



**FONTAINBLEAU LAKES  
COMMUNITY DEVELOPMENT  
DISTRICT**

**MIAMI-DADE COUNTY  
REGULAR BOARD MEETING  
& PUBLIC HEARING  
AUGUST 21, 2023  
6:30 P.M.**

Special District Services, Inc.  
8785 SW 165<sup>th</sup> Avenue, Suite 200  
Miami, FL 33193

[www.fontainbleaulakescdd.org](http://www.fontainbleaulakescdd.org)

786.303.3661 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile

**AGENDA**  
**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**  
Las Ramblas Clubhouse Conference Room  
9960 NW 10<sup>th</sup> Terrace  
Miami, Florida 33172  
**REGULAR BOARD MEETING & PUBLIC HEARING**  
August 21, 2023  
6:30 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Consider Resignation – Tim Toy.....Page 2
- D. Appointment to Board Vacancy
- E. Administer Oath of Office and Review Board Member Duties and Responsibilities
- F. Establish Quorum
- G. Additions or Deletions to Agenda
- H. Comments from the Public for Items Not on the Agenda
- I. Approval of Minutes
  - 1. June 13, 2023 Special Board Meeting Minutes.....Page 3
- J. Public Hearing
  - 1. Proof of Publication.....Page 6
  - 2. Receive Public Comments on Fiscal Year 2023/2024 Final Budget
  - 3. Consider Resolution No. 2023-04 – Adopting Fiscal Year 2023/2024 Final Budget.....Page 7
- K. Old Business
  - 1. Discussion Regarding Perimeter Fence (Las Ramblas)
- L. New Business
  - 1. Update Regarding Opinion of Title – Shoma.....Page 16
  - 2. Update Regarding Shoma Project – Miguel Garcia
  - 3. Update Regarding Keep the Bleau Green – Miguel Garcia
  - 4. Discussion Regarding Shade Structures for Playgrounds.....Page 17
  - 5. Discussion Regarding Lake Conditions
  - 6. Consider Resolution No. 2023-05 – Adopting Fiscal Year 2023/2024 Meeting Schedule.....Page 18
  - 7. Consider Resolution No. 2023-06 – Authorizing Electronic Approvals and Check Signers.....Page 20
- M. Administrative & Operational Matter
  - 1. Discussion Regarding Required Ethics Training.....Page 21
  - 2. Discussion Regarding Memo 2023 Legislative Update.....Page 26
- N. Board Members & Staff Closing Comments
- O. Adjourn

## MIAMI-DADE

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

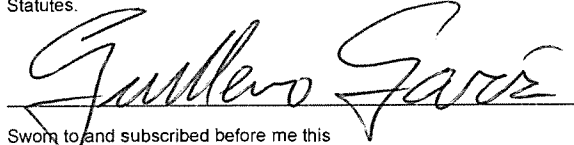
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

### FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT - FISCAL YEAR 2022/2023 REGULAR MEETING SCHEDULE

in the XXXX Court,  
was published in said newspaper by print in the issues of  
and/or by publication on the newspaper's website, if  
authorized, on

10/07/2022

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

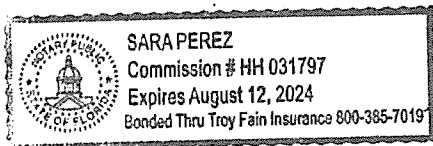


Sworn to and subscribed before me this  
7 day of OCTOBER, A.D. 2022



(SEAL)

GUILLERMO GARCIA personally known to me



### FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2022/2023 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the "Board") of the Fontainebleau Lakes Community Development District (the "District") will hold Regular Meetings in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10th Terrace, Miami, Florida 33172 at 6:30 p.m. on the following dates:

October 17, 2022  
November 21, 2022  
February 20, 2023  
March 20, 2023  
April 17, 2023  
May 15, 2023  
June 19, 2023  
September 18, 2023

The purpose of the meetings is to conduct any District business which may lawfully and properly come before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at 786-313-3661 and/or toll free at 1-877-737-4922 five (5) days prior to the date of the particular meeting.

From time to time one or two Board members may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that the Board members may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 786-313-3661 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT

[www.fontainebleaulakescdd.org](http://www.fontainebleaulakescdd.org)

10/7

22-73/0000623301M

Date: 13 July 2023

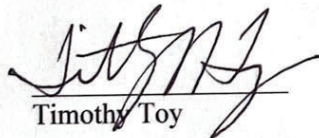
Board of Supervisors  
Fontainebleau Lakes Community Development District  
C/o Special District Services, Inc.,  
8785 SW 165<sup>th</sup> Avenue, Suite 200  
Miami, Florida 33193

**RE: Resignation**

Dear Board of Supervisors,

Please be advised that I am resigning my position as Board Member and Officer on the **Fontainebleau Lakes Community Development District** Board of Supervisors effective immediately 13 July 2023.

Sincerely,



Timothy Toy

**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT  
SPECIAL BOARD MEETING  
JUNE 13, 2023**

**A. CALL TO ORDER**

District Manager Armando Silva called the June 13, 2023, Regular Board Meeting of the Fontainbleau Lakes Community Development District (the “District”) to order at 6:34 p.m. in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10<sup>th</sup> Terrace, Miami, Florida 33172.

**B. PROOF OF PUBLICATION**

Mr. Silva presented proof of publication that notice of the Regular Board Meeting had been published in the *Miami Daily Business Review* on May 18, 2023, as legally required.

**C. ESTABLISH A QUORUM**

Mr. Silva determined that the attendance of Chairperson Edward Aparicio, Vice Chairman Timothy Toy and Supervisor Mayra De Torres constituted a quorum and it was in order to proceed with the meeting.

Staff in attendance were: District Manager Armando Silva of Special District Services, Inc.; and General Counsel Scott Cochran of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Others in attendance were: Lisett Fernandez, Alex Zust and Felix Murillo of CAM Brokerage & Management Services, LLC, Miami, FL; Nima Nekole, Miami, FL; Edith Rodriguez, Miami, FL; Natasha Casanovas, Miami, FL.

**D. ADDITIONS OR DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

**E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

There were no comments from the public for items not on the agenda.

**F. APPROVAL OF MINUTES**

**1. May 25, 2023, Special Board Meeting**

Mr. Silva presented the minutes of the May 25, 2023, Special Board Meeting. There being no changes or corrections, a **motion** was made by Mr. Toy, seconded by Ms. De Torres and passed unanimously approving the minutes of the May 25, 2023 Special Board Meeting, as presented.

**G. OLD BUSINESS**

**1. Discussion Regarding RFID Reader v. Barcode Reader (Las Ramblas)**

Mr. Silva stated that the Las Ramblas Homeowners Association had recently reached out to him because they suggest that a Barcode Reader be installed instead of an RFID Reader. The Board was reminded that at the previous Board meeting, the Board approved a not to exceed amount of \$5,500

for the installation of an RFID Reader including decals. A discussion ensued after which the Board consensus was to continue with the installation of an RFID Reader.

