



**LOS CAYOS
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
REGULAR BOARD MEETING & PUBLIC
HEARING
APRIL 17, 2024
9:45 A.M.**

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

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

AGENDA
LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
Lennar Homes, LLC
5505 Blue Lagoon Drive
Miami, Fl 33126
REGULAR BOARD MEETING & PUBLIC HEARING
April 17, 2024
9:45 A.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. February 21, 2024 Regular Board Meeting Minutes.....Page 2
- G. Old Business
- H. Public Hearing - Rulemaking
 - 1. Proof of Publication.....Page 7
 - 2. Receive Public Comments on Rulemaking
 - 3. Consider Resolution No. 2024-03 – Related to DERM Rules.....Page 10
- I. New Business
 - 1. Engineering Proposal for the DERM Required Environmental Inspection Services.....Page 15
 - 2. Consider Resolution No. 2024-04 - Approving Proposed FY 2024/2025 Annual Budget and Setting a Public Hearing Date for Final Adoption.....Page 16
 - 3. Ratify and Approve Intergovernmental Agreement between the District, the Tax Collector and Property Appraiser.....Page 25
 - 4. Ratify and Approve the Agreement for Certain Exempt Information Maintained by the Property Appraiser.....Page 31
 - 5. Fill Project Update
- J. Administrative & Operational Matters
 - 1. Financial Report.....Page 34
- K. Board Members & Staff Closing Comments
 - 1. SDS Ethics Training Memo.....Page 37
 - 2. Reminder of the 2023 Form 1 – Statement of Financial Interests Due by July 1, 2024
- L. Adjourn

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT - FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

10/06/2023

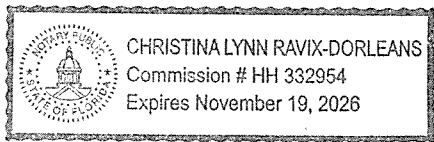
Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Guillermo Garcia

Sworn to and subscribed before me this
6 day of OCTOBER, A.D. 2023

Christina Lynn Ravix-Dorleans

(SEAL)
GUILLERMO GARCIA personally known to me



**LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the "Board") of the Los Cayos Community Development District (the "District") will hold Regular Meetings at Lennar Homes, LLC located at 5505 Waterford District Drive, Miami, Florida 33126 at 9:45 a.m. on the following dates:

- October 18, 2023
- November 15, 2023
- January 17, 2024
- February 21, 2024
- March 20, 2024
- April 17, 2024
- May 15, 2024
- June 19, 2024
- August 21, 2024
- September 18, 2024

The purpose of the meetings is for the Board to consider any District business which may lawfully and properly come before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at 786-347-2711 and/or toll free at 1-877-737-4922, prior to the date of the particular meeting.

From time to time one or two Board members may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Board members may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

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

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 786-347-2711 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time with no advertised notice.

LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT

www.loscayosccd.org
10/6

23-47/0000686883M

**LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
FEBRUARY 21, 2024**

A. CALL TO ORDER

The February 21, 2024, Regular Board Meeting of the Los Cayos Community Development District (the “District”) was called to order at 9:57 a.m. in the offices of Lennar Homes, LLC located at 5505 Blue Lagoon Drive, Miami, Florida 33126.

B. PROOF OF PUBLICATION

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in *Miami Daily Business Review* on October 6, 2023, as part of the District’s Fiscal Year 2023/2024 Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

Mrs. Perez determined that the presence of the following Board Members constituted a quorum and all was in order to proceed with the meeting: Chairperson Teresa Baluja, Vice Chairperson Vanessa Perez, and Supervisor Marc Szasz.

Also in attendance were District Manager Gloria Perez of Special District Services, Inc.; District Counsel Michael Pawelczyk of Billing Cochran, Lyles, Mauro & Ramsey, P.A.; and Bond Counsel Steve Sanford of Greenberg Traurig (via phone).

Also present via phone was District Manager Andrew Karmeris of Special District Services, Inc.

D. ADDITIONS OR DELETIONS TO AGENDA

Mrs. Perez added to the agenda under New Business, H-8 – Fill Project Update.

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

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

F. APPROVAL OF MINUTES

1. October 18, 2023, Regular Board Meeting

A MOTION was made by Supervisor Perez, seconded by Supervisor Baluja and passed unanimously approving the minutes of the October 18, 2023, Regular Meeting, as presented.
--

G. OLD BUSINESS

There were no Old Business items to come before the Board.

