



**HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT
DISTRICT**

**PALM BEACH COUNTY
REGULAR BOARD MEETING
& PUBLIC HEARING
AUGUST 4, 2023
9:00 A.M.**

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

www.hypoluxohaverhillcdd.org

561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT DISTRICT
Special District Services, Inc. Conference Room
2501A Burns Road,
Palm Beach Gardens, FL 33410
REGULAR BOARD MEETING & PUBLIC HEARING
August 4, 2023
9:00 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
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- G. Public Hearing
 - 1. Proof of Publication.....Page 5
 - 2. Receive Public Comments on Fiscal Year 2023/2024 Final Budget
 - 3. Consider Resolution No. 2023-02 – Adopting Fiscal Year 2023/2024 Final Budget.....Page 6
- H. Old Business
 - 1. Update on Tree Trimming Policy
 - 2. Set Date for Irrigation Permit Policy Public Hearing
- I. New Business
 - 1. Consider Resolution No. 2023-03 – Adopting Fiscal Year 2023/2024 Meeting Schedule.....Page 13
 - 2. Consider Resolution No. 2023-04 – Adopting a Records Retention Policy.....Page 15
 - 3. Discussion Regarding Required Ethics Training
- J. Administrative Matters
- K. Board Members Comments
- L. Adjourn

Miscellaneous Notices

Published in The Palm Beach Post on July 21, 2023

Location

Palm Beach County, Florida

Notice Text

Notice of Public Hearing and Regular Board Meeting of the Hypoluxo Haverhill Community Development District

The Board of Supervisors of the Hypoluxo Haverhill Community Development District (District) will hold a public hearing on August 4, 2023, at 9:00 a.m. in the Conference Room of The Oaks Center located at 2501A Burns Road, Palm Beach Gardens, Florida 33410 for the purpose of hearing comments and objections on the adoption of the budget of the District for Fiscal Year 2023/2024. A regular board meeting of the District will also be held at that time where the Board may consider agenda items and any other business that may properly come before it.

A copy of the agenda and budget may be obtained from the District s website www.hypoluxohaverhillcdd.org) or at the offices of the District Manager, Special District Services, located at 2501A Burns Road, Palm Beach Gardens, Florida 33410 during normal business hours.

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The public hearing and meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when staff or Supervisors may participate by speaker telephone. Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (561) 630-4922 at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770, for aid in contacting the District Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or meeting is advised that person will need a record of 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. Meetings may be cancelled from time to time without advertised notice.

District Manager

Hypoluxo Haverhill Community Development District

www.hypoluxohaverhillcdd.org

7/14/23, 7/21/23 9038222

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
APRIL 11, 2023

A. CALL TO ORDER

District Manager Michael McElligott called the April 11, 2023, Regular Board Meeting of the Hypoluxo/Haverhill Community Development District to order at 9:09 a.m. at the Conference Room at Special District Services, Inc, located at 2501 A Burns Road, Palm Beach Gardens, Florida, 33410.

B. PROOF OF PUBLICATION

Mr. McElligott presented proof of publication that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on September 30, 2022, as legally required.

C. ESTABLISH A QUORUM

Mr. McElligott determined that the attendance of the following Supervisors constituted a quorum, and it was in order to proceed with the meeting: Chair Tom Messler, Vice Chair Bernard Gatlin, and Supervisor Brett Osinski.

Staff in attendance were District Manager Michael McElligott of Special District Services, Inc., and District Counsel Scott Cochran of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

D. SEAT MR. OSINSKI TO SEAT 4 AND ADMINISTER OATH OF OFFICE AND REVIEW RESPONSIBILITIES

Mr. McElligott administered the Oath and reviewed the supervisor responsibilities.

E. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

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

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

G. APPROVAL OF MINUTES

1. February 14, 2023, Regular Board Meeting

Mr. McElligott presented the minutes of the February 14, 2023, Regular Board Meeting and asked if there were any changes and/or corrections. There were no corrections noted. A **motion** was then made by Mr. Osinski, seconded by Mr. Messler and unanimously **passed** to approve the minutes of the February 14, 2023, Regular Board Meeting, as presented.

