



**KENDALL BREEZE  
COMMUNITY DEVELOPMENT  
DISTRICT**

**MIAMI-DADE COUNTY  
REGULAR BOARD MEETING  
OCTOBER 26, 2023  
6:00 P.M.**

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

[www.kendallbreezecdd.org](http://www.kendallbreezecdd.org)  
786.347.2711 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile

**AGENDA**  
**KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT**  
Kendall Breeze Clubhouse No. 1  
12300 S.W. 125<sup>th</sup> Court  
Miami, Florida 33186  
**REGULAR BOARD MEETING**  
October 26, 2023  
6:00 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 25, 2023 PH & Regular Board Meeting Minutes.....Page 2
- G. New Business
  - 1. Consider Resolution No. 2023-04 – Adopting a 2022-2023 Revised Final Budget.....Page 6
- H. Old Business
  - 1. Update on Police Services.....Page 11
- I. Administrative Matters
  - 1. Financial Update.....Page 12
  - 2. Update on the Status of the Statement of Financial Interests Disclosure 2022 Form 1
  - 3. District Counsel Update on the 2023 Florida Legislative Session.....Page 17
  - 4. District Counsel Update on the 2023 Required Ethics Training.....Page 22
- J. Additional Board Member/Staff Comments
- K. Adjourn

MIAMI-DADE

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

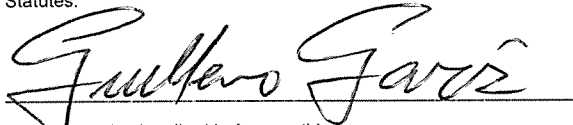
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement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

KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT -  
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE

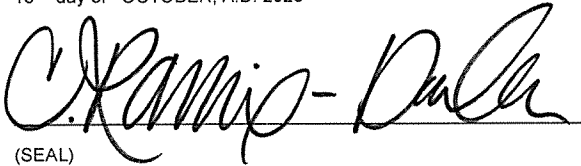
in the XXXX Court,  
was published in a newspaper by print in the issues of Miami  
Daily Business Review f/k/a Miami Review on

10/13/2023

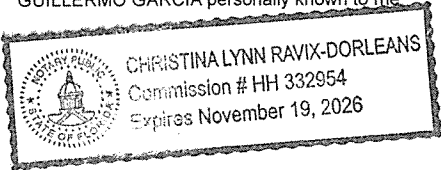
Affiant further says that the newspaper complies with all  
legal requirements for publication in chapter 50, Florida  
Statutes.



Sworn to and subscribed before me this  
13 day of OCTOBER, A.D. 2023



(SEAL)  
GUILLERMO GARCIA personally known to me



**KENDALL BREEZE COMMUNITY  
DEVELOPMENT DISTRICT  
FISCAL YEAR 2023/2024  
REGULAR MEETING SCHEDULE**

**NOTICE IS HEREBY GIVEN** that the Board of Supervisors of the Kendall Breeze Community Development District will hold Regular Meetings in the Conference Room of the Kendall Breeze Community Clubhouse No. 1 located at 12300 SW 125th Court, Miami, Florida 33186 at 6:00 p.m. on the following dates:

**October 26, 2023  
January 25, 2024  
April 25, 2024  
June 27, 2024  
September 26, 2024**

The purpose of the meetings is to conduct any business coming 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 786-347-2711 Ext. 2011 and/or toll free at 1-877-737-4922 at least five (5) days prior to the date of the particular meeting.

From time to time one or two Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that the Supervisors may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place certain as 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 786-347-2711 Ext. 2011 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.

**KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT**

[www.kendallbreezecdd.org](http://www.kendallbreezecdd.org)  
10/13

23-68/0000688547M

**KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT  
PUBLIC HEARING & REGULAR BOARD MEETING  
MAY 25, 2023**

**A. CALL TO ORDER**

Mrs. Perez called the May 25, 2023, Regular Board Meeting of the Kendall Breeze Community Development District (the “District”) to order at 6:00 p.m. at the Kendall Breeze Clubhouse No. 1, located at 12300 SW 125<sup>th</sup> Court, Miami, Florida 33186.

**B. PROOF OF PUBLICATION**

Proof of publication was presented that notice of the Regular Board Meeting had been published in the *Miami Daily Business Review* on October 17, 2022, as part of the District’s Fiscal Year 2022/2023 Regular Meeting Schedule, as legally required.

**C. ESTABLISH A QUORUM**

It was determined that the attendance of Chairperson Teresa Van Tassel, Vice Chairperson Octavio Perez and Supervisor Miguel “Michael” Suarez Tauben constituted a quorum and it was in order to proceed with the meeting.

Staff in attendance were: District Manager Gloria Perez of Special District Services, Inc.; and General Counsel Ginger Wald of Billing, Cochran, Lyles, Mauro & Ramsey, PA.

Also present were several members of the public.