H. NEW BUSINESS

1. Consider Resolution No. 2024-01 – Electronic Signature Policy

Resolution No. 2024-01 was presented, entitled:

RESOLUTION 2024-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT ESTABLISHING AN ELECTRONIC SIGNATURE POLICY, PROVIDING DISTRICT MANAGER WITH AUTHORITY AND RESPONSIBILITY FOR APPROVAL OF ELECTRONIC SIGNATURES AND IMPLEMENTATION OF CONTROL PROCESSES AND PROCEDURES TO ENSURE COMPLIANCE, INTEGRITY, AND SECURITY, IN ACCORDANCE WITH CHAPTER 688, FLORIDA STATUTES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and passed unanimously adopting Resolution No. 2024-01, as presented.

2. Consider Preliminary Supplemental Methodology Report

Mr. Kamaris presented the Preliminary First Supplemental Special Assessment Methodology Report and provided an explanation for same.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and unanimously passed approving and adopting the Preliminary First Supplemental Special Assessment Methodology Report, as may be amended, as needed.

3. Consider Resolution No. 2024-02 – Delegation Resolution Not to Exceed \$6,000,000 – Series 2024 Bonds

Resolution No. 2024-02 was presented, entitled:

RESOLUTION NO. 2024-02

A RESOLUTION OF THE BOARD OF SUPERVISORS (THE “BOARD”) OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT (THE “DISTRICT”) AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$6,000,000 LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT SPECIAL ASSESSMENT BONDS, SERIES 2024 (2024 PROJECT) (THE “2024 BONDS”) TO FINANCE CERTAIN PUBLIC INFRASTRUCTURE WITHIN THE DISTRICT; DETERMINING THE NEED FOR A NEGOTIATED LIMITED OFFERING OF THE 2024 BONDS AND PROVIDING FOR A DELEGATED AWARD OF SUCH BONDS; APPOINTING THE UNDERWRITER FOR THE LIMITED OFFERING OF THE 2024 BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT WITH RESPECT TO THE 2024 BONDS; APPROVING THE USE OF THAT CERTAIN MASTER TRUST INDENTURE

PREVIOUSLY APPROVED BY THE BOARD WITH RESPECT TO THE 2024 BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST INDENTURE GOVERNING THE 2024 BONDS; APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM; APPROVING THE EXECUTION AND DELIVERY OF A FINAL LIMITED OFFERING MEMORANDUM; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT, AND APPOINTING A DISSEMINATION AGENT; APPROVING THE APPLICATION OF BOND PROCEEDS; AUTHORIZING CERTAIN MODIFICATIONS TO THE ASSESSMENT METHODOLOGY REPORT AND ENGINEER'S REPORT; PROVIDING FOR THE REGISTRATION OF THE 2024 BONDS PURSUANT TO THE DTC BOOK-ENTRY ONLY SYSTEM; AUTHORIZING THE PROPER OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE 2024 BONDS; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mr. Sanford provided an explanation and reviewed each of the attached Exhibits.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and unanimously passed approving and adopting Resolution No. 2024-02, authorizing the issuance and sale of not to exceed \$6,000,000 Special Assessment Bonds, Series 2024 to finance certain public infrastructure within the District and further authorizing the execution by District officials of all related documents in connection with the issuance, sale and delivery of the 2024 Bonds, as required and approved by District Counsel and Bond Counsel; and further approving the First Supplemental Trust Indenture, as amended.

4. Consider the Following Agreements, in Substantial Final Form:

a. Acquisition Agreement (2024 Project)

Mr. Pawelczyk presented the Acquisition Agreement and outlined the purpose of the document with emphasis on the District acquiring certain defined public infrastructure improvements and the payment for the defined improvements.

b. Completion Agreement (2024 Project)

Mr. Pawelczyk presented the Completion Agreement and gave an overview of same.

c. Collateral Assignment and Assumption of Development Rights relating to Los Cayos (Series 2024 Bonds)

Mr. Pawelczyk presented the Collateral Assignment & Assumption of Development Rights Agreement and reviewed same.

d. Lien of Record of the Los Cayos Community Development District (Series 2024 Bonds)

For information purposes only, Mr. Pawelczyk presented the Lien of Record of the Los Cayos Community Development District and explained that the document, once finalized, would be recorded in the Miami-Dade County Public Records. The document will define the amount of the Special Assessments, Series 2024, and that the District's lien secures the payment of special assessments levied for the purpose of funding the District's operating and maintenance expenses, and to pay the District's bond indebtedness for the purpose of funding various improvements incurred by the District in connection with the 2024 Project. Mr. Pawelczyk added that this document would be amended upon final par for the Series 2024 Bond. No Board action regarding this item was required at this time.

e. True-Up Agreement (Series 2024 Bonds); and Declaration of Consent to Jurisdiction of the Los Cayos Community Development District and the Imposition of Special Assessments (Series 2024 Bonds)

Mr. Pawelczyk presented the True-Up Agreement and explained the purpose of the document and noted that this was included in case the development plan had any changes and would only be used if needed. A discussion ensued after which:

A **MOTION** was made by Supervisor Szasz, seconded by Supervisor Baluja and unanimously passed approving Agenda Items H-4 a. through e., in substantial final form, which consists of the Acquisition Agreement, the Completion Agreement, the Collateral Assignment & Assumption of Development Rights Agreement and the True-Up Agreement, all subject to final review/approval by District Counsel; and further authorizing District officials to execute the referenced Agreements upon finalization.

