



**MARSH HARBOUR
COMMUNITY DEVELOPMENT
DISTRICT**

**PALM BEACH COUNTY
REGULAR BOARD MEETING
AUGUST 18, 2023
10:00 A.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.marshharbourcdd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
MARSH HARBOUR
COMMUNITY DEVELOPMENT DISTRICT
Marsh Harbour Community Clubhouse
1000 Marsh Harbour Drive
Riviera Beach, Florida 33404
REGULAR BOARD MEETING
August 18, 2023
10:00 a.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. June 15, 2023 Regular Board Meeting & Public Hearing.....Page 2
- G. Old Business
 - 1. Update on Landscape
 - 2. Update on Proposal for Security Cameras
- H. New Business
 - 1. Consider Approval of Tact-Tech Security’s Proposal.....Page 6
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 - 3. Discussion Regarding 2023 Legislative Update.....Page 11
 - 4. Discussion Regarding Discussion Regarding Required Ethics Training.....Page 16
 - 5. Discussion Regarding Hi-Tek Security
 - 6. Acceptance of Settlement Agreement and Release.....Page 21
 - 7. Discussion Regarding Attorney General Opinion Regarding the Physical Presence of Supervisors at Meetings
- I. Administrative Matters
- J. Board Members Comments
- K. Adjourn

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Marsh Harbour Cdd
Marsh Harbour Cdd
2501 BURNS RD
STE A

PALM BEACH GARDENS FL 334105207

STATE OF FLORIDA, COUNTY OF PALM BEACH

The Palm Beach Post, a daily newspaper printed and published in the city of West Palm Beach and of general circulation in Palm Beach, Martin, Okeechobee and St Lucie Counties, Florida; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

10/11/2022

and that the fees charged are legal.
Sworn to and subscribed before on 10/11/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$228.66

Order No: 7894555

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MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2022/2023

REGULAR MEETING SCHEDULE
NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Marsh Harbour Community Development District will hold Regular Meetings at 10:00 a.m. in the Marsh Harbour Community Clubhouse located at 1000 Marsh Harbour Drive, Riviera Beach, Florida 33404 on the following dates:

October 21, 2022
November 18, 2022
December 16, 2022
January 20, 2023
February 17, 2023
March 17, 2023
April 27, 2023
May 19, 2023
June 16, 2023
July 21, 2023
August 18, 2023
September 15, 2023

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 Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings 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 (561) 630-4922 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.

MARSH HARBOUR COMMUNITY
DEVELOPMENT DISTRICT
www.marshharbourcdd.org

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**MARSH HARBOUR
COMMUNITY DEVELOPMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
JUNE 15, 2023**

A. CALL TO ORDER

The June 15, 2023, Regular Board Meeting of the Marsh Harbour Community Development District (the “District”) was called to order at 10:00 a.m. in the Marsh Harbour Community Clubhouse located at 1000 Marsh Harbour Drive, Riviera Beach, Florida 33404.

B. PROOF OF PUBLICATION

Proof of publication was presented that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on October 11, 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 Allen Walker, Vice Chairman Kent Pollock and Supervisors Judy Briggs, Tasha Mullings and Nadine Sampson (via phone) constituted a quorum, and it was in order to proceed with the meeting.

Staff present included: District Manager Andrew Karmeris of Special District Services, Inc.; District Counsel Gregory George of Billing, Cochran, Lyles, Mauro & Ramsey, P.A; and Onsite HOA Manager Tara Bennett.

Also present was Taylor Matchon from Tact Tech Security.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

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

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

F. APPROVAL OF MINUTES

1. May 19, 2023, Regular Board Meeting

The minutes of May 19, 2023, Regular Board Meeting were presented.

A **motion** was made by Mr. Pollock, seconded by Mr. Walker and unanimously passed approving the minutes of the May 19, 2023, Regular Board Meeting, as presented.

The Regular Board Meeting was then recessed at 10:01 am and the Public Hearing was opened.

G. PUBLIC HEARING

1. Proof of Publication

Proof of publication was presented that notice of the Public Hearing had been published in *The Palm Beach Post* on May 26, 2023, and June 2, 2023, as legally required.

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

There was no public comment on the Fiscal Year 2023/2024 Final Budget.

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

Resolution No. 2023-02 was presented, entitled:

RESOLUTION NO. 2023-02

A RESOLUTION OF THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT ADOPTING A FISCAL YEAR 2023/2024 BUDGET.