## **2. Discussion Regarding Perimeter Fence (Las Ramblas)**

Mr. Silva provided the Board with a map indicating the location of the proposed steel perimeter fence along with a specifications sheet that Miami-Dade County uses for permitting purposes.

## **H. NEW BUSINESS**

### **1. Discussion Regarding Modification of Declaration of Restrictions – Shoma Homes**

Mr. Silva informed the Board that Shoma Homes has told him that they will not be providing an Opinion of Title to the District in order to determine if the District is actually an entity that needs to be named in the Modification of Declaration of Restriction. (“Declaration”) provided by Shoma Homes. In addition, Mr. Silva stated that he was able to speak with representatives of the Miami-Dade County (“County”) Zoning Department to discuss this Declaration and the following information was provided:

- Shoma Homes has submitted this Declaration to the County in an effort to increase the amount of residential dwelling units in the area indicated on Exhibit A of the Declaration.
- If Shoma Homes were to purchase another tract of land, they would have to go through the same procedures with the County to allow for the construction.
- If the District is to not sign the attached Declaration, Shoma Homes can still possibly obtain approval for the project from the County Board of County Commissioners with a contingency that they have to obtain the signature of the District within a specified timeframe.
- The District has not signed a similar document in the past and is questioning why they are named in the Declaration. This is why an Opinion of Title has been requested.
- The capacity for the Stormwater Management System for this proposed project must be increased as it will not be approved by the County at this time. Due to the distance from the District, it will not directly affect any District infrastructure.

A discussion ensued after which the Board consensus was to not sign the Declaration and that the District Manager obtain proposals for an Opinion of Title for the parcels indicated on Exhibit A of the Declaration.

### **2. Consider Resolution No. 2023-02 – Adopting a Fiscal Year 2023/2024 Proposed Budget**

Mr. Silva presented Resolution No. 2023-02, entitled:

#### **RESOLUTION NO. 2023-02**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR THE FISCAL YEAR 2023/2024; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Silva provided a brief explanation for the resolution and stated that the proposed fiscal year 2023/2024 budget included a new line items labeled “Capital Improvement Fund” and “Steel Perimeter Fence – Las Ramblas” which would increase the overall assessments for the fiscal year

2023/2024. Mr. Silva stated that the “Capital Improvements Fund” would be utilized for annual special projects while the “Steel Perimeter Fence” line item would be utilized to place a steel fence around the perimeter of Las Ramblas; thus creating only one ingress/egress for the public (for security purposes). In addition, Mr. Silva advised that since the overall proposed assessments were increasing in the fiscal year 2023/2024, letters to the affected residents would be required. Mr. Silva also stated that as part of Resolution No. 2023-02, the Board must set a date for the public hearing to adopt the 2023/2024 final fiscal year budget and assessments. A discussion ensued after which:

A **motion** was made by Mr. Toy, seconded by Ms. De Torres and unanimously passed approving and adopting Resolution No. 2023-01, as *presented*; thus setting the public hearing to adopt the 2023/2024 Fiscal Year budget and assessments for August 21, 2023, at 6:30 p.m. in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10<sup>th</sup> Terrace, Miami, Florida 33172.

### **3. Consider Resolution No. 2023-03 – Adopting Records Retention Policy**

Mr. Silva explained that the document provides for the authorization of the District’s records custodian to appoint a Records Management Liaison Officer. Mr. Silva further explained that this document provides that the electronic record shall be considered the official record and any paper originals are considered duplicates which may be disposed of unless required by any applicable statute, rule or ordinance, per section 668.50, Florida Statutes.

A **motion** was made by Mr. Toy, seconded by Ms. De Torres and unanimously passed to approve Resolution No. 2023-03; thereby adopting a Records Retention Policy.

## **I. ADMINISTRATIVE & OPERATIONAL MATTERS**

### **1. Financial Report**

Mr. Silva presented the Financial Reports through May 2023, and the Assessment Collections, which were provided in the meeting booklet. He indicated that available funds as of May 31, 2023, were \$384,378.80.

### **2. Reminder: Statement of Financial Interest – Form 1**

Mr. Silva reminded the Board members that the 2022 Form 1 - Statement of Financial Interest is due July 1<sup>st</sup>, 2023.

## **J. BOARD MEMBER & STAFF CLOSING COMMENTS**

There were no Board member or staff closing comments.

## **K. ADJOURNMENT**

There being no further business to come before the Board, a **motion** was made by Ms. De Torres, seconded by Mr. Toy and passed unanimously to adjourn the Regular Board Meeting at 8:21 p.m.

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Secretary/Assistant Secretary

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Chairperson/Vice Chairperson

**NOTICE OF PUBLIC HEARING AND REGULAR BOARD MEETING OF  
THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**

CATEGORYHearings FL

AD NUMBER0000676041-01

The Board of Supervisors (the "Board") of the Fontainebleau Lakes Community Development District (the "District") will hold a Public Hearing and Regular Board Meeting on August 21, 2023, at 6:30 p.m., or as soon thereafter as the meeting can be heard, in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10th Terrace, Miami, Florida 33172. The purpose of the Public Hearing is to receive public comment on the District's Fiscal Year 2023/2024 Proposed Final Budget. The purpose of the Regular Board Meeting is for the Board to consider any business which may properly come before it. A copy of the Budget and/or the Agenda for these meetings may be obtained from the District's website or at the offices of the District Manager, 8785 SW 165th Avenue, Suite 200, Miami, Florida 33193, during normal business hours. The meetings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. Meetings may be continued as found necessary to a time and place specified on the record. There may be occasions when one or two Board members will participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Board members may be fully informed of the discussions taking place. In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at these meetings should contact the District Manager at (786) 347-2711 and/or toll free at 1-877-737-4922, at least seven (7) days prior to the date of the meetings. If any person decides to appeal any decision made with respect to any matter considered at this Public Hearing and Regular Board Meeting, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based. Meetings may be cancelled from time to time without advertised notice.

**Fontainebleau Lakes Community Development District**

**[www.fontainebleaulakescdd.org](http://www.fontainebleaulakescdd.org)**8/1-8 23-25/0000676041M



**RESOLUTION NO. 2023-04**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT APPROVING AND ADOPTING A FISCAL YEAR 2023/2024 FINAL BUDGET INCLUDING NON-AD VALOREM SPECIAL ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Fontainbleau Lakes Community Development District (“District”) has prepared a Proposed Budget and Final Special Assessment Roll for Fiscal Year 2023/2024 and has held a duly advertised Public Hearing to receive public comments on the Proposed Budget and Final Special Assessment Roll; and,

**WHEREAS**, following the Public Hearing and the adoption of the Proposed Budget and Final Assessment Roll, the District is now authorized to levy non-ad valorem assessments upon the properties within the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT, THAT:**

**Section 1.** The Final Budget and Final Special Assessment Roll for Fiscal Year 2023/2024 attached hereto as Exhibit “A” is approved and adopted, and the assessments set forth therein shall be levied.