5. Consider Ratification of the Declaration of Covenants

Mr. Pawelczyk presented the Declaration and gave an overview.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and passed unanimously ratifying and approving the Declaration of Covenants, as presented.

6. Consider Rulemaking and Authorization for Publishing, as Required, for the Adoption of Rules Pertaining to Maintenance and Compliance with the Declaration of Restrictive, Covenant and Engineering Control Maintenance Plan relating to Protection of Groundwater and Contaminated Soil on Property Located within the District Boundaries and Setting a Public Hearing for April 17, 2024, at 9:45 a.m.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and passed unanimously approving Rulemaking and Authorizing for Publishing for the Adoption of Rules pertaining to Maintenance and Compliance with the Declaration of Restrictive, Covenant and Engineering Control Maintenance Plan relating to Protection of Groundwater and Contaminated Soil on Property Located within the District Boundaries and Setting a Public Hearing for April 17, 2024, at 9:45 a.m., as presented.

7. Presentation of the Declaration of Consent to Jurisdiction for Series 2024 Bonds

The Declaration of Consent to Jurisdiction was for informational purposes and Mr. Pawelczyk noted that it had been finalized, executed, and recorded at ORB 34087, PG 473 in the Public Records of Miami-Dade County, Florida.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and unanimously passed accepting and receiving the Declaration of Consent to Jurisdiction for the Series 2024 Bonds, as presented.

8. Fill Project Update

Mr. Szasz provided an update on the Fill Project, noting that the project was 95% completed and that he anticipated completion within the next 30 to 45 days.

I. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Financial Report

Financials were presented in the meeting materials and were reviewed: Monthly Financial Report- Operating Fund (actual revenues and expenditures with fund balances and availability) and the Budget vs. Actual from October 2023 through January 2024. Available Funds as of January 31, 2024, reflect \$794,237.14.

A motion for ratification of the financials or any further questions was requested.

A **MOTION** was made by Supervisor Perez, seconded by Supervisor Baluja and passed unanimously ratifying and approving the financials as presented.

J. BOARD MEMBER & STAFF CLOSING COMMENTS

1. District Counsel's Memorandum Regarding Required Ethics Training and Financial Disclosure

Mr. Pawelczyk briefly went over the information, noting that they were already familiar with it.

K. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 10:19 a.m. on a **MOTION** made by Supervisor Baluja, seconded by Supervisor Perez and passed unanimously.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
127480	530707	Print Legal Ad-IPL01641000 - IPL0164100		\$1,172.81	1	136 L

Attention: Laura Archer
 Special District Services, Inc.
 2501A Burns Road
 Palm Beach Gardens, FL 33410

larcher@sdsinc.org

Copy of ad content
 is on the next page

**PUBLISHED DAILY
 MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA
 COUNTY OF MIAMI-DADE**

Before the undersigned authority personally appeared: Mary Castro, who on oath says that he/she is CUSTODIAN OF RECORDS of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the attached copy of the advertisement that was published was published in said newspaper in the issue (s) of:

Publication: Miami Herald

1 insertion(s) published on:

03/19/24

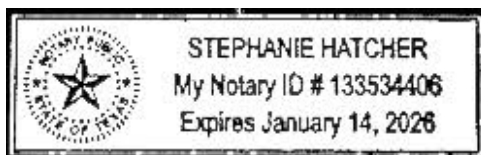
Affiant further says that the said Miami Herald is a newspaper published at Miami, in the said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida each day and has been entered a second class mail matter at the post office in Miami, in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s).

Mary Castro

Sworn to and subscribed before me this 20th day of March in the year of 2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

