



**KENDALL BREEZE WEST
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
REGULAR BOARD MEETING
OCTOBER 19, 2022
7:00 P.M.**

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

www.kendallbreezewestcdd.org
786.347.2700 ext. 2027 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT
Community Clubhouse – Meeting Room
11780 SW 138th Avenue
Miami, Florida 33186
REGULAR BOARD MEETING
October 19, 2022
7:00 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Appointment of Officer to Vacant Seat
- E. Administer Oath of Office and Review New Board Member Duties and Responsibilities
- F. Election of Officers
 - Chairperson
 - Vice Chairperson
 - Secretary/Treasurer
 - Assistant Secretary
- G. Additions or Deletions to Agenda
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 - 1. Statement of Financial Interest/Disclosure 2021 Form 1 Update
 - 2. General Election Candidates (Seats 1 & 2; General Election 11/8/22)
- M. Board Member & Staff Closing Comments
- N. Adjourn

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Published in Miami Daily Business Review on October 10, 2022

Location

Miami-Dade County,

Notice Text

KENDALL BREEZE WEST COMMUNITY
DEVELOPMENT DISTRICT FISCAL YEAR
2022/2023 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the "Board") of the Kendall Breeze West Community Development District (the "District") will hold Regular Meetings in the Kendall Breeze West Community Clubhouse Meeting Room located at 11780 SW 138th Avenue, Miami, Florida 33186 at 7:00 p.m. on the following dates:

October 19, 2022

November 16, 2022

February 15, 2023

March 15, 2023

April 19, 2023

May 17, 2023

June 21, 2023

September 20, 2023

The purpose of the meetings is for the Board to consider 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 for Community Development Districts. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at nnguyen@sdsinc.org and/or toll free at 1-877-737-4922, 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 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 nnguyen@sdsinc.org 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 with no advertised notice.

KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT

www.kendallbreezewestcdd.org

10/10 22-03/0000623953M

**KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING & PUBLIC HEARING
JUNE 15, 2022**

A. CALL TO ORDER

District Manager Nancy Nguyen called the June 15, 2022, Regular Board Meeting of the Kendall Breeze West Community Development District (the “District”) to order at approximately 7:04 p.m. in the Meeting Room at the Kendall Breeze West Community Clubhouse located at 11780 SW 138th Avenue, Miami, Florida 33186.

B. PROOF OF PUBLICATION

Ms. Nguyen presented proof of publication that notice of the June 15, 2022, Regular Board Meeting had been published in the *Miami Daily Business Review* on October 6, 2021, as part of the District’s fiscal year 2022/2023 meeting schedule, *as legally required*.

C. ESTABLISH A QUORUM

It was determined that the attendance of Chairman Eduardo Sanchez, Vice Chairperson Marianna Antunez and Supervisors Liana Cervino and Jessica Figueroa constituted a quorum and it was in order to proceed with the meeting.

Attending Staff were as follows: District Manager Nancy Nguyen of Special District Services, Inc.; and General Counsel Gregory George of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

D. CONSIDER BOARD MEMBER RESIGNATION (AHSAKI GUILBEAUX)

Ms. Nguyen stated that she was in possession of a resignation letter from Ahsaki Guilbeaux with an effective date of April 25, 2022, and it would be in order for the Board of Supervisors (the “Board”) to consider.

A **motion** was made by Ms. Figueroa, seconded by Ms. Antunez and unanimously passed to accept the resignation of Ahsaki Guilbeaux, effective April 25, 2022.

Ms. Nguyen stated that there was now a vacancy in Seat #3, which term expires in November 2024.

E. APPOINTMENT OF OFFICER TO VACANT SEAT

This item was not required at this time.

F. ADMINISTER OATH OF OFFICE AND REVIEW NEW BOARD MEMBER DUTIES AND RESPONSIBILITIES

This item was not required at this time.

