do so, just in case that was the direction they needed to go.

• Multi-Modal Path Discussion Group (MMPDG) Update: The AAC did not take a stand on striping, but simply agreed they wanted consistency. See Striping article on page 1.

Supervisor Comments:

Vice Chairman Bell made a motion which passed unanimously (Mr. Deakin stated he was only voting for it so he would have the right to bring it up for reconsideration sometime in the future if he so desired) to accept the Developer's proposal to provide an additional 300 amenity units for Independent Living, Assisted Living and Skilled Nursing Facilities in the Village Center Service Area, as part of the proposed District 4 Expansion.

POA Note: This has nothing to do with the 300 villa amenity units being proposed in the CDD4 expansion issue which is the maximum amount permitted without constructing any additional recreation facilities (without AAC approval) under the terms of the VCCDD Settlement Agreement in order to prevent a dilution of services and facilities north of CR466. This AAC motion was in response to the June 10th proposal from the Developer requesting an additional 300 amenity units for the Villages proper-

(Continued on page 15)

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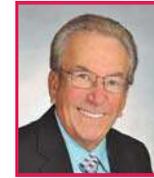
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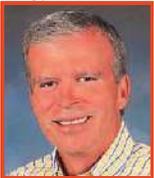
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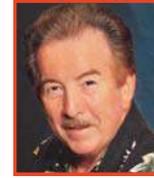
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AAC Meeting

(Continued from page 12)

ties north of CR466, which would be restricted to the above referenced Senior Care Facilities.

Mr. Deakin made a motion to table this decision to allow the topic to be on the Agenda, as it has potential impact on residents and they should have the opportunity to address the AAC with their concerns. None of the other AAC members seconded the motion, so it failed.

POA Concerns: The timing of the motion was also potentially flawed because it granted the Developer the 300 amenity units without including the other requirements of the proposal in the motion, i.e.: The Developer's proposal states that "If the AAC acquires the Church site, the Developer would consider eliminating the pool in the proposed West villas development near the Church and donate the cost of otherwise constructing the pool to the AAC to put towards constructing a pool on the Church site..." If the AAC decides not to buy the Church property, does this invalidate the motion to permit the additional 300

amenity units? If the AAC decides to buy the Church property, but the Developer decides he wants to keep the pool in the villa area and will sell it to the AAC at his cost, as was in his original proposal for expansion does he still get the 300 additional amenity units?

Mr. Bell indicated that he was proposing this motion as a show of good faith between the Developer and the AAC. It appears that the AAC does have some difficulty making business-like decisions when it comes to doing business with the Developer. Remember the El Santiago fiasco when the AAC purchased a building without doing due diligence on the condition of the building, personally touring the building, or requesting Staff to get a revised appraisal with the information that the building DID NOT have its own parking lot and quickly agreed to purchase the building from the Developer - and then learned they would have to tear it down? There was no need to rush on either the El Santiago or the recent proposal by the Developer. With all due respect to both the AAC and the Developer, business ventures between the AAC and the Devel-

oper should be treated with the same degree of due diligence as the AAC uses on outside contractors; and a contract should have been used to identify all of the parameters before a vote was taken.

Please go to the www.districtgov.org website for the Official Minutes, Agendas and Meeting Schedule. Next AAC Meeting – Wed, October 7th, 2015, 9AM at the Savannah Center. □

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Energy Saving Suggestions

A recent POA meeting featured SECO Energy Auditor, Gus Kornegay. Below you will find the highlights of what we learned from his presentation.

First of all, did you know that SECO provides **FREE** Energy Audits for SECO customers? Give them a call and they will be glad to schedule your energy audit:

- Lake County (352) 357-5600 or 429-2195
- Marion County (352) 237-4107 or 489-4390
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The three main energy expenditures in your home are Air Conditioning, Water Heating and the Refrigerator. Three factors relating to energy consumption are the age of your appli-

ances, the current weather pattern and equipment failure. Also keep in mind that some homes in The Villages are all electric homes and some are dual purpose, using both gas and electric.