H. OLD BUSINESS

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
APRIL 11, 2023

1. Update on Tree Policy

Mr. McElligott informed the Board that he spoke with the District Engineer, Mr. Roth, and he is working on a policy with the landscape architect and we will bring that to the Board at a future meeting for final approval.

I. NEW BUSINESS

1. Consider Resolution No. 2023-01 – Adopting a Fiscal Year 2023/2024 Proposed Budget

Mr. McElligott presented Resolution No. 2023-01, entitled:

RESOLUTION NO. 2023-01

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2023/2024;
AND PROVIDING AN EFFECTIVE DATE.**

Mr. McElligott presented the budget and answered some questions from the Board. After some discussion, a **motion** was made by Mr. Osinski, seconded by Mr. Gatlin, and **passed** unanimously to adopt Resolution No. 2023-01 as presented, and set the Public Hearing for the Final Budget for August 4, 2023 at 9:00 am.

1. Consider Resolution No. 2023-02 – Adopting an Irrigation Permit Policy

Mr. Cochran Explained that in the policy making process, we will need to hold a public hearing before adopting the final policy presented today. After some discussion, a **motion** was made by Mr. Gatlin, seconded by Mr. Messler, and **passed** unanimously to set the Public Hearing for the Irrigation Permit Policy for August 4, 2023 at 9:00 am.

J. ADMINISTRATIVE MATTERS

Mr. McElligott Reminded the Board about their upcoming Form 1 submission deadlines.

J. BOARD MEMBER COMMENTS

There were no comments from the Board Members.

K. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Gatlin, seconded by Mr. Osinski and unanimously passed to adjourn the Regular Board Meeting at 9:23 a.m.

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
APRIL 11, 2023

Secretary/Assistant Secretary

Chair/Vice-Chair

Miscellaneous Notices

Published in The Palm Beach Post on July 21, 2023

Location

Palm Beach County, Florida

Notice Text

Notice of Public Hearing and Regular Board Meeting of the Hypoluxo Haverhill Community Development District

The Board of Supervisors of the Hypoluxo Haverhill Community Development District (District) will hold a public hearing on August 4, 2023, at 9:00 a.m. in the Conference Room of The Oaks Center located at 2501A Burns Road, Palm Beach Gardens, Florida 33410 for the purpose of hearing comments and objections on the adoption of the budget of the District for Fiscal Year 2023/2024. A regular board meeting of the District will also be held at that time where the Board may consider agenda items and any other business that may properly come before it.

A copy of the agenda and budget may be obtained from the District s website www.hypoluxohaverhillcdd.org) or at the offices of the District Manager, Special District Services, located at 2501A Burns Road, Palm Beach Gardens, Florida 33410 during normal business hours.

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The public hearing and meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when staff or Supervisors may participate by speaker telephone. Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (561) 630-4922 at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770, for aid in contacting the District Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or meeting is advised that person will need a record of 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. Meetings may be cancelled from time to time without advertised notice.

District Manager

Hypoluxo Haverhill Community Development District

www.hypoluxohaverhillcdd.org

7/14/23, 7/21/23 9038222

RESOLUTION NO. 2023-02

A RESOLUTION OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT ADOPTING A FISCAL YEAR 2023/2024 BUDGET.

WHEREAS, the Hypoluxo/Haverhill Community Development District (“District”) has prepared a Proposed Budget and Final Special Assessment Roll for Fiscal Year 2023/2024 and has held a duly advertised Public Hearing to receive public comments on the Proposed Budget and Final Special Assessment Roll; and,

WHEREAS, following the Public Hearing and the adoption of the Proposed Budget and Final Assessment Roll, the District is now authorized to levy non ad-valorem assessments upon the properties within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT THAT:

Section 1. The Final Budget and Final Special Assessment Roll for Fiscal Year 2023/2024 attached hereto as Exhibit “A” is approved and adopted, and the assessments set forth therein shall be levied.