**Section 2.** The Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

**PASSED, ADOPTED and EFFECTIVE** this 21<sup>st</sup> day of August, 2023.

**ATTEST:**

**FONTAINBLEAU LAKES  
COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson

# Fontainebleau Lakes Community Development District

**Final Budget For  
Fiscal Year 2023/2024  
October 1, 2023 - September 30, 2024**

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- IV    DETAILED FINAL MAINTENANCE BUDGET**
- V     DETAILED FINAL DEBT SERVICE FUND BUDGET**
- VI    ASSESSMENT COMPARISON**

**FINAL BUDGET**  
**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2023/2024**  
**OCTOBER 1, 2023 - SEPTEMBER 30, 2024**

|   | <b>FISCAL YEAR<br/>2023/2024<br/>BUDGET</b> |
|---|---|
| <b>REVENUES</b>                           |   |
| Administrative Assessments                | 92,836                                      |
| Maintenance Assessments                   | 478,723                                     |
| Perimeter Fence Assessments               | 287,234                                     |
| Debt Assessments                          | 463,915                                     |
| Other Revenues                            | 0   |
| Interest Income                           | 240   |
| <b>TOTAL REVENUES</b>                     | <b>\$ 1,322,948</b>                         |
| <b>EXPENDITURES</b>                       |   |
| <b>ADMINISTRATIVE EXPENDITURES</b>        |   |
| Supervisor Fees                           | 3,000                                       |
| Payroll Taxes (Employer)                  | 230   |
| Management                                | 31,956                                      |
| Secretarial & Field Operations            | 6,300                                       |
| Legal                                     | 13,000                                      |
| Assessment Roll                           | 10,000                                      |
| Audit Fees                                | 3,300                                       |
| Arbitrage Rebate Fee                      | 650   |
| Insurance                                 | 9,145                                       |
| Legal Advertisements                      | 800   |
| Miscellaneous                             | 2,200                                       |
| Postage                                   | 600   |
| Office Supplies                           | 800   |
| Dues & Subscriptions                      | 175   |
| Trustee Fee                               | 3,250                                       |
| Continuing Disclosure Fee                 | 350   |
| Website Management                        | 1,750                                       |
| <b>TOTAL ADMINISTRATIVE EXPENDITURES</b>  | <b>\$ 87,506</b>                            |
| <b>TOTAL MAINTENANCE EXPENDITURES</b>     | <b>\$ 450,000</b>                           |
| <b>TOTAL PERIMETER FENCE EXPENDITURES</b> | <b>\$ 270,000</b>                           |
| <b>TOTAL EXPENDITURES</b>                 | <b>\$ 807,506</b>                           |
| <b>REVENUES LESS EXPENDITURES</b>         | <b>\$ 515,442</b>                           |
| Bond Payments                             | (436,080)                                   |
| <b>BALANCE</b>                            | <b>\$ 79,362</b>                            |
| County Appraiser & Tax Collector Fee      | (26,454)                                    |
| Discounts For Early Payments              | (52,908)                                    |
| <b>EXCESS/ (SHORTFALL)</b>                | <b>\$ -</b>                                 |
| Carryover From Prior Year                 | 0   |
| <b>NET EXCESS/ (SHORTFALL)</b>            | <b>\$ -</b>                                 |

**FINAL MAINTENANCE BUDGET**  
**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2023/2024**  
**OCTOBER 1, 2023 - SEPTEMBER 30, 2024**

|  | <b>FISCAL YEAR</b> |
|--|--------------------|
|  | <b>2023/2024</b>   |
| <b>EXPENDITURES</b>                                | <b>BUDGET</b>      |
| <b>MAINTENANCE EXPENDITURES</b>                    |                    |
| Engineering/Annual Report/Inspections              | 4,000              |
| Lake Tract Aquatic Maintenance (Includes Parcel 1) | 14,000             |
| Annual Landscape & Irrigation Maintenance          | 110,000            |
| Landscaping Upkeep                                 | 40,000             |
| Irrigation Systems Maintenance (North & South)     | 10,000             |
| Community Lighting Upkeep (North & South)          | 15,000             |
| FP&L - Power - Street Lighting (North & South)     | 18,000             |
| FP&L - Power - Irrigation Pump Stations (N & S)    | 3,000              |
| FP&L - Power - Lift Stations (North & South)       | 5,000              |
| Roadways & Street Maintenance (North & South)      | 35,000             |
| Fountain Maintenance (Tract A)                     | 3,000              |
| Entrance/Exit Gate Maintenance/Repairs (N & S)     | 10,000             |
| Hurricane Preparedness/Miscellaneous               | 15,000             |
| Lift Station Maintenance (North & South)           | 25,000             |
| Miscellaneous Improvements (North & South)         | 42,000             |
| Dumpster Rental                                    | 1,000              |
| Capital Improvements Fund                          | 100,000            |
|  |                    |
| <b>TOTAL MAINTENANCE EXPENDITURES</b>              | <b>\$ 450,000</b>  |
|  |                    |
| <b>EXTRAORDINARY EXPENDITURES</b>                  |                    |
| Steel Perimeter Fence - Las Ramblas                | 270,000            |
|  |                    |
| <b>TOTAL SECURITY EXPENDITURES</b>                 | <b>\$ 270,000</b>  |

**DETAILED FINAL BUDGET**  
**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2023/2024**  
**OCTOBER 1, 2023 - SEPTEMBER 30, 2024**