In either type home, you will want to take some kind of action with regard to energy consumption if any of your three systems is not performing well, especially if the weather has gone from 80 degrees to 100 degrees in 30 days. For example, April was the warmest April we have had in Florida in over 40 years. "I do this for a living and my bill last month was \$189. This month (May) it was \$300. What has changed? The weather. I keep it at 78 when I'm there and 80 during the day. My house is 10 years old and is very well built."

ENERGY USE BY APPLIANCE: Always look at the Energy Guide when making a decision about that new water heater or refrigerator. Compare kilowatt hours per year. All of the details are on the Energy Guide. Have you wondered why installing the really efficient new lighting has no measurable ef-

fect on your electric bill, or why your bill can go up after installing efficient lighting? In the average home, heating and cooling is the major energy expense, whereas lighting is only 5%, laundry is 5%, refrigeration with the newer energy star appliances is about 5-10%, and the remaining TV's and computers and all those other must haves can be about 10%. Cooking for a family of 5 is about 4%, keep in mind, if you're just going cook a small pizza or something like that, fire up the toaster oven, the energy saved is one-third that of the stove.

1. **AIR CONDITIONING:** Air conditioning is 50 or 60% of your usage in an all-electric home. If you have an all-electric home, you have a heat pump air conditioner. A heat pump should cost you the same to cool or heat your home.

- **Thermostats:** For dual source energy homes, summer AC settings are the main concern, you don't really have to worry about the winter settings, due to you having natural gas for heating. In all electric homes, a digital thermostat is recommended, because Mercury thermostats are not as accurate. The thermostat is the brain of the AC – they tell it what to do, so a thermostat 3 to 5 degrees out of calibration during the summertime is a waste of money. With a properly calibrated thermostat, 78 to 80 degrees during the summer will keep your power bill low. He advised

(Continued on page 17)

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Energy Savings

(Continued from page 16)

that he used to keep his thermostat at 75 year round, but when he first came into the energy auditing business he started following what he was taught (78-80) and it really does work. To save money in the winter, set between 68 to 70 degrees. If that's too cool, 72 degrees should be the highest, and it is most efficient to set it and leave it at 70 degrees when home is occupied full time in winter. "Turning down the heat at night, and then setting 4 degrees higher in the morning, that's when you are paying a premium." The emergency or auxiliary will operate when you increase the temperature setting by 2-4 degrees when in heating mode, so increase in one degree increments for heat pump to keep up with demand and prevent the auxiliary heat to operate and cost you more on your power bill.

- **Programmable Thermostats:** It's worth it to get the best, at around \$250, if you are going to get a programmable thermostat. Honeywell has an I-Programmable Thermostat which can be accessed from your I-Phone or Samsung app. Other thermostats can be very complicated to set.
- Some thermostats include "**E Heat**": Emergency Heat. All heat pumps have an E-Heat setting. When you switch between summer setting and winter setting, do not switch to E Heat. Make sure the thermostat is set on heat during winter allowing the heat pump to operate as it should. When E-heat is the primary setting for winter the heat pump will not operate and cost you 3 times as much money on your electric bill.
- **Humidity:** Turning off an air conditioner, using just the thermostat FAN setting, will remove pressure from inside the house allowing humidity to return. It can take up to 20 minutes to remove the humidity

when you switch from AUTO FAN back to the AC. During the months when the humidity is comfortable (like April and/or October), and the temperature is moderate (under 80), opening your windows is an option for anyone who prefers fresh air occasionally. Caution, the "FAN" setting in the "ON" setting can still increase run time of HVAC.

