



***BEACH
COMMUNITY DEVELOPMENT DISTRICT***

Advanced Meeting Package

Regular Meeting

***Monday
May 9, 2022
6:00 p.m.***

***Location:
12788 Meritage Blvd.,
Jacksonville, FL 32246***

Note: The Advanced Meeting Package is a working document and thus all materials are considered DRAFTS prior to presentation and Board acceptance, approval or adoption.

Beach

Community Development District

Development Planning and Financing Group

[X] 250 International Parkway, Suite 208
Lake Mary FL 32746
321-263-0132

Board of Supervisors
Beach Community Development District

Dear Board Members:

The Regular Meeting of the Board of Supervisors of the Beach Community Development District is scheduled for **Monday, May 9, 2022, at 6:00 p.m.** at the **12788 Meritage Blvd., Jacksonville, FL 32246**

The advanced copy of the agenda for the meeting is attached along with associated documentation for your review and consideration. Any additional support material will be distributed at the meeting.

The balance of the agenda is routine in nature. Staff will present their reports at the meeting. If you have any questions, please contact me. I look forward to seeing you there.

Sincerely,

David McInnes

David McInnes
District Manager

Cc: Attorney
Engineer
District Records

District: **BEACH COMMUNITY DEVELOPMENT DISTRICT**

Date of Meeting: Monday, May 9, 2022
Time: 6:00 PM
Location: 12788 Meritage Blvd.,
Jacksonville, FL 32246

Call-in Number: +1 (929) 205-6099
Meeting ID: 7055714830#

Revised Agenda

- I. Roll Call**
- II. Audience Comments** – *(limited to 3 minutes per individual for agenda items)*
- III. Office of Elected Supervisor & Form 1**
 - A. Discussion to Fill Seat 3
 - B. Consideration of Seat 3 Candidates
 - C. Seat 3 Choice -
 - D. Oath of Office Exhibit 1
 - E. Form 1 Exhibit 2
 - F. New Supervisor Information Sheet Exhibit 3
 - G. Sunshine Law & Code of Ethics Exhibit 4
 - H. **Consideration & Adoption of Resolution 2022-13, Re-Designating Officers** **Exhibit 5**
- IV. Consent Agenda**
 - A. Consideration for Approval – The Minutes of the Board of Supervisors Special Meeting Held March 30, 2022 Exhibit 6
 - B. Consideration for Approval – The Minutes of the Board of Supervisors Regular Meeting Held April 11, 2022 Exhibit 7
- V. Business Items**
 - A. **Discussion of Approved Proposed FY 2023 Budget** **Exhibit 8**
 - 1. **FY 2023 Capital Improvements** **Exhibit 9**
 - 2. **Security-Roving Patrol** **Exhibit 10**
 - B. District Manager Discussion of Organizational Matters
 - C. Discussion of Towing within the Community
 - D. **Consideration & Adoption of Resolution 2022-14, Amending FY 2022 Meeting Schedule** **Exhibit 11**
 - E. **General Election – Duval County Qualifying Period – Noon, June 13, 2022 thru Noon, June 17, 2022**
 - F. **Consideration of Amenity Center Computer Replacement Options** **Exhibit 12**

VI. Staff Reports

A. Lifestyle & Field Management Report

- 1. Amenity Manager Report
- 2. Field Management Report

B. District Counsel

C. District Manager

D. District Engineer

Exhibit 13

VII. Audience Comments *(limited to 3 minutes per individual for non-agenda items)*

VIII. Supervisors' Requests

IX. Action Items Summary

X. Next Month's Agenda Items

XI. Next Meeting Quorum Check: June 6th, 5:15 PM

Stephen Kounoupas	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> REMOTE	<input type="checkbox"/> NO
Andrew Hagan	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> REMOTE	<input type="checkbox"/> NO
Sheila S. Papelbon	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> REMOTE	<input type="checkbox"/> NO
Matt Calderaro	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> REMOTE	<input type="checkbox"/> NO
Vacant	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> REMOTE	<input type="checkbox"/> NO

XII. Adjournment

EXHIBIT 1

Oath of Office

I, _____, a resident of the State of Florida, a citizen of the United States of America, a resident of the Beach Community Development District, and having been (appointed/ elected) as a Supervisor of Beach Community Development District (the “District”) and a recipient of public funds on behalf of the District, do hereby solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Florida, and will faithfully, honestly and impartially discharge the duties devolving upon me in the office of Supervisor of Beach Community Development District, located in Duval, Florida.

Signature

Date

STATE OF FLORIDA

COUNTY OF _____

The foregoing oath was administered before me by means of physical presence or online notarization, this ____ day of _____, 2022 by _____, who is personally known to me or who has produced _____ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of the Beach Community Development District and acknowledged to and before me that she/he took said oath for purposes therein expressed

Notary Public State of Florida

(Print, Type, or Stamp Commissioned Name of Notary Public and the Date the Commission Expires)

EXHIBIT 2

FORM 1

STATEMENT OF FINANCIAL INTERESTS

2021

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

****** THIS SECTION MUST BE COMPLETED ******

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2021.

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (**must check one**):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR **DOLLAR VALUE THRESHOLDS**

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

PART B -- SECONDARY SOURCES OF INCOME
[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]
(If you have nothing to report, write "none" or "n/a")

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
 (If you have nothing to report, write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts - See instructions]
 (If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
 (If you have nothing to report, write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING For elected municipal officers, appointed school superintendents, and commissioners of a community redevelopment agency created under Part III, Chapter 163 required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE OF FILER:

Signature:

Date Signed:

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

State officers or specified state employees who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format), send it to CEForm1@leg.state.fl.us and retain a copy for your records. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

WHEN TO FILE: Initially, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2021.

NOTICE

Annual Statements of Financial Interests are due July 1. If the annual form is not filed or postmarked by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]

WHO MUST FILE FORM 1:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.

4) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.

5) Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.

6) Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

7) Persons holding any of these positions in local government: mayor; county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county

or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.

8) Officers and employees of entities serving as chief administrative officer of a political subdivision.

9) Members of governing boards of charter schools operated by a city or other public entity.

10) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

11) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

12) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.

13) Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.

14) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

15) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.

16) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

17) Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

INSTRUCTIONS FOR COMPLETING FORM 1:

INTRODUCTORY INFORMATION (Top of Form): If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, and contact your agency's financial disclosure coordinator. You can find your coordinator on the Commission on Ethics website: www.ethics.state.fl.us.

NAME OF AGENCY: The name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate.

DISCLOSURE PERIOD: The "disclosure period" for your report is the calendar year ending December 31, 2021.

OFFICE OR POSITION HELD OR SOUGHT: The title of the office or position you hold, are seeking, or held during the disclosure period even if you have since left that position. If you are a candidate for office or are a new employee or appointee, check the appropriate box.

PUBLIC RECORD: The disclosure form and everything attached to it is a public record. Your social security number, bank account, debit, charge, and credit card numbers are not required and you should redact them from any documents you file. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

MANNER OF CALCULATING REPORTABLE INTEREST

Filers have the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

IF YOU HAVE CHOSEN DOLLAR VALUE THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

PART A — PRIMARY SOURCES OF INCOME

[Required by s. 112.3145(3)(b)1, F.S.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

Examples:

- If you were employed by a company that manufactures computers and received more than \$2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than \$2,500. Do not aggregate all of your investment income.
- If more than \$2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than \$2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

PART B — SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in Part A "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

- (1) You owned (either directly or indirectly in the form of an equitable

or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**

- (2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

PART C — REAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

PART D — INTANGIBLE PERSONAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

PART E — LIABILITIES

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than \$10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure

period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

PART G — TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, or a commissioner of a community redevelopment agency created under Part III, Chapter 163 whose service began before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

IF YOU HAVE CHOSEN COMPARATIVE (PERCENTAGE) THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

PART A — PRIMARY SOURCES OF INCOME

[Required by s. 112.3145(3)(a)1, F.S.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s), but income from these public sources should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded 5% of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

Examples:

— If you were employed by a company that manufactures computers and received more than 5% of your gross income from the company, list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income, then list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income, list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and

bonds, list each individual company from which you derived more than 5% of your gross income. Do not aggregate all of your investment income.

— If more than 5% of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address, and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.

— If more than 5% of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

PART B — SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(a)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in Part A, "Primary Sources of Income," if it meets the reporting threshold. You will **not** have anything to report **unless** during the disclosure period:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**,

(2) You received more than 10% of your gross income from that business entity; **and**,

(3) You received more than \$1,500 in gross income from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income—an amount that was more than \$1,500. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

PART C — REAL PROPERTY

[Required by s. 112.3145(3)(a)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes, if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

PART D — INTANGIBLE PERSONAL PROPERTY

[Required by s. 112.3145(3)(a)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than 10% of your total assets, and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CD's and savings accounts with the same bank.