**NOTICE OF PROPOSED RULE
DEVELOPMENT BY THE
LOS CAYOS COMMUNITY DE-
VELOPMENT DISTRICT
AND PUBLIC HEARING THERE-
ON**

In accordance with Chapters 120 and 190, Florida Statutes, the Los Cayos Community Development District (the "District") hereby gives notice of its intention to enact and establish certain Division of Environmental Resources Management ("DERM") Rules governing the operations of and within the District pertaining to one or more Declaration of Restrictive Covenants (collectively, the "DRC") recorded against the lands within the District and which provide that the District is responsible for certain obligations described in the Engineering Control Maintenance Plans ("ECMP") and Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management requirements within the District (collectively, the "DERM Rules"). The proposed DERM Rules provide for the inspection, maintenance, compliance, and reporting requirements regarding properties situated within the District boundaries and as described in the DRC. The District is required to conduct certain routine inspections of property within the District boundaries, including residential private property, to ensure compliance with the DRC and ECMP, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to DERM. Pursuant to the ECMP, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in the DRC and ECMP. The DERM Rules require property owners within the District to comply with the DRC and ECMP, to inform the District of any intention of digging holes or trenches that would disturb or penetrate the engineering controls or any intention to interact with groundwater, provide proof to the District of Miami-Dade County permits in compliance with the DRC, notify the District of any violations of DRC or DERM requirements received from DERM, and disclose the environmental conditions and requirements of the DRC and ECMP to prospective contractors, engage a professional engineer to oversee any such work, and provide reports to the District. The DERM Rules further provide for the District to repair and restore any damage to engineering controls and recoup the costs thereof, plus interest, from the property owner.

The District has the need to enact reasonable rules and regulations to perform its obligations under the DRC and ECMP regarding inspection and necessary repairs of properties within the District boundaries and ensuring compliance with the DRC and ECMP.

A public hearing on the adoption of the proposed DERM Rules will be conducted by the District's Board of Supervisors on April 17, 2024, at 9:45 a.m. at the offices of Lennar Homes, 5505 Waterford District Drive, Miami, Florida 33126, to receive public comment on the adoption of the DERM Rules pertaining to DERM and DRC requirements. A copy of the proposed DERM Rules may be obtained by contacting the District Manager at 2501 A Burns Road, Palm Beach Gardens, Florida 33410 or by calling (786) 347-2711 or toll free 1-877-737-4922 or via email at gperez@sdsinc.org. Participants and interested persons are strongly encouraged to submit questions and comments to the District Manager's Office at gperez@sdsinc.org, in advance of the meeting and public hearing to facilitate the Board's consideration of such questions and comments during the meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN AT LEAST THREE DAYS PRIOR TO ANY PROCEEDINGS, CONTACT SPECIAL DISTRICT SERVICES, INC. AT (877) 737-4922.

Gloria Perez
District Manager

**LOS CAYOS COMMUNITY DE-
VELOPMENT DISTRICT**

www.loscayosccd.org

PUBLISH: MIAMI HERALD
03/19/24
IFL0164100
Mar 19 2024



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
127480	531532	Print Legal Ad-IPL01644800 - IPL0164480		\$1,592.96	2	95 L

Attention: Laura Archer
 Special District Services, Inc.
 2501A Burns Road
 Palm Beach Gardens, FL 33410

larcher@sdsinc.org

NOTICE OF RULE MAKING BY THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT AND PUBLIC HEARING THEREON

In accordance with Chapters 120 and 190, Florida Statutes, the Los Cayos Community Development District (the "District") hereby gives notice of its intention to enact and establish the certain Division of Environmental Resources Management ("DERM") Rules governing the operations of and within the District pertaining to one or more Declaration of Restrictive Covenants (collectively, "DRC") recorded against lands within the District, and which provide that the District is responsible for certain obligations described in the Engineering Control Maintenance Plans ("ECMP") and Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management requirements within the District (collectively, the "DERM Rules").

Specific legal authority for the DERM Requirements includes Sections 190.035, 190.011(5), 120.54, and 120.81 Florida Statutes. A copy of the proposed DERM Rules may be obtained by contacting the District Manager, Gloria Perez, Special District Services, Inc., c/o Los Cayos Community Development District, 2501 A Burns Road, Palm Beach Gardens, Florida 33410, or by telephone at (786) 347-2711 or toll free 1-877-737-4922. Participants and interested persons are strongly encouraged to submit questions and comments to the District Manager's Office at perezgloria@sdsinc.org, in advance of the meeting and public hearing referenced below to facilitate the Board's consideration of such questions and comments during the meeting.

The Board of Supervisors of the District will hold a public hearing on April 17, 2024, at 9:45 a.m. at the offices of Lennar Homes, 5505 Waterford District Drive, Miami, Florida 33126, to receive public comment on the adoption of the DERM Rules pertaining to the DERM and DRC requirements. The public hearing will provide an opportunity for the public to address and comment upon the proposed DERM Rules. The proposed DERM Rules may be adjusted at the public hearing pursuant to discussion by the Board of Supervisors and public comment.