**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. March 23, 2023, Regular Board Meeting**

The minutes of the March 23, Regular Board Meeting were presented, and the Board was asked if they had any comments or corrections.

|  |
|--|
| There being no corrections, a <b>MOTION</b> was made by Supervisor Perez, seconded by Supervisor Tauben and unanimously passed approving the minutes of Regular Board Meeting of the March 23, 2023, as presented. |
|--|

**Mrs. Perez then recessed the Regular Board Meeting and opened the Public Hearing.**

**G. PUBLIC HEARING**  
**1. Proof of Publication**

Proof of publication was presented that notice of the Public Hearing had been published in the *Miami Daily Business Review* on May 5, 2023, as legally required.

**Supervisor Miguel Sanfiel arrived at approximately 6:02 p.m.**

**2. Receive Public Comment on Fiscal Year 2023/2024 Final Budget**

Several inquiries and comments were made and addressed by members of the Board, District Counsel and District management, which consisted of when the last increase took place and it was determined that it was eleven (11) years ago. A detailed explanation was provided as to why the increase was taking place, noting that the proposed ‘operation and maintenance’ (O&M) assessment was for major infrastructure improvements, primarily the repaving and markings of the roadways which is due sooner than the District had anticipated, which had been estimated within the next 5 years pursuant to the 2022 District Engineer’s Report.

Mrs. Perez then closed the Public Hearing and reconvened the Regular Board Meeting.

**3. Consider Resolution No. 2023-02 – Adopting a Fiscal Year 2023/2024 Final Budget**

Mrs. Perez handed out a corrected version of the Resolution No. 2023-02, entitled:

**RESOLUTION NO. 2023-02**

**A RESOLUTION OF THE KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT ADOPTING A FISCAL YEAR 2023/2024 BUDGET.**

Mrs. Perez 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 the non-ad valorem special assessment tax roll (Assessment Levy).

A **MOTION** was made by Supervisor Tauben, seconded by Supervisor Perez and unanimously passed adopting Resolution No. 2023-02, approving the Fiscal Year 2023/2024 Final Budget, as presented.

**H. NEW BUSINESS**

**1. Consider Resolution No. 2023-03 – Adopting a Fiscal Year 2023/2024 Meeting Schedule**

Mrs. Perez presented Resolution No. 2023-03, entitled:

**RESOLUTION NO. 2023-03**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KENDALL BREEZE 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.**

Mrs. Perez read the title of the resolution into the record and noted that meetings would remain at the Kendall Breeze Clubhouse No. 1 located at 12300 S.W. 125<sup>th</sup> Court, Miami, Florida 33186, with the start time of 6:00 p.m. on the following dates:

**October 26, 2023** *Amended Budget*  
**January 25, 2024**  
**April 25, 2024** *Proposed Budget*  
**June 27, 2024** *Final Budget*  
**September 26, 2024**

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Van Tassel and unanimously passed adopting Resolution No. 2023-03, as presented.

**I. OLD BUSINESS**

**1. Update on Police Services**

Mrs. Perez advised that the Police Services were provided as scheduled and on May 17, 2023, Officer Hernandez completed the District’s log. During the his 3 hour shift, he issued a total of 7 traffic citations.

Supervisor Tauben indicated, in his opinion, the police are being very fair and professional with regard to the violations and warnings. He added that he would like for the District to send an appreciation letter to the police department on behalf of the District.

A member of the public who happens to be a police officer suggested the District request free detail services to reduce the cost of said off duty police services.

District management was advised to notify HOA management that all “Stop” signs are required to be DOT approved and have the required sticker to ensure that the police can enforce traffic violations.

District management was also asked to advise HOA management of the high hedges obstructing visibility at the intersection of SW 125<sup>th</sup> Court and SW 125<sup>th</sup> Terrace.

**2. Update on Stormwater Management System Cleaning Services**

The stormwater management system cleaning service was completed by Raptor Vac and included the 3 structures (near SW 120<sup>th</sup> Street, which was added as a change order.)

**J. ADMINISTRATIVE MATTERS**

**1. Financial Update**

Mrs. Perez presented the financial statement and indicated that finances were stable and would cover anticipated expenditures. She also noted that available funds as of April 30, 2023, were \$264,183.41.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Tauben and passed unanimously ratifying and approving the financials, as presented.

**2. 2022 Form 1 – Statement of Financial Interests**

Mrs. Perez advised the Board that they should be receiving in the mail their individual 2022 Form 1-Statement of Financial Interests and to complete and send in, via either e-mail, mail or hand delivery, to the Supervisor of Elections' office by the July 1, 2023, deadline.

**K. ADDITIONAL BOARD MEMBER/STAFF COMMENTS**

A discussion ensued and the Board requested the attendance of the District Manager at the upcoming meeting and that an update on the Road Repairs Project be provided.

**L. ADJOURNMENT**

There being no further business to come before the Board, a **MOTION** was made by Supervisor Van Tassel, seconded by Supervisor Perez adjourning the Regular Board Meeting at 6:51 p.m. The **MOTION** carried unanimously.