|   | FISCAL YEAR<br>2021/2022<br>ACTUAL | FISCAL YEAR<br>2022/2023<br>BUDGET | FISCAL YEAR<br>2023/2024<br>BUDGET | COMMENTS                              |
|---|------------------------------------|------------------------------------|------------------------------------|---------------------------------------|
| <b>REVENUES</b>                           |                                    |                                    |                                    |                                       |
| Administrative Assessments                | 89,368                             | 90,194                             | 92,836                             | Expenditures Less Interest/.94        |
| Maintenance Assessments                   | 352,926                            | 350,000                            | 478,723                            | Expenditures Less Carryover/.94       |
| Perimeter Fence Assessments               | 0                                  | 0                                  | 287,234                            | Expenditures/.94                      |
| Debt Assessments                          | 463,916                            | 463,915                            | 463,915                            | Bond Payments/.94                     |
| Other Revenues                            | 2,900                              | 0                                  | 0                                  |                                       |
| Interest Income                           | 56                                 | 180                                | 240                                | Interest Estimated At \$20 Per Month  |
| <b>TOTAL REVENUES</b>                     | <b>\$ 909,166</b>                  | <b>\$ 904,289</b>                  | <b>\$ 1,322,948</b>                |                                       |
| <b>EXPENDITURES</b>                       |                                    |                                    |                                    |                                       |
| <b>ADMINISTRATIVE EXPENDITURES</b>        |                                    |                                    |                                    |                                       |
| Supervisor Fees                           | 2,100                              | 3,000                              | 3,000                              | Supervisor Fees                       |
| Payroll Taxes (Employer)                  | 161                                | 230                                | 230                                | Supervisor Fees * 7.65%               |
| Management                                | 29,148                             | 30,012                             | 31,956                             | CPI Adjustment                        |
| Secretarial & Field Operations            | 6,300                              | 6,300                              | 6,300                              | No Change From 2022/2023 Budget       |
| Legal                                     | 14,709                             | 12,500                             | 13,000                             | \$500 Increase From 2022/2023 Budget  |
| Assessment Roll                           | 10,000                             | 10,000                             | 10,000                             | As Per Contract                       |
| Audit Fees                                | 3,100                              | 3,200                              | 3,300                              | Accepted Amount For 2022/2023 Audit   |
| Arbitrage Rebate Fee                      | 650                                | 650                                | 650                                | No Change From 2022/2023 Budget       |
| Insurance                                 | 7,621                              | 9,145                              | 9,145                              | Insurance Estimate                    |
| Legal Advertisements                      | 361                                | 800                                | 800                                | No Change From 2022/2023 Budget       |
| Miscellaneous                             | 2,113                              | 2,200                              | 2,200                              | No Change From 2022/2023 Budget       |
| Postage                                   | 452                                | 600                                | 600                                | No Change From 2022/2023 Budget       |
| Office Supplies                           | 653                                | 800                                | 800                                | No Change From 2022/2023 Budget       |
| Dues & Subscriptions                      | 175                                | 175                                | 175                                | No Change From 2022/2023 Budget       |
| Trustee Fee                               | 3,249                              | 3,250                              | 3,250                              | No Change From 2022/2023 Budget       |
| Continuing Disclosure Fee                 | 350                                | 350                                | 350                                | No Change From 2022/2023 Budget       |
| Website Management                        | 1,750                              | 1,750                              | 1,750                              | No Change From 2022/2023 Budget       |
| <b>TOTAL ADMINISTRATIVE EXPENDITURES</b>  | <b>\$ 82,892</b>                   | <b>\$ 84,962</b>                   | <b>\$ 87,506</b>                   |                                       |
| <b>TOTAL MAINTENANCE EXPENDITURES</b>     | <b>\$ 461,224</b>                  | <b>\$ 358,000</b>                  | <b>\$ 450,000</b>                  |                                       |
| <b>TOTAL PERIMETER FENCE EXPENDITURES</b> | <b>\$ -</b>                        | <b>\$ -</b>                        | <b>\$ 270,000</b>                  | Las Ramblas                           |
| <b>TOTAL EXPENDITURES</b>                 | <b>\$ 544,116</b>                  | <b>\$ 442,962</b>                  | <b>\$ 807,506</b>                  |                                       |
| <b>REVENUES LESS EXPENDITURES</b>         | <b>\$ 365,050</b>                  | <b>\$ 461,327</b>                  | <b>\$ 515,442</b>                  |                                       |
| Bond Payments                             | (443,545)                          | (436,080)                          | (436,080)                          | 2024 Principal & Interest Payments    |
| <b>BALANCE</b>                            | <b>\$ (78,495)</b>                 | <b>\$ 25,247</b>                   | <b>\$ 79,362</b>                   |                                       |
| County Appraiser & Tax Collector Fee      | (8,752)                            | (18,082)                           | (26,454)                           | Two Percent Of Total Assessment Roll  |
| Discounts For Early Payments              | (30,997)                           | (36,165)                           | (52,908)                           | Four Percent Of Total Assessment Roll |
| <b>EXCESS/ (SHORTFALL)</b>                | <b>\$ (118,244)</b>                | <b>\$ (29,000)</b>                 | <b>\$ -</b>                        |                                       |
| Carryover From Prior Year                 | 0                                  | 29,000                             | 0                                  | Carryover From Prior Year             |
| <b>NET EXCESS/ (SHORTFALL)</b>            | <b>\$ (118,244)</b>                | <b>\$ -</b>                        | <b>\$ -</b>                        |                                       |

**DETAILED FINAL MAINTENANCE BUDGET**  
**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2023/2024**  
**OCTOBER 1, 2023 - SEPTEMBER 30, 2024**

|  | FISCAL YEAR       | FISCAL YEAR       | FISCAL YEAR       |   |
|--|-------------------|-------------------|-------------------|---|
|  | 2021/2022         | 2022/2023         | 2023/2024         |   |
| EXPENDITURES                                       | ACTUAL            | BUDGET            | BUDGET            | COMMENTS  |
| <b>MAINTENANCE EXPENDITURES</b>                    |                   |                   |                   |   |
| Engineering/Annual Report/Inspections              | 2,903             | 8,000             | 4,000             | \$4,000 Decrease From 2022/2023 Budget                          |
| Lake Tract Aquatic Maintenance (Includes Parcel 1) | 11,674            | 14,000            | 14,000            | No Change From 2022/2023 Budget                                 |
| Annual Landscape & Irrigation Maintenance          | 89,910            | 110,000           | 110,000           | No Change From 2022/2023 Budget                                 |
| Landscaping Upkeep                                 | 41,283            | 35,000            | 40,000            | Landscaping Upkeep  |
| Irrigation Systems Maintenance (North & South)     | 5,896             | 10,000            | 10,000            | No Change From 2022/2023 Budget                                 |
| Community Lighting Upkeep (North & South)          | 129,150           | 15,000            | 15,000            | No Change From 2022/2023 Budget                                 |
| FP&L - Power - Street Lighting (North & South)     | 16,789            | 27,000            | 18,000            | \$9,000 Decrease From 2022/2023 Budget                          |
| FP&L - Power - Irrigation Pump Stations (N & S)    | 1,107             | 3,000             | 3,000             | No Change From 2022/2023 Budget                                 |
| FP&L - Power - Lift Stations (North & South)       | 3,619             | 5,000             | 5,000             | No Change From 2022/2023 Budget                                 |
| Roadways & Street Maintenance (North & South)      | 35,642            | 35,000            | 35,000            | No Change From 2022/2023 Budget                                 |
| Fountain Maintenance (Tract A)                     | 1,352             | 3,000             | 3,000             | No Change From 2022/2023 Budget                                 |
| Entrance/Exit Gate Maintenance/Repairs (N & S)     | 24,155            | 10,000            | 10,000            | No Change From 2022/2023 Budget                                 |
| Hurricane Preparedness/Miscellaneous               | 0                 | 25,000            | 15,000            | \$10,000 Decrease From 2022/2023 Budget                         |
| Lift Station Maintenance (North & South)           | 19,965            | 25,000            | 25,000            | No Change From 2022/2023 Budget                                 |
| Miscellaneous Improvements (North & South)         | 77,779            | 32,000            | 42,000            | \$10,000 Increase From 2022/2023 Budget                         |
| Dumpster Rental                                    | 0                 | 1,000             | 1,000             | No Change From 2022/2023 Budget                                 |
| Capital Improvements Fund                          | 0                 | 0                 | 100,000           | Capital Improvements Fund                                       |
|  |                   |                   |                   |   |
| <b>TOTAL MAINTENANCE EXPENDITURES</b>              | <b>\$ 461,224</b> | <b>\$ 358,000</b> | <b>\$ 450,000</b> |   |
|  |                   |                   |                   |   |
| <b>EXTRAORDINARY EXPENDITURES</b>                  |                   |                   |                   |   |
| Steel Perimeter Fence - Las Ramblas                | 0                 | 0                 | 270,000           | Steel Perimeter Fence - Las Ramblas (Single Family & Townhomes) |
|  |                   |                   |                   |   |
| <b>TOTAL SECURITY EXPENDITURES</b>                 | <b>\$ -</b>       | <b>\$ -</b>       | <b>\$ 270,000</b> |   |