Mr. Karmeris presented the budget and stated that it has not changed since the proposed budget.

A **motion** was made by Mr. Pollock, seconded by Ms. Mullings and unanimously passed approving Resolution No. 2023-02 – Adopting a Fiscal Year 2023/2024 Final Budget, as presented.

The Public Hearing was then closed, and the Regular Board Meeting was reconvened at 10:04 a.m.

H. OLD BUSINESS

1. Update on Landscape

Mr. George informed the Board that settlement discussions were going to take place by the end of the month. Mr. Pollock stated that he believes enough documentation has been gathered to justify the maximum settlement figure as agreed upon by the Board and does not warrant any changes.

2. Update on Proposal for Security Cameras

Ms. Bennett stated that she was meeting with an electrician in the coming weeks and would bring back an update for the Board at the July meeting.

I. NEW BUSINESS

1. Discussion with Tact Tech Security

Taylor Matchon opened the discussion with the Board by asking what their goals and objectives for their security vendor would be. He then added that the thing that separates Tact Tech is that they limit their annual contracts to give each client an elevated level of service. The Board then stated their top concerns are consistency and staffing. Mr. Matchon stated that guards are rotated from locations every 6 months to avoid complacency. Mr. Pollock asked about the supervising policies with Tact Tech because Marsh Harbour has had issues with security guards sleeping on

duty. Mr. Matchon stated that there are seven (7) in total supervisors and always three (3) supervisors on shift during a 24-hour period. Mr. Matchon added that a non-onsite supervisor would do drop in supervising visits four (4) to five (5) times during a 24-hour period. Mr. Matchon then described the booting versus towing process for parking violations. Ms. Sampson asked what else separates Tact Tech from other companies? Mr. Matchon said their supervisors as well as owner accessibility, meaning Mr. Matchon is accessible to the Board to rectify or address any issues that may arise. Mr. Matchon is going to work with district staff to prepare a proposal to be reviewed at a future meeting.

2. Discussion regarding Tree Removal at 2005 Nasau

It was determined that the tree in question was not located on CDD property and therefore not a CDD issue or responsibility.

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

Resolution No. 2023-03 was presented, entitled:

RESOLUTION NO. 2023-03

A RESOLUTION OF THE MARSH HARBOUR 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 AND EFFECTIVE DATE.

Mr. Karmeris presented the meeting schedule that was provided in the meeting agenda package.

Mr. Pollock had concerns about meeting at 10:00 a.m. and perhaps another time would better allow all board members to meet in person. Ms. Sampson suggested meeting after working hours. The Board elected to keep the 10:00 a.m. meeting time as that is when the meetings have been historically. Mr. Walker stated that if you are a member of this Board, you should make an effort to regularly attend these meetings in person. He added that if a Board member cannot regularly attend meetings in person, perhaps that member should step down.

A **motion** was made by Mr. Pollock, seconded by Mr. Walker and unanimously passed approving Resolution No. 2023-03 – Adopting a Fiscal Year 2023/2024 Meeting Schedule, as presented.

4. Consider Resolution No. 2023-04 – Adopting a Records Retention Policy

Resolution No. 2023-04 was presented, entitled:

RESOLUTION NO. 2023-04

A RESOLUTION OF THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER;

ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Karmeris presented Resolution No. 2023-04

A **motion** was made by Mr. Pollock, seconded by Ms. Mullins and unanimously passed approving Resolution No. 2023-04 – Adopting a Records Retention Policy , as presented.

J. ADMINISTRATIVE MATTERS

Mr. Karmeris reminded the Board to complete and mail in their 2022 Form1 – Statement of Financial Interests were due on July 1, 2023.

K. BOARD MEMBER COMMENTS

Ms. Briggs had a question about term limits. Mr. George stated that all Board members serve four (4) year terms.

L. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 10:57 a.m. on a **motion** made by Mr. Pollock, seconded by Ms. Mullings and the **motion** passed unanimously.

Secretary/Assistant Secretary

Chairman/Vice Chairman



Security Proposal

Prepared for: Marsh Harbour

Prepared by: Taylor Matchton, CEO

June 20, 2023

info@tactechsecurity.com

561-806-8836

TACT TECH SECURITY SOLUTIONS



ABOUT US:

We are committed to providing personnel that are well trained, equipped with state of the art technology, and given many career development opportunities. Tact Tech Security Solutions aims to provide our clients with the best-trained security force for their needs. Our concierge-level service, our VIP core values, and top-tier customized security service that surpasses our client's expectations is what sets us apart from the rest. Our goals are simple, our client's safety and security.

