



**FONTAINBLEAU LAKES
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
REGULAR BOARD MEETING
SEPTEMBER 18, 2023
6:30 P.M.**

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

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 10th Terrace
Miami, Florida 33172
REGULAR BOARD MEETING
September 18, 2023
6:30 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. May 15, 2023 Regular Board Meeting Minutes.....Page 2
 - 2. August 21, 2023 Regular Board Meeting & Public Hearing Minutes.....Page 5
- G. Old Business
 - 1. Discussion Regarding Perimeter Fence (Las Ramblas)
 - 2. Update Regarding Shoma Project and Keep the Bleau Green – Miguel Garcia
 - 3. Discussion Regarding Shade Structures for Playgrounds.....Page 11
 - 4. Discussion Regarding Lake Conditions
- H. New Business
 - 1. Consider Billing Rate Change – Alvarez Engineers.....Page 12
 - 2. Consider Resolution No. 2023-06 - Authorizing Electronic Approvals and Check Signers.....Page 14
 - 3. Discussion Regarding Capital Improvements
- I. Administrative & Operational Matter
 - 1. Discussion Regarding Required Ethics Training.....Page 15
 - 2. Discussion Regarding Memo 2023 Legislative Update.....Page 20
- J. Board Members & Staff Closing Comments
- K. Adjourn

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

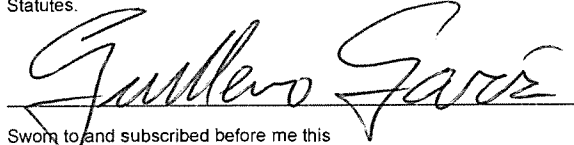
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County,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

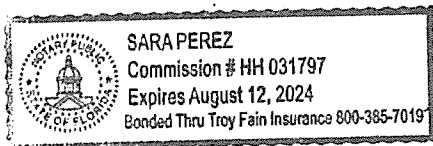


Sworn to and subscribed before me this
7 day of OCTOBER, A.D. 2022



(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

10/7

22-73/0000623301M

**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
MAY 15, 2023**

A. CALL TO ORDER

District Manager Armando Silva called the May 15, 2023, Regular Board Meeting of the Fontainbleau Lakes Community Development District (the “District”) to order at 6:35 p.m. in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10th 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 October 7, 2022, as part of the District’s Fiscal Year 2022/2023 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

Mr. Silva determined that the attendance of Chairperson Edward Aparicio, Vice Chairman Timothy Toy and Supervisors Humberto Jovanovic, Miguel Garcia, and 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: Oscar Galvez, Miami, FL; Tati Robertson and Monica Fornes of Allied Property Group, Miami, FL; Felix Murillo of CAM Brokerage & Management Services, LLC, Miami, FL; Arno Lemus, 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. April 17, 2023, Regular Board Meeting

Mr. Silva presented the minutes of the April 17, 2023, Regular 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 April 17, 2023 Regular Board Meeting, as presented.

G. OLD BUSINESS

1. Update Greenspace Area in Southwest Quadrant of CDD – Open Soil Testing Holes

Mr. Silva stated that Shoma Homes has filled the open soil test holes located in the Southwest Quadrant of the District (aka Las Sevilas). The next area that will be addressed is the Northwest

Quadrant of the District (aka Las Rambals). More information regarding this topic will be provided at an upcoming meeting.

2. Update Regarding KaBOOM! Playground Project

Mr. Silva informed the Board that the KaBOOM! playground project was a great success. The playground build took about 8+/- hours and there were about 100+ volunteers from all parts of the world. At the end of the event, the District was awarded \$10,000 by Delta Airlines for the maintenance of the playground.

3. Discussion Regarding Light Pole Relocation – 9732 NW 9th Street (Las Ramblas)

This item was tabled because the homeowner, Elizabeth Naranjo, was not in attendance.

4. Discussion Regarding Perimeter Fence Proposals

This item was tabled because a decision will be contingent upon Shoma possibly providing the District with funds for the installation of the fence.

5. Discussion Regarding Decal Scanner for Las Ramblas

Mr. Silva stated that he has been receiving concerns from the Las Ramblas community and some Board members regarding the inability of the current License Plate Recognition Camera to capture the license plate of certain vehicles during certain times of the day to open the resident arm gate system. Ms. De Torres suggested that the District look into an RFID Reader that will give less issues and will be able to open the gate for all vehicles. A discussion ensued after which;

A **motion** was made by Ms. De Torres, seconded by Mr. Toy and unanimously passed to approve an amount not to exceed \$5000 for the installation of an RFID reader including the purchase of 600 RFID stickers.