G. ELECTION OF OFFICERS

As a result of the changes to the Board of the District, Ms. Nguyen recommended that re-election of the District's Officers take place. She provided the following slate of names for election:

- Chairman – Eduardo Sanchez
- Vice Chair – Marianna Antunez
- Secretary/Treasurer – Nancy Nguyen
- Assistant Secretaries – Jessica Figueroa, Liana Cervino, Armando Silva and Gloria Perez

A **motion** was made by Ms. Figueroa, seconded by Ms. Cervino and passed unanimously to *elect* the District's Officers, as listed above.

H. ADDITIONS OR DELETIONS TO THE AGENDA

Ms. Nguyen informed the Board that she would like to add the following item to the agenda:

- Administrative & Operational Matters Item 2. – Discussion Regarding Allstate Increase Letter
- New Business Item 2. – Discussion Regarding Roadway Life Expectancy/Resurfacing

The Board acknowledged Ms. Nguyen's request.

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

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

J. APPROVAL OF MINUTES

1. March 16, 2002, Regular Board Meeting

Ms. Nguyen presented the minutes of the March 16, 2022, Regular Board Meeting and asked if there were any changes and/or corrections. There being no comments or changes, a **motion** was made by Ms. Figueroa, seconded by Ms. Antunez and passed unanimously approving the minutes of the March 16, 2022, Regular Board Meeting, *as presented*.

NOTE: At approximately 7:10 p.m., Ms. Nguyen recessed the Regular Meeting and simultaneously opened the Public Hearing.

K. PUBLIC HEARING

1. Proof of Publication

Ms. Nguyen presented proof of publication that notice of the Public Hearing had been published in the *Miami Daily Business Review* on May 26, 2022, and June 2, 2022, as legally required.

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

Ms. Nguyen opened the public comment portion of the public hearing to receive comments on the 2022/2023 fiscal year final budget and non-ad valorem special assessments. There being no comments, Ms. Nguyen closed the public comment portion of the Public Hearing.

3. Consider Resolution No. 2022-02 – Adopting a Fiscal Year 2022/2023 Final Budget

Ms. Nguyen presented Resolution No. 2022-02, entitled:

RESOLUTION NO. 2022-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT APPROVING AND ADOPTING A FISCAL YEAR 2022/2023 FINAL BUDGET INCLUDING NON-AD VALOREM SPECIAL ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

Ms. Nguyen stated that the document provides for approving and adopting the fiscal year 2022/2023 final budget and the non-ad valorem special assessment tax roll. A discussion ensued after which:

A **motion** was made by Ms. Figueroa, seconded by Ms. Cervino and unanimously passed to approve and adopt Resolution No. 2022-02, *as presented*; thereby setting the 2022/2023 final budget and non-ad valorem special assessment tax roll.

NOTE: At approximately 7:12 p.m., Ms. Nguyen closed the Public Hearing and simultaneously reconvened the Regular Meeting.

L. OLD BUSINESS

1. Discussion Regarding Possibility of Street Light on SW 137th Avenue and SW 115th Street

Ms. Nguyen advised that the Florida Department of Transportation (FDOT) was in the process of scheduling a traffic study of the Kendall Breeze West main entrance intersection. She further explained that FDOT would provide her with a timetable, once it is available. More information on this item will be provided during a future date.

M. NEW BUSINESS

1. Consider Resolution No. 2022-03 – Adopting a Fiscal Year 2022/2023 Meeting Schedule

Ms. Nguyen presented Resolution No. 2022-03, entitled:

RESOLUTION NO. 2022-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2022/2023 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

Ms. Nguyen provided an explanation for the document. A discussion ensued after which:

A **motion** was made by Ms. Figueroa, seconded by Ms. Antunez and unanimously passed to approve and adopt Resolution No. 2022-03, *as presented*; thereby setting the 2022/2023 regular meeting schedule and authorizing the publication of the annual meeting schedule, as required by law.

2. Roadway Life Expectancy/Resurfacing

Ms. Nguyen advised the Board that the 2022 Engineer's Report reflects that the life expectancy of the roadways within the community has changed from 2034 to 2026. Ms. Nguyen further explained, per the Engineer's Report, the projected future replacement cost at the end of the service life is approximately \$220,000. Ms. Nguyen reminded the Board that commencing in fiscal year 2021/2022, the District started a 14 year sinking fund to reserve \$200,000 by 2034 for the resurfacing of the roads. Ms. Nguyen indicated that the District does not have sufficient reserves at this time for such a large expense, and recommended that the District continue to patch problem areas so as to prevent surface water from entering the asphalt, which would further damage the roadways.