The proposed DERM Rules provide for the inspection, maintenance, compliance, and reporting requirements regarding properties situated within the District boundaries and as described in the DRC. The District is required to conduct certain routine inspections of property within the District boundaries, including residential private property, to ensure compliance with the DRC and ECMP, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to DERM. Pursuant to the ECMP, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in the DRC and ECMP. The DERM Rules require property owners within the District to comply with the DRC and ECMP, to inform the District of any intention of digging holes or trenches that would disturb or penetrate the engineering controls or any intention to interact with groundwater, provide proof to the District of Miami-Dade County permits in compliance with the DRC, notify the District of any violations of DRC or DERM requirements received from DERM, and disclose the environmental conditions and requirements of the DRC and ECMP to prospective contractors, engage a professional engineer to oversee any such work, and provide reports to the District. The DERM Rules further provide for the District to repair and restore any damage to engineering controls and recoup the costs thereof, plus interest, from the property owner.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN AT LEAST THREE DAYS PRIOR TO ANY PROCEEDINGS, SPECIAL DISTRICT SERVICES, INC. AT 1-877-737-4922.

**PUBLISHED DAILY
 MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA
 COUNTY OF MIAMI-DADE**

Before the undersigned authority personally appeared: Mary Castro, who on oath says that he/she is CUSTODIAN OF RECORDS of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the attached copy of the advertisement that was published was published in said newspaper in the issue (s) of:

Publication: Miami Herald

1 insertion(s) published on:

03/20/24

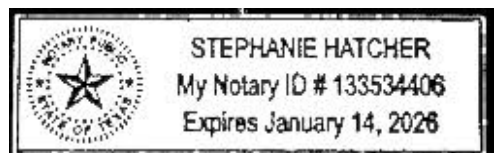
Affiant further says that the said Miami Herald is a newspaper published at Miami, in the said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida each day and has been entered a second class mail matter at the post office in Miami, in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s).

Mary Castro

Sworn to and subscribed before me this 20th day of March in the year of 2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

RESOLUTION NO. 2024-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, ADOPTING RULES PERTAINING TO MAINTENANCE AND COMPLIANCE WITH THE DECLARATION OF RESTRICTIVE COVENANT AND ENGINEERING CONTROL MAINTENANCE PLAN RELATING TO PROTECTION OF GROUNDWATER AND CONTAMINATED SOIL ON PROPERTY LOCATED WITHIN THE DISTRICT BOUNDARIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Los Cayos Community Development District (the “District”) is a local unit of special-purpose government organized and existing in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended; and

WHEREAS, District joined and consented to the Declaration of Restrictive Covenant (“DRC”) recorded on March 28, 2024, in Book 34156, Page 2261 of the official public records of Miami-Dade County, which the District agreed to be responsible for the obligations described in the Engineering Control Maintenance Plan (“ECMP”) dated December 29, 2023, regarding the engineering control inspection and maintenance of properties within the District boundaries; and

WHEREAS, the District has determined that based upon the DRC and ECMP, the District will need to inspect and report on the condition of the lands within the boundaries of the District, provide notices to Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”) and perform certain repairs, as may be necessary to stay in compliance with the DRC and ECMP; and

WHEREAS, District has the need to enact reasonable rules and regulations to perform its obligations under the DRC and ECMP regarding inspection and necessary repairs of properties within the District boundaries and ensuring compliance with the DRC and ECMP; and

WHEREAS, the District advertised a public hearing for April 17, 2024, in order to hear and receive comments on the proposed District Rules pursuant to the requirements of Chapter 120, Florida Statutes; and

WHEREAS, after a duly advertised public hearing held on April 17, 2024, the District Board of Supervisors finds it to be in the best interests of the District to adopt the proposed Rules attached to this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, THAT:

Section 1. The above recitals are true and correct and are incorporated in and adopted as part of this Resolution.

Section 2. The Rules attached to this Resolution as Exhibit A, are hereby adopted by the District.

Section 3. The District Manager is hereby directed to distribute this Resolution as required by Chapters 120 and 190, Florida Statutes.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS 17th DAY OF APRIL, 2024.

ATTEST:

**LOS CAYOS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairman/Vice-Chairman

Exhibit A

**RULES FOR COMPLIANCE WITH DECLARATION OF
RESTRICTIVE COVENANT AND ENGINEERING
CONTROL MAINTENANCE PLAN AS TO USE OF
PROPERTY WITHIN THE BOUNDARIES OF THE
DISTRICT**

- (1) General. The Los Cayos Community Development District (“District”) joined and consented to a Declaration of Restrictive Covenant (“DRC”) recorded on March 28, 2024, at Official Records Book 34156, Page 2261 in the Public Records of Miami-Dade County, Florida (“Covenant”), whereby the District agreed that it was responsible for the obligations described in the Engineering Control Maintenance Plan (“ECMP”), dated December 29, 2023 (attached hereto as **Exhibit 1**), providing for the inspection, maintenance and reporting requirements regarding properties situated within the District boundaries and as described in the DRC. The District will conduct certain routine inspections of property within the District boundaries to ensure compliance with the DRC and ECMP, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”). Pursuant to the ECMP, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in the DRC and ECMP.
- (2) Inspections. The District shall perform routine inspections under the direct supervision of a professional engineer on a semi-annual basis to determine compliance with the DRC and ECMP. The property owners within the boundaries of the District shall permit the entry of the District personnel to inspect the property owner’s unimproved property in accordance of the DRC and ECMP. The property owner shall be notified by the District of the date and general time of the aforementioned inspections.
- (3) Notification. All property owners are required to be in compliance with the DRC. Each property owner shall inform the District, of the following:

- (a) intention of digging of holes or trenches which disturb or penetrate the engineering controls on the property owner's property; and
 - (b) intention to interact with groundwater on the property owner's property; and
 - (c) proof of permit issued by Miami-Dade County which provides for all requirements of the DRC; and
 - (d) notice of any violations received by Miami-Dade County/DERM regarding or arising out of the requirements of the DRC.
- (4) Compliance. Pursuant to the requirements of the DRC, the CDD requires that individual property owners disclose the environmental conditions and requirements of the DRC and ECMP to prospective contractors, engage a Florida licensed professional engineer to oversee and document work performed on their property, and provide all reports to the District, as required by the ECMP.
- (5) Reporting. It is the responsibility of the District to notify DERM of any violations of the Covenant. If the District is made aware of any violations of the DRC, the District will notify the property owner of said violations and advise the property owner to come into compliance therewith.
- (6) Maintenance. In the event of a failure of the property owner to comply with the requirements of the DRC, the District has the responsibility under the ECMP to repair and restore any damage to the engineering controls on the subject property at the property owner's sole cost and expense. The property owner shall pay all such costs to the District within thirty (30) days of written notice sent by the District to the property owner at the address on file at the County property appraiser for the subject property. If the property owner fails to timely pay all such costs incurred by the District, the District may impose such costs on the property owner as a maintenance special assessment on the subject property.

Specific Authority: §§ 120.54, 190.011(5), 190.012(3), Fla. Stat.
190.012(3), Fla. Stat. Adopted _____

**ENGINEERING PROPOSAL FOR THE DERM
REQUIRED ENVIRONMENTAL INSPECTION
SERVICES**

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**

RESOLUTION 2024-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2024/2025 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Los Cayos Community Development District (the “District”) was recently established by Ordinance No. 23-35 approved by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida, effective May 26, 2023; and

WHEREAS, the District Manager has prepared and submitted to the Board of Supervisors (the “Board”) of the District the proposed operating fund budget for Fiscal Year 2024/2025; and

WHEREAS, the Board has considered the proposed operating fund budget and desires to set the required public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT, THAT:

1. The operating fund budget proposed by the District Manager for Fiscal Year 2024/2025 attached hereto as **Exhibit “A”** is hereby approved as the basis for conducting a public hearing to adopt said budget.
2. The public hearing on said approved operating fund budget is hereby declared and set for the following date, hour and location:

DATE: Wednesday, June 19, 2024

HOUR: 9:45 am

LOCATION: Lennar Homes, LLC
5505 Blue Lagoon Drive
Miami, Florida 33126

3. The District Manager is hereby directed to submit a copy of the proposed budget to the Miami-Dade County at least sixty (60) days prior to the hearing set above.
4. In accordance with Section 189.016, *Florida Statutes*, the District's Secretary is further directed to post the approved budget on the District's website at least two (2) days before the budget hearing date as set forth in Section 2. If the District does not have its own website, the District's Secretary is directed to transmit the approved budget to the managers or administrators of the Miami-Dade County for posting on their website.

5. Notice of this public hearing shall be published in the manner prescribed in Florida law.
6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 17th day of April, 2024.

ATTEST:

**LOS CAYOS
COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

Attachment: **Exhibit "A"** Fiscal Year 2024/2025 Budget

EXHIBIT A

Los Cayos
Community Development District

**Proposed Budget For
Fiscal Year 2024/2025
October 1, 2024 - September 30, 2025**

CONTENTS

- I PROPOSED BUDGET**
- II DETAILED PROPOSED BUDGET**
- III DETAILED PROPOSED DEBT SERVICE FUND BUDGET**
- IV ASSESSMENT COMPARISON**

PROPOSED BUDGET
LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2024/2025
OCTOBER 1, 2024 - SEPTEMBER 30, 2025