**ATTESTED BY:**

\_\_\_\_\_  
**Secretary/Assistant Secretary**

\_\_\_\_\_  
**Chairman/Vice-Chair**

**RESOLUTION NO. 2023-04**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Kendall Breeze Community Development District (“District”) is empowered to provide a funding source and to impose special assessments upon the properties within the District; and,

**WHEREAS**, the District has prepared for consideration and approval an Amended Budget.

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

**Section 1.** The Amended Budget for Fiscal Year 2022/2023 attached hereto as Exhibit “A” is hereby approved and adopted.

**Section 2.** The Secretary/Assistant 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 26<sup>th</sup> day of October, 2023.

**ATTEST:**

**KENDALL BREEZE  
COMMUNITY DEVELOPMENT DISTRICT**

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

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



Kendall Breeze  
Community Development District

**Amended Final Budget For  
Fiscal Year 2022/2023  
October 1, 2022 - September 30, 2023**

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- I AMENDED FINAL OPERATING FUND BUDGET
- II AMENDED FINAL DEBT SERVICE FUND BUDGET

**AMENDED FINAL BUDGET**  
**KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT**  
**OPERATING FUND**  
**FISCAL YEAR 2022/2023**  
**OCTOBER 1, 2022 - SEPTEMBER 30, 2023**

|  | FISCAL YEAR<br>2022/2023<br>BUDGET<br>10/1/22 - 9/30/23 | AMENDED<br>FINAL<br>BUDGET<br>10/1/22 - 9/30/23 | YEAR<br>TO DATE<br>ACTUAL<br>10/1/22 - 9/29/23 |
|--|---|---|--|
| <b>REVENUES</b>                          |   |   |  |
| Administrative Assessments               | 37,203  | 38,188  | 38,188   |
| Maintenance Assessments                  | 110,920   | 110,921   | 110,921  |
| Debt Assessments                         | 431,824   | 431,826   | 431,826  |
| Other Revenues                           | 0   | 31  | 31   |
| Interest Income                          | 600   | 15,870  | 15,770   |
| <b>Total Revenues</b>                    | <b>\$ 580,547</b>                                       | <b>\$ 596,836</b>                               | <b>\$ 596,736</b>                              |
| <b>ADMINISTRATIVE EXPENDITURES</b>       |   |   |  |
| Supervisor Fees                          | 6,000   | 2,515   | 2,515  |
| Payroll Taxes - Employer                 | 480   | 199   | 199  |
| Management                               | 32,676  | 32,676  | 32,676   |
| Secretarial                              | 4,200   | 4,200   | 4,200  |
| Legal                                    | 8,000   | 8,100   | 7,101  |
| Assessment Roll                          | 6,000   | 6,000   | 6,000  |
| Audit Fees                               | 3,700   | 3,700   | 3,700  |
| Insurance                                | 6,200   | 7,004   | 7,004  |
| Legal Advertisements                     | 650   | 650   | 272  |
| Miscellaneous                            | 950   | 800   | 389  |
| Postage                                  | 575   | 840   | 826  |
| Office Supplies                          | 600   | 550   | 510  |
| Dues & Subscriptions                     | 175   | 175   | 175  |
| Website Management                       | 2,000   | 2,000   | 2,000  |
| <b>TOTAL ADMINISTRATIVE EXPENDITURES</b> | <b>\$ 72,206</b>  | <b>\$ 69,409</b>                                | <b>\$ 67,568</b>                               |
| <b>MAINTENANCE EXPENDITURES</b>          |   |   |  |
| Maintenance/Contingency                  | 9,000   | 4,500   | 0  |
| Roadway Improvements/Reserve             | 90,000  | 90,000  | 0  |
| Drainage Improvements/Reserve            | 30,000  | 30,000  | 15,635   |
| Traffic Enforcement - Off-Duty Police    | 5,400   | 6,000   | 4,867  |
| Engineering/Inspections                  | 6,500   | 4,200   | 3,151  |
| <b>TOTAL MAINTENANCE EXPENDITURES</b>    | <b>\$ 140,900</b>                                       | <b>\$ 134,700</b>                               | <b>\$ 23,653</b>                               |
| <b>TOTAL EXPENDITURES</b>                | <b>\$ 213,106</b>                                       | <b>\$ 204,109</b>                               | <b>\$ 91,221</b>                               |
| <b>REVENUES LESS EXPENDITURES</b>        | <b>\$ 367,441</b>                                       | <b>\$ 392,727</b>                               | <b>\$ 505,515</b>                              |
| Bond Payments                            | (405,915)   | (411,622)                                       | (411,622)                                      |
| <b>Balance</b>                           | <b>\$ (38,474)</b>                                      | <b>\$ (18,895)</b>                              | <b>\$ 93,893</b>                               |
| County Appraiser & Tax Collector Fee     | (11,598)  | (5,589)   | (5,589)  |
| Discounts For Early Payments             | (23,198)  | (21,550)  | (21,550)                                       |
| <b>Excess/ (Shortfall)</b>               | <b>\$ (73,270)</b>                                      | <b>\$ (46,034)</b>                              | <b>\$ 66,754</b>                               |
| Carryover From Prior Year                | 73,270  | 73,270  | 0  |
| <b>Net Excess/ (Shortfall)</b>           | <b>\$ -</b>   | <b>\$ 27,236</b>                                | <b>\$ 66,754</b>                               |

|                                     |  |
|-------------------------------------|--|
| FUND BALANCE AS OF 9/30/22          |  |
| FY 2022/2023 ACTIVITY               |  |
| RESERVE FUNDS BALANCE AS OF 9/30/23 |  |
| FUND BALANCE AS OF 9/30/23          |  |

|            |
|------------|
| \$643,780  |
| (\$46,034) |
| \$479,000  |
| \$118,746  |