The Board discussed options available to the District to attain the funds necessary for the replacement of the roadways. The Board requested that a discussion regarding the Roadway Life Expectancy/Resurfacing be added to all meeting agendas going forward so as to closely monitor the roadway conditions and monitor other maintenance budget lines that the District may be able to use to reserve additional funds for the roadway replacements. Ms. Nguyen acknowledged the Board's request.

N. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Statement of Financial Interests/Disclosure 2021 Form 1 – Filing Deadline: July 1, 2022

Board Members were reminded of the importance of completing and mailing to the Supervisor of Elections within the County of residency their individual 2021 Statement of Financial Interests Form 1. The deadline for submittal is July 1, 2022.

O. BOARD MEMBER & STAFF CLOSING COMMENTS

The Board discussed the meeting schedule and the consensus of the Board was to cancel the September 21, 2022, meeting; therefore setting the next meeting date for October 19, 2022.

P. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Figueroa, seconded by Mr. Sanchez and passed unanimously to adjourn the Regular Board Meeting at approximately 8:06 p.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

RESOLUTION NO. 2022-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2021/2022 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Kendall Breeze West Community Development District (the “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 WEST COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The Amended Budget for Fiscal Year 2021/2022 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 BECOMES EFFECTIVE this 19th day of October, 2022.

ATTEST:

**KENDALL BREEZE WEST
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chair/Vice Chair

Kendall Breeze West Community Development District

**Amended Final Budget For
Fiscal Year 2021/2022
October 1, 2021 - September 30, 2022**

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- II **AMENDED FINAL DEBT SERVICE FUND BUDGET**

AMENDED FINAL BUDGET
KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT
OPERATING FUND
FISCAL YEAR 2021/2022
OCTOBER 1, 2021 - SEPTEMBER 30, 2022

	FISCAL YEAR 2021/2022 BUDGET 10/1/21- 9/30/22	AMENDED FINAL BUDGET 10/1/21- 9/30/22	YEAR TO DATE ACTUAL 10/1/21 - 9/29/22
REVENUES			
Administrative Assessments	82,574	82,667	82,667
Maintenance Assessments	73,496	73,497	73,497
Debt Assessments	117,390	117,390	117,390
Interest Income	180	155	149
TOTAL REVENUES	\$ 273,640	\$ 273,709	\$ 273,703
EXPENDITURES			
ADMINISTRATIVE EXPENDITURES			
Supervisor Fees	5,000	1,800	1,800
Payroll Taxes - Employer	385	138	138
Management	30,540	30,540	30,540
Secretarial & Field Operations	6,000	6,000	6,000
Legal	8,000	8,000	6,718
Assessment Roll	7,500	7,500	7,500
Audit Fees	3,600	3,600	3,600
Insurance	6,200	5,706	5,706
Legal Advertisements	700	700	368
Miscellaneous	1,400	1,400	935
Postage	250	140	130
Office Supplies	400	375	332
Dues & Subscriptions	175	175	175
Trustee Fees	4,100	4,089	4,089
Continuing Disclosure Fee	350	350	350
Website Management	2,000	2,000	2,000
Administrative Contingency	1,200	600	0
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 77,800	\$ 73,113	\$ 70,381
MAINTENANCE EXPENDITURES			
Engineering - Annual Report & Inspections	1,200	2,500	1,575
Street/Roadway & Stormwater Maintenance	18,400	10,000	5,375
Preservation Area Maintenance	6,500	10,000	9,548
Pressure Cleaning	10,500	10,500	10,001
Roadway Resurfacing Project	14,286	14,286	0
Special Projects	12,000	6,000	0
Miscellaneous Maintenance	5,000	2,500	340
Maintenance Contingency	1,200	600	0
TOTAL MAINTENANCE EXPENDITURES	\$ 69,086	\$ 56,386	\$ 26,839
TOTAL EXPENDITURES	\$ 146,886	\$ 129,499	\$ 97,220
REVENUES LESS EXPENDITURES	\$ 126,754	\$ 144,210	\$ 176,483
Bond Payments	(110,347)	(111,903)	(111,903)
BALANCE	\$ 16,407	\$ 32,307	\$ 64,580
County Appraiser & Tax Collector Fee	(5,469)	(2,634)	(2,634)
Discounts For Early Payments	(10,938)	(10,143)	(10,143)
EXCESS/ (SHORTFALL)	\$ -	\$ 19,530	\$ 51,803
Carryover From Prior Year	0	0	0
NET EXCESS/ (SHORTFALL)	\$ -	\$ 19,530	\$ 51,803