**DETAILED FINAL DEBT SERVICE FUND BUDGET**  
**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2023/2024**  
**OCTOBER 1, 2023 - SEPTEMBER 30, 2024**

|                            | FISCAL YEAR<br>2021/2022 | FISCAL YEAR<br>2022/2023 | FISCAL YEAR<br>2023/2024 |                                   |
|----------------------------|--------------------------|--------------------------|--------------------------|-----------------------------------|
| REVENUES                   | ACTUAL                   | BUDGET                   | BUDGET                   | COMMENTS                          |
| Interest Income            | 2,444                    | 25                       | 250                      | Projected Interest For 2023/2024  |
| NAV Tax Collection         | 443,545                  | 436,080                  | 436,080                  | Maximum Debt Service Collection   |
| <b>Total Revenues</b>      | <b>\$ 445,989</b>        | <b>\$ 436,105</b>        | <b>\$ 436,330</b>        |                                   |
|                            |                          |                          |                          |                                   |
| <b>EXPENDITURES</b>        |                          |                          |                          |                                   |
| Principal Payments         | 235,000                  | 245,000                  | 245,000                  | Principal Payment Due In 2024     |
| Interest Payments          | 200,019                  | 191,080                  | 184,956                  | Interest Payments Due In 2024     |
| Bond Redemption            | 0                        | 25                       | 6,374                    | Estimated Excess Debt Collections |
| <b>Total Expenditures</b>  | <b>\$ 435,019</b>        | <b>\$ 436,105</b>        | <b>\$ 436,330</b>        |                                   |
|                            |                          |                          |                          |                                   |
| <b>Excess/ (Shortfall)</b> | <b>\$ 10,970</b>         | <b>\$ -</b>              | <b>\$ -</b>              |                                   |

**Series 2016 Bond Refunding Information**

|                           |                |                                 |                        |
|---------------------------|----------------|---------------------------------|------------------------|
| Original Par Amount =     | \$6,430,000    | Annual Principal Payments Due = | May 1st                |
| Interest Rate =           | 2.00% - 4.125% | Annual Interest Payments Due =  | May 1st & November 1st |
| Issue Date =              | October 2016   |                                 |                        |
| Maturity Date =           | May 2038       |                                 |                        |
| Par Amount As Of 1/1/23 = | \$5,100,000    |                                 |                        |



## Fontainebleau Lakes Community Development District Assessment Comparison

|  | Fiscal Year<br>2020/2021<br>Assessment<br>Before Discount* | Fiscal Year<br>2021/2022<br>Assessment<br>Before Discount* | Fiscal Year<br>2022/2023<br>Assessment<br>Before Discount* | Fiscal Year<br>2023/2024<br>Projected Assessment<br>Before Discount* |
|--|--|--|--|--|
| Administrative Assessment For Single Family  | \$ 215.95  | \$ 215.94  | \$ 222.71  | \$ 229.23  |
| Maintenance Assessment For Single Family     | \$ 871.43  | \$ 871.43  | \$ 864.20  | \$ 1,182.04  |
| Perimeter Fence Assessment For Single Family |  |  |  | \$ 935.62  |
| <u>Debt Assessment For Single Family</u>     | <u>\$ 1,224.05</u>   | <u>\$ 1,224.05</u>   | <u>\$ 1,224.05</u>   | <u>\$ 1,224.05</u>   |
| <b>Total</b>                                 | <b>\$ 2,311.43</b>   | <b>\$ 2,311.42</b>   | <b>\$ 2,310.96</b>   | <b>\$ 3,570.94</b>   |
| Administrative Assessment For Townhomes      | \$ 215.95  | \$ 215.94  | \$ 222.71  | \$ 229.23  |
| Maintenance Assessment For Townhomes         | \$ 871.43  | \$ 871.43  | \$ 864.20  | \$ 1,182.04  |
| Perimeter Fence Assessment For Townhomes     | \$ -   | \$ -   | \$ -   | \$ 935.62  |
| <u>Debt Assessment For Townhomes</u>         | <u>\$ 1,064.39</u>   | <u>\$ 1,064.39</u>   | <u>\$ 1,064.39</u>   | <u>\$ 1,064.39</u>   |
| <b>Total</b>                                 | <b>\$ 2,151.77</b>   | <b>\$ 2,151.76</b>   | <b>\$ 2,151.30</b>   | <b>\$ 3,411.28</b>   |
| Administrative Assessment For Courtyards     | \$ 215.95  | \$ 215.94  | \$ 222.71  | \$ 229.23  |
| Maintenance Assessment For Courtyards        | \$ 871.43  | \$ 871.43  | \$ 864.20  | \$ 1,182.04  |
| Extraordinary Assessment For Courtyards      | \$ -   | \$ -   | \$ -   | \$ -   |
| <u>Debt Assessment For Courtyards</u>        | <u>\$ 957.95</u>   | <u>\$ 957.95</u>   | <u>\$ 957.95</u>   | <u>\$ 957.95</u>   |
| <b>Total</b>                                 | <b>\$ 2,045.33</b>   | <b>\$ 2,045.32</b>   | <b>\$ 2,044.86</b>   | <b>\$ 2,369.22</b>   |

\* Assessments Include the Following :

4% Discount for Early Payments  
1% County Tax Collector Fee  
1% County Property Appraiser Fee

### Community Information:

|                                   |           |
|-----------------------------------|-----------|
| Single Family Units (Las Ramblas) | 271       |
| Townhomes (Las Ramblas)           | 36        |
| <u>Courtyards (Las Sevilas)</u>   | <u>98</u> |
| Total Units                       | 405       |

**From:** Yolanda Duarte [mailto:yolanda@theduartelawfirm.com]  
**Sent:** Tuesday, August 8, 2023 11:02 AM  
**To:** Armando Silva <asilva@sdsinc.org>  
**Cc:** Eugenio Duarte <eugenio@theduartelawfirm.com>  
**Subject:** RE: Fontainebleau Lakes CDD - Title Search Services

Hello Armando,

Just to recap our telephone conversation, I did a "deeds search" which shows that Fontainebleau Lakes Community Development District ("CDD") received title to two portions of Tract "D" in Fontainebleau East, PB 168/26 pursuant to Special Warranty Deed dated July 6<sup>th</sup>, 2011, recorded July 13, 2011, in ORB 27755, Page 1495. You confirmed that the CDD still owns these portions of Tract D within Fontainebleau East.