	FISCAL YEAR 2024/2025 BUDGET
REVENUES	
O&M Assessments	98,297
Debt Assessments	380,894
Developer Contribution	0
Developer Contribution - Import Fill Material	0
Interest Income	375
TOTAL REVENUES	\$ 479,566
EXPENDITURES	
Administrative Expenditures	
Supervisor Fees	0
Management	34,000
Legal	11,500
Assessment Roll	6,000
Audit Fees	4,500
Arbitrage Rebate Fee	650
Insurance	6,250
Legal Advertisements	3,000
Miscellaneous	500
Postage	200
Office Supplies	500
Dues & Subscriptions	175
Website Management	2,500
Trustee Fees	4,000
Continuing Disclosure Fee	1,000
Dissemination Services	2,500
Total Administrative Expenditures	\$ 77,275
Maintenance Expenditures	
Engineering/Inspections	3,000
Miscellaneous Maintenance	1,000
Environmental Inspections	10,000
Stormwater Management	1,500
Field Operations	0
Import Fill Material	0
Total Maintenance Expenditures	\$ 15,500
TOTAL EXPENDITURES	\$ 92,775
REVENUES LESS EXPENDITURES	\$ 386,791
Bond Payments	(358,040)
BALANCE	\$ 28,751
County Appraiser & Tax Collector Fee	(9,584)
Discounts For Early Payments	(19,167)
EXCESS/ (SHORTFALL)	\$ -

DETAILED PROPOSED BUDGET
LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2024/2025
OCTOBER 1, 2024 - SEPTEMBER 30, 2025

	FISCAL YEAR 2022/2023 ACTUAL	FISCAL YEAR 2023/2024 BUDGET	FISCAL YEAR 2024/2025 BUDGET	COMMENTS
REVENUES				
O&M Assessments	0	0	98,297	Expenditures (\$92,400) / .94
Debt Assessments	0	0	380,894	Bond Payments/.94
Developer Contribution	36,167	119,375	0	
Developer Contribution - Import Fill Material	4,785,292	2,300,000	0	
Interest Income	73	0	375	
TOTAL REVENUES	\$ 4,821,532	\$ 2,419,375	\$ 479,566	
EXPENDITURES				
Administrative Expenditures				
Supervisor Fees	0	0	0	
Management	9,750	39,000	34,000	\$2,833.33 X 12 Months
Legal	19,579	40,000	11,500	
Assessment Roll	0	0	6,000	
Audit Fees	0	4,000	4,500	Will Increase Due To Bond Issue
Arbitrage Rebate Fee	0	0	650	Will Commence In Fiscal Year Following Issuing Of Bond
Insurance	1,287	6,000	6,250	Insurance Estimate
Legal Advertisements	3,023	20,000	3,000	
Miscellaneous	129	1,500	500	
Postage	233	200	200	
Office Supplies	326	2,000	500	
Dues & Subscriptions	100	175	175	Annual Fee Due Department Of Economic Opportunity
Website Management	625	2,500	2,500	\$208.33 X 12 Months
Trustee Fees	0	0	4,000	Will Commence In Fiscal Year Following Issuing Of Bond
Continuing Disclosure Fee	0	0	1,000	Will Commence In Fiscal Year Following Issuing Of Bond
Dissemination Services	0	0	2,500	Required By Bond Underwriter
Total Administrative Expenditures	\$ -	\$ 115,375	\$ 77,275	
Maintenance Expenditures				
Engineering/Inspections	0	2,000	3,000	Engineers Report To Be Included In Bond Cost Of Issuance
Miscellaneous Maintenance	0	2,000	1,000	
Environmental Inspections	0	0	10,000	Environmental Inspections
Stormwater Management	0	0	1,500	Stormwater Management
Field Operations	0	0	0	
Import Fill Material	1,778,386	2,300,000	0	Expenditure Was For 2022/2023 & 2023/2024
Total Maintenance Expenditures	\$ 1,778,386	\$ 2,304,000	\$ 15,500	
TOTAL EXPENDITURES	\$ 1,778,386	\$ 2,419,375	\$ 92,775	
REVENUES LESS EXPENDITURES	\$ 3,043,146	\$ -	\$ 386,791	
Bond Payments	0	0	(358,040)	
BALANCE	\$ 3,043,146	\$ -	\$ 28,751	
County Appraiser & Tax Collector Fee	0	0	(9,584)	
Discounts For Early Payments	0	0	(19,167)	
EXCESS/ (SHORTFALL)	\$ 3,043,146	\$ -	\$ -	

DETAILED PROPOSED DEBT SERVICE FUND BUDGET
LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2024/2025
OCTOBER 1, 2024 - SEPTEMBER 30, 2025

	FISCAL YEAR 2022/2023	FISCAL YEAR 2023/2024	FISCAL YEAR 2024/2025	
REVENUES	ACTUAL	BUDGET	BUDGET	COMMENTS
Interest Income	0	0	100	Projected Interest For 2024/2025
NAV Tax Collection	0	0	358,040	Maximum Debt Service Collection
Developer Contribution	0	0	0	
Total Revenues	\$ -	\$ -	\$ 358,140	
EXPENDITURES				
Principal Payments	0	0	80,000	Principal Payment Due In 2025
Interest Payments	0	0	277,140	Interest Payment Due In 2025
Bond Redemption	0	-	1,000	Estimated Excess Debt Collections
Total Expenditures	\$ -	\$ -	\$ 358,140	
Excess/ (Shortfall)	\$ -	\$ -	\$ -	