H. NEW BUSINESS

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

Mr. Silva informed those in attendance that pursuant to the previous Board meeting, the District Manager was tasked with contacting the Association for Las Ramblas and Las Sevillas to determine what the aforementioned entities required from Shoma. In summary, both entities are asking for \$500,000 each to assist with accomplishing District projects that will benefit the tax payers of the District. A discussion ensued after which the Board tasked Mr. Silva with communicating to Shoma Homes that the District is demanding \$1,000,000 for District improvements. This topic will be further discussed at either a Special Meeting on May 25th.

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

This item was tabled.

I. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Staff Report, as Required

There was not staff report at this time.

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 8:09 p.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

**FONTAINBLEAU LAKES COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING & PUBLIC HEARING
AUGUST 21, 2023**

A. CALL TO ORDER

District Manager Armando Silva called the August 21, 2023, Regular Board Meeting of the Fontainebleau Lakes Community Development District (the “District”) to order at 6:34 p.m. in the Las Ramblas Clubhouse Conference Room located at 9960 NW 10th 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 August 1, 2023 & August 8, 2023, as legally required.

C. CONSIDER RESIGNATION – TIMOTHY TOY

Mr. Silva stated that he was in possession of resignation letter for Timothy Toy (Seat #2) with an effective date of July 13, 2023, and it would be in order for the Board to consider same. A discussion ensued after which;

A **motion** was made by Ms. De Torres, seconded by Mr. Aparicio and unanimously passed to accept the resignation of Timothy Toy (Seat #2) with an effective date of July 13, 2023.

D. APPOINTMENT TO BOARD VACANCY

Mr. Silva stated that there is now a vacancy on the District’s Board of Supervisors (Seat #2) and asked if there were any interested persons that meet the qualifications and who would like to serve on the District Board. Mr. Arno Lemus (Las Ramblas Resident and Qualified Elector) and Ms. Uma Swamy (Las Sevilleas Resident and Qualified Elector) both stated that they were interested in serving on the District Board of Supervisors. A discussion ensued after which;

A **motion** was made by Mr. Garcia, seconded by Mr. Jovanovic and passed by majority (3 to 1 – Edward Aparicio did not support the motion) appointing Arno Lemus to fill the vacancy of the unexpired 4-year term of office in Seat #2, which term of office shall expire in November 2024.

E. ADMINISTER OATH OF OFFICE AND REVIEW BOARD MEMBER DUTIES AND RESPONSIBILITIES

Mr. Silva, Notary Public of the State of Florida, administered the Oath of Office to Arno Lemus. In addition, Mr. Silva advised Mr. Lemus of his duties and responsibilities as a Board Member with emphasis on the Sunshine Law, Financial Disclosure for Public Officials (2022 Form 1 must be completed and mailed to the Supervisor of Elections’ Office in the County of residency within thirty {30} days of appointment; and the Code of Ethics for Public Officials.

At this juncture, Mr. Silva stated that as a result of the recent changes to the District Board it would be in order to re-elect officers. The following slate of names was provided for election:

- Chairperson – Edward Aparicio
- Vice Chairperson – Mayra De Torres

- Secretary/Treasurer – Armando Silva
- Assistant Secretaries – Arno Lemus, Humberto Jovanovic, Miguel Garcia Nancy Nguyen and Gloria Perez

A discussion ensued after which:

A **motion** was made by Ms. De Torres, seconded by Mr. Garcia and unanimously passed to approve *electing* the officers as listed and stated above.

F. ESTABLISH A QUORUM

Mr. Silva determined that the attendance of Chairperson Edward Aparicio and Supervisors Miguel Garcia, Humberto Jovanovic and 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 and Alex Zust (CAM Brokerage & Management Services, LLC.); Edith Rodriguez, Miami, FL; Arno Lemus, Miami, FL; Uma Swamy, Miami, FL.

G. ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Silva requested to have the following items added to the agenda:

- New Business: Discussion Regarding On-Street Overflow Parking Spots
- New Business: Discussion Regarding Engineering Fees

The Board Acknowledged Mr. Silva's request.

H. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Ms. Swamy had the following requests:

- The District look into updating the landscaping in the rotunda within Las Sevillas
- The District look into adding stormdrain structures to certain areas near the Las Sevillas pathways that accumulate large amounts of water after minimal rainfall events.