Calculations: To determine whether the intangible property exceeds 10% of your total assets, total the fair market value of all of your assets (including real property, intangible property, and tangible personal property such as jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number which can be found on the lease document). Property that is only jointly owned property should be valued according to the percentage of your joint ownership. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form.

Example: You own 50% of the stock of a small corporation that is worth \$100,000, the estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

PART E — LIABILITIES

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed any amount that, at any time during the disclosure period, exceeded your net worth. You are not required to list the amount of any debt or your net worth. You do not have to disclose: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, it is not a contingent liability.

Calculations: To determine whether the debt exceeds your net worth, total all of your liabilities (including promissory notes, mortgages, credit card debts, judgments against you, etc.). The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. Subtract the sum total of your liabilities from the value of all your assets as calculated above for Part D. This is your "net worth." List each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations at 100% of the amount owed.

Example: You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with, the types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

PART G — TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, or a commissioner of a community redevelopment agency created under Part III, Chapter 163 whose service began before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

EXHIBIT 3

BEACH
A Community Development District

NEW SUPERVISOR INFORMATION SHEET

Please return completed forms to
DPFG Management & Consulting
Records Management
250 International Parkway, Suite 208
Lake Mary, FL 32746
Phone: 321-263-0132 X-193
David McInnes

1) Name: _____

2) Address: _____

3) County of Residence _____

4) Phone or Cell _____

5) Email Address _____

6) Waive OR Accept Compensation of Statutorily Allowed \$200 per Meeting
_____. If you have elected to receive compensation,
then please forward the attached payroll forms along with the New Supervisor
Information Sheet.

Payroll Information

1) Date of Birth: _____

2) Drivers License Number: _____

Return to Agenda

EXHIBIT 4

FLORIDA COMMISSION ON ETHICS



GUIDE
to the
SUNSHINE AMENDMENT
and
CODE of ETHICS
for Public Officers and Employees

2022

State of Florida
COMMISSION ON ETHICS

Michelle Anchors
Fort Walton Beach

Antonio Carvajal
Tallahassee

Travis Cummings
Fleming Island

Don Gaetz
Niceville

Glenton “Glen” Gilzean, Jr.
Orlando

John Grant
Tampa

Joanne Leznoff
Fernandina Beach

William “Willie” N. Meggs
Tallahassee

Jim Waldman
Fort Lauderdale

Kerrie Stillman
Executive Director
P.O. Drawer 15709
Tallahassee, FL 32317-5709
www.ethics.state.fl.us
(850) 488-7864*

*Please direct all requests for information to this number.

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I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida's first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

In 2018, Florida's Constitutional Revision Commission proposed, and the voters adopted, changes to Article II, Section 8. The earliest of the changes will take effect December 31, 2020, and will prohibit officials from abusing their position to obtain a disproportionate benefit for themselves or their spouse, child, or employer, or for a business with which the official contracts or is an officer, partner, director, sole proprietor, or in which the official owns an interest. Other changes made to the Constitution place restrictions on lobbying by certain officeholders and employees, and put additional limits on lobbying by former public officers and employees. These changes will become effective December 31, 2022.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

A. PROHIBITED ACTIONS OR CONDUCT

1. *Solicitation and Acceptance of Gifts*

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly **accepting** a gift worth more than \$100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

However, notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than \$100 that formerly were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

2. *Unauthorized Compensation*

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

3. *Misuse of Public Position*

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. [Sec. 112.313(6), Fla. Stat.]

4. *Abuse of Public Position*

Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others. [Article II, Section 8(h), Florida Constitution.]

5. *Disclosure or Use of Certain Information*

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

6. *Solicitation or Acceptance of Honoraria*

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to \$5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly

were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

1. Doing Business With One's Agency

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. Conflicting Employment or Contractual Relationship

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE:

Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

(c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

(d) When an emergency purchase must be made to protect the public health, safety, or welfare.

(e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

(f) When the aggregate of any such transactions does not exceed \$500 in a calendar year.

(g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

(h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

(i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

4. Additional Exemptions

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.]

5. Legislators Lobbying State Agencies

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

6. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

7. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

8. Contractual Services: Prohibited Employment

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

9. Local Government Attorneys

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

10. Dual Public Employment

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public

employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES

1. Anti-Nepotism Law

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute “jurisdiction or control” for the purposes of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. Additional Restrictions

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. POST OFFICE HOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. Lobbying by Former State Employees

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the

agency with which they were employed for a period of two years after leaving their positions, unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

(a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

(b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

3. Additional Restrictions on Former State Employees

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

4. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of which he or she was an officer for two years after leaving office. Appointed officers and employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

E. VOTING CONFLICTS OF INTEREST

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of

community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

F. DISCLOSURES

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.; members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

- 3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

- 1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

- 2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: mayor; county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.

5) Members of governing boards of charter schools operated by a city or other public entity.

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

1) Employees in the Office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

5) The superintendent or director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 together with and at the same time they file their qualifying papers.

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

Each LOCAL OFFICER files FORM 1 with the Supervisor of Elections in the county in which he or she permanently resides.

A STATE OFFICER or SPECIFIED STATE EMPLOYEE files with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. *FORM 1F - Final Form 1 Limited Financial Disclosure*

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. *FORM 2 - Quarterly Client Disclosure*

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

LOCAL OFFICERS file with the Supervisor of Elections of the county in which they permanently reside.

STATE OFFICERS and SPECIFIED STATE EMPLOYEES file with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

4. *FORM 6 - Full and Public Disclosure*

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of the city council and candidates for these offices in Jacksonville; the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When and Where To File:

Incumbent officials must file FORM 6 annually by July 1 with the Commission on Ethics. CANDIDATES must file with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

Beginning January 1, 2022, all Form 6 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable on the Commission's website.

5. *FORM 6F - Final Form 6 Full and Public Disclosure*

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. *FORM 9 - Quarterly Gift Disclosure*

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than \$100, other than gifts

from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than \$100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The officer or employee then must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the

purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

8. *FORM 30 - Donor's Quarterly Gift Disclosure*

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than \$100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between \$25 and \$100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

9. *FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6*

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

LOCAL OFFICERS and EMPLOYEES who must file FORM 1 annually will be sent the form by mail from the Supervisor of Elections in the county in which they permanently reside not later than JUNE 1 of each year. Newly elected and appointed officials or employees should contact the heads of their agencies for copies of the form or download it from www.ethics.state.fl.us, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment. The Form 1 will be filed electronically with the Florida Commission on Ethics via the Electronic Financial Disclosure Management System (EFDMS), beginning in 2023.

Beginning January 1, 2022, ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 annually must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Form 6 filers will receive an emailed invitation to register for EFDMS in March 2022. Filers requiring earlier access should contact the Commission to request an invitation. Filers must maintain an updated email address in their User Profile in EFDMS.

OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file Form 1 annually will be sent the forms by mail from the Florida Commission on Ethics by June 1, 2022. Newly elected and appointed officers and employees should contact the head of their agencies for copies of the form or download the form from www.ethics.state.fl.us, as should those persons who are required to file their final financial disclosure statement within 60 days of leaving office or employment.

V. PENALTIES

A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the ballot, public censure, reprimand, or a civil penalty not to exceed \$10,000, and triple the value of a gift received from a political committee.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to \$5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between \$25 and \$100, may be penalized by a fine of not more than \$5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined \$50 per day per report for each day the report is late, up to a maximum fine of \$5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of \$25 for each day late the form is filed after September 1, up to a maximum penalty of \$1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

C. How to Obtain Published Opinions

All of the Commission's opinions are available for viewing or download at its website:
www.ethics.state.fl.us.

VII. COMPLAINTS

A. Citizen Involvement

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at

www.ethics.state.fl.us. The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can obtain a complaint form (FORM 50), by contacting the Commission office at the address or phone number shown on the inside front cover of this booklet, or you can download it from the Commission's website:
www.ethics.state.fl.us.

B. Referrals

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney. A vote of six of the Commission's nine members is required to proceed on such a referral.

C. Confidentiality

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

D. How the Complaint Process Works

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

In cases of very minor financial disclosure violations, the official will be allowed an opportunity to correct or amend his or her disclosure form. Otherwise, if the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

E. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

F. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of any specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at www.floridalobbyist.gov. Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4987

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed

information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. TRAINING

Constitutional officers, elected municipal officers, and commissioners of community redevelopment agencies (CRAs) are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. The Commission on Ethics does not track compliance or certify providers.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff. A comprehensive online training course addressing Florida's Code of Ethics, as well as Sunshine Law, and Public Records Act is available via a link on the Commission's homepage.

EXHIBIT 5

RESOLUTION 2022-13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BEACH COMMUNITY DEVELOPMENT DISTRICT RE-DESIGNATING OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Beach Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Board of Supervisors of the District desires to re-designate certain Officers of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BEACH COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. _____ is appointed Chairperson.

SECTION 2. _____ is appointed Vice Chairperson.

SECTION 3. Howard McGaffney is appointed Secretary.

David McInnes is appointed Assistant Secretary.