- **Humidistats:** Humidistats do not control the temperature, they control the humidity. The DOE recommendation for humidity in the home is between 62% and 67% and the thermostat setting at 80 degrees. If your air conditioner is properly maintained, it is a humidifier. Humidistats can be of benefit to seasonal residents (snowbirds) who are away during the hot summer months, and the cost can be recouped in just a short time. If you do not have a humidistat and you are a seasonal resident (snowbird) heading north for the summer, set the ther-

(Continued on page 18)

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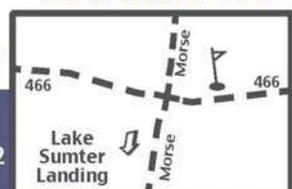
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Energy Savings

(Continued from page 17)

mostat to 83 (per the DOE recommendation for Central Florida).

- **Fans:** A fan can make you feel 3-5 degrees cooler. When you leave the room, turn it off. One ceiling fan on the high setting will cost you \$3 to \$7 per fan per month.
- **Filters:** Check once a month. The newer filters are great. "I check mine every 2 months. If it's not dirty, push it back in." The newer homes have twice a year filters or once a year filters. The newer carriers are very efficient. Most of those units south of CR466A are 15 series – the higher the series number, the more efficient it is for air conditioning. You can go on the SECO website and choose Filter change program and see an array of filters. They will ship them to your front door for free. The filters are pretty reasonable.
- **Duct Work:** If you take the filters out and get your equipment serviced, you'll be fine. You don't need to have your duct

work cleaned. You are creating more of a problem when you do, for example, duct work cleaning can decrease the R value of the ducts. SECO offers a service you can utilize, called infrared thermography; we can bring a camera to your home and tell you if there are areas lacking insulations, heat induction, and air infiltration.

2. WATER HEATERS – If you have an electric water heater, you're paying \$.52 an hour of operation. Be aware that insulating blankets on the water heaters voids the warranty on newer units. In a dual source home, gas for water heating and electric for AC, a standard size water heater can pull 4500 watts – that's also \$.52 per hour of run time. Please always read your owner's manual before implementing recommendations of all appliances:

- **Draining Water Heater:** Instead of draining the whole thing, you just fill up a gallon jug once a quarter.
- **Heat Pump Water Heater:** The heat pump water heater is very energy efficient when compared to a traditional electric water heater. The standard 40 gallon elec-

tric water heater pulls 4500 watts where a heat pump water heater pulls 550 watts with the same amount of recovery time.

- **Circulating Pumps:** Circulating pumps are installed because some of us want water hot right now in the bathroom. The bathroom is usually the furthest room in the back of the home and it takes forever to get hot water. What you need to know is that circulating pumps can make that water heater run twice as much. So you need to have it on a timer setting. Circulating pumps have a manual and timer setting on device. The pump will tell you it's only going to pull 25 watts, but that water heater pulls 4500 watts. So please be cautious when making a decision to purchase.
- 3. REFRIGERATORS:** Follow the energy setting. It's very important for those who do have a garage refrigerator to fill it up. Water, ice, fill it up.
- **Cleaning/Maintenance:** Dirty coils are not good. It's like a dirty filter, actually. How often should those be cleaned? I

(Continued on page 19)

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The Real Estate Leaders

Energy Savings

(Continued from page 18)

would say once a quarter. They make a tool that you can get at Lowes for the vacuum cleaner for cleaning condensing coils. Sweep under the refrigerator once a quarter or so. You can change the seals on the doors only if needed. Most refrigerators now will defrost themselves, but if not, defrost when necessary. The metal strip between the doors on the side by sides is the defroster.

4. **EVERYTHING ELSE:**

- **Lighting:** The price is high on the new LED lights, but like the CFL (Compact Fluorescent) swirly lights, as I've heard some folks refer to them, the price was really high a couple of years ago and it has come down. LED lights are energy efficient because they put off less heat and they use less wattage. Commercial businesses are using them, I would too, when the price decreases. Keep in mind the difference in watts: For example, compare the 60 watt bulb to the CFL lamp at 13 watts and the LED at 6 watts.
- **Weatherization:** This is a big deal. Look around the house and any cracks or crevices you see on the inside of the home or around the windows calk or replace the weather stripping. i.) **Radiant Barriers:** Radiant barriers on top of the insulation may have been incorrectly installed. The duct work is hanging from the ceiling and if you lay that radiant barrier on top of the insulation and your ductwork is suspended it is still going to be hot and won't make a difference. If it's installed correctly it does work. The proper way installation is adjoined to the roof decking or trusses in attic.
- **Windows:** Most of the homes here in The Villages have double pane. A solar reflective film will void the warranty on the window. Solar screens are better. Most new double pane Energy star windows will have some tinting built in window.
- **Pool Pumps:** For those of you who have pools, run the filters 6 hours during the