The Board stated that they will have District Staff explore the requests.

I. APPROVAL OF MINUTES

1. June 13, 2023 Special Board Meeting

Mr. Silva presented the minutes of the June 13, 2023, Special Board Meeting. A **motion** was made by Mr. Garcia, seconded by Mr. Jovanovic and passed unanimously approving the minutes of the June 13, 2023, Special Board Meeting, as presented.

Note: At approximately 7:56 p.m., Mr. Silva recessed the Regular Meeting and simultaneously opened the Public Hearing.

J. PUBLIC HEARING – ADOPTING A FISCAL YEAR 2023/2024 FINAL BUDGET

1. Proof of Publication

Mr. Silva presented proof of publication that notice of the Public Hearing had been published in the *Miami Daily Business Review* on August 1, 2023 & August 8, 2023, as legally required.

2. Receive Public Comment on the Fiscal Year 2022/2023 Final Budget

Mr. Silva opened the public comment portion of the public hearing to receive comments on the 2023/2024 fiscal year final budget and non-ad valorem special assessments. For the record, Mr. Silva stated that he had only received one (1) email regarding the proposed increase to the assessments and that the survey results yielded the following results (*a copy of the survey questionnaire can be requested from the District Manager*):

Las Ramblas # of Survey Results: 109

1. Las Ramblas: 73% of voters were in favor of the installation of a steel fence along the perimeter of the Las Ramblas Open Space Tracts. 27% of voters were against this.
2. Las Ramblas: 65% of voters were in favor of paying a one-time assessment for the installation of a steel perimeter fence. 35% of voters were against this.
3. Las Ramblas: 56% of voters were in favor of an annual assessment increase to fund Capital Improvements a remove the budget Carryover. 44% of voters were against this

Las Sevillas # of Survey Results: 11

1. Las Sevillas: 45% of voters were in favor of an annual assessment increase to fund Capital Improvements a remove the budget Carryover. 55% of voters were against this

There being no additional comments from the public on the 2023/2024 fiscal year budget and assessments, Mr. Silva closed the public comment portion of the Public Hearing.

3. Consider Resolution No. 2023-04 – Adopting a Fiscal Year 2022/2023 Final Budget

Mr. Silva presented Resolution No. 2023-04, entitled:

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.

Mr. Silva read the title of the resolution into the record and stated that it provides for approving and adopting the fiscal year 2023/2024 final budget and non-ad valorem special assessment tax roll. Mr. Silva further stated that letters to property owners were mailed to all of the property owners stating that the overall assessments were increasing. For review purposes, a copy of the tax roll was provided at the meeting. A discussion ensued after which:

A **motion** was made by Mr. Jovanovic, seconded by Mr. Aparicio and passed by majority (3 to 1 – Arno Lemus did not support the motion) to approve and adopt Resolution No. 2023-04, *as presented*, thereby setting the 2023/2024 final budget and non-ad valorem special assessment tax roll.

Note: At approximately 7:56 p.m., Mr. Silva closed the Public Hearing and simultaneously reconvened the Regular Meeting.

K. OLD BUSINESS

1. Discussion Regarding Perimeter Fence

Mr. Silva stated that he will work on obtaining a Letter of Interpretation from the County regarding the permitting process for the installation of the perimeter fence along the perimeter of the Las Ramblas open space tracts.

L. NEW BUSINESS

1. Update Regarding Opinion of Title – Shoma

Mr. Silva shared the following correspondence received pertaining to this matter:

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 6th, 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

999 Ponce de Leon Blvd., Suite 735
Coral Gables, FL 33134

A discussion ensued after which Mr. Silva was directed to email this correspondence to the County's attorney so that they're aware that the District is required to sign the joinder for the new Amendment to the Declaration of Restrictions.

2. Update Regarding Shoma Project– Miguel Garcia

Mr. Garcia provided the Board with an update regarding the potential Shoma project and stated that all indications point towards the project potentially being approved by the Board of County Commissioners. A discussion ensued after which the Board's stance remains the same as they will not be signing the Amendment to the Declaration of Restrictions required by the County for the approval of the Shoma project.

3. Update Regarding Keep the Bleau Green – Miguel Garcia

Mr. Garcia stated that the Keep the Bleau Green Committee is in support of the Shoma Project as Shoma has made modifications to the project to add a public park for the Fontainebleau community.

4. Discussion Regarding Shade Structures for Playgrounds

This item was tabled for the next meeting.