Jacquelyn Leger is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Johanna Lee is appointed Treasurer.

Howard McGaffney is appointed Assistant Treasurer.

SECTION 4. This Resolution supersedes any prior appointments made by the Board.

SECTION 5. This Resolution shall become effective on April 11, 2022.

APPROVED AND ADOPTED this 9th day of May, 2022.

ATTEST:

**BEACH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

EXHIBIT 6

MINUTES OF MEETING

**BEACH COMMUNITY DEVELOPMENT DISTRICT
SPECIAL BOARD OF SUPERVISORS' MEETING MINUTES**

Wednesday, March 30, 2022, at 5:45 p.m.

12788 Meritage Blvd.

Jacksonville, FL 32246

Board Members present and or via speaker phone:

Maria Tondi	Chairperson
Stephen Kounoupas	Vice-Chairperson
Maria Tondi	Assistant Secretary
Sheila Papelbon	Assistant Secretary

Also present and or via speaker phone:

Vivian Carvalho	District Manager – PFM Group Consulting LLC	
Venessa Ripoll	Assistant DM- PFM Group Consulting LLC	(via phone)
Wes Haber	District Counsel- Kutak Rock LLP	(via phone)
Paul Hutchinson	District Engineer- England-Thims & Miller, Inc.	
	(via phone)	
Elizabeth A. Myers	Vesta Properties	
Jay King	Vesta Properties	
Ross Ruben	Vesta Properties	
Ron Zastrocky	Vesta Properties	
Howard McGaffney	DPFG- Vesta Properties	
David McInnes	DPFG- Vesta Properties	
Jake Card	Advanced Security	

Various members of the audience present.

FIRST ORDER OF BUSINESS

Organizational Matters

Call to Order and Roll Call

Ms. Carvalho called to order at 5:48 p.m. the Special Meeting of the Board of Supervisors of the Beach Community Development District and proceeded with roll call. Those in attendance in person and or via phone are listed above.

Public Comment Period

There were no public comments.

SECOND ORDER OF BUSINESS

General Business Matters

Review and Confirmation of District Management and Assessment Consulting Services Outlined in DPMG Proposal

Mr. Haber explained the Board previously voted in favor of terminating the Contract with PFM for District Management services and retain DPMG as the new District Manager. Those decisions led to questions from the Board about other services PFM provides to the District, namely assessment methodology consulting and financial advisory. The proposal from DPMG was not available at the time of the last Board meeting but the District has since received the DPMG proposal that includes both management and methodology assessment consulting services. The Board has already decided to retain DPMG for District Management services and was advised to now decide on which company to retain for methodology assessment consulting services.

Ms. Papelbon provided background of how the Task Force evaluated vendor contracts. When the Board of Supervisors transitioned from ICI to a resident controlled Board, the new Board of Supervisors decided to RFP each vendor service. It was recommended the District RFP every party that is associated with the Bonds instead of deciding during this meeting.

Ms. Tondi stated the explanation Ms. Papelbon provided should have come at an earlier time, rather than the Task Force making Board decisions. There were concerns about Vesta Properties being sold in December 2021. It was stated PFM has a thorough knowledge of the District business and has been involved with the many projects the District is undertaking. There were also concerns about payroll invoicing from Vesta Properties. Ms. Tondi outlined several topics of District business that need to be finalized before the transition of District Management. Ms. Tondi initiated a motion to rescind the Board decision to retain DPMG for District Management Services. Ms. Carvalho invited Mr. Kounoupas to share his thoughts on the District Management transition before the Board proceeds with the motion initiated by Ms. Tondi.

Mr. Kounoupas stated he was unaware why the decision to change District Management companies was initiated in the first place. Ms. Papelbon explained after analysis and evaluation, the community does not want to continue with PFM as the District Management company and the Task Force has also recommended the transition of District Management services. It was explained upon the recommendation of the Task

Force, a motion to act on the transition of District Management services was initiated by Dr. Renn. Ms. Tondi stated the Board liaison to the Task Force should bring concerns to the Board for discussion and consideration during Workshop meetings before a decision is made at a Board of Supervisors meeting. Mr. Haber explained there is no definite law or process that outlines how the Board undertakes decisions. The Board was reminded of the topic at hand to decide on the company for District Management services and to what capacities.

Ms. Tondi made note of an audience question. An audience member questioned the motion where Ms. Tondi attempted to rescind the prior motion to terminate PFM, although Ms. Tondi did not make the original motion. Mr. Haber clarified the Board has the authority to rescind a prior motion and then make a motion to put in place the direction the Board wants to go as it relates to District Management services.

Ms. Carvalho stated PFM and DPFPG came to a mutual decision to transition the District Management services on May 1, 2022, if the Board still wants to make that transition. Although the District requested an April 7, 2022, transition, Mr. McGaffney stated the transition of District Management companies cannot happen within 30 days. Mr. McGaffney noted concerns regarding the strife amongst Board Members. It was explained DPFPG is unable to do one service, District Management services, without the other service of Methodology Assessment services, and there was an explanation provided to the Board as to why both services are required. Ms. Tondi questioned the fee structure of the DPFPG District Management services proposal. Ms. Papelbon outlined the fees and explained when those fees would take effect based on the project the District undertakes.

Ms. Papelbon stated the District wants new management but does not want a Financial Advisor change, as the District is unsure whether they will refinance bonds. It was recommended the District go through the RFP process for all services related to the refinancing and issuance of bonds, if the District decides to issue bonds. A conversation about the pros and cons of going out to bid, as well as the services DPFPG provides, ensued.

Mr. McGaffney provided the Board with an explanation of the steps DPFPG is recommending to the Board. It was reiterated DPFPG is not interested in separating their District Management services from their Financial Advisory services. If the Board wants to retain DPFPG for District Management services, DPFPG will provide the wide range of services to include Financial Advisory. If the District only wants to retain DPFPG for District Management, but not Financial Advisory, DPFPG would not be willing to enter into a contract with the District.

Ms. Tondi asked Mr. Haber to direct the Board as to where they stand in the meeting regarding the motion on the floor. Mr. Haber advised Ms. Tondi on how to make the motion.

There was an audience question about whether the topic being discussed is on the agenda. It was confirmed the Board is discussing an agenda item.

Mr. Kounoupas sought clarification on DPFG wanting all or nothing regarding the contract. The Board engaged in conversation about the pros and cons of retaining DPFG vs continuing with PFM.

Ms. Carvalho recommended the Board go through the RFP process for District Management, Financial Advisory, etc., to obtain proposals from a variety of other companies to make a sounder decision. It was clarified the current District Management company would not be involved with the RFP process, rather District Counsel would coordinate the process. Mr. Haber instructed the Board to be specific in the RFP process to indicate the District is seeking only District Management services, not to include financial advisory.

Ms. Carvalho clarified the District engagement with PFM is structured in two different contracts to cover District Management and Financial Advisory services separately.

Ms. Papelbon asked if DPFG can structure the District Management services agreements under two separate contracts. Mr. McGaffney explained the agreement with DPFG can always be amended and negotiated on, depending on the needs of the District. Mr. Haber explained he needs to know how strongly DPFG is going to require the services in the agreement to be tied together. There was a request for confirmation the District can renegotiate the terms of the agreement with DPFG. DPFG agreed they will be open to renegotiation of the agreement for District Management and Financial Advisory services.

Ms. Tondi made a motion for the District to not terminate the current District Management agreement with PFM. With no second, the motion died.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with 2 in favor and 1 opposed, the Board accepted the DPFG proposal, under separate contracts for District Management services at \$50,0000 and Financial Advisory services not to be charged until the time of bond refinancing, given the District can renegotiate the terms of the agreement at the time of bond refinancing.

Ms. Carvalho confirmed PFM will continue providing District Management services through May 1, 2022, with DPFG coming on board on May 1, 2022. Mr. Haber requested clarification on the agreement with PFM regarding Financial Advisory.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with 2 in favor and 1 opposed, the Board approved to terminate the Financial Advisory agreement with PFM.

Consideration of Resolution 2022-05, Re-designating officers of the district, effective May 1, 2022

Ms. Carvalho explained there are several administrative items that must be completed before the full District Management transition. Mr. McGaffney announced the names of DPFG staff who will come on board as part of the new District Management agreement. The proposed slate of new officers is as follows.

Chair - Stephen Kounoupas
Vice Chair - Sheila Papelbon
Treasurer - Johana Lee
Assistant Treasurer - Howard McGaffney
Secretary - Howard McGaffney
Assistant Secretary - David McInnes
Assistant Secretary - Jackie Ledger
Assistant Secretary - Maria Tondi
Assistant Secretary- Andy Hagan

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all in favor, the Board approved the slate of officers as outlined above.

Ms. Papelbon asked about the process of replacing Dr. Renn's Board position. Ms. Carvalho clarified the April 11, 2022, meeting will cover that item and there will be an e-blast to residents that are interested to submit their intent to serve on the Board.