Note: Funds To Be Added To Roadway Resurfacing Project Reserve In October 2022.

FUND BALANCE AS OF 9/30/21	
FY 2021/2022 ACTIVITY	
FUND BALANCE AS OF 9/30/22	

\$102,552
\$19,530
\$122,082

AMENDED FINAL BUDGET
KENDALL BREEZE WEST COMMUNITY DEVELOPMENT DISTRICT
DEBT SERVICE FUND
FISCAL YEAR 2021/2022
OCTOBER 1, 2021 - SEPTEMBER 30, 2022

	FISCAL YEAR 2021/2022 BUDGET 10/1/21- 9/30/22	AMENDED FINAL BUDGET 10/1/21- 9/30/22	YEAR TO DATE ACTUAL 10/1/21 - 9/29/22
REVENUES			
Interest Income	25	130	128
NAV Tax Collection	110,347	111,903	111,903
Total Revenues	\$ 110,372	\$ 112,033	\$ 112,031
EXPENDITURES			
Principal Payments	55,000	55,000	55,000
Interest Payments	55,372	56,694	56,694
Extraordinary Principal Payments	0	10,000	10,000
Total Expenditures	\$ 110,372	\$ 121,694	\$ 121,694
Excess/ (Shortfall)	\$ -	\$ (9,661)	\$ (9,663)

FUND BALANCE AS OF 9/30/21	\$81,979
FY 2021/2022 ACTIVITY	(\$9,661)
FUND BALANCE AS OF 9/30/22	\$72,318

Notes

Reserve Fund Balance = \$38,400* Revenue Fund Balance = \$28,823*.

Redemption Fund Balance = \$5,095*.

Revenue Fund Balance To Be Used To Make 11/1/2022 Interest Payment Of \$26,584.

* Approximate Amounts

Series 2004 Bond Information

Original Par Amount =	\$1,580,000	Annual Principal Payments Due:
Interest Rate =	5.875%	May 1st
Issue Date =	December 2004	Annual Interest Payments Due:
Maturity Date =	May 2034	May 1st & November 1st
Par Amount As Of 9/30/22:	\$905,000	

13476 SW 22nd Street
 Miramar, FL 33027
 Thepressurecleaningman@gmail.com
 www.thepressurecleaningman.com
 Cell: (954)328-8964
 License Dade County No. 14BS00064
 License Broward County No. 11-RP-17299-X
 Office number (954)995-2356



The Pressure Cleaning Man inc.

Estimate

For: Kendall Breeze West CDD
 nnguyen@sdsinc.org
 c/o Special District Services, Inc.

Estimate No: 1731
 Date: 08/30/2022

Description	Amount
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First initial treatment	\$6,658.00
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Pressure Cleaning of following areas:

1. Sidewalks
2. Entrance and Exit curbs
3. Swales

Light chemical spray on all areas after pressure cleaning. To enhance Longevity and Cleanliness of Areas.

Warranty for 6 months on all Areas being Pressure Cleaned, this does not include unlevelled sidewalks where water accumulates into puddles this chemical application only warrants any reappearing algae. It does not cover any rust marks caused by well water.

Second / Reoccurring Service:	\$3,342.75
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After first initial service of pressure cleaning combine with a Light chemical spray. All areas will be re-treated every six months with same light chemical spray. This procedure prevents the need to continuously pressure clean. Warranty is renewed with reoccurring service.