The First Modification to the Declaration of Restrictions was recorded in 2009, and the CDD was not joined since it was not yet in title. However, at the time of the filing of the Second Modification recorded October 15, 2015, in ORB 29816/3447, the CDD was not included even though by then the CDD already had title to portions of Tract D. The CDD should have been included as a party at that time.

The current Modification requires joinder by the CDD.

Hope this helps.

*Best,  
Yolanda*



**Yolanda Duarte**  
**Real Estate Paralegal**

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



**RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary for the Fontainbleau Lakes Community Development District ("District") to establish a regular meeting schedule for fiscal year 2023/2024; and

**WHEREAS**, the Board of Supervisors of the District has set a regular meeting schedule, location and time for District meetings for fiscal year 2023/2024 which is attached hereto and made a part hereof as Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT, MIAMI-DADE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are hereby adopted.

**Section 2.** The regular meeting schedule, time and location for meetings for fiscal year 2023/2024 which is attached hereto as Exhibit "A" is hereby adopted and authorized to be published.

**PASSED, ADOPTED and EFFECTIVE** this 21<sup>st</sup> day of August, 2023.

**ATTEST:**

**FONTAINBLEAU LAKES  
COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson

**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE**

**NOTICE IS HEREBY GIVEN** that the Board of Supervisors (the “Board”) of the **Fontainebleau Lakes Community Development District** (the “District”) will hold Regular Meetings in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10<sup>th</sup> Terrace, Miami, Florida 33172 at **6:30 p.m.** on the following dates:

**October 16, 2023  
November 20, 2023  
February 18, 2024  
March 18, 2024  
April 15, 2024  
May 20, 2024  
June 17, 2024  
September 16, 2024**

The purpose of the meetings is to conduct any District business which may lawfully and properly come before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agenda for any of the meetings may be obtained from the District’s website or by contacting the District Manager at 786-313-3661 and/or toll free at 1-877-737-4922 five (5) days prior to the date of the particular meeting.

From time to time one or two Board members may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that the Board members may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 786-313-3661 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT**

**[www.fontainebleaulakescdd.org](http://www.fontainebleaulakescdd.org)**

**PUBLISH: MIAMI DAILY BUSINESS REVIEW XX/XX/2023**

**RESOLUTION NO. 2023-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT, AUTHORIZING THE ESTABLISHMENT OF A DISTRICT CHECKING/OPERATING ACCOUNT, DESIGNATING DISTRICT OFFICIALS AND/OR AUTHORIZED STAFF TO REVIEW, APPROVE AND ISSUE PAYMENT OF EXPENDITURES, SELECTING THE SIGNATORIES THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Fontainbleau Lakes Community Development District ("District") has established a District checking/operating account in order for the District to expend public funds of the District as authorized and required; and

**WHEREAS**, the Board of Supervisors (the "Board") of the District shall designate authorized staff and/or District officials to approve expenditures, via electronic or non-electronic approval processes, from the checking/operating account;

**WHEREAS**, the Board of the District has selected Todd Wodraska, Jason Pierman, Patricia LasCasas, Nancy Nguyen, Armando Silva and \_\_\_\_\_ to serve as the signatories, as required, on the District checking/operating account; and

**WHEREAS**, all resolutions or parts thereof of the District in conflict with the provisions contained herein are to the extent of any such conflict, hereby superseded and repealed.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT, AS FOLLOWS:**

**Section 1.** The above recitals are hereby adopted.

**Section 2.** Each expenditure from the checking/operating account will require a minimum of two (2) approvals and a designated member of the Board, by an electronic approval procedure, will have an opportunity to review the District's expenditure(s) prior to release of payment(s).

**Section 3.** When necessary to write checks, the signatures of two (2) of the designated signatories named herein will be required on all District checks tendered from the District checking/operating account, as approved.

**PASSED, ADOPTED and becomes EFFECTIVE** this 21<sup>st</sup> day of August, 2023.

**ATTEST:**

**FONTAINBLEAU LAKES  
COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson

## MEMORANDUM

TO: District Manager

FROM: Billing, Cochran, Lyles, Mauro & Ramsey, P.A.  
District Counsel

DATE: June 6, 2023

RE: Required Ethics Training

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On May 24, 2023, the Governor signed CS/HB 199 into law as Chapter 2023-121, Laws of Florida. Section 112.3142, Florida Statutes, requires that specified constitutional officers, elected municipal officers, and commissioners complete four (4) hours of ethics training annually. This requirement is noted on page 1 of the Form 1, Statement of Financial Interests. This legislation provides that beginning January 1, 2024, elected and appointed commissioners of community redevelopment agencies and local officers of independent special districts are now required to complete four (4) hours of ethics training annually. The training must address, at a minimum, s. 8, Art. II of the Florida Constitution (ethics for public officers and financial disclosure), the Code of Ethics for Public Officers and Employees, and the Florida Public Records Law and Open Meetings laws. The legislation specifically provides that this training requirement may be satisfied by completing a continuing legal education class or other continuing professional education class or seminar if the required subject matter is covered therein.

For current supervisors and officers, it is recommended that this training requirement be completed by July 1, 2024, so that the supervisor or officer can verify compliance with the required training on his or her Form 1, Statement of Financial Interests (2023). Elected local officers of independent special districts that assume office on or before March 31st must complete annual ethics training by December 31st of the year the term begins; however, if the term starts after March 31st, the officer is not required to complete the required ethics training until December 31st of the following year. The Legislature intends for those elected officers to receive the required training as close as possible to the date that he or she assumes office. The chart below can be used as a reference:

| Date elected or appointed   | Annual Training Completed By                                   |
|-----------------------------|--|
| Current Officer/Supervisor  | December 31, 2024<br>(recommend completion by<br>July 1, 2024) |
| January 1 – March 31, 2024  | December 31, 2024  |
| April 1 – December 31, 2024 | December 31, 2025  |

The legislation also amends Section 112.313(a), Florida Statutes, clarifying the conflicts exception for public officers or employees of water control districts (Chapter 298, Florida Statutes)



or a special tax districts created by general (i.e. community development districts) or special law and which is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the district has jurisdiction. Employment with or entering into a contractual relationship with a business entity is not prohibited and is not deemed a conflict per se; however, conduct by such officer or employee that is prohibited by or otherwise frustrates the intent of Section 112.313(7), Florida Statutes, including conduct that violates subsections (6) (misuse of public position) and (8) (disclosure of information not otherwise available to the public for personal benefit) thereof is deemed an impermissible conflict of interest.