Section 2. The Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

PASSED, ADOPTED and EFFECTIVE this 4th day of August, 2023.

ATTEST:

**HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

Hypoluxo/Haverhill
Community Development District

**Final Budget For
Fiscal Year 2023/2024
October 1, 2023 - September 30, 2024**

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FINAL BUDGET
HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2023/2024 BUDGET
REVENUES	
O & M Assessments	82,610
Debt Assessments	99,827
Other Revenues	0
Interest Income	240
TOTAL REVENUES	\$ 182,677
EXPENDITURES	
Supervisor Fees	5,000
Payroll Taxes (Employer)	400
Engineering	2,500
Management	27,744
Secretarial	4,200
Legal	8,000
Assessment Roll	5,000
Audit Fees	3,700
Insurance	6,600
Legal Advertisements	1,000
Miscellaneous	700
Postage	225
Office Supplies	350
Dues & Subscriptions	175
Trustee Fee	3,300
Website Management	2,000
Lake Maintenance	10,000
Miscellaneous Maintenance (Tree Work)	0
TOTAL EXPENDITURES	\$ 80,894
REVENUES LESS EXPENDITURES	\$ 101,783
Bond Payments	(93,837)
BALANCE	\$ 7,946
County Appraiser & Tax Collector Fee	(3,649)
Discounts For Early Payments	(7,297)
EXCESS/ (SHORTFALL)	\$ (3,000)
Carryover From Prior Year	3,000
NET EXCESS/ (SHORTFALL)	\$ -

Note: Estimated Fund Balance As Of 9-30-23 is \$35,000.

DETAILED FINAL BUDGET
HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022 ACTUAL	FISCAL YEAR 2022/2023 BUDGET	FISCAL YEAR 2023/2024 BUDGET	COMMENTS
REVENUES				
O & M Assessments	82,670	82,627	82,610	Expenditures Less Interest & Carryover/.94
Debt Assessments	99,837	99,827	99,827	Bond Payments/.94
Other Revenues	0	0	0	
Interest Income	7	120	240	Projected At \$20 Per Month
TOTAL REVENUES	\$ 182,514	\$ 182,574	\$ 182,677	
EXPENDITURES				
Supervisor Fees	4,000	5,000	5,000	No Change From 2022/2023 Budget
Payroll Taxes (Employer)	306	400	400	Projected At 8% Of Supervisor Fees
Engineering	5,225	2,500	2,500	No Change From 2022/2023 Budget
Management	26,160	26,940	27,744	CPI Adjustment (Capped At 3%)
Secretarial	4,200	4,200	4,200	No Change From 2022/2023 Budget
Legal	7,570	7,000	8,000	\$1,000 Decrease From 2022/2023 Budget
Assessment Roll	5,000	5,000	5,000	As Per Contract
Audit Fees	3,500	3,600	3,700	Accepted Amount For 2022/2023 Audit
Insurance	5,706	6,000	6,600	Fiscal Year 2022/2023 Expenditure Was \$6,134
Legal Advertisements	1,658	1,000	1,000	No Change From 2022/2023 Budget
Miscellaneous	403	700	700	No Change From 2022/2023 Budget
Postage	70	225	225	No Change From 2022/2023 Budget
Office Supplies	347	350	350	No Change From 2022/2023 Budget
Dues & Subscriptions	175	175	175	No Change From 2022/2023 Budget
Trustee Fee	3,180	3,400	3,300	\$100 Decrease From 2022/2023 Budget
Website Management	2,000	2,000	2,000	No Change From 2022/2023 Budget
Lake Maintenance	7,501	10,000	10,000	No Change From 2022/2023 Budget
Miscellaneous Maintenance (Tree Work)	7,585	0	0	Fiscal Year 2021/2022 Expenditure
TOTAL EXPENDITURES	\$ 84,586	\$ 78,490	\$ 80,894	
REVENUES LESS EXPENDITURES	\$ 97,928	\$ 104,084	\$ 101,783	
Bond Payments	(95,059)	(93,837)	(93,837)	2024 Principal & Interest Payments
BALANCE	\$ 2,869	\$ 10,247	\$ 7,946	
County Appraiser & Tax Collector Fee	(1,301)	(3,649)	(3,649)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	(6,989)	(7,298)	(7,297)	Four Percent Of Total Assessment Roll
EXCESS/ (SHORTFALL)	\$ (5,421)	\$ (700)	\$ (3,000)	
Carryover From Prior Year	0	700	3,000	Carryover Balance From Prior Years
NET EXCESS/ (SHORTFALL)	\$ (5,421)	\$ -	\$ -	