Tact Tech Security Solutions is your one-stop shop for all your security needs. Security for your worksite, office, and on the road. We offer a full range of personal and corporate security services to suit any situation and have been protecting people and property for more than 10 years. Our people are carefully screened and undergo rigorous training and continuous professional development, guaranteeing the very best in customer service. For your peace of mind, we carry comprehensive insurance, and all locally required licenses and certifications are up to date.

OUR CLOSE CLIENT REFERENCES:

- ELLE GONZALES 561-508-3600 - DEPUTY MARTINEZ 561-707-2266
- DEPUTY GEORGE - 954-445-5550 - SGT MAJOR PEAVY - 561-281-4756
- MARLENE BURGOS 561-723-7113 - ALEXANDER SKHOP 561-298-9300

MORE REFERENCES CAN BE PROVIDED UPON REQUEST



SERVICES SUMMARY

Location: 1000 Marsh Harbor Drive, Riviera Beach, FL 33404

Schedule: 24/7 gatehouse guard/3 pm-7 am Mon-Sun Rover

Duties: Unarmed officer will rove the community in a company-supplied golf cart and conduct his or her patrols. Guards will also be responsible for Traffic control, data entry, parking violations, maintenance reports, the general safety of residents and staff, and other related duties as agreed, rule enforcement in common areas. Gatehouse Officers will help facilitate guest entry at the gatehouse. Duties may include gate entry, traffic control, data entry, general safety, and other related duties as agreed upon.

Technology: 1 iPhone, 2 radios with the digital trunking system, 2 body cameras, 1 Tact Tech Database System with the client portal.

Patrol Vehicle: 1 marked vehicle

Pricing: See attached pricing options

TACT TECH SECURITY SOLUTIONS



BUDGET

Description	Quantity	Unit Price	Cost
Unarmed Rover Patrol	480	\$21.00	\$10,080
Gatehouse Officer	720	\$21.00	\$15,120
Technology Package	1	\$250.00	\$250
Marked Rover	1	\$1,250.00	\$1,250
Supervisor	40	\$25.00	\$1,000
Subtotal			\$26,700
Sales Tax (7%)			
Estimated Amount Due (Per Month)			\$26,700
Estimated Annual Budget (Per Year)			\$320,400
Unscheduled guard requests (Fire watch, etc) 72 hour notice	1	\$30.00	\$30

Holiday Rate is 1.5x the hourly rate

Hurricane/Hazard Rate is 2x the hourly rate

All pricing is subject to the Palm Beach County FL Sales Tax of 7%



MEMORANDUM

TO: District Manager

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

DATE: July 20, 2023

RE: 2023 Legislative Update

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

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

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

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

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

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

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

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

4. Chapter 2023 – 28, Laws of Florida (HB 3). This legislation codifies and extends the policy adopted by the Trustees² requiring all investment decisions relating to the state retirement system be based solely on pecuniary factors³. The law extended that policy to all funds managed by the State Board of Administration (SBA), all funds of the state Treasury, all local government retirement plans, investments of local government surplus funds, and investments of funds raised by citizen support and direct-support organizations. Investment managers who invest public funds on behalf of any of these entities may not sacrifice investment return or take additional investment risk to promote any non-pecuniary factor. The law requires any contract between a governmental

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

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

entity⁴ and an investment manager executed, amended, or renewed on or after July 1, 2023, to contain a provision requiring the investment manager to include a disclaimer in an external communication, if the communication is to a company in which the investment manager has invested public funds and discusses social, political, or ideological interests. The required disclaimer must state: “The views and opinions expressed in this communication are those of the sender and do not reflect the views and opinions of the people of the state of Florida.” All contracts with investment managers executed, amended, or renewed on or after July 1, 2023, may be unilaterally terminated if certain communications of an investment manager include discussion of social, political, or ideological interests and omit the required disclaimer.