Subtotal	\$10,000.75
Total	\$10,000.75

Total	\$10,000.75
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Notes

Scheduled 11/09/22 - 11/10/22

Pricing may change if job specifications/materials change.

Pressure washing ground work does NOT remove any gum, rust stains, tire marks, or oil stains unless specified otherwise in estimate content. The above mention require to be treated with special chemicals/techniques.

We look forward to working with you!



6900 S.W. 21st Court, Building 9 · Davie, FL 33317
Phone: 954.382.9766 · Fax: 954.382.9770
Email: info@allstatemanagement.com
www.allstatemanagement.com

SPECIAL SERVICE AGREEMENT / PRESERVE CLEAN-UP

Kendall Breeze West Community Development District
c/o Special District Services, Inc.
2501 Burns Road, Suite A
Palm Beach Gardens, Florida 33410
(305) 777-0761
NNguyen@SDSinc.org

<u>DATE:</u>	<u>TERMS:</u>	<u>DELIVERY:</u>
11/1/2022	50% deposit at execution of contract With balance due upon job completion.	Eight (8) weeks

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Phase three cleanup of the 1.87 acre pine rockland preserve at Kendall Breeze West. Cleanup to include a one-time cutting, removal and hauling away of specific schefflera trees, additional Brazilian pepper, and some larger earleaf acacia. Specimens to be removed will be marked prior to start of job.	Not to exceed \$13,715.00

THIS OFFER IS GOOD FOR THIRTY (30) DAYS FROM DATE OF QUOTATION.

ALLSTATE RESOURCE MANAGEMENT, INC. CUSTOMER ACCEPTANCE -- The above prices, specifications and conditions are satisfactory and are hereby accepted and the signer acknowledges that they are authorized to execute this document.

By: _____

By: _____

Dated: _____

MEMORANDUM

TO: District Manager

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

DATE: July 7, 2022

RE: 2022 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 2022 – 220, Laws of Florida (HB 7055). The legislation prohibits state agencies and local governments from paying or otherwise complying with a ransomware incident and establishes penalties and fines for certain ransomware offenses against a government entity¹. The law provides that a ransomware offense is punishable as a first degree felony. The legislation further provides that an employee or contractor of a government entity, with access to the government entity’s network, who willfully and knowingly aids or abets another in the commission of a ransomware offense against the government entity commits a felony of the first degree. The law defines the severity level of a cybersecurity incident in accordance with the National Cyber Incident Response Plan. State agencies and local governments must report all ransomware incidents and high severity level cybersecurity incidents to the Cybersecurity Operations Center and the Cybercrime Office within the Florida Department of Law Enforcement as soon as possible, but no later than 12 hours after the discovery of the incident. Local Governments must also report the incident to the local sheriff’s office. The legislation requires state agency and local government employees to undergo certain cybersecurity training within 30 days of employment and annually thereafter. The law requires local governments to adopt cybersecurity standards that safeguard the local government’s data, information technology (IT), and IT resources. Counties with a population less than 75,000 and municipalities with a population less than 25,000 must adopt the standards by January 1, 2025. The legislation expands the purpose of the Cybersecurity Advisory Council (CAC) to include advising local governments on cybersecurity and requires the CAC to examine reported cybersecurity and ransomware incidents to develop best practice recommendations. The effective date of this act is July 1, 2022.

2. Chapter 2022 – 221, Laws of Florida (HB 7057). The legislation provides a general public record exemption in ch. 119, F.S., for the following information held by an agency:

¹ The bill defines the term “government entity” to mean any official, officer, commission, board, authority, council, committee, or department of the executive, judicial, or legislative branch of state government; state universities; and any county or municipality, special district, water management district, and any other district in this state.

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency.
- Information relating to critical infrastructure.
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.
- Cybersecurity incident information reported pursuant to Sections 282.318 or 282.3185, F.S.

The law also creates a public meeting exemption for any portion of a meeting that would reveal confidential and exempt information; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record requirements. The legislation provides for release of the confidential and exempt information in certain instances and authorizes agencies to report information about cybersecurity incidents in an aggregate format. The law provides for repeal of the exemptions on October 2, 2027, unless reviewed and saved from repeal by the Legislature, and provides a public necessity statement as required by the Florida Constitution. The effective date of this act is July 1, 2022.