Note: Estimated Fund Balance As Of 9-30-23 is \$35,000.

DETAILED FINAL DEBT SERVICE FUND BUDGET

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2023/2024

OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022	FISCAL YEAR 2022/2023	FISCAL YEAR 2023/2024	
REVENUES	ACTUAL	BUDGET	BUDGET	COMMENTS
Interest Income	4	25	100	Projected Interest For 2023/2024
NAV Tax Collection	95,059	93,837	93,837	Yearly Maximum Debt Assessment
Total Revenues	\$ 95,063	\$ 93,862	\$ 93,937	
EXPENDITURES				
Principal Payments	70,000	70,000	70,000	Principal Payment Due In 2024
Interest Payments	21,798	19,152	17,388	Interest Payments Due In 2024
Bond Redemption	0	4,710	6,549	Estimated Excess Debt Collections
Total Expenditures	\$ 91,798	\$ 93,862	\$ 93,937	
Excess/Shortfall	\$ 3,265	\$ -	\$ -	

Series 2017 Bond Refunding Information

Original Par Amount =	\$1,195,000	Annual Principal Payments Due =	May 1st
Interest Rate =	2.52% - 6.75%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	January 2017		
Maturity Date =	May 2033		
Par Amount As Of 1/1/23 =	\$795,000		

Hypoluxo/Haverhill Community Development District Assessment Comparison

	Original Projected <u>Assessment*</u>	Fiscal Year 2020/2021 <u>Assessment*</u>	Fiscal Year 2021/2022 <u>Assessment*</u>	Fiscal Year 2022/2023 <u>Assessment*</u>	Fiscal Year 2023/2024 <u>Projected Assessment*</u>
O & M	\$ 188.30	\$ 251.91	\$ 301.64	\$ 301.57	\$ 301.50
<u>Debt</u>	<u>\$ 457.71</u>	<u>\$ 364.33</u>	<u>\$ 364.33</u>	<u>\$ 364.33</u>	<u>\$ 364.33</u>
Total	\$ 646.01	\$ 616.24	\$ 665.97	\$ 665.90	\$ 665.83

* Assessments Include the Following :

4% Discount for Early Payments

1% County Tax Collector Fee

1% County Property Appraiser Fee

Community Information:

Total Units 274

RESOLUTION NO. 2023-03

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

WHEREAS, it is necessary for the Hypoluxo/Haverhill Community Development District ("District") to establish a regular meeting schedule for fiscal year 2023/2024; and

WHEREAS, the Board of Supervisors of the District has set a regular meeting schedule, location and time for District meetings for fiscal year 2023/2024 which is attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The regular meeting schedule, time and location for meetings for fiscal year 2023/2024 which is attached hereto as Exhibit "A" is hereby adopted and authorized to be published.

PASSED, ADOPTED and EFFECTIVE this 4th day of August, 2023

ATTEST:

**HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

**HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Hypoluxo/Haverhill Community Development District will hold Regular Meetings in the Conference Room of Special District Services, Inc. located at 2501A Burns Road, Palm Beach Gardens, Florida 33410 at **9:00 a.m.** on the following dates:

**October 10, 2023
November 7, 2023
December 12, 2023
January 19, 2024
February 13, 2024
March 12, 2024
April 9, 2024
May 14, 2024
June 11, 2024
July 9, 2024
August 13, 2024
September 10, 2024**

