



**SUMMERSVILLE
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
REGULAR BOARD MEETING
OCTOBER 5, 2022
9:00 A.M.**

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

www.summervillecdd.org

561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT
Kendall Executive Center
8785 SW 165th Avenue, Suite 200
Miami, Florida 33193
Call-In: 877-402-9753 Access ID: 8338134
REGULAR BOARD MEETING
October 5, 2022
9:00 a.m.

- A. Call to Order
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- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items not on the Agenda
- F. Approval of Minutes
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- G. Old Business
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- H. New Business
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- I. Administrative & Operational Matters
 - 1. Statement of Financial Interests/Disclosure 2021 Form 1 Update
 - 2. General Election Candidates (Seats 2 & 5; General Election 11/8/22)
- J. Board Member and Staff Closing Comments
- K. Adjourn

Miscellaneous Notices



Published in Miami Daily Business Review on September 23, 2022

Location

Miami-Dade County,

Notice Text

SUMMERVILLE COMMUNITY
DEVELOPMENT DISTRICT
FISCAL YEAR 2022/2023
REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the "Board") of the Summerville Community Development District (the "District") will hold Regular Meetings in the Kendall Executive Center located at 8785 SW 165th Avenue, Suite 200, Miami, Florida 33193 at 9:00 a.m. on the following dates:

October 5, 2022
November 2, 2022
February 1, 2023
March 1, 2023
April 5, 2023
May 3, 2023
June 7, 2023
September 6, 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.

SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT
www.summervillecdd.org
9/23 22-43/0000621199M

**SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING & PUBLIC HEARING
JUNE 1, 2022**

A. CALL TO ORDER

The June 1, 2022, Regular Board Meeting of the Summerville Community Development District (the “District”) was called to order at 9:09 a.m. in the Kendall Executive Center located at 8785 SW 165 Avenue, Suite 200, Miami, Florida 33193.

B. PROOF OF PUBLICATION

Ms. Nguyen presented proof of publication that notice of the Regular Board Meeting had been published in the *Miami Daily Business Review* on September 24, 2021, as part of the District’s Fiscal Year 2021/2022 Regular Meeting Schedule, *as legally required*.

C. ESTABLISH A QUORUM

Ms. Nguyen determined that the attendance of Chairman Lazaro Gonzalez, Vice Chair Barbara Tomas, and Supervisor Larry Gordon constituted a quorum and it was in order to proceed with the meeting.

Staff in attendance included: District Manager Nancy Nguyen of Special District Services, Inc.; and General Counsel Ginger Wald of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

D. ADITIONS 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 2, 2022, Regular Board Meeting

Ms. Nguyen presented the minutes of the March 2, 2022, Regular Board Meeting and asked if there were any changes.

There being no changes, a **motion** was made by Mr. Gordon, seconded by Mr. Gonzalez and passed unanimously approving the minutes of the March 2, 2022, Regular Board Meeting, *as presented*.

NOTE: *At approximately 9:04 a.m., Ms. Nguyen recessed the Regular Meeting and simultaneously opened the Public Hearing.*

G. 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 16, 2022, and May 23, 2022, *as legally required*.

2. Receive Public Comments on Adopting a 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. 2022-03 – Adopting a Fiscal Year 2022/2023 Final Budget

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

RESOLUTION NO. 2022-03

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

Ms. Nguyen read the title into the record and 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. Ms. Nguyen informed the Board that letters were sent to the District residents advising them of the assessment increase. She further explained that she only received two (2) inquiries regarding the assessment increase. A discussion ensued after which:

A **motion** was made by Mr. Gonzalez, seconded by Ms. Tomas and unanimously passed to approve and adopt Resolution No. 2022-03, *as presented*; thereby setting the 2022/2023 final budget and non-ad valorem special assessment tax roll.

NOTE: *At approximately 9:07 a.m., Ms. Nguyen closed the Public Hearing and simultaneously reconvened the Regular Meeting.*

H. OLD BUSINESS

1. Update Regarding Additional Street Lighting Poles

Ms. Nguyen stated that Florida Power and Light (FPL) is still working on the Additional Street Light Pole Project. More information on this matter will be provided at a future meeting.