3. Chapter 2022 – 140, Laws of Florida (HB 7001). In 2018, the electorate of Florida amended the state constitution to prohibit lobbying by certain public officers both during public service and for a six-year period after leaving public office. This legislation implements the new constitutional public officer lobbying prohibitions. The prohibitions address lobbying on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision. It provides that the prohibitions apply to persons in public office on or after December 31, 2022. It authorizes the Commission on Ethics (Commission) to investigate and determine violations of the new prohibitions. The bill provides a range of penalties for violations and directs the Commission to report post-service lobbying violations and recommended punishment to the Governor for imposition of penalties. The prohibitions affect the following officers:

- Statewide elected officers;
- Members of the Legislature;
- County commissioners;
- Constitutional county officers and county charter officers;
- School board members;
- School superintendents;
- Elected municipal officers,
- Elected special district officers in special districts with ad valorem taxing authority;
- and
- Secretaries, executive directors, and other administrative heads of executive branch departments.

The effective date of this act is December 31, 2022.

4. Chapter 2022 – 97, Laws of Florida (HB 7071). The legislation provides for a number of tax reductions and other tax-related modifications designed to directly impact both families and businesses. Of interest to Special Districts is the provision that provides tax relief to parcel owners affected by a sudden and unforeseen collapse of a residential building. The law requires the tax collector to abate all taxes and non-ad valorem assessments for the year in which the destruction occurred, and the property appraiser must notify the owners of the abatement. The condition of the residential improvement on January 1 of the year the property was destroyed must have been in such a state that the residential improvement had no value due to a latent defect of the property not readily discernable by inspection. Parcel owners whose property tax is abated are not required to make a payment and property appraisers and tax collectors are prohibited from issuing tax notices. The legislation requires tax collectors to refund tax payments made for taxes levied in the year of collapse. The law requires value adjustment boards to dismiss petitions from parcel owners challenging the value of the parcel for the year of the collapse. The legislation also provides for the following sales tax holidays:

- Back to School July 25 to August 7
- Disaster Preparedness May 28 to June 10
- Energy Star Appliances September 1 to February 28
- Freedom Week² July 1 to July 7
- Tools used by Skilled Trade Workers September 3 to September 9
- Diapers July 1, 2022 to June 30, 2023
- Baby and Toddler Clothing July 1, 2022 to June 30, 2023
- Children’s Books May 14 to August 14
- Impact resistant Windows and Doors July 1, 2022 to June 30, 2024

Section 197.3195, Florida Statutes, as created by this act, applies retroactively to January 1, 2021. The effective date of this legislation is July 1, 2022.

5. Chapter 2022 – 83, Laws of Florida (HB 1411). The legislation promotes the use of floating solar facilities by requiring local governments to allow these facilities as a permitted use under certain conditions and to amend its land development regulations to promote the use of floating solar. Floating solar is a concept that refers to any type of solar array that floats atop a body of water. The legislation defines “floating solar facility” as a solar facility, as defined in s. 163.3205(2), F.S., which is located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs. Under the law, counties and municipalities may adopt ordinances specifying buffer and landscaping requirements for floating solar facilities, however, such requirements may not exceed the requirements for similar uses involving the construction of other solar facilities that are permitted uses in agricultural land use categories and zoning districts. The effective date of this legislation is July 1, 2022.

6. Chapter 2022 – 202, Laws of Florida (HB 967). The legislation requires the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences

² Specified admissions (live music events, live sporting events, movie theater tickets, gym access, entry to fairs and festivals, etc.) and items related to recreational activities.

(UF/IFAS), in coordination with the Department of Environmental Protection (DEP), to administer certification for golf course best management practices (BMPs) in order to provide a means of documenting and ensuring compliance with BMPs for fertilizer application to golf courses. The law requires UF/IFAS to provide training and testing certification programs and to issue certificates demonstrating completion of such programs. The certification expires four years after the date of issuance, and recertification is available if an applicant completes continuing education. Persons certified in golf course BMPs are exempt from additional local training and from local ordinances relating to water and fertilizer use, blackout periods, or restrictions unless a state of emergency is declared. The legislation encourages UF/IFAS to create a registry of persons certified on its website. The effective date of this legislation is July 1, 2022.