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meeting should contact the District Manager at (561) 630-4922 and/or toll-free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT

www.hypoluxohaverhillcdd.org

PUBLISH: THE PALM BEACH POST 09/30/23

RESOLUTION 2023-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, Section 257.36(5), *Florida Statutes*, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a records retention policy (the “Records Retention Policy”) for immediate use and application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HYPOLUXO/HAVERHILL COMMUNITY DEVELOPMENT DISTRICT, THAT:

SECTION 1. The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District’s records custodian, shall each have the individual power to remove the Records Management

Liaison Officer at any time for any reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A.** Serve as the District's contact with the Florida Department of State, State Library and Archives of Florida;
- B.** Coordinate the District's records inventory;
- C.** Maintain records retention and disposition forms;
- D.** Coordinate District records management training;
- E.** Develop records management procedures consistent with the Records Retention Policy, as amended as provided herein;
- F.** Participate in the development of the District's development of electronic record keeping systems;
- G.** Submit annual compliance statements;
- H.** Work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I.** Such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), *Florida Statutes*, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, *Florida Statutes*, and the General Records Schedules established by the Division. However, the District will retain certain records longer than required by the General Records Schedules established by the Division as set forth in Exhibit A. To the extent the above statute, rules or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment shall not reduce the retention times set forth in Exhibit A. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. In accordance with section 668.50, Florida Statutes, and section 119.01, Florida Statutes, the Board finds that the electronic record shall be considered the official record and any paper originals are hereby duplicates which may be disposed of unless required to be preserved by any applicable statute, rule or ordinance.

SECTION 5. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 6. This Resolution shall become effective upon its passage; shall replace, supplant, and supersede any prior policy or resolution of the District regarding records retention; and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED at a meeting of the District Board of Supervisors, this 4th day of August, 2023.

ATTEST:

**HYPOLUXO/HAVERHILL
COMMUNITY DEVELOPMENT
DISTRICT**

Print name: _____
Secretary / Assistant Secretary

Print name: _____
Chairperson, Board of Supervisors

Exhibit A: Amendments to General Records Schedules Established by the Division

Exhibit A

Amendments to General Records Schedules established by the Division

ADVERTISEMENTS: LEGAL (Item #25)

The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to proceedings under uniform method of collection of debt assessments permanently. The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to the levy of assessments securing bonds for five (5) fiscal years provided applicable audits have been released, or until three (3) calendar years after related bonds are redeemed, whichever is later.

AUDITS: INDEPENDENT (Item #56)

The District shall retain the record copy of independent audits for ten (10) fiscal years or until three (3) calendar years after all related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: DETAIL (Item #340)

The District shall retain the record copy of disbursement records relating to the use of bonds for five (5) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: SUMMARY (Item #341)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

FINANCIAL REPORTS: LOCAL GOVERNMENT ANNUAL REPORTS (Item #107)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

INCIDENT REPORT FILES (Item #241)

The District shall retain incident reports for five (5) anniversary years from the date of the incident.

MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS) (Item #4)

The District shall retain audio recordings of board of supervisor meetings for five (5) calendar years after adoption of the official minutes.

PROJECT FILES: CAPITAL IMPROVEMENT (Item #136)

The District shall retain the record copy of project files for projects funded with bonds for ten (10) fiscal years after completion of the project provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

REAL PROPERTY RECORDS: CONDEMNATION/DEMOLITION (Item #364)

The District shall retain the record copy of project files for condemnation/demolition projects funded with bonds for five (5) anniversary years after final action or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

REAL PROPERTY RECORDS: PROPERTY ACQUIRED (Item #172)

The District shall retain the record copy of documents related to property acquisitions funded with bonds for three (3) fiscal years after final disposition of the property provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

MEMORANDUM

TO: District Manager

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

DATE: June 6, 2023

RE: Required Ethics Training

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

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

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

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

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

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

CHAPTER 2023-121

Committee Substitute for House Bill No. 199

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

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

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

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

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—**

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

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

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

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

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

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

(2)

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

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

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

Approved by the Governor May 24, 2023.

Filed in Office Secretary of State May 24, 2023.