Consideration of Resolution 2022-06, Appointing and Confirming the Compensation of the District Manager Services and Assessment Consultant Services with DPFG, effective May 1, 2022

Ms. Carvalho stated this Resolution outlines that DPFG will provide both services for the District as approved earlier in the meeting. The proposal from DPFG is attached to the Resolution. Ms. Haber explained the agreement specifies the terms of the arrangement with services outlined in separate contracts.

On MOTION by Ms. Tondi, seconded by Ms. Papelbon, with all in favor, the Board approved Resolution 2022-06, Appointing and Confirming the Compensation of the District Manager Services and Assessment Consultant Services with DPFG, effective May 1, 2022.

Consideration of Resolution 2022-07, Designating the Primary Administrative Office of DPFG and Designating a Records Management Officer, effective May 1, 2022

Ms. Carvalho stated the Resolution provides the address for the new District Management company, DPFG. Mr. McGaffney provided the correct address for DPFG. Mr. Haber confirmed he would update the Resolution per the address provided by Mr. McGaffney.

On MOTION by Mr. Kounoupas, seconded by Ms. Papelbon, with all in favor, the Board approved Resolution 2022-07, Designating the Primary Administrative Office for DPFG and Designating a Records Management Officer, effective May 1, 2022, in substantial form subject to final revision by District Counsel.

Consideration of Resolution 2022-08, Designating Bank United as a Public Depository of Funds of the District for all operating accounts, and authorized signatories on all the accounts, effective May 1, 2022

Ms. Carvalho explained the authorized signatories for the District operations and maintenance bank will transition to DPFG and the new slate of officers.

On MOTION by Mr. Kounoupas, seconded by Ms. Papelbon, with all in favor, the Board approved Resolution 2022-08, Designating Bank United as a Public Depository of Funds of the District for all operating accounts, and authorized signatories on all the accounts, effective May 1, 2022.

Consideration of Website Hosting and ADA compliance Proposal with Campus Suite Website Company (under separate cover)

Ms. Carvalho stated the District will transition to a new website hosting vendor. Mr. McGaffney explained the District Management contract included the transition to the new website hosting vendor. The cost and services for website hosting were outlined for the Board. Mr. Gaffney suggested the Board defer this agenda item to the next meeting. The Board agreed to table the Consideration of Website Hosting and ADA Compliance Proposal with Campus Suite Website Company.

Review and Acceptance of the District Request Form

Ms. Tondi explained the District Request Form is for residents to submit any requests, suggestions or questions for Board consideration. Mr. Gaffney explained the District Request Form is on the website for residents to access. The Board confirmed the District Request Form would remain on the website. There will also be physical forms available for residents to submit.

THIRD ORDER OF BUSINESS

Other Business

- | | |
|----------------------------|--|
| District Counsel – | No. Report. |
| District Engineer – | No Report |
| District Manager – | Ms. Carvalho stated the next meeting is scheduled for April 11, 2022, where there must be quorum met. This meeting |

will initiate the proposed budget process. Ms. Carvalho stated there will be a conference call scheduled with the District Chair and District Staff to look more thoroughly at the budget. Mr. Haber stated he can serve as the new Registered Agent for the District and will prepare Resolution 2022-09 for the April 11, 2022, meeting that will solidify the Registered Agent transition.

Field Manager –

Mr. McGaffney introduced David McGinnis, who will be working with District Management. Both Mr. McGaffney and Mr. McGinnis will work together to manage the District and attend meetings for the next year. After that initial year, McGinnis will serve as the District Manager.

Lifestyle Update -

Mr. King provided an report to the Board that included and overview of action items and highlighted several community events.

The QR survey process was explained.

The Board was provided with a labor budget updated. There is a current net savings. Ms. Papelbon asked about the budget outlook for March. Mr. King explained it has been a challenge with staffing lifeguards during Spring Break so there is expected to be a March savings in that area.

The Board was provided an update on vendor activity. There was a survey distributed that asked for the self-identification of anyone who is providing a service they are charging for on District property. The purpose for this survey is to protect the liability of the District and bring everyone into compliance. There District has not received any self-reporting from businesses who are providing services on District property. There are plans to move forward with identifying individuals who are not in compliance and requesting a cease and desist on any services provided on District property. There was a discussion about the guest policy and how that policy is enforced as it pertains to liability to the District. Mr. Haber explained the insurance claim process and also explained liabilities to the District as it

pertains to guests using District amenities. There was a discussion about insurance coverage that ensued. Mr. King explained there is a policy in place that restricts instructors from receiving payment from guests if those instructors are not verified vendors with the District. The Board agreed to continue the discussion on unverified vendors at the next Board of Supervisors meeting.

Audience Comments

A resident asked about accessing the survey without a QR code reader. Mr. King stated there will be a link on the website and a physical copy of the survey available. The resident asked about the paving of roads. Mr. King stated DPFPG would reach out to the developer, ICI, to get an answer about the timeline of road paving.

A resident stated there is a person living in the woods near the District property and asked what actions can be done to get the person out of or restricted from accessing the woods. Mr. King stated the issue is something the police can handle and suggested the resident call the proper authorities about the person living in the woods.

A resident asked about the acceptance of a Board Member's recent resignation. Ms. Carvalho stated the resignation acceptance is an agenda item for the April 11th Board of Supervisors Meeting.

A resident expressed thanks to Ron for a great job.

A resident asked about receiving a weekly report of guests who go through the guard house without a resident sticker. Mr. King stated the Board is not mandated to provide that to the public. There was an explanation of the process involved with keeping a log of people who go through the guard house without a resident sticker. The resident asked about a situation where there was a car seen going through the gate without verification from the security guards. There was a discussion about various situations at the guard house where different vehicles are allowed through the gate.

Supervisors Requests

Ms. Tondi stated the arms at the entrance gate have been damaged several times. The security guards have been asked to identify the individuals who are breaking the gate and charge them for repair costs.

There was a question about the time the construction gate is locked at night. Mr. Ruben stated he would contact Mike Veazey, liaison with ICI, to find out more information on the construction closed times and other items that were brought up in the meeting.

FOURTH ORDER OF BUSINESS

Adjournment

There was no further business to discuss. Ms. Ripoll requested a motion to adjourn.

On MOTION by Ms. Tondi, seconded by Mr. Kounoupas, with all those in favor, the March 30, 2022, Beach Community Development District Special Board of Supervisors meeting was adjourned at 7:57 p.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

EXHIBIT 7

MINUTES OF MEETING

**BEACH COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES
Monday, April 11, 2022 at 5:45 p.m.
12788 Meritage Blvd.
Jacksonville, FL 32246**

Board Members present and or via speaker phone:

Stephen Kounoupas	Chairperson
Sheila Papelbon	Vice Chairperson
Maria Tondi	Assistant Secretary

Also present and or via speaker phone:

Vivian Carvalho	District Manager – PFM Group Consulting LLC	
Venessa Ripoll	Assistant DM- PFM Group Consulting LLC	(via phone)
Wes Haber	District Counsel- Kutak Rock LLP	(via phone)
Steve Howell	Vesta Properties	
Elizabeth A. Myers	Vesta Properties	
Ross Ruben	Vesta Properties	
Ron Zastrocky	Vesta Properties	
Mac McGaffney	DPFG- Vesta Properties	
Jake Card	Advanced Security	

Various members of the audience present.

FIRST ORDER OF BUSINESS

Organizational Matters

Call to Order and Roll Call

Ms. Carvalho called to order at 5:51 p.m. the meeting of the Board of Supervisors of the Beach Community Development District and proceeded with roll call. Those in attendance in person and or via phone are listed above.

Public Comment Period

There were no public comments.

Review and Acknowledgement of Robert Renn Resignation from the Board of Supervisors for Seat 5.

The Board reviewed the resignation letter.

On MOTION by Mr. Kounoupas, seconded by Ms. Tondi, with all in favor, the Board accepted Robert Renn's Resignation from the Board of Supervisors for Seat 5.

THIRD ORDER OF BUSINESS

Review of Candidates and Consideration of Replacement for Seat 5

Ms. Carvalho stated the District received resumes from Ryan Jones and Matt Calderaro. Mr. Jones was not present at the meeting. Mr. Calderaro outlined reasons why he would be a good candidate for the Board of Supervisors. The Board briefly discussed the candidates.

On MOTION by Ms. Papelbon, seconded by Mr. Tondi, with all in favor, the Board appointed Matt Calderaro to Seat 5.

Administer Oath of Office to Newly Appointed Board of Supervisors for Seat 5

Ms. Carvalho administered the Oath of Office to Mr. Calderaro. Mr. Calderaro chose to receive compensation.

Review and Consideration of Code of Ethics to Newly Appointed Board of Supervisor for Seat 5

Mr. Haber reviewed the Sunshine Law and Public Records Law with Mr. Calderaro.