5. Discussion Regarding Lake Conditions

This item was tabled for the next meeting.

6. Consider Resolution No. 2023-05 – Adopting a Fiscal Year 2023/2024 Meeting Schedule

This item was tabled for the next meeting.

7. Consider Resolution No. 2023-06 – Authorizing Electronic Approvals and Check Signers

This item was tabled for the next meeting.

8. Discussion Regarding On-Street Overflow Parking Spots

Ms. De Torres provided the Board with two areas within the Las Ramblas community (rotunda and on 97th court/10 terrace). A discussion ensued after which the Board has agreed to allow visitor parking in the areas indicated and that these on-street parking areas will need to be open to all members of the public and cannot only be utilized by the residents near the area. This decision by the Board has been made due to the lack of visitor parking in the community.

9. Discussion Regarding Engineering Fees

This item was tabled for the next meeting.

I. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Discussion Regarding Ethics Training

This item was tabled for the next meeting.

2. Discussion Regarding Memo 2023 Legislative Update

This item was tabled for the next meeting.

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 Mr. Aparicio, seconded by Ms. De Torres and passed unanimously to adjourn the Regular Board Meeting at 10:40 p.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson





8935 NW 35 Lane, Suite 101 Doral, FL 33172
Tel (305) 640-1345
Email Alvarez@AlvarezEng.com
Website www.alvarezeng.com

February 16, 2023

Board of Supervisors
Fontainebleau Community Development District
Attn: District Manager Armando Silva
Special District Services, Inc.
2501 Burns Road
Palm Beach Gardens, FL 33410

Reference: Fontainebleau Community Development District
Alvarez Engineers Personnel Billing Rates
Via: Email Only: asilva@sdsinc.org

Dear Board of Supervisors,

In accordance with the terms of the Engineering Agreement, dated January 8, 2007, between Alvarez Engineers, Inc. and the CDD, I would like to respectfully request the Board of Supervisors to consider updating our hourly personnel billing rates and staff classifications to our proposed 2023 rates as shown in the attached table.

Please let me know if you have any questions or if you would like to discuss this further.

Sincerely,



Juan R. Alvarez, President
Alvarez Engineers, Inc.

Fontainebleau CDD			
Current 2006 Rates		Proposed 2023 Rates	
Principal	\$ 170.00	Principal	\$ 220.00
Chief Engineer			
Senior Engineer	\$ 140.00	Senior Engineer	\$ 185.00
Senior Project Engineer			
Project Manager	\$ 125.00	Engineer 2	\$ 160.00
Project Engineer	\$ 105.00	Engineer 1	\$ 140.00
		Electrical Engineer	\$ 135.00
Engineer	\$ 100.00		
Engineer Intern	\$ 90.00	Engineer Intern	\$ 130.00
CADD	\$ 75.00	Senior Designer	\$ 110.00
		CADD/Computer Technician	\$ 100.00
		Senior Engineering Technician	\$ 95.00
Engineering Technician	\$ 73.00	Engineering Technician	\$ 90.00
Secretary/Clerical	\$ 40.00	Senior Administrative	\$ 95.00
		Administrative	\$ 60.00

Staff Classification

Principal
 Senior Engineer
 Engineer 2
 Engineer 1
 Electrical Engineer
 Engineer Intern
 Senior Designer
 CADD/Computer Technician
 Senior Engineering Technician
 Engineering Technician
 Senior Administrative
 Administrative

Definition

Professional Engineer with 20+ years of post registration experience
 Professional Engineer with 10+ years of post registration experience
 Professional Engineer with 5+ years of post registration experience
 Professional Engineer with 0+ years of post registration experience
 Electrical Engineer with 2+ years of post-graduate experience
 Entry level with engineering degree; Engineering Intern License
 15+ years of design experience, non-registered
 Design and Drafting with 1+ year of experience
 5+ years of experience
 Entry level, with 0-4 years of experience
 Degreed executive assistant with 8+ years of experience
 Secretary / Clerical

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 21st 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

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 (recommend completion by 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

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”¹ 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.

¹ 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 Trustees² requiring all investment decisions relating to the state retirement system be based solely on pecuniary factors³. 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

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

³ 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.”

entity⁴ 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 issuers⁵ 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 bond⁶, 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 applications⁷ 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

⁴ 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.

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

⁶ 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.

⁷ 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 concern⁸. The law further prohibits a foreign principal⁹ 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

⁸ 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.

⁹ "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/>.