hottest part of the day during the summer, 4 hours during the winter. A normal size pool takes 4 hours to circulate. The recommendations of run times are from the Florida Solar Energy Center. The longer you run the filter, the more it's going to cost. There are variable speed pumps now which are very efficient.

- **Fans:** Remember – fans – they cool you, not the rooms.
- **Cooking:** Some of you love to cook outdoors, if it's not 100 degrees do it.
- **Laundry:** Using cold water can save you \$.50-60 per load.
- **Solar Water Heaters:** Too expensive – you'll pay anywhere from \$4,000 to \$8,000 and you'll never get your money back. It will take 19-20 years and you'll still have back up electric at night to operate. □

LETTERS

Letter to the POA:

KUDO's to the POA

Dear POA: Since we moved to The Villages some 11 years ago, we have been members of the POA nearly as long as we have been members of the VHA and, frankly, I have seen so much more work & effort expended by the POA than is the case with the VHA toward addressing homeowners' issues, whether it be with warranty matters, the IRS dispute, the AAC debate and partial resolution, and the list goes on and on. Kudos to the POA for addressing those matters that directly affect our pocketbooks & our well-being, whether it be maintaining or increasing property values, or giving us a voice in self-government. I am proud to be a card-carrying

member of the POA and I can only hope that you continue your efforts to provide an alternate "voice" for all of us.

Sincerely, Daniel J. Andrews, Esq. (Ret.)

POA Response: Thank you for your support of the POA. We are not always successful in our pursuits, but know that we try our best for the residents. □

Letter to the POA:

Janet Tutt's Misleading Statements

I'm writing to you, as I would appreciate some clarification of a statement/accusation, made in the Villages Daily Sun, on Thursday September 3rd on page A14. I quote "In the lawsuit settlement that created the AAC north of CR466, however, five resident plaintiffs - including Dreidame and their attorney - personally shared more than \$7 million for bringing the action." Is there any truth to that statement? Was there any personal gain you generated from the action? Was that in payment for services? I look forward to your reply.

Jerry Brillante

NOTE: We received similar letters from other residents and the answer to these questions is fully explained in the front page article of this Bulletin. □

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Our Gardening Column:

Native, Naturalized, Florida Friendly... What's the Diff?

by Anne Lambrecht, Master Gardener
 annegarden@embarqmail.com

We always hear these trendy words when it comes to gardening. It all has to do with classification.

So what is a native? A plant is classified a native if has grown here since the time of Columbus, a solid 500 years. Only plants found in this country before European settlement are considered to be native to the United States. It is a plant that is a part of the balance of nature that has developed over hundreds or thousands of years in a particular region or ecosystem. Note: The word "native" should always be used with a geographic qualifier (that is, native to New England or native to the Southeast for example).

Florida's flora includes one of the largest assortments of spontaneously occurring species in North America! More than 4100 kinds of plants have been cataloged and 2800 of these are considered "native" which means

they were here prior to European contact, according to the best available scientific and historical documentation although some nit-pickers debate that only fossil records can prove that a plant evolved in a certain place.

Using natives enhances conservation of our natural resources and usually ensures low maintenance and sustainable gardens. Traditionally, the value of a planted landscape has been measured on how well it serves humans, conserves water and provides for wildlife habitat. Natives excel here because they live here. This does not mean they are maintenance free or water free, or even pretty, for that matter. But they are low maintenance, low water and relatively pest and disease free and many of them are really pretty!