FIRST ORDER OF BUSINESS

General Business Matters

Consideration of Revised Minutes of the December 6, 2021 Board of Supervisors Meeting

Ms. Carvalho outlined the requested revisions to the Minutes on pages 6 and 11. Ms. Tondi confirmed the revisions she requested to reflect the discussion of Leland Management and compensation of a Board Member that is approximately 43 minutes and 53 seconds into the recording. Ms. Tondi requested the information be clarified in the December 6, 2021, meeting minutes.

On MOTION by Ms. Tondi, seconded by Ms. Papelbon, with all in favor, the Board approved the Revised Minutes of the December 6, 2021, Board of Supervisors Meeting to reflect the changes to page 6, 11 and the discussion of Leland Management and compensation of a Board Member that is approximately 43 minutes and 53 seconds into the recording.

Consideration of Minutes of the February 7, 2022, Board of Supervisors Meeting

The Board reviewed the minutes.

On MOTION by Mr. Kounoupas, seconded by Ms. Papelbon, the Board approved the Minutes of the February 7, 2022 Board of Supervisors Meeting as presented.

Consideration of Minutes of the March 7, 2022 Board of Supervisors' Workshop Meeting

The Board reviewed the minutes. Ms. Papelbon requested a revision to the minutes to reflect Ms. Tondi being Chairperson.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all in favor, the Board approved the Minutes of the March 7, 2022 Board of Supervisors' Workshop Meeting, with the suggested changes.

Consideration of Resolution 2022-09, Designating a Registered Agent

This is an agenda item that has carried over from the last meeting. District Counsel has provided additional information for the resolution and will serve as the Registered Agent for the District.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, all in favor, the Board adopted Resolution 2022-09, Designating a Registered Agent.

Consideration of Resolution 2022-10, Approving a Preliminary Budget for Fiscal Year 2023 and Setting a Public Hearing Date [Suggested Date, July 18, 2022]

Ms. Carvalho explained the budget for Fiscal Year 2023 is due to the Tax Collector's Office on July 31, 2022 so the Board must approve a budget before that date. The Board was reminded the budget is unable to be increased once the preliminary budget is adopted.

Mr. McGaffney noted an increase in the budget and outlined the increased line items. There was a request to raise the budgeted amount for the District Counsel line item. It is anticipated the District will be updating policies and holding public hearings as the District transitions management companies. It was explained once the District settles into more routine operations, the need for District Counsel input may decrease. Ms. Papelbon asked why the line item is now higher than in years past. Mr. Haber explained the District is busier overall and there are a number of topics that arise and need the attention of District Counsel.

Ms. Papelbon asked about the amount budgeted for the water feature. It was explained the water feature needs to be maintained regularly. There was an audience comment to eliminate the water feature. Mr. McGaffney suggested the Board wait to make any decisions on eliminating any community features.

Mr. McGaffney suggested the District use a fund balance way of accounting and explained what that way of accounting would entail. The District would use the fund balance to offset assessments. Ms. Papelbon suggested the Board even out any carry over.

Ms. Tondi asked about the JEA price increase. Mr. McGaffney confirmed the District took the JEA increase into account when updating the budget.

Ms. Tondi asked about the holiday lighting and decorating being reflected in the budget. Ms. Champagne stated the holiday lighting and decorating is usually included in the amenity general maintenance line item, not a separate line item. The Board chose to keep holiday lighting and decorating in the amenity line item.

Ms. Papelbon asked about necessity of 24-hour guard service. Ms. Carvalho explained there were surveys sent out in the past where residents stated they wanted 24-hour guard service. Mr. Kounoupas explained the budget amount is an allotment of funds the Board can choose to use if they need the service. A discussion about security measures ensued.

A resident asked about the plan for long term capital planning budget. Mr. McGaffney stated the District is not yet at capital planning but when the time comes, the District would not be charged for that planning. There was another question about the reserve fund. It was explained there is no line item for a reserve study but in the next months the District would develop a capital plan that includes a reserve fund.

A resident asked about the gate being open from ICI undergoing construction. Mr. McGaffney stated the community is gate access controlled but the roads have been paid for by bond funds, so they are public roads. The public can access the roads of the District. Ms. Tondi asked Mr. Haber if ICI is obligated to add gates to the District. Mr. Haber advised the Board on how best to proceed with ICI regarding completing District improvements vs individual homeowner improvements.

A resident asked if the Board was happy with JEA adjustments on how the water is billed. Ms. Tondi replied she has been in contact with JEA and is happy with the water bill adjustment.

A resident asked about the amount of the assessment and if the District assessments would continue to increase. Mr. McGaffney stated the residents and Board will have a chance to see how the budget will be managed by DPFG in the coming years.

A conversation about the fund balance and reserves ensued. Mr. McGaffney suggested several steps the Board should take to aide in capital planning.

Ms. Carvalho suggested the Board create a line item that can be called “capital planning” that can be funded with the \$1846 in question. The Board was reminded they could decrease the budget before assessments are finalized but they cannot be increased. Ms. Carvalho asked Ms. Champagne to create a “field” line item and advised Ms. Champagne on the funds that should be included in that line item.

Mr. Carvalho asked if the Board is available on July 18, 2022, at 6pm for the Public Hearing to adopt the budget. It was clarified the preliminary budget for a maximum gross assessment per unit of \$1,846.56.

On MOTION by Mr. Kounoupas, seconded by Ms. Papelbon, with all in favor, the Board adopted Resolution 2022-10, Approving a Preliminary Budget for Fiscal Year 2023 and Setting a Public Hearing Date [Suggested Date, July 18, 2022]

Consideration of Resolution 2022-11, Designating Board Member Seats for the Upcoming General Election

Ms. Carvalho explained the resolution outlines the Board seats and the term expirations. It was stated seat 1 expires in 2024, seat 2 expires in 2022, seat 4 expires in 2024, and seat 5 expires in 2022. It was announced there will be a notice sent in May that outlines the qualifying period for the seats that are up for general election. The seats up for general election is seat 2, seat 4, and seat 5. Ms. Papelbon stated an update on ICI asking Mr. Hagan to resign from the Board. Mr. McGaffney stated ICI is trying to keep the lines of communication open with the Board and they are unsure if they are willing to ask Mr. Hagan to resign. Mr. Haber explained how interested parties can for a Board seat during the general election and how the general election will run.

On MOTION by Ms. Tondi, seconded by Mr. Kounoupas, with all in favor, the Board adopted Resolution 2022-11, Designating Board Member Seats for the Upcoming General Election 2022.

Consideration of Resolution 2022-12, Re-Designating Officers of the District

Ms. Carvalho noted the District will add Matt Calderaro as an additional Assistant Secretary. Mr. McGaffney outlined the new slate of officers as follows.

Chair – Stephen Kounoupas
Vice Chairperson - Sheila Papelbon
Secretary - Howard McGaffney
Assistant Secretary - Maria Tondi
Assistant Secretary – Matt Calderaro
Assistant Secretary – David McInnes
Jackie Ledger – Assistant Secretary
Joanna Lee – Treasurer
Howard McGaffney – Assistant Treasurer

Mr. McGaffney clarified the stated slate of officers will be effective April 11, 2022.

On MOTION by Ms. Tondi, seconded by Ms. Papelbon, with all in favor, the Board adopted Resolution 2022-12, Re-Designating Officers of the District.

Appointment of Audit Selection Committee

Ms. Carvalho explained the District must go through an audit process every 3 years and outlined the process of the auditor selection. Ms. Papelbon suggested the Board appoint a separate committee that can include members of the Finance and Task Force Group. Mr. Haber noted any person appointed to the Audit Selection Committee is subject to the Sunshine Law. It was clarified any meeting held by the Audit Selection Committee must be advertised. The committee meets for a short period of time during the selection process. The committee will review all materials and make a recommendation for the Board to consider. The ultimate decision is a Board decision.

The Board members chose not to be on the Audit Selection Committee. The Audit Selection Committee includes the Finance Task Force and the names as follows.

Susan Shemanski
John Monaghan
Dave Putnan
James Kendig
James Bolton

On MOTION by Ms. Tondi, seconded by Mr. Kounoupas, with all in favor, the Board approved the appointment of the Audit Selection Committee.

Review of the Finance and Task Force Group Report

Ms. Shemanski thanked Mr. Card for providing his company's insurance information. There was a question about the status of insurance for other vendors and the 10% vendor fee. Mr. McGaffney confirmed those items would be addressed in a later report. There was a question about the cleaning of a particular lake in the District. Ms. Tondi stated the pond issue can be a follow up item with Mr. Veazey.

Ratification of Temporary Construction Easement between the District and Bentwater Place Association

Ms. Carvalho stated the District previously entered into an easement with the Bentwater Place Association while construction is being done and the Board needs to ratify the agreement.

On MOTION by Ms. Tondi, seconded by Mr. Kounoupas, with all in favor, the Board ratified the Temporary Construction Easement between the District and Bentwater Place Association.