7. Chapter 2022 – 103, Laws of Florida (HB 7049). The legislation gives a governmental agency the option to publish its legal notices on the publicly accessible website of the county in which it lies instead of in a printed newspaper or on a newspaper’s website if doing so would cost less than publishing legal notices in a newspaper. The law requires a special district spanning the geographic boundaries of more than one county and opting to publish legal notices on a publicly accessible website to publish its legal notices on the publicly accessible website of each county within its boundaries. A link to legal notices published on a publicly accessible website must be conspicuously placed on or accessible through a direct link from the (1) publicly accessible website’s homepage; and (2) the homepage of the website of each governmental agency publishing legal notices online. A governmental agency publishing legal notices on a publicly accessible website must (1) give notice in a newspaper or in a mailed or delivered publication, at least annually, that property owners and residents may receive legal notices from the governmental agency by first-class mail or e-mail upon registering with the agency; and (2) maintain a registry of property owners and residents who request in writing to receive legal notices from the governmental agency by mail or e-mail. The effective date of this act is January 1, 2023.

8. Chapter 2022 – 216, Laws of Florida (HB 1057). The legislation provides that when an agency is determining whether a vendor is a responsible vendor, an agency may establish financial stability criteria and require a vendor to demonstrate its financial stability. If an agency requires a vendor to demonstrate its financial stability during the competitive solicitation process, the agency must accept any of the following documents as evidence of the vendor’s financial stability:

- Audited financial statements that demonstrate the vendor’s satisfaction of financial stability criteria.
- Documentation of an investment grade rating from a credit rating agency designated as a nationally recognized statistical rating organization by the Securities and Exchange Commission.
- For a vendor with annual revenues exceeding \$1 billion, a letter containing a written declaration issued by the chief financial officer or controller attesting that the vendor is financially stable and meets the definition of financial stability.
- For a vendor with annual revenues of \$1 billion or less, documentation, based on criteria established by the agency, evidencing that the vendor is financially stable and meets the definition of financial stability. The criteria established by the agency must be reasonably related to the value of the contract and may not include audited financial statements.

The law does not prohibit agencies from accepting additional documentation as evidence of financial stability and it does not preclude an agency from requiring a performance bond for the duration of the contract, when appropriate. The legislation defines the term “financial stability” to mean, at a minimum, having adequate income and capital and the capacity to efficiently allocate resources, assess and manage financial risks, and maintain financial soundness through the term of the contract. The legislation is effective upon becoming law.

9. Chapter 2022 – 190, Laws of Florida (SB 1062). The relevant portion of this legislation provides that service of process against any municipal corporation, agency, board, commission, department, subdivision of the state or any county that has a governing board, council, or commission or which is a body corporate must be served on the registered agent. However, if the entity does not have a registered agent, or if the registered agent cannot be served after one good faith attempt, the entity must be served:

- On the president, mayor, chair, or other head thereof, and in the absence of the aforementioned;
- On the vice president, vice mayor, or vice chair, and in the absence of the aforementioned;
- On any member of the governing board, council, or commission, the manager of the governmental entity, or an in-house attorney for the governmental entity, and in the absence of the aforementioned;
- On any employee of the governmental entity at the main office of the governmental entity.

The effective date of this legislation is January 2, 2023.

10. Chapter 2022 – 76, Laws of Florida (SB 882). The legislation requires each of the state’s five regional water management districts (WMD), as part of its district water management plan and in cooperation with local governments, to develop a list of critical wetlands to be acquired using funds from the Land Acquisition Trust Fund. The WMD must consider the following criteria in designating a wetland for inclusion on the list:

- The ecological value of the wetland as determined by the physical and biological components of the environmental system;
- The effect of the wetland on water quality and flood mitigation;
- The ecosystem restoration value of the wetland; and
- The inherent susceptibility of the wetland to development due to its geographical location or natural aesthetics.