Note: Carryover From Prior Year Of \$73,270 was used to reduce Fiscal Year 2022/2023 Assessments.  
Unspent Roadways & Drainage Maintenance To Be Added To Reserve.

**AMENDED FINAL BUDGET**  
**KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT**  
**DEBT SERVICE FUND**  
**FISCAL YEAR 2022/2023**  
**OCTOBER 1, 2022 - SEPTEMBER 30, 2023**

|                            | <b>FISCAL YEAR</b><br><b>2022/2023</b><br><b>BUDGET</b><br><b>10/1/22 - 9/30/23</b> | <b>AMENDED</b><br><b>FINAL</b><br><b>BUDGET</b><br><b>10/1/22 - 9/30/23</b> | <b>YEAR</b><br><b>TO DATE</b><br><b>ACTUAL</b><br><b>10/1/22 - 9/29/23</b> |
|----------------------------|---|---|--|
| <b>REVENUES</b>            |   |   |  |
| Interest Income            | 1,000   | 0   | 0  |
| NAV Tax Collection         | 405,915   | <b>411,622</b>  | 411,622  |
| <b>Total Revenues</b>      | <b>\$ 406,915</b>   | <b>\$ 411,622</b>   | <b>\$ 411,622</b>  |
|                            |   |   |  |
| <b>EXPENDITURES</b>        |   |   |  |
| Principal Payments         | 250,769   | <b>239,970</b>  | 239,970  |
| Interest Payments          | 156,146   | <b>161,591</b>  | 161,591  |
| <b>Total Expenditures</b>  | <b>\$ 406,915</b>   | <b>\$ 401,561</b>   | <b>\$ 401,561</b>  |
|                            |   |   |  |
| <b>EXCESS/ (SHORTFALL)</b> | <b>\$ -</b>   | <b>\$ 10,061</b>  | <b>\$ 10,061</b>   |

|                            |           |
|----------------------------|-----------|
| FUND BALANCE AS OF 9/30/22 | \$826,143 |
| FY 2022/2023 ACTIVITY      | \$10,061  |
| FUND BALANCE AS OF 9/30/23 | \$836,204 |

Note\*: Reserve Fund Balance = \$429,712. Revenue Fund Balance = \$404,492.  
Revenue Fund Balance To Be Used To Make 11/1/2023 Principal & Interest Payment Of \$329,484  
(Principal: \$250,769 + Interest: \$78,715 = \$329,484).

\* Approximate Amounts

**Series 2007 Refunding Bonds Information**

|                            |               |                                |
|----------------------------|---------------|--------------------------------|
| Original Par Amount =      | \$6,161,095   | Annual Principal Payments Due: |
| Interest Rate =            | 4.50%         | November 1st                   |
| Issue Date =               | March 2007    | Annual Principal Payments Due: |
| Maturity Date =            | November 2033 | May 1st & November 1st         |
| Par Amount As Of 9/30/23 = | \$3,469,930   |                                |



July 5, 2023

**RATE CHANGES FOR OFF-DUTY POLICE SERVICES**

To: Off-Duty Police Service Customer

Due to contribution rate changes to the required Florida Retirement System, the Miami-Dade Police Department Off-Duty Police Service hourly rates have changed to the new rates listed below:

| <b>Classification</b> | <b>Regular Off-Duty Rates</b> | <b>*DROP Off-Duty Rates</b> | <b>Holiday Off-Duty Rates</b> | <b>Holiday *DROP Off-Duty Rates</b> |
|-----------------------|-------------------------------|-----------------------------|-------------------------------|-------------------------------------|
| Officer               | \$72.75                       | \$67.00                     | \$109.00                      | \$100.25                            |
| Reserve Officer       | \$52.50                       | N/A                         | \$78.75                       | N/A                                 |
| Sergeant              | \$75.50                       | \$69.50                     | \$112.00                      | \$103.00                            |
| Lieutenant            | \$78.50                       | \$72.25                     | \$114.75                      | \$105.75                            |
| Captain               | \$81.50                       | \$75.00                     | \$117.75                      | \$108.25                            |

\*DROP (Deferred Retirement Option Program)

These new rates will become **effective on Monday, July 10, 2023**. Acceptance of Off-Duty Police services performed by our law enforcement personnel on or beyond that date will represent acceptance of these new rates.