Discussion Pertaining Financial Statements and Documents Inclusion on the District Website

Ms. Carvalho explained there are residents asking for additional documents to be uploaded on the District website, including financial statements and backup documents. The requested information is not being uploaded on the website because a previous Board decided to limit the information on the website after a statutory change regarding document requirements. Mr. McGaffney suggested the District upload monthly financial statements to the website.

The Board agreed to make monthly financial statements available on the District website.

Review and Consideration of Resident Donation of a Picnic Table

Ms. Tondi stated she received an email from residents who purchased a picnic table they no longer need and want to donate it to the District. There Board was presented with a picture of the picnic table and a brief discussion was had about accepting the donation.

The Board thanked the residents for the donation. It was decided not to accept the picnic table donation.

Review and Consideration of Gate Motor Replacement Proposals

Mr. Zastrocky outlined the replacement specifications and costs associated with the gate repair proposals received.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all in favor, the Board approved the proposal from Integrated Access Solutions Gate Replacement Proposal.

Mr. Zastrocky explained an issue with the access arm at the gate. The Board was presented with two estimates to repair the arm loop.

Ms. Tondi suggested the entrance arm gate be moved up to allow cars to turnaround if access is not granted. There was a request the Board table the issue of the entrance arm gate.

**Ratification of Payment
Authorizations #240-248**

Ms. Carvalho confirmed the Payment Authorizations are for services that have already been completed.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all in favor, the Board ratified Payment Authorizations #240-248.

**Ratification of Debit Card
Purchases for the Following
Months**

- a. **October 2021**
- b. **November 2021**
- c. **February 2021**

Ms. Carvalho stated some of the debit card purchases have been made and replenished, with some from the past property management company, and need to be ratified.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all in favor, the Board ratified Debit Card Purchases for the Months of October 2021, November 2021, and February 2021.

**Review of District Financial
Statements**

Ms. Carvalho explained no action is needed from the Board on the Financial Statements. Ms. Papelbon asked about the trustee fee and the increase in the fee. Ms. Champagne clarified the 2015 Bond is what is increasing the trustee fee. Ms. Papelbon asked about the payment of US Bank fees. Ms. Champagne confirmed the fee was paid to US Bank before November 1. It was stated US Bank is paid in advance and they did not prorate any amount back to the District.

THIRD ORDER OF BUSINESS

Other Business

Staff Reports

District Counsel- No report.

District Engineer- No report.

District Manager-

Mr. McGaffney presented two proposals from Campus Suite, the new website provider for the District. The presented proposals were for the prorated website maintenance costs for April 2022 and the annual website audit cost.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all in favor, the Board approved the two proposals from Campus Suite for website maintenance work.

Ms. Carvalho stated the gross revenue assessment is \$1,750,534.92 so between now and the public hearing, that number can decrease but not increase to that threshold. It was noted the next Workshop is scheduled for May 2, 2022 at 6pm and the next Board of Supervisors' meeting is scheduled for June 6, 2022 at 6pm. The public hearing for the final budget approval is scheduled for July 18, 2022. There is an Audit Committee meeting on June 6, 2022 to review the audit criteria and RFP. The audit recommendation will come before the Board on July 18, 2022.

Lifestyle and Field Manager Report-

Mr. King presented the Board with a hardcopy of the action item list. It was recommended the Board focus on finalizing District policies and the prioritization of capital projects during the next workshop meeting. There will be a walk with Mr. Veazey that one Board member can attend.

Ms. Myers stated the District is actively recruiting lifeguards and 5 are ready for the onsite lifeguard certification. There are also several lifeguards who are ready for new hire orientation. It was stated the slide can be fully available by mid-May.

Mr. Ruben outlined the 49 survey results. The number of survey participants has not changed in 2 weeks. Ms. Tondi asked how the District can entice more residents to complete the survey. Mr. King stated the survey is very accessible and it depends on the community as to how many participants provide survey feedback.

Mr. King provided the Board with an update on the progress of getting vendors in compliance with the District. There was a brief discussion about resident access to amenities when instructors are using them.

Mr. King recommended a computer upgrade to improve camera and key card functionality.

Ms. Myers explained the District hosted a karaoke event and everyone had a great time at the event. There was also a Spring Fling event that brought out many residents.

Mr. Zastrocky stated the entry fountain is operational again. It was noted the Board entertained some discussion about getting rid of the entry fountain, so it is unclear how the Board wants to maintain the fountain going forward. The fountain needs to be drained, cleaned, and pressure washed.

Mr. Zastrocky stated the pool repairs were initiated but some parts were missing. All of the feeders and fountain will be done and ready to go while the District is waiting on parts to fully repair the slide.

Mr. Zastrocky stated the District is expected to start the tennis court project in mid-June.

Mr. King stated there have been some issues with the current landscaping company and presented a spreadsheet with the landscaping scoring system. The current landscaper is scoring at a 64%-68%.

Audience Comments

A resident stated there was a fire in the woods, near the first set of homes and requested ICI look at a solution to that problem.

A resident stated there is a problem with soliciting and dumpster diving in the District.

A resident asked if there was any bug spraying done in the community.

Audience Comments

A resident stated there was a fire in the woods, near the first set of homes and requested ICI look at a solution to that problem.

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A resident asked if there was any bug spraying done in the community.

Supervisor Requests

Ms. Tondi announced her resignation from the Board to be effective at the end of the meeting.

On MOTION by Mr. Kounoupas, seconded by Ms. Papelbon, with all in favor, the Board accepted the resignation of Ms. Tondi.

Ms. Carvalho stated the Board could appointment Ryan Jones to the Board. Mr. King stated the District would post the Board vacancy and would possibly reschedule the June meeting if there will not be quorum for that meeting.

Adjournment

There was no further business to discuss.

On MOTION by Ms. Papelbon, seconded by Mr. Kounoupas, with all those in favor, the April 11, 2022 Board of Supervisors' Meeting was adjourned at 7:21 p.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

EXHIBIT 8

EXHIBIT A
 Beach Community Development District
 Approved Proposed Fiscal Year 2023 Annual Operations & Maintenance Budget

	Adopted FY 2022 Budget	Approved Proposed FY 2023 Budget
<u>Revenues</u>		
Assessments	\$1,554,404.00	\$1,619,244.80
Other Assessments	0.00	0.00
Other Income & Other Financing Sources	0.00	5,000.00
Carryforward	0.00	0.00
Interest Income	0.00	0.00
Net Revenues	<u>\$1,554,404.00</u>	<u>\$1,624,244.80</u>
<u>General & Administrative Expenses</u>		
Trustee Fees	8,000.00	8,000.00
Supervisor Fees-Regular Meetings	\$4,800.00	\$8,000.00
Supervisor Fees-Workshops	\$0.00	\$2,000.00
District Management	38,500.00	42,000.00
Engineering	2,500.00	2,500.00
Dissemination Agent	4,000.00	2,500.00
District Counsel	5,000.00	7,500.00
Assessment Administration	9,000.00	5,500.00
Reamortization Schedule	500.00	0.00
Audit	6,000.00	6,000.00
Website	2,400.00	1,515.00
Legal Advertising	1,750.00	1,750.00
Dues, Licenses & Fees	175.00	175.00
General Liability Insurance	3,600.00	4,057.20
Public Official Insurance	2,800.00	2,895.20
Office Miscellaneous	1,000.00	2,000.00
Total General & Administrative Expenses	<u>\$90,025.00</u>	<u>\$96,392.40</u>
<u>Field Expenses</u>		
Field Management	\$16,200.00	\$133,553.00
Property Insurance	75,500.00	89,054.40
Lake Maintenance	19,800.00	21,600.00
Landscaping (Including materials)	402,792.00	402,792.00
Irrigation (Repairs)	10,000.00	10,000.00
Electric - Street Lights/Irrigation-JEA	188,475.00	188,475.00
Right of Way / Lake Mowing	2,500.00	2,500.00
Entry Water Feature	7,500.00	7,500.00
Carryforward replenish	5,000.00	5,000.00
Contingency - Hurricane Expenses/storm clean up	10,000.00	8,000.00
Community Maintenance	8,000.00	8,000.00
Capital Improvements	0.00	38,480.00
Total Field Expenses	<u>\$745,767.00</u>	<u>\$914,954.40</u>

Amenity Expenses

Amenity Management	\$170,000.00	\$154,556.00
Swimming Pool Chemicals	47,500.00	0.00
Swimming Pool Inspection	1,500.00	0.00
Amenity General Maintenance & Repairs	21,510.00	21,510.00
Amenity Cleaning	15,000.00	0.00
Amenity Electric/Water and Sewer	60,000.00	60,000.00
Amenity Gates/Control Access	2,500.00	5,000.00
Amenity Website/computer equipment	7,860.00	1,590.00
Amenity Internet/Cable	10,000.00	10,000.00
Amenity Dues & Licenses	850.00	850.00
Amenity Security	800.00	800.00
Fitness Equipment maintenance	10,000.00	10,000.00
Lifestyles Programming	25,000.00	25,000.00
Amenity Gas	600.00	600.00
Tennis Court Maintenance - 4 Clay Courts	14,500.00	14,500.00
Landscaping Maintenance of Amenity Center	68,400.00	68,400.00
Landscape Improvement	2,500.00	2,500.00
Amenity Irrigation (Repairs)	1,500.00	1,500.00
Pest Control	1,200.00	1,200.00
Amenity Fire System Monitoring	1,500.00	1,500.00
Alarm	500.00	500.00
Trash Collection	2,292.00	2,292.00
Total Amenity Expenses	\$465,512.00	\$382,298.00