2. Update Regarding Pressure Cleaning of Sidewalks

Ms. Nguyen stated that she had rescheduled the pressure cleaning of the sidewalks and curbs in Phase I and Phase II from April 4, 2022, to June 13, 2022, in order to allow FPL time to complete the Additional Street Light Pole Project.

3. Update Regarding Grass in Open Tracts (Phase I)

Ms. Nguyen explained that the declining grass on District owned open tracts had been replaced. Additionally, the new sod has been watered by the contractor and these open tracts are now in good

condition and the Sugarcane Mosaic Virus is no longer a concern on these tracts. No additional information on this item was required at this time.

I. NEW BUSINESS

1. Consider Resolution No. 2022-04 – Adopting a Fiscal Year 2022/2023 Meeting Schedule

Ms. Nguyen presented Resolution No. 2022-04, entitled:

RESOLUTION NO. 2022-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SUMMERVILLE 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. Tomas, seconded by Mr. Gonzalez and unanimously passed to approve and adopt Resolution No. 2022-04, *as presented*; thereby setting the 2022/2023 regular meeting schedule and authorizing the publication of the annual meeting schedule, *as required by law*.

2. Discussion Regarding Tree Trimming (Open Tracts)

Ms. Nguyen advised that this item was added at the request of Ms. Tomas. Ms. Tomas explained that she has noticed that the trees in the open tracts are overgrown and require trimming. Ms. Nguyen reminded the Board the Summerville Homeowner’s Association has indicated that they are unable to contribute funds for extraordinary expenses that pertain to the District. As such, Ms. Nguyen stated that because this would be considered an extraordinary landscape maintenance project, she requested that Nicoya Landscaping, Inc. provide her with a proposal for the trimming of the trees on District owned tracts. Ms. Nguyen presented the proposal she received from Nicoya in the amount of \$3,555 for the trimming of the trees on District owned tracts. A discussion ensued, after which:

A **motion** was made by Mr. Gonzalez, seconded by Ms. Tomas. The passed 2 to 1 with Mr. Gordon dissenting.

J. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Announcement of Qualifying Period: Noon, June 13, 2022 – Noon June 17, 2022

Ms. Nguyen advised that the 4-year terms of office for Seat #2 (Salvador Kalil) and Seat #5 (Bryan Rosales) were expiring in November 2022. The qualifying period for election and/or re-election has been set for Noon, June 13, 2022 through Noon, June 17, 2022. Those candidates interested in running for election can submit their qualifying documents in person to the Miami-Dade County Supervisor of Elections’ Office located at 2700 NW 87th Avenue, Miami, Florida 33172 (no earlier than fourteen days prior to commencement of the qualifying period). More information on election qualifying will be provided to those interested prior to the qualifying dates. The new terms of office would be a 4-year term through Election Day in November 2026.

2. 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.

K. BOARD MEMBER & STAFF CLOSING COMMENTS

There were no comments from Board Members or District Staff.

L. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Gonzalez, seconded by Ms. Tomas and unanimously passed to adjourn the Regular Board Meeting at approximately 9:18 a.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

RESOLUTION NO. 2022-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SUMMERVILLE 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 (the “Board”) of the Summerville 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 SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The Amended Budget for Fiscal Year 2021/2022 attached hereto as Exhibit “A” is hereby approved and adopted by the Board.

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 5th day of October, 2022.

ATTEST:

**SUMMERVILLE
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chair/Vice Chair

Summerville
Community Development District

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

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AMENDED FINAL BUDGET
SUMMERVILLE 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 - 8/31/22
REVENUES			
ADMINISTRATIVE ASSESSMENTS	52,870	52,955	52,955
MAINTENANCE ASSESSMENTS	52,043	51,862	51,862
DEBT ASSESSMENTS	197,090	196,393	196,393
OTHER REVENUES	0	0	0
INTEREST INCOME	360	15	14
TOTAL REVENUES	\$ 302,363	\$ 301,225	\$ 301,224
EXPENDITURES			
ADMINISTRATIVE EXPENDITURES			
SUPERVISOR FEES	5,000	0	0
PAYROLL TAXES (EMPLOYER)	383	0	0
MANAGEMENT	27,360	27,360	25,080
SECRETARIAL	4,200	4,200	3,850
LEGAL	9,000	9,500	8,295
ASSESSMENT ROLL	7,500	7,500	0
AUDIT FEES	3,700	3,700	3,700
INSURANCE	6,250	5,706	5,706
LEGAL ADVERTISING	820	600	270
MISCELLANEOUS	825	900	739
POSTAGE	150	250	219
OFFICE SUPPLIES	400	450	402
DUES & SUBSCRIPTIONS	175	175	175
TRUSTEE FEES	3,000	3,500	3,500
CONTINUING DISCLOSURE FEE	500	500	0
WEBSITE MANAGEMENT	2,000	2,000	1,833
ADMINISTRATIVE CONTINGENCY	1,200	1,200	0
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 72,463	\$ 67,541	\$ 53,769
MAINTENANCE EXPENDITURES			
LAWN MAINTENANCE/IRRIGATION/OPEN TRACTS	6,000	24,000	18,719
FIELD OPERATIONS MANAGEMENT	720	750	660
ENGINEERING/ANNUAL REPORT/INSPECTIONS	1,200	2,000	1,125
STREET LIGHTS	12,000	6,000	0
PRESSURE CLEANING	14,000	14,000	9,754
MAINTENANCE CONTINGENCY (SIDEWALK SLABS)	0	15,150	15,150
HOA CONTRIBUTION	15,000	15,000	11,250
TOTAL MAINTENANCE EXPENDITURES	\$ 48,920	\$ 76,900	\$ 56,658
TOTAL EXPENDITURES	\$ 121,383	\$ 144,441	\$ 110,427
REVENUES LESS EXPENDITURES	\$ 180,980	\$ 156,784	\$ 190,797
BOND PAYMENTS	(185,265)	(186,968)	(186,968)
BALANCE	\$ (4,285)	\$ (30,184)	\$ 3,829
COUNTY APPRAISER & TAX COLLECTOR FEE	(6,040)	(2,896)	(2,896)
DISCOUNTS FOR EARLY PAYMENTS	(12,080)	(11,550)	(11,550)
EXCESS/ (SHORTFALL)	\$ (22,405)	\$ (44,630)	\$ (10,617)
CARRYOVER FROM PRIOR YEAR	22,405	22,405	0
Net Excess/ (Shortfall)	\$ -	\$ (22,225)	\$ (10,617)

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

\$101,394
(\$44,630)
\$56,764

Notes

\$22,405 Of Fund Balance Was Used To Reduce 2021/2022 Assessments.

AMENDED FINAL BUDGET
SUMMERVILLE 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 - 8/31/22
REVENUES			
Interest Income	25	280	253
NAV Tax Collection	185,265	186,968	186,968
Total Revenues	\$ 185,290	\$ 187,248	\$ 187,221
EXPENDITURES			
Principal Payments	109,000	109,000	109,000
Interest Payments	72,640	74,275	74,275
Bond Redemption	3,650	0	0
Total Expenditures	\$ 185,290	\$ 183,275	\$ 183,275
Excess/ (Shortfall)	\$ -	\$ 3,973	\$ 3,946

FUND BALANCE AS OF 9/30/21	\$85,094
FY 2021/2022 ACTIVITY	\$3,973
FUND BALANCE AS OF 9/30/22	\$89,067

Notes

Reserve Fund Balance = \$5,013*

Revenue Fund Balance = \$84,054*.

Revenue Fund Balance To Be Used To Make 11/1/2022 Interest Payment Of \$35,503.

* Approximate Amounts

Series 2020 Bond Refunding Information

Original Par Amount =	\$2,193,000	Annual Principal Payments Due:
Interest Rate =	3.0% - 4.00%	May 1st
Issue Date =	December 2020	Annual Interest Payments Due:
Maturity Date =	May 2036	May 1st & November 1st
Par Amount As Of 8/31/22 =	\$1,967,000	

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/>.