In addition, the legislation prohibits bond issuers⁵ from issuing an environmental, social, and corporate governance (ESG) bond or paying for a third-party verifier that certifies or verifies that a bond may be designated or labeled as an ESG bond⁶, renders opinions or produces a report on ESG compliance, among other ESG-related services. Issuers are also prohibited from contracting with a rating agency whose ESG scores for the issuer will have a direct, negative impact on the issuer’s bond ratings.

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

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

5. Chapter 2023 – 32, Laws of Florida (SB 258). The legislation bans the use of prohibited applications⁷ on devices issued to an employee or officer by a public employer, or otherwise used on a network that is owned, operated, or maintained by a public employer. This law requires the Department of Management Services (DMS) to create and maintain a list of prohibited applications of any Internet application that it deems to present a security risk in the form of

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

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

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

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

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

6. Chapter 2023 – 33, Laws of Florida (SB 264). The legislation restricts the issuance of government contracts or economic development incentives to foreign entities that are owned by, controlled by or organized under the laws of a foreign country of concern⁸. The law further prohibits a foreign principal⁹ from owning or acquiring agricultural land or other interests in real property on or within 10 miles of a military installation or critical infrastructure facility. A foreign principal that owns agricultural land acquired before July 1, 2023, may continue to hold such land and must register with the Florida Department of Agriculture and Consumer Services (DACS) by January 1, 2024. If the property owned or acquired before July 1, 2023, is on or within 10 miles of a military installation or critical infrastructure facility, the foreign principal must similarly register with the Department of Economic Opportunity by December 31, 2023. The law prohibits the People's Republic of China, the Chinese Communist Party, its officials and members, other political party official or members, other legal entities or subsidiaries organized under the laws of, or having a principal place of business in, China or its political subdivisions, or other persons domiciled in China, who are not U.S. citizens or lawful permanent residents of the United States, from purchasing or acquiring an interest in, real property in Florida. Finally, the act amends s. 836.05, F.S., relating to criminal threats and extortion, to provide that a person who violates the statute while acting as a foreign agent for the purpose of benefitting a foreign country of concern, commits a first degree felony. The effective date of this legislation is July 1, 2023.

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

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

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

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

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

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

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

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

MEMORANDUM

TO: District Manager

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

DATE: June 6, 2023

RE: Required Ethics Training

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

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

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

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

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

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

CHAPTER 2023-121

Committee Substitute for House Bill No. 199

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

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

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

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

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

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

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

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

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

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

(2)

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

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

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

Approved by the Governor May 24, 2023.

Filed in Office Secretary of State May 24, 2023.

SETTLEMENT AGREEMENT and RELEASE

This Settlement Agreement and Release (the “**Agreement**”) is entered into between **BRIGHTVIEW LANDSCAPE SERVICES, INC.**, a Florida corporation having its principal and mailing address at 980 Jolly Road, Suite 300, Bule Bell, Pennsylvania 19422 (“**BrightView**”) and **MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government established pursuant to Chapter 190, Florida Statutes, being situated in the City of Riviera Beach, Palm Beach County, Florida, whose mailing address is 2501 Burns Road, Suite A, Palm Beach Gardens, Florida 33410 (“**Marsh Harbour**”) (collectively, the “**Parties**”).

Recitals

Whereas, the Parties entered into various agreements including, without limitation:

- Landscape Maintenance Services Agreement effective May 1, 2021, as amended; and
- First Amendment to Landscape Maintenance Agreement effective May 20, 2022 (collectively, the “**Service Contracts**”); and

Whereas, by correspondence dated April 28, 2023 from BrightView’s Senior Associate General Counsel, Tomas A. Kuehn, Esq., notified Marsh Harbour that according to their records, a principal sum of \$15,927.37 was due to BrightView (the “**Demand Amount**”); and

Whereas, the Parties agree it is in their best interests to resolve the Demand Amount with respect to the Services Contracts; and

Now, therefore, in consideration of the valuable consideration referred to in this Agreement, the receipt of which is acknowledged, the Parties agree as set forth herein.