For convenience, we have included a copy of the legislation referenced in this memorandum. We request that you include this memorandum as part of the agenda packages for upcoming meetings of the governing boards of those special districts in which you serve as the District Manager and this firm serves as District Counsel. You can expect our traditional legislative memorandum in the coming weeks, where we will summarize other legislation from the 2023 Legislative Session relevant to special districts.



## CHAPTER 2023-121

### Committee Substitute for House Bill No. 199

An act relating to ethics requirements for officers and employees of special tax districts; amending s. 112.313, F.S.; specifying that certain conduct by certain public officers and employees is deemed a conflict of interest; making technical changes; amending s. 112.3142, F.S.; requiring certain ethics training for elected local officers of independent special districts beginning on a specified date; specifying requirements for such training; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency ~~is shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section, including conduct that violates subsections (6) and (8), is shall be~~ deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

Section 2. Paragraphs (d) and (e) of subsection (2) of section 112.3142, Florida Statutes, are redesignated as paragraphs (e) and (f), respectively, present paragraph (e) of that subsection is amended, and a new paragraph (d) is added to that subsection, to read:

112.3142 Ethics training for specified constitutional officers, elected municipal officers, and commissioners of community redevelopment agencies, and elected local officers of independent special districts.—

(2)

(d) Beginning January 1, 2024, each elected local officer of an independent special district, as defined in s. 189.012, and each person who is appointed to fill a vacancy for an unexpired term of such elective office must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subject matter is covered by such class, seminar, or presentation.

(f)(e) The Legislature intends that a constitutional officer, or elected municipal officer, or elected local officer of an independent special district who is required to complete ethics training pursuant to this section receive the required training as close as possible to the date that he or she assumes office. A constitutional officer, or elected municipal officer, or elected local officer of an independent special district assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer, or elected municipal officer, or elected local officer of an independent special district assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

Section 3. This act shall take effect July 1, 2023.

Approved by the Governor May 24, 2023.

Filed in Office Secretary of State May 24, 2023.

## MEMORANDUM

TO: District Manager

FROM: Billing, Cochran, Lyles, Mauro & Ramsey, P.A.  
District Counsel

DATE: July 20, 2023

RE: 2023 Legislative Update

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As District Counsel, throughout the year we continuously monitor pending legislation that may be applicable to the governance and operation of our Community Development District and other Special District clients. It is at this time of year that we summarize those legislative acts that have become law during the most recent legislative session, as follows:

**1. Chapter 2023 – 134, Laws of Florida (SB 346).** The legislation requires contracts for construction services between a local government entity and a contractor to include a “punch list”<sup>1</sup> of items required to render complete, satisfactory, and acceptable the construction services contracted for, which punch list outlines the estimated cost of each item necessary to complete the work. The law requires local governments to pay all portions of the contract balance, except for 150 percent of the portion of the contract balance attributed to those projects on the punch list, within 20 days after the punch list is created, subject to certain exceptions. The legislation limits a local government’s ability to withhold payment of certain amounts under the contract to only those subject to a written good faith dispute or claims against public surety bonds. The law clarifies that a local government must pay the undisputed portions of a contract within 20 days of the request for payment. Lastly, the legislation amends the definition of “public works project” in section 255.0992, F.S., to include any construction, maintenance, repair, renovation, remodeling, or improvement activity that is paid for with state-appropriated funds. The effective date of this act is July 1, 2023.

**2. Chapter 2023 – 17, Laws of Florida (SB 102).** The legislation makes various changes and additions to affordable housing related programs and policies at both the state and local level. With regard to local governments, the law:

- Preempts local government requirements regarding zoning, density, and height to allow for streamlined development of affordable housing in commercial and mixed-use zoned areas under certain circumstances. Developments that meet the requirements may not require a zoning change or comprehensive plan amendment.

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<sup>1</sup> The punch list is created within a contractually-specified timeframe after the contractor reaches substantial completion of the construction services as defined in the contract, or if that is not defined, then after the project reaches beneficial occupancy or use. If the contract is valued at less than \$10 million, then the punch list must be developed within 30 calendar days; if the contract is valued at \$10 million or more, then the punch list must be developed within 45 calendar days.

- Removes a local government’s ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development, while retaining such right for commercial and industrial parcels.
- Removes a provision that allows local governments to impose rent control under certain circumstances, preempting rent control ordinances entirely.
- Requires counties and cities to update and electronically publish the inventory of publicly owned properties, for counties including property owned by a dependent special district, which may be appropriate for affordable housing development.
- Authorizes the Florida Housing Finance Corporation, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of county or municipal property for affordable housing purposes.
- Requires local governments to maintain a public written policy outlining procedures for expediting building permits and development orders for affordable housing projects.
- Provides that the Keys Workforce Housing Initiative is an exception to evacuation time requirements and that comprehensive plan and land use amendments approved under that initiative are valid.

The effective date of this act is July 1, 2023.

**3. Chapter 2023 – 31, Laws of Florida (SB 1604).** The law makes a number of changes relating to comprehensive plans and land development regulations. Of interest to special districts, section 4 of the legislation amends section 189.031, F.S., to preclude independent special districts from complying with the terms of any development agreement, which is executed within three months preceding the effective date of a law, which modifies the manner of selecting members of the governing body of the special district from election to appointment or appointment to election. The newly elected or appointed governing body of the special district must review within four months of taking office any such development agreement and vote on whether to seek readoption of the agreement. The law applies to any development agreement that is in effect on, or is executed after July 1, 2023, which is the effective date of this law. Section 4 of the Act expires July 1, 2028, unless reviewed and reenacted by the Legislature.

**4. Chapter 2023 – 28, Laws of Florida (HB 3).** This legislation codifies and extends the policy adopted by the Trustees<sup>2</sup> requiring all investment decisions relating to the state retirement system be based solely on pecuniary factors<sup>3</sup>. The law extended that policy to all funds managed by the State Board of Administration (SBA), all funds of the state Treasury, all local government retirement plans, investments of local government surplus funds, and investments of funds raised by citizen support and direct-support organizations. Investment managers who invest public funds on behalf of any of these entities may not sacrifice investment return or take additional investment risk to promote any non-pecuniary factor. The law requires any contract between a governmental

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<sup>2</sup> The Governor, Chief Financial Officer, and Attorney General serve as the SBA’s Board of Trustees.