What does "naturalized" mean? Naturalized plants are plants established as a part of the flora of a locale other than their place of origin. A non-native plant that does not need human help to reproduce and maintain itself over time in an area where it is not native becomes naturalized. Naturalized plants do not, over time, become native members of the local plant community, nor are many of them considered "invasive". Invasives are a small, but troublesome, sub-category of naturalized plants.

(Continued on page 21)

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Florida Friendly

(Continued from page 20)

Although there are no roses native to Florida, there are roses that are native to North America. They are wild flowering shrubs that provide a full spectrum of pollen for bees, nesting places for birds, and seclusion for small mammals. Their fruits, or hips, are tasty treats for wildlife, as well as a powerhouse of important antioxidants for humans. Native roses are important components of food forests and land restoration projects. Introduced species roses have in many cases naturalized into the landscape so early that they are sometimes assumed to be indigenous to North America. There are many naturalized roses that do extremely well here in Florida. They are: Mochata, Roxburgii (the chestnut rose), Cherokee and several others. I have the chestnut. You can get them at Angel Gardens Nursery in Alachua. Go there (really cool place) or order online, www.angelgardens.com.

Local native plant growers will offer a range of species for central Florida landscapes. The trick is to keep your eye peeled for native plant growers. It ain't easy. Fall is an excellent time to plant native perennials, shrubs, and trees in our area. Summer's ample

rainfall helps roots establish before we dry out for the winter, while cooler temperatures reduce stress on plants.

What is Florida Friendly? The definition of Florida-Friendly Landscaping™ in Florida Statutes section 373.185 (adopted in 2009 in Senate Bill 2080) addresses "quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of storm water runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance."

So, are natives Florida Friendly? YES. Are naturalized plants Florida Friendly? Yes, as long as they're not invasive. We all have Florida Friendly plants in our gardens. They are any plant that is pretty, takes little or no water, provides food (pollen) for wildlife, does not use lots of fertilizer.

A typical Florida Friendly landscape provides a diversity of vegetation appropriate to

the conditions of a yard or site and may include turfgrass and landscaped beds with trees, shrubs, grasses, and groundcovers. Almost any landscape can be Florida Friendly if it's designed and cared for according to the nine Florida Friendly Landscaping™ principles described above. Nuisance, poorly maintained, and unkempt landscapes are not considered Florida Friendly.

Non-native: A plant introduced with human help (intentionally or accidentally) to a new place or new type of habitat where it was not previously found. Many non-natives can also be Florida Friendly. Not all non-native plants are invasive. In fact, when many non-native plants are introduced to new places, they cannot reproduce or spread readily without continued human help (for example, many ornamental plants). However, people like me, blind to the laws because of our addiction, will see a plant on the side of the road and will stop and dig up *just a little*. Then we'll plant it in our gardens. After a while, it shows up at the back door! When you plant something you absolutely must have, and you know it's wrong, but you say "I will be able to contain it" and you can't, then you've got a problem. So does your neighbor, so does the community. I am so happy there is no plant jail.

(Continued on page 22)



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Florida Friendly

(Continued from page 21)

Today gardeners enjoy an unprecedented wealth of plants to choose from in their quest for the perfect landscape. But most of our yards are truly Florida Friendly. People want to do the right thing. Mine is a lovely little garden with the exception of those plants I pulled off the road. Bad girl.

There is a chapter of the Florida Native Plant Society (FNPS) here in the Villages! They meet the fourth Friday of each month at 1:30 at Big Cypress Rec Center.

Recommended books:

- Florida's Best Native Landscape Plants by Gil Nelson
- A Gardener's Guide to Florida's Native Plants by Rufino Osorio
- Native Florida Plants by Robert G. Haehle and Joan Brookwell
- Florida Wildflowers in Their Natural Communities by Walter Kingsley Taylor
- floridayards.org/fyplants
- www.fnps.org

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