Access control /Gate House

Guard Service	\$246,000.00	\$220,000.00
Guard House Supplies	800.00	800.00
Guard House Utilities	3,800.00	3,800.00
Guard House Repair & Maintenance	1,000.00	1,000.00
Bar Code Expense	1,500.00	5,000.00
Total Access Control/Gate House Expenses	\$253,100.00	\$230,600.00

Total Expenses	\$1,554,404.00	\$1,624,244.80
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Net Assessment	\$1,639.67	\$1,708.06
Gross Assessment	\$1,772.61	\$1,846.56
Monthly		
Annual		
Quarterly		
Variable		

EXHIBIT 9

EXHIBIT 10

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE BEACH
COMMUNITY DEVELOPMENT DISTRICT AND ADVANCED SECURITY
SPECIALIST & CONSULTING LLC, REGARDING THE PROVISION OF SECURITY
SERVICES**

This First Amendment (“First Amendment”) is made and entered into this 28th day of September, 2021, by and between:

BEACH COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, being situated in Duval County, Florida, and whose mailing address is 3501 Quadrangle Boulevard, Suite 270, Orlando, Florida 32817 (the “District”); and

ADVANCED SECURITY SPECIALIST & CONSULTING LLC, a Florida limited liability company, with a mailing address of 1106 Copper Creek Drive, Macclenny, Florida 32063 (“Contractor”, together with District the “Parties”).

RECITALS

WHEREAS, on January 22, 2021, the District and the Contractor entered into an agreement for security services (the “Services Agreement”); and

WHEREAS, pursuant to Section 21 of the Services Agreement, the parties desire to amend the Services Agreement as set forth in more detail in Section 2 below; and

Whereas, any terms not otherwise defined herein shall have the meaning set forth in the Services Agreement.

WHEREAS, each of the parties hereto has the authority to execute this First Amendment and to perform its obligations and duties hereunder, and each party has satisfied all conditions precedent to the execution of this First Amendment so that this First Amendment constitutes a legal and binding obligation of each party hereto.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the District and the Contractor agree as follows:

SECTION 1. The Services Agreement is hereby affirmed and the parties hereto agree that it continues to constitute a valid and binding agreement between the parties. Except as described in Section 2 of this First Amendment, nothing herein shall modify the rights and obligations of the parties under the Services Agreement. All of the remaining provisions shall remain in full effect and fully enforceable.

SECTION 2.

- A.** The Services Agreement is hereby amended to reflect the updated scope of services pursuant to Contractor’s proposal for additional services dated September 1, 2021, for 24 hour, 7 days a week service and the Schedule of Services, both of which are attached hereto as **Composite Exhibit A**.
- B.** Section 5(A) of the Services Agreement is hereby amended to extend the term of the Agreement to September 30, 2022 and, commencing on October 1, 2021, increase the total annual compensation to One Hundred Ninety Nine Thousand Two Hundred and Sixty (\$199,260.00). Contract renewals and payments shall occur in accordance with the terms of the Services Agreement.
- C.** Section 6 of the Services Agreement is hereby amended to add subsections 6(A)(4) and 6(D), which provide as follows:

6(A)(4): Automobile Liability Insurance for bodily injuries in limits of not less than \$1,000,000 combined single limit bodily injury and for property damage, providing coverage for any accident arising out of or resulting from the operation, maintenance, or use by the Contractor of any owned, non-owned, or hired automobiles, trailers, or other equipment required to perform the Services.

6(D): Contractor acknowledges and agrees that, at the time of signing this First Amendment, it did not have any employees that would necessitate to provision of Worker’s Compensation Insurance or Employer’s Liability Coverage. Contractor agrees to put such coverage in place in accordance with this Section 6 prior to hiring an employee.

SECTION 3. To the extent that any terms or conditions found in **Composite Exhibit A** conflict with the terms of the Services Agreement or this First Amendment, the Services Agreement and this First Amendment control and shall prevail.

(Remainder of Page Intentionally Blank)

SECTION 4. All other terms of the Services Agreement shall remain in full force and effect and are hereby ratified.


IN WITNESS WHEREOF, the parties hereto have signed this First Amendment to the Services Agreement on the day and year first written above.

Attest:

**BEACH COMMUNITY DEVELOPMENT
DISTRICT**



Secretary/Assistant Secretary

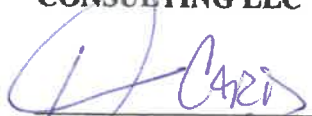


Chairman, Board of Supervisors

**ADVANCED SECURITY SPECIALIST AND
CONSULTING LLC**



(Signature of Witness)



By: Jake Card
Its: CEO



(Print Name of Witness)

Exhibit A: Proposal

Composite Exhibit A

Schedule of Services

The contractor agrees to provide the following services:

- Provide trained security personnel for operating the Tamaya Gate House 24 hours per day, 7 days a week
- At all times security personnel shall maintain a professional appearance with Advanced Security uniform, maintain a professional demeanor and address persons in a courteous and respectful manner.
- Security personnel will become familiar with and have operating knowledge of the emergency procedures, life safety systems, fire alarm systems, access control systems of Beach CDD facilities.
- Contractor will provide the District daily guard shift reports to the District. These reports shall include summaries of all incidents that occur while the guard is on duty, descriptions of all documents received and if applicable descriptions of all reports issued by the contractor.
- Contractor shall promptly provide a full written report as to all accidents or claims for damage including and damage or destruction of property and shall cooperate and make any and all reports required by any insurance company or the District.
- Contractor shall attend District meetings.
- Contractor shall hold Resident training 4 times a year, once a quarter.
- All access control equipment, computers, printers phones systems will be maintained in proper working condition by the District. Any problems with equipment function will be noted and reported to the District immediately.
- Contractor, as an independent contractor shall be solely responsible for hiring, training, and administration of its personnel to produce and maintain highly motivated responsible and professional security personnel. Contractor will not permit any of its personnel to perform services for the District unless reference, background and criminal records checks have been completed and are clear.
- Contractor shall conduct an initial Drug Test, prior to any employee working on site, any additional drug test shall be at the Contractor's discretion.
- Contractor will monitor District cameras while on duty and report any incidents to the proper authority, emergencies 911 to Jacksonville sheriff Office (JSO), non-emergencies to JSO non-emergency number, CDD related incidents to superior officer and the Beach CDD District Manager.
- Contractor will provide security personnel Post Orders approved by the Beach CDD.
- Contractor will assist residents with Tekwave Visitor Management System.
- Gate passes will be issued to all guests, visitors through the admittance process.
- Contractor personnel will stand, exit the Guard House, wave and smile as the vehicle approached the guest lane.

- If Gate is damaged the Contractor personnel will immediately record the license plate number, name of driver or company, date & time and notify Property Management immediately.
- Beach CDD (Tamaya)is considered a “soft “gate, if visitors cannot be verified and demand access please obtain all the visitor information required per Post orders and allow access, please document on the daily report.

PROPOSAL

Advanced Security Specialist & Consulting LLC
 License# B1900191
 1106 Copper Creek Drive, Macclenny Florida 32063
 Phone 904-483-1227
advancedsecurityspecialist@comcast.net

PROPOSAL # P-009012021
 September 01, 2021

To	Beaches CDD/Tamaya 13001 Pechora Court Jacksonville, FL 32246 Attn: Chris White
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Description	Objective	Hourly Billing Rate
24 hour On Site Uniformed Security Enforcement Personnel	Guard Shack/Gate Access Management. Maximize current Tekwave Solutions software to enhance communication between residence and security staff.	\$22.50
Enhance Security	Promote real time visitor log and updates Screen and validate visitors Quick access of visitor details Save time and increase staff efficiency Optional print vehicle and visitor pass in advance or at entry	Daily Cost 24 hours X \$22.50 = \$540 X 365 = \$197,100.00 Billing will be the middle and last of each month for \$8,212.50. Estimated Monthly Cost \$16,425.00 Estimated Annual Cost \$197,100.00 <i>*Estimated Annual Cost including holiday pay is \$199,260.00</i>

Holiday Recognition	New Years Day Memorial Day Juneteenth Independence Day Labor Day Veterans Day Thanksgiving Christmas Day	*Billing for holiday pay will occur in its respective billing cycle. Total for the year @ 1/2 times the hourly rate will be \$2,160.00 .
Inner-perimeter Security Enforcement Patrol	Security surveillance and assessments to provide counter measures against any physical or proprietary residents. Providing immediate support of law enforcement, fire and rescue personnel when warranted. Monitor amenities facility and all common areas to address trespassers and or any criminal activity.	\$25.00 per hour. State holidays will be calculated at 1.5 times the hourly rate.
Training	Quarterly training and security updates with Advanced Security staff and confirmed residence.	Continued training for 2022 as applicable.