<sup>3</sup> The term “pecuniary factor” is defined as a factor that is expected “to have a material effect on the risk or return of an investment based on appropriate investment horizons consistent with applicable investment objectives and funding policy. The term does not include the consideration of the furtherance of any social, political, or ideological interests.”

entity<sup>4</sup> and an investment manager executed, amended, or renewed on or after July 1, 2023, to contain a provision requiring the investment manager to include a disclaimer in an external communication, if the communication is to a company in which the investment manager has invested public funds and discusses social, political, or ideological interests. The required disclaimer must state: “The views and opinions expressed in this communication are those of the sender and do not reflect the views and opinions of the people of the state of Florida.” All contracts with investment managers executed, amended, or renewed on or after July 1, 2023, may be unilaterally terminated if certain communications of an investment manager include discussion of social, political, or ideological interests and omit the required disclaimer.

In addition, the legislation prohibits bond issuers<sup>5</sup> from issuing an environmental, social, and corporate governance (ESG) bond or paying for a third-party verifier that certifies or verifies that a bond may be designated or labeled as an ESG bond<sup>6</sup>, renders opinions or produces a report on ESG compliance, among other ESG-related services. Issuers are also prohibited from contracting with a rating agency whose ESG scores for the issuer will have a direct, negative impact on the issuer’s bond ratings.

The act further prohibits consideration of social, political, or ideological beliefs in state and local government contracting, and explicitly notes that this includes all political subdivisions of the state. Specifically, the law prohibits an awarding body from (1) requesting documentation or considering a vendor’s social, political, or ideological beliefs when determining if the vendor is a responsible vendor; or (2) giving a preference to a vendor based on the vendor’s social, political, or ideological beliefs.

Lastly, the legislation amends the definition of a “qualified public depository” to prohibit government entities from depositing funds in banks that make it a practice to deny or cancel services of their customers based on a person’s political opinions, speech, affiliations, lawful ownership or sales of firearms, production of fossil fuels or other factors related to ESG. Pursuant to current law, all public deposits may only be deposited in a qualified public depository. The effective date of this legislation is July 1, 2023.

**5. Chapter 2023 – 32, Laws of Florida (SB 258).** The legislation bans the use of prohibited applications<sup>7</sup> on devices issued to an employee or officer by a public employer, or otherwise used on a network that is owned, operated, or maintained by a public employer. This law requires the Department of Management Services (DMS) to create and maintain a list of prohibited applications of any Internet application that it deems to present a security risk in the form of

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<sup>4</sup> The law defines “governmental entity” to mean a state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, a department, division, board, bureau, commission, authority, district, or agency thereof, or a public school, Florida College System institution, state university, or associated board.

<sup>5</sup> Any public body corporate and politic authorized or created by general or special law and granted the power to issue bonds.

<sup>6</sup> An ESG bond is any bond that has been designated or labeled as a bond that will be used to finance a project with an ESG purpose, including, but not limited to, green bonds, Certified Climate Bonds, GreenStar designated bonds, and other environmental bonds marketed as promoting a generalized or global environmental objective; social bonds marketed as promoting a social objective; and sustainability bonds and sustainable development goal bonds marketed as promoting both environmental and social objectives. It includes bonds self-designated by the issuer as ESG-labeled bonds and those designated as ESG-labeled bonds by a third-party verifier.

<sup>7</sup> A “prohibited application” is defined as any application that participates in certain activities, such as conducting cyber-espionage against a public employer, and that is created, maintained, or owned by a foreign principal.

unauthorized access to, or temporary unavailability of the public employer's records, digital assets, systems, networks, servers, or information. Public employers must block access to any prohibited application via their wireless networks and virtual private networks; restrict access to any prohibited application on any government cell phone, laptop, desktop computer, tablet computer, or other electronic device that can connect to the Internet that has been issued to an employee or officer for a work-related purpose; and retain the ability to remotely wipe and uninstall any prohibited application from any such device that is believed to have been adversely impacted by a prohibited application. The legislation requires an employee or officer of a CDD to remove any prohibited application from his or her government-issued device within 15 days of the DMS' publication of its list of prohibited applications, and within 15 days of any subsequent update to the list of prohibited applications. The effective date of this legislation is July 1, 2023.

**6. Chapter 2023 – 33, Laws of Florida (SB 264).** The legislation restricts the issuance of government contracts or economic development incentives to foreign entities that are owned by, controlled by or organized under the laws of a foreign country of concern<sup>8</sup>. The law further prohibits a foreign principal<sup>9</sup> from owning or acquiring agricultural land or other interests in real property on or within 10 miles of a military installation or critical infrastructure facility. A foreign principal that owns agricultural land acquired before July 1, 2023, may continue to hold such land and must register with the Florida Department of Agriculture and Consumer Services (DACS) by January 1, 2024. If the property owned or acquired before July 1, 2023, is on or within 10 miles of a military installation or critical infrastructure facility, the foreign principal must similarly register with the Department of Economic Opportunity by December 31, 2023. The law prohibits the People's Republic of China, the Chinese Communist Party, its officials and members, other political party official or members, other legal entities or subsidiaries organized under the laws of, or having a principal place of business in, China or its political subdivisions, or other persons domiciled in China, who are not U.S. citizens or lawful permanent residents of the United States, from purchasing or acquiring an interest in, real property in Florida. Finally, the act amends s. 836.05, F.S., relating to criminal threats and extortion, to provide that a person who violates the statute while acting as a foreign agent for the purpose of benefitting a foreign country of concern, commits a first degree felony. The effective date of this legislation is July 1, 2023.

**7. Chapter 2023 – 264, Laws of Florida (SB 7008).** The legislation amends Section 119.071(3)(c)1., F.S., to save from repeal, the public records exemption for information relating to the following information held by an agency:

- Building plans;
- Blueprints;
- Schematic drawings; and

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<sup>8</sup> The People's Republic of China, The Russian Federation, The Islamic Republic of Iran, The Democratic People's Republic of Korea, The Republic of Cuba, The Venezuelan Regime of Nicolas Maduro, or The Syrian Arab Republic, including any agency of or other entity within significant control of such foreign country of concern.

<sup>9</sup> "Foreign principal" means: The government or any official of the government of a foreign country of concern; A political party or member of a political party or any subdivision of a political party in a foreign country of concern; A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country of concern, or a subsidiary of such entity; or o Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent resident of the United States.

- Diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development.

The effective date of this act is October 1, 2023.

**8. Chapter 2023 – 75, Laws of Florida (HB 7007).** The legislation removes the scheduled repeal date of the public record and public meeting exemptions for security or fire safety system plans under Sections 119.071(3)(a) and 286.0113(1), F.S., thereby maintaining the public record and public meeting exemptions for such plans. The effective date of this act is October 1, 2023.

For convenience, we have included copies of the legislation referenced in this memorandum. We request that you include this memorandum as part of the agenda packages for upcoming meetings of the governing boards of those special districts in which you serve as the District Manager and this firm serves as District Counsel. For purposes of the agenda package, it is not necessary to include the attached legislation, as we can provide copies to anyone requesting the same. Copies of the referenced legislation are also accessible by visiting this link: <http://laws.flrules.org/>.