Notes

Capitalized Interest Set-Up Through June 2024
December 2024 Interest Payment (\$139,900) To Be Developer Funded

Series 2024 Bond Information

Original Par Amount = \$5,275,000 Annual Principal Payments Due = June 15th
Interest Rate = 4.40% - 5.55% Annual Interest Payments Due = June 15th & December 15th
Issue Date = March 2024
Maturity Date = June 2054

Par Amount As Of 4/1/24 = \$5,275,000

Los Cayos Community Development District Assessment Comparison

	Fiscal Year 2022/2023 Assessment*	Fiscal Year 2023/2024 Assessment*	Fiscal Year 2024/2025 Projected Assessment*
O & M Assessment For Townhomes	\$ -	\$ -	\$ 425.53
<u>Debt Assessment For Townhomes</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,649.00</u>
Total For Townhomes	\$ -	\$ -	\$ 2,074.53

O&M Covenant = 400.00
400.00/.94 = 425.53

* Assessments Include the Following :

-
- 4% Discount for Early Payments
 - 1% County Tax Collector Fee
 - 1% County Property Appraiser Fee

Community Information:

Townhomes 231

**INTERGOVERNMENTAL COOPERATION AGREEMENT
BY AND AMONG
MIAMI-DADE COUNTY PROPERTY APPRAISER
AND
MIAMI-DADE COUNTY TAX COLLECTOR
AND
LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT**

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2024, by and among Miami-Dade County Office of the Property Appraiser (hereinafter referred to as “Property Appraiser”), Florida, Miami-Dade County on behalf of the Tax Collector (hereinafter referred to as “Tax Collector”), Florida, and the Los Cayos Community Development District (hereinafter referred to as “District”), Florida.

WITNESSETH

WHEREAS, the District intends to adopt non-ad valorem assessments for collecting its benefit and maintenance assessments or such other assessments imposed by the District (“Non-Ad Valorem Assessments”); and

WHEREAS, the District intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635 of the Florida Statutes, for collection of its Non-Ad Valorem Assessments; and

WHEREAS, the District has requested that the Property Appraiser include the District’s proposed or adopted Non-Ad Valorem Assessments for the District on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes (“TRIM Notice”); and

WHEREAS, the District has requested the Tax Collector include the District’s adopted Non-Ad Valorem Assessments on the Combined Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes (“Tax Bill”); and

WHEREAS, the District, the Tax Collector, and the Property Appraiser must enter into a written agreement evidencing the Tax Collector's and the Property Appraiser's agreement to place the District's Non-Ad Valorem Assessments on the TRIM Notice and Tax Bill; and

WHEREAS, pursuant to Rule 12D18.001 of the Florida Administrative Code, and *Escambia County v. Bell*, 717 So. 2d 85 (Fla. 1st DCA 1998), it is the duty of the District to determine, under law, whether the Non Ad-Valorem Assessments are constitutional and may be collected as a lien; the duties of the Property Appraiser and Tax Collector under section 197.3632 of the Florida Statutes are ministerial and shall not be construed to authorize the levy of the Non Ad-Valorem Assessments; and

WHEREAS, the District represents that it has duly complied with the notice provisions and adopted Resolution No. 2023-20 in compliance with Section 197.3632 Florida Statutes, so as to entitle the District to elect the non-ad valorem method of collection, and the Tax Collector and Property Appraiser have relied on these representations,

NOW THEREFORE, for good and valuable consideration, and intending to be legally bound hereby, the Tax Collector, the Property Appraiser, and the District agree as follows:

1. The District's request to place its Non-Ad Valorem Assessments TRIM Notice is granted by the Property Appraiser, subject to the District's compliance with the terms of this Agreement.
2. The District's request to place its Non-Ad Valorem Assessments on the Tax Bill is granted by the Tax Collector, subject to the District's compliance with the terms of this Agreement.

3. The District agrees to the following requirements in order to place its Non-Ad Valorem Assessments on the TRIM Notice and Tax Bill:
 - A. The Non-Ad Valorem Assessments will be assessed yearly against all eligible properties within the District, and the District shall never have attempted to collect the Non-Ad Valorem Assessments prior year assessments.
 - B. No later than **July 9th** of the current year the following should be provided to the Property Appraiser:
 - i. The final files for the TRIM Notice.
 - ii. The description of "Purpose of Assessment" as it would appear on the TRIM Notice.
 - iii. The District's contact name and phone number used to address questions regarding the assessment.
 - C. No later than **August 1st** of the current year an insert describing the Non Ad-Valorem