The law requires that before adopting or amending its list of critical wetlands, each WMD must notify property owners whose property the WMD is contemplating including on the list. A property owner who wishes to remove their property from the list must submit a letter to the WMD requesting such removal and sufficiently identifying the property. The WMD must approve the removal if those requirements are met. The effective date of this act is July 1, 2022.

11. Chapter 2022 – 121, Laws of Florida (SB 518). The legislation amends s. 163.045, F.S., to clarify that a local government may not burden a property owner’s rights to prune, trim, or remove trees on his or her own residential property if the tree “poses an unacceptable risk” to

persons or property and the property owner possesses “documentation” from a landscape architect or certified arborist. A tree poses an “unacceptable risk” if removal is the only means of practically mitigating the risk below “moderate.” The law also adds definitions for the terms “documentation” and “residential property.” The definition for “documentation” requires that an onsite assessment be made in a certain manner by a specified type of certified arborist or architect. The bill defines “residential property” as a single-family detached building located on a lot that is actively used for single-family residential purposes. The effective date of this act is July 1, 2022.

12. Chapter 2022 – 89, Laws of Florida (HB 7053). To assist local governments in resilience planning, this legislation creates the Resilient Florida Grant Program (grant program), which authorizes the Department of Environmental Protection (DEP) to provide grants to a city or county to fund the costs of community resilience planning. In addition, the law directs DEP to develop an annual Statewide Flooding and Sea Level Rise Resilience Plan (plan), which consists of a list of ranked projects submitted by cities and counties that address risks posed by flooding and sea-level rise. With respect to the plan, the legislation requires DEP to rank and include in the plan all eligible projects that were submitted for the plan and to include a detailed narrative overview describing how the plan was developed. The bill authorizes special districts that are responsible for the management and maintenance of inlets and intracoastal waterways or for the operation and maintenance of a potable water facility, a wastewater facility, an airport, or a seaport facility to submit projects for inclusion in the plan. This act is effective July 1, 2022.

13. Chapter 2022 – 266, Laws of Florida (SB 4-C). This legislation dissolves all independent special districts established by a special act prior to the ratification of the Florida Constitution on November 5, 1968, if those districts have not been reestablished, re-ratified, or otherwise reconstituted by special act or general law after such date. Such special districts will be dissolved effective June 1, 2023. The following six districts appear to operate pursuant to a charter, which predates the 1968 Florida Constitution and was not reestablished, re-ratified, or otherwise reconstituted by a special act or general law after November 5, 1968:

- Bradford County Development Authority (Bradford County)
- Sunshine Water Control District (Broward County)
- Eastpoint Water and Sewer District (Franklin County)
- Hamilton County Development Authority (Hamilton County)
- Reedy Creek Improvement District (Orange and Osceola Counties)
- Marion County Law Library (Marion County)

The law allows an independent special district affected by the bill to be re-established on or after June 1, 2023, pursuant to the requirements and limitations of ch. 189 F.S. When there is a dissolution of a special district government, the special district transfers the title to all property owned by the preexisting special district to the local general-purpose government, either a county or municipality, which shall also assume all indebtedness of the preexisting special district. This act is effective July 1, 2022.

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/>.

October 19, 2022

RE: Kendall Breeze West Community Development District Auditor Renewal

At the October 16, 2019 Kendall Breeze West Community Development District Board Of Supervisors meeting, the firm of Grau & Associates was selected to perform the 9-30-2019, 9-30-2020 and 9-30-2021 year end audits of the District with an option to perform the 9-30-2022 and 9-30-23 audits.

The fees for the 9-30-2019 audit were \$3,400. The fees for the 9-30-2020 audit were \$3,500. And the fees for the 9-30-2021 audit were \$3,600. The proposed fees for the 9-30-2022 audit is \$3,700, which is the budgeted amount for audit fees for Fiscal Year 2022/2023. The proposed fee for the 9-30-2023 audit is \$3,800.

Management is pleased with the professionalism and the competence of the Grau & Associates partners and staff; therefore, management recommends that the Board approve the renewal option for the Fiscal Year Ending 9-30-2022 and 9-30-2023 audits for Grau & Associates.

Special District Services, Inc.