If you have any questions regarding these rate changes, you may contact Mr. Willy Solis at (305) 471-3241 or Mr. Armando Lozano at (305) 471-1767. Also, you may send your inquiries via e-mail to [fnodp2@miamidade.gov](mailto:fnodp2@miamidade.gov).

Sincerely,

Nicholas Santos, Fiscal Resources Manager  
 Fiscal Administration Bureau

Kendall Breeze  
Community Development District

**Financial Report For  
September 2023**

**Kendall Breeze Community Development District**  
**Budget vs. Actual**  
**October 2022 through September 2023**

|  | <u>Oct 22 - Sept 23</u> | <u>22/23 Budget</u> | <u>\$ Over Budget</u>   | <u>% of Budget</u>   |
|--|-------------------------|---------------------|-------------------------|----------------------|
| <b>Income</b>                            |                         |                     |                         |                      |
| 363.100 · Admin Assessment Income        | 38,187.59               | 37,203.00           | 984.59                  | 102.65%              |
| 363.101 · Maint Assessment Income        | 110,921.20              | 110,920.00          | 1.20                    | 100.0%               |
| 363.810 · Debt Assessments               | 431,826.20              | 431,824.00          | 2.20                    | 100.0%               |
| 363.820 · Debt Assessments-Pd To Trustee | -411,622.35             | -405,915.00         | -5,707.35               | 101.41%              |
| 363.830 · Assessment Fees                | -5,589.14               | -11,598.00          | 6,008.86                | 48.19%               |
| 363.831 · Assessment Discounts           | -21,550.45              | -23,198.00          | 1,647.55                | 92.9%                |
| 369.399 · Carryover From Prior Year      | 0.00                    | 73,270.00           | -73,270.00              | 0.0%                 |
| 369.400 · Other Revenues                 | 31.30                   | 0.00                | 31.30                   | 100.0%               |
| 369.401 · Interest Income                | 15,769.96               | 600.00              | 15,169.96               | 2,628.33%            |
| <b>Total Income</b>                      | <u>157,974.31</u>       | <u>213,106.00</u>   | <u>-55,131.69</u>       | <u>74.13%</u>        |
| <b>Gross Profit</b>                      | 157,974.31              | 213,106.00          | -55,131.69              | 74.13%               |
| <b>Expense</b>                           |                         |                     |                         |                      |
| 511.308 · Traffic Enforcement            | 4,867.50                | 5,400.00            | -532.50                 | 90.14%               |
| <b>511. · Professional Fees</b>          |                         |                     |                         |                      |
| 511.310 · Engineering                    | 3,150.50                | 6,500.00            | -3,349.50               | 48.47%               |
| 511.315 · Legal Fees                     | 7,101.00                | 8,000.00            | -899.00                 | 88.76%               |
| 511.320 · Audit Fees                     | 3,700.00                | 3,700.00            | 0.00                    | 100.0%               |
| <b>Total 511. · Professional Fees</b>    | <u>13,951.50</u>        | <u>18,200.00</u>    | <u>-4,248.50</u>        | <u>76.66%</u>        |
| 511.122 · Payroll tax expense            | 198.90                  | 480.00              | -281.10                 | 41.44%               |
| 511.131 · Supervisor Fees                | 2,515.30                | 6,000.00            | -3,484.70               | 41.92%               |
| 511.305 · Maintenance/Contingency        | 0.00                    | 9,000.00            | -9,000.00               | 0.0%                 |
| 511.306 · Roadway Imp/Reserve            | 0.00                    | 90,000.00           | -90,000.00              | 0.0%                 |
| 511.307 · Drainage Improvements/Reserve  | 15,635.00               | 30,000.00           | -14,365.00              | 52.12%               |
| 511.311 · Management Fees                | 32,676.00               | 32,676.00           | 0.00                    | 100.0%               |
| 511.312 · Secretarial Fees               | 4,200.00                | 4,200.00            | 0.00                    | 100.0%               |
| 511.318 · Assessment/Tax Roll            | 6,000.00                | 6,000.00            | 0.00                    | 100.0%               |
| 511.450 · Insurance                      | 7,004.00                | 6,200.00            | 804.00                  | 112.97%              |
| 511.480 · Legal Advertisements           | 271.88                  | 650.00              | -378.12                 | 41.83%               |
| 511.512 · Miscellaneous                  | 388.83                  | 950.00              | -561.17                 | 40.93%               |
| 511.513 · Postage and Delivery           | 826.40                  | 575.00              | 251.40                  | 143.72%              |
| 511.514 · Office Supplies                | 510.00                  | 600.00              | -90.00                  | 85.0%                |
| 511.540 · Dues, License & Subscriptions  | 175.00                  | 175.00              | 0.00                    | 100.0%               |
| 511.750 · Website Management             | 1,999.92                | 2,000.00            | -0.08                   | 100.0%               |
| <b>Total Expense</b>                     | <u>91,220.23</u>        | <u>213,106.00</u>   | <u>-121,885.77</u>      | <u>42.81%</u>        |
| <b>Net Income</b>                        | <u><u>66,754.08</u></u> | <u><u>0.00</u></u>  | <u><u>66,754.08</u></u> | <u><u>100.0%</u></u> |

**KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT  
MONTHLY FINANCIAL REPORT  
SEPTEMBER 2023**

|  | Annual<br>Budget<br>10/1/22 - 9/30/23 | Actual<br>Sep-23   | Year<br>To Date<br>Actual<br>10/1/22 - 9/30/23 |
|--|---------------------------------------|--------------------|--|
| <b>REVENUES</b>                          |                                       |                    |  |
| Administrative Assessments               | 37,203                                | 0                  | 38,188   |
| Maintenance Assessments                  | 110,920                               | 0                  | 110,921  |
| Debt Assessments                         | 431,824                               | 0                  | 431,826  |
| Other Revenues                           | 0                                     | 31                 | 31   |
| Interest Income                          | 600                                   | 0                  | 15,770   |
| <b>Total Revenues</b>                    | <b>\$ 580,547</b>                     | <b>\$ 31</b>       | <b>\$ 596,736</b>                              |
| <b>EXPENDITURES</b>                      |                                       |                    |  |
| <b>Maintenance Expenditures</b>          |                                       |                    |  |
| Maintenance/Contingency                  | 9,000                                 | 0                  | 0  |
| Roadway Improvements/Reserve             | 90,000                                | 0                  | 0  |
| Drainage Improvements/Reserve            | 30,000                                | 0                  | 15,635   |
| Traffic Enforcement - Off-Duty Police    | 5,400                                 | 2,195              | 4,867  |
| Engineering/Inspections                  | 6,500                                 | 0                  | 3,151  |
| <b>Total Maintenance Expenditures</b>    | <b>\$ 140,900</b>                     | <b>\$ 2,195</b>    | <b>\$ 23,653</b>                               |
| <b>Administrative Expenditures</b>       |                                       |                    |  |
| Supervisor Fees                          | 6,000                                 | 0                  | 2,515  |
| Payroll Taxes (Employer)                 | 480                                   | 0                  | 199  |
| Management                               | 32,676                                | 2,723              | 32,676   |
| Secretarial                              | 4,200                                 | 350                | 4,200  |
| Legal                                    | 8,000                                 | 0                  | 7,101  |
| Assessment Roll                          | 6,000                                 | 6,000              | 6,000  |
| Audit Fees                               | 3,700                                 | 0                  | 3,700  |
| Insurance                                | 6,200                                 | 0                  | 7,004  |
| Legal Advertisements                     | 650                                   | 0                  | 272  |
| Miscellaneous                            | 950                                   | 0                  | 389  |
| Postage                                  | 575                                   | 22                 | 826  |
| Office Supplies                          | 600                                   | 1                  | 510  |
| Dues & Subscriptions                     | 175                                   | 0                  | 175  |
| Website Management                       | 2,000                                 | 167                | 2,000  |
| <b>Total Administrative Expenditures</b> | <b>\$ 72,206</b>                      | <b>\$ 9,263</b>    | <b>\$ 67,568</b>                               |
| <b>Total Expenditures</b>                | <b>\$ 213,106</b>                     | <b>\$ 11,458</b>   | <b>\$ 91,220</b>                               |
| <b>Revenues Less Expenditures</b>        | <b>\$ 367,441</b>                     | <b>\$ (11,426)</b> | <b>\$ 505,516</b>                              |
| Bond Payments                            | (405,915)                             | 0                  | (411,622)                                      |
| <b>Balance</b>                           | <b>\$ (38,474)</b>                    | <b>\$ (11,426)</b> | <b>\$ 93,894</b>                               |
| County Appraiser & Tax Collector Fee     | (11,598)                              | 0                  | (5,589)  |
| Discounts For Early Payments             | (23,198)                              | 0                  | (21,550)                                       |
| <b>Excess/ (Shortfall)</b>               | <b>\$ (73,270)</b>                    | <b>\$ (11,426)</b> | <b>\$ 66,754</b>                               |
| Carryover from Prior Year                | 73,270                                | 0                  | 0  |
| <b>Net Excess/ (Shortfall)</b>           | <b>\$ -</b>                           | <b>\$ (11,426)</b> | <b>\$ 66,754</b>                               |

|   |               |
|---|---------------|
| Bank Balance As Of 9/30/23                      | \$ 722,466.19 |
| Accounts Payable As Of 9/30/23                  | \$ 11,931.88  |
| Accounts Receivable As Of 9/30/23               | \$ -          |
| Reserve For Roadway Improvements As Of 9/30/23  | \$ 379,000.00 |
| Reserve For Drainage Improvements As Of 9/30/23 | \$ 100,000.00 |
| Available Funds As Of 9/30/23                   | \$ 231,534.31 |