On behalf of Advanced Security Specialist & Consulting, I would like to thank you for your consideration *“By taking a closer look for your security”*.

Respectfully submitted,

J. Card

Jake Card, CEO
Advanced Security Specialist & Consulting
904-483-1227

EXHIBIT 11

RESOLUTION 2022-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BEACH COMMUNITY DEVELOPMENT DISTRICT AMENDING THE ANNUAL MEETING SCHEDULE FOR FISCAL YEAR 2021-2022 AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Beach Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District’s regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located.

WHEREAS, the Board desires to amend the Fiscal Year 2021-2022 meeting schedule attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BEACH COMMUNITY DEVELOPMENT DISTRICT:

1. **AMENDING ANNUAL MEETING SCHEDULE.** The Fiscal Year 2021-2022 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

2. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 9th day of May, 2022.

ATTEST:

BEACH COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chairperson/Vice Chairperson, Board of Supervisors

Comp. Exhibit A: Fiscal Year 2021-2022 Annual Meeting Schedule

EXHIBIT "A"

**BOARD OF SUPERVISORS MEETING DATES
BEACH COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2021-2022**

The Board of Supervisors of the Beach Community Development District will hold their regular meetings for Fiscal Year 2021-2022 at 2788 Meritage Blvd, Jacksonville, FL 32246, at 6 p.m. unless otherwise indicated as follows:

June 20, 2022
July 18, 2022
August 15, 2022
September 19, 2022

The meetings are open to the public and will be conducted in accordance with the provision of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for these meetings may be obtained from 250 International Parkway, Suite 208, Lake Mary, Florida 32746 or by calling (321) 263-0132.

There may be occasions when one or more Supervisors or staff will participate by telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (321) 263-0132 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

District Manager

EXHIBIT 12

Tamaya--Residents Club Computer Replacement

Price	Vendor	Make	Model	Chip	Cores	Memory	Memory Slots	Max Memory	Storage	Speed	WiFi	Bluetooth	OS	Warranty	3-Year Accident Insurance	Total
\$799.99	Newegg	Helix	WorkPlex 1170H Business Desktop PC	Intel i7 11700	8	16 GB DDR4	4	128	512 GB SSD	2.5 GHz	WiFi-5	Yes	Windows 10 Pro	1-yr limited parts 1-yr limited labor	\$109.99	\$909.98
\$849.99	Best Buy	ASUS	ExpertCenter D700SC-XH704	Intel i5 11400	6	16 GB DDR4	4	128	512 GB SSD	2.6 GHz	WLAN	Yes	Windows 11 Pro	3-yr limited parts 3-yr limited labor	\$219.99	\$1,069.98
\$1,049.99	Newegg	ASUS	ExpertCenter D700SC-XH704	Intel i7 11700	8	16 GB DDR4	4	128	512 GB SSD	2.5 GHz	WiFi-6	Yes	Windows 11 Pro	1-yr limited parts 1-yr limited labor	\$189.99	\$1,239.98

		Newegg	Amazon	BestBuy
Microsoft Business Standard	Yearly	\$149.99	\$134.99	\$149.99
Microsoft Office Home & Business 2021	Once	\$249.00	\$219.99	\$249.00

EXHIBIT 13



Amenity Manager Report Beach CDD Workshop, May,2 2022

Date of report: 4-22-2022

Submitted by: Elizabeth Myers

GENERAL ITEMS:

- We are reviewing the District’s policies and will present a schedule for the next several meetings outlining definitions, policies, and procedures that we believe the Board should consider updating, including policies regarding guests, member and tenant registrations, access cards, suspensions, area rentals, and more. We will provide a benchmark using policies from communities of similar size and quality to give some additional insight to help the board in their decision process.
- “See something, say something” signs have arrived and are ready for installation.

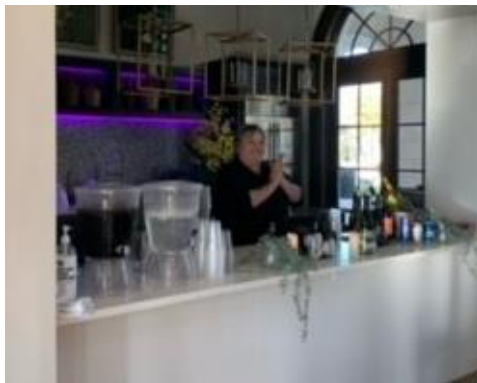
ACTION ITEM UPDATE: Please see the spreadsheet (“Tamaya Action Item List”) attached to this report for both the Amenity and Field Operations items with current statuses.

CONCLUDED EVENTS:

- 4/1/2022 Food Truck with Karaoke
- 4/9/2022 Easter Egg Hunt, Spring Vendor Fair
- 4/15/2022 Food Truck
- 4/21/2022 Taco Thursday
- 4/29/22 Food Truck

EVENT HIGHLIGHTS:

Karaoke / Food Truck Event on 4/1/2022 @ Tamaya Hall. Approximately 65-70 people attended. Karaoke DJ: \$495.00; Bartender: \$386.25; Food: \$155.77. **Total Cost:** \$1,037.02.



Easter Egg Hunt, Spring Vendor Fair on 4/09/2022 @ Event Lawn



Cost:

- DJ : \$350.00
- Food/Eggs/Supplies: \$558.41
- Face Painter: \$300.00
- Balloon Artist: \$225.
- **\$1,829.41 – Total Cost**

ICI homes sponsored event.

Attendance – 200+ People



PROGRAMS:

- Marci May and Emma Bolyard Yoga classes
- Champion Swim—Swim Lessons
- Soccer Shots on the Event Lawn
- Coming soon: Water Aerobics

SOCIAL CLUBS:

- Current clubs:
 - Lunch Bunch
 - Bridge
 - Bunco
 - Cricut

AMENITY CENTER:

- QR codes have been posted at the amenity center and in eblasts and in the newsletter, which allow residents to fill out surveys concerning the amenities, lifestyle programming, and the fitness center from the privacy of their smartphone or come computer. As we receive data from these surveys, I will report to the board what feedback we’re receiving.
- Alden Contracting is helping us assess what computing needs we have to accommodate the extensive computing demands of the security cameras and the software we use for gate control and access cards. I suspect that an additional computer will be needed. I’ll report to the District Manager with packages and prices as soon as I receive the information.
- QR codes have now been placed in all 5 restrooms to provide feedback on the cleanliness of the facilities.
- Current amenity office hours: closed Monday; Tuesday through Friday 10a-7p; and Saturday/Sunday 12p-6pm.

Newsletter: April’s newsletter received a 73% open rate! The industry standard is approximately 28-30%.

LABOR BUDGET UPDATE: Please see the table below for a comparison by month of our invoicing (Cost Plus) and what we estimated the labor expenses to be through the RFP process.

	Actual In-voiced Labor	Estimated Labor Cost (RFP)	Monthly Variance	Cumulative Variance	Comments
December	\$6,698	\$9,029	-\$2,331	-\$2,331	Mrrs Staffed, Hourly not staffed
January	\$15,072	\$17,494	-\$2,422	-\$4,753	Mgrs Staffed, Hourly partiall staffed
February	\$16,414	\$17,494	-\$1,080	-\$5,833	Mgrs Staffed, Hourly staffed
March	\$18,826	\$20,465	-\$1,639	-\$7,473	Mgrs Staffed, Hourly staffed
April		\$19,925			
May		\$21,275			
June		\$24,516			
July		\$24,786			
August		\$21,815			
September		\$18,304			
Total Prorated		\$195,105			
Annualized Total		\$255,303			

*Did not start billing until 12/16

** Based on current staffing configuration we project coming in under estimate by \$9119

*** Annual Labor Cost Estimate per RFP wsa \$259,670



LIFEGUARD AND POOL MONITOR STAFFING: We currently have 5 individuals vetted and scheduled for training. We also have 2 other individuals in early stages of the hiring process and hope to have them fully vetted soon. Training is scheduled for April 30th and May 1st here at Tamaya. Our current goal is to have two pool monitors 6 days a week, total of 12 hours per day, to provide slide coverage throughout the summer; then revert to weekend coverage from the end of summer vacation through Labor Day.

Depending on the District's budget and the employment picture, we recommend a third Lifeguard or Pool Monitor to allow for general pool deck coverage. The full season cost for a third position would be approximately \$14,000.

UPCOMING EVENTS:

May 6th and 20th - Food Truck Friday

May 27th - Denim and Diamonds Casino Night (sponsored by ICI Homes)

May 28th - Live Music with Kenny B

May 29th - DJ at the Pool

May 30th - Live Music with John Q