1. **Recitals**. The above Recitals are a part of this Agreement.
2. **Effective Date**. The Effective Date of this Agreement is the date on which the last of the Parties executes this Agreement.
3. **Settlement Payment**. Marsh Harbour shall pay the total sum of Three Thousand Six Hundred Forty – Nine Dollars and Eighty–Three Cents (\$3,649.83.) (the “**Settlement Payment**”) to BrightView within twenty (20) days of the Effective Date, via check made payable to Brightview Landscape Services and delivered to PO BOX 740655, ATLANTA, GA 30374-0655.
4. **Release by BrightView**. Bonterra, on behalf of itself and, as applicable, on behalf of its officers, directors, parent/subsidiary/related/affiliate/predecessor/successor entities, employees, staff, agents, representatives, and assigns (the “**BrightView Releasors**”), in consideration of the consideration in this Agreement, does fully release and discharge Marsh Harbour and, as applicable, its officers, directors, parent/subsidiary/related/affiliate/predecessor/successor entities, employees, staff, agents, representatives, and assigns (the “**Marsh Harbour Releasees**”) forever from all manners of actions, charges, suits, debts, accounts, bonds, bills, covenants, contracts, controversies, damages, judgments, executions, claims, obligations, liabilities, and demands of any kind, which each may have had, now

has, or may have in the future, whether known or unknown or suspected, relating to or arising out of the Service Contracts.

5. **Release by Marsh Harbour.** The Marsh Harbour Releasees, in consideration of the consideration in this Agreement, do fully release and discharge the BrightView Releasees forever from all manners of actions, charges, suits, debts, accounts, bonds, bills, covenants, contracts, controversies, damages, judgments, executions, claims, obligations, liabilities, and demands of any kind, which each may have had, now has, or may have in the future, whether known or unknown or suspected, relating to or arising out of the Service Contracts.

6. **No Admission of Liability.** The Parties' entry into this Agreement, and payment/acceptance of the Settlement Payment, is not, and shall not be construed as, an admission of liability in law or fact regarding anything.

7. **Miscellaneous.**

- a. **Authority.** The Parties have the authority to execute this Agreement.
- b. **Entire Agreement and Counsel Representation.** This Agreement constitutes the sole agreement of the Parties with respect to the stated subject matter and supersedes all prior agreements of any type - written or oral. The Parties have not executed this Agreement in reliance on anything not expressly stated in this Agreement. The Parties were represented by counsel in the negotiation and execution of this Agreement.
- c. **Interpretation.** This Agreement is the product of negotiation between the Parties and the Parties' counsel and, so, in construing and interpreting it no provision should be construed or interpreted in favor of or against any Party.
- d. **Waiver and Amendment.** No waiver or amendment of any term, condition, or provision of this Agreement shall be valid unless in writing and signed by the Parties.
- e. **Forum Selection, Choice of Law, and Attorney's Fees and Costs.** Florida law governs this Agreement. All disputes arising out of or related to this Agreement will be litigated in the courts of Palm Beach County, Florida. The prevailing party in any such action shall be entitled to its incurred expenses through appeal, including attorney's fees and costs, from the nonprevailing party.
- f. **Assignment.** The Parties have not assigned any of the matters released in this Agreement, and they will not assign any obligation in this Agreement.
- g. **Binding.** This Agreement is binding on, inures to the benefit of, and is enforceable by, the Parties' successors and assigns.

- h. Survival. The Parties' representations and warranties contained in this Agreement survive the Effective Date.

The Parties, by their signatures below, represent they: (1) have read and fully understand this Agreement; (2) have been provided a reasonable opportunity to, and have both, consulted with counsel prior to signing this Agreement; and (3) voluntarily agree to all Agreement terms.

Witnesses:

**MARSH HARBOUR COMMUNITY
DEVELOPMENT DISTRICT**, a local unit of
special-purpose government established pursuant
to Chapter 190, Florida Statutes

Witness Signature

Printed Name:_____

By:_____

Printed Name:_____

Title:_____

Date signed:_____, 2023

Witness Signature

Printed Name:_____

STATE OF FLORIDA }
COUNTY OF PALM BEACH }

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this ____ day of _____ 2023, by _____, as _____ of MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT, who is personally known to me or has produced _____ as identification and who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his or her knowledge.

My commission expires:

Notary Public

Witnesses:

**BRIGHTVIEW LANDSCAPE SERVICES,
INC., a Florida corporation**

Witness Signature

Printed Name:_____

By:_____

Printed Name:_____

Title:_____

Date signed:_____, 2023

Witness Signature

Printed Name:_____

STATE OF FLORIDA }

COUNTY OF PALM BEACH }

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2023, by _____, as _____ of BRIGHTVIEW LANDSCAPE SERVICES, INC., who is personally known to me or has produced _____ as identification and who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his or her knowledge.

My commission expires:

Notary Public