**Kendall Breeze Community Development District  
Check Register  
May 2023 - September 2023**

| Check #      | Date     | Vendor                                   | Amount           |
|--------------|----------|--|------------------|
| 5-1          | 5/2/2023 | Alvarez Engineering, Inc.                | 1,964.00         |
| 5-2          | 5/2/2023 | Special District Services, Inc.          | 3,459.34         |
| 6-1          | 6/6/2023 | ALM Media, LLC                           | 170.30           |
| 6-2          | 6/6/2023 | Billing, Cochran, Lyles, Mauro, & Ramsey | 1,481.00         |
| 6-3          | 6/6/2023 | Grau & Associates                        | 3,700.00         |
| 6-4          | 6/6/2023 | Special District Services, Inc.          | 6,769.01         |
| 7-1          | 7/6/2023 | Billing, Cochran, Lyles, Mauro, & Ramsey | 1,057.50         |
| 7-2          | 7/6/2023 | Kendall Breeze CDD (Assessment Account)  | 14,047.00        |
| 7-3          | 7/6/2023 | Raptor Vac-Systems, Inc.                 | 7,600.00         |
| 7-4          | 7/6/2023 | Special District Services, Inc.          | 3,382.26         |
| 8-1          | 8/2/2023 | Alvarez Engineering, Inc.                | 1,060.00         |
| 8-2          | 8/2/2023 | Billing, Cochran, Lyles, Mauro, & Ramsey | 400.00           |
| 8-3          | 8/2/2023 | Kendall Breeze CDD (Assessment Account)  | 7,491.45         |
| 8-4          | 8/2/2023 | Special District Services, Inc.          | 3,264.96         |
| 9-1          | 9/6/2023 | Billing, Cochran, Lyles, Mauro, & Ramsey | 400.00           |
| 9-2          | 9/6/2023 | Special District Services, Inc.          | 3,262.51         |
| <b>TOTAL</b> |          |  | <b>59,509.33</b> |

**KENDALL BREEZE CDD  
TAX COLLECTIONS  
2022-2023**

| #  | ID#     | PAYMENT FROM             | DATE     | FOR                     | Tax Collect Receipts | Interest Received | Commissions Paid | Discount       | Net From Tax Collector | Admin Assessment Income (Before Discounts & Fees) | Maint Assessment Income (Before Discounts & Fees) | Debt Assessment Income (Before Discounts & Fees) | Admin Assessment Income (After Discounts & Fees) | Maint Assessment Income (After Discounts & Fees) | Debt Assessment Income (After Discounts & Fees) | Debt Assessment Paid to Trustee |
|----|---------|--------------------------|----------|-------------------------|----------------------|-------------------|------------------|----------------|------------------------|---|---|--|--|--|---|---------------------------------|
|    |         |                          |          |                         |                      |                   |                  |                | \$ 579,947             | \$ 37,203   | \$ 110,920  | \$ 431,824                                       | \$ 37,203  | \$ 110,920                                       | \$ 431,824                                      |                                 |
|    |         |                          |          |                         |                      |                   |                  |                | \$ 545,151             | \$ 34,971   | \$ 104,265  | \$ 405,915                                       | \$ 34,971  | \$ 104,265                                       | \$ 405,915                                      | \$ 405,915                      |
| 1  | 1       | Miami-Dade Tax Collector | 11/23/22 | NAV Taxes               | \$ 44,289.71         |                   | \$ (424.92)      | \$ (1,797.82)  | \$ 42,066.97           | \$ 2,838.91                                       | \$ 8,472.65                                       | \$ 32,978.15                                     | \$ 2,696.37                                      | \$ 8,047.45                                      | \$ 31,323.15                                    | \$ 31,323.15                    |
| 2  | 2       | Miami-Dade Tax Collector | 11/25/22 | NAV Taxes               | \$ 36,107.82         |                   | \$ (346.65)      | \$ (1,444.30)  | \$ 34,316.87           | \$ 2,314.47                                       | \$ 6,907.45                                       | \$ 26,885.90                                     | \$ 2,199.62                                      | \$ 6,564.85                                      | \$ 25,552.40                                    | \$ 25,552.40                    |
| 3  | 3       | Miami-Dade Tax Collector | 12/07/22 | NAV Taxes               | \$ 405,401.15        |                   | \$ (3,891.83)    | \$ (16,216.18) | \$ 385,293.14          | \$ 25,986.20                                      | \$ 77,553.25                                      | \$ 301,861.70                                    | \$ 24,697.24                                     | \$ 73,706.60                                     | \$ 286,889.30                                   | \$ 286,889.30                   |
| 4  | 4       | Miami-Dade Tax Collector | 12/22/22 | NAV Taxes               | \$ 15,436.55         |                   | \$ (148.81)      | \$ (556.56)    | \$ 14,731.18           | \$ 989.40   | \$ 2,953.05                                       | \$ 11,494.10                                     | \$ 944.13  | \$ 2,818.10                                      | \$ 10,968.95                                    | \$ 10,968.95                    |
| 5  | 5       | Miami-Dade Tax Collector | 01/11/23 | NAV Taxes               | \$ 36,332.07         |                   | \$ (350.45)      | \$ (1,286.44)  | \$ 34,695.18           | \$ 2,328.82                                       | \$ 6,950.35                                       | \$ 27,052.90                                     | \$ 2,223.88                                      | \$ 6,637.20                                      | \$ 25,834.10                                    | \$ 25,834.10                    |
| 6  | 6       | Miami-Dade Tax Collector | 02/09/23 | NAV Taxes               | \$ 9,079.60          |                   | \$ (88.84)       | \$ (195.14)    | \$ 8,795.62            | \$ 581.95   | \$ 1,736.95                                       | \$ 6,760.70                                      | \$ 563.77  | \$ 1,682.60                                      | \$ 6,549.25                                     | \$ 6,549.25                     |
| 7  | Int -1  | Miami-Dade Tax Collector | 02/23/23 | Interest                |                      | \$ 325.32         |                  |                | \$ 325.32              | \$ 325.32   |   |  | \$ 325.32  |  |   | \$ -                            |
| 8  | 7       | Miami-Dade Tax Collector | 03/08/23 | NAV Taxes               | \$ 4,065.18          |                   | \$ (40.25)       | \$ (40.66)     | \$ 3,984.27            | \$ 260.53   | \$ 777.70   | \$ 3,026.95                                      | \$ 255.27  | \$ 762.25  | \$ 2,966.75                                     | \$ 2,966.75                     |
| 9  | 8       | Miami-Dade Tax Collector | 04/07/23 | NAV Taxes               | \$ 12,843.32         |                   | \$ (128.29)      | \$ (13.35)     | \$ 12,701.68           | \$ 823.22   | \$ 2,456.95                                       | \$ 9,563.15                                      | \$ 814.08  | \$ 2,429.85                                      | \$ 9,457.75                                     | \$ 9,457.75                     |
| 10 | 9       | Miami-Dade Tax Collector | 05/10/23 | NAV Taxes/Interest      | \$ 6,225.63          | \$ 144.22         | \$ (63.70)       |                | \$ 6,306.15            | \$ 543.25   | \$ 1,191.00                                       | \$ 4,635.60                                      | \$ 537.80  | \$ 1,179.10                                      | \$ 4,589.25                                     | \$ 4,589.25                     |
| 11 | Int - 2 | Miami-Dade Tax Collector | 05/17/23 | Interest                |                      | \$ 82.15          |                  |                | \$ 82.15               | \$ 82.15  |   |  | \$ 82.15   |  |   | \$ -                            |
| 12 | 10      | Miami-Dade Tax Collector | 06/07/23 | NAV Taxes/Interest      | \$ 6,048.76          | \$ 175.40         | \$ (62.25)       |                | \$ 6,161.91            | \$ 563.06   | \$ 1,157.15                                       | \$ 4,503.95                                      | \$ 557.36  | \$ 1,145.60                                      | \$ 4,458.95                                     | \$ 4,458.95                     |
| 13 | 11      | Miami-Dade Tax Collector | 06/23/23 | NAV Taxes/Interest (TC) | \$ 4,129.11          | \$ 185.81         | \$ (43.15)       |                | \$ 4,271.77            | \$ 487.12   | \$ 764.70   | \$ 3,063.10                                      | \$ 482.17  | \$ 757.10  | \$ 3,032.50                                     | \$ 3,032.50                     |
| 14 | Int - 3 | Miami-Dade Tax Collector | 08/09/23 | Interest                |                      | \$ 63.19          |                  |                | \$ 63.19               | \$ 63.19  |   |  | \$ 63.19   |  |   | \$ -                            |
| 15 |         |                          |          |                         |                      |                   |                  |                | \$ -                   | \$ -  |   |  |  |  |   | \$ -                            |
| 16 |         |                          |          |                         |                      |                   |                  |                | \$ -                   | \$ -  |   |  |  |  |   | \$ -                            |
|    |         |                          |          |                         | \$ 579,958.90        | \$ 976.09         | \$ (5,589.14)    | \$ (21,550.45) | \$ 553,795.40          | \$ 38,187.59                                      | \$ 110,921.20                                     | \$ 431,826.20                                    | \$ 36,442.35                                     | \$ 105,730.70                                    | \$ 411,622.35                                   | \$ 411,622.35                   |

**Total KB Roll = 579,958.90**

Note: \$579,947, \$37,203, \$110,920 and \$431,824 are 2022/2023 Budgeted assessments before discounts and fees.

Note: \$545,151, \$34,971, \$104,265 and \$405,915 are 2022/2023 Budgeted assessments after discounts and fees.

|                 |                 |
|-----------------|-----------------|
| \$ 579,958.90   |                 |
| \$ 976.09       | \$ 553,795.40   |
| \$ (38,187.59)  | \$ (36,442.35)  |
| \$ (110,921.20) | \$ (105,730.70) |
| \$ (431,826.20) | \$ (411,622.35) |
| \$ -            | \$ -            |

## 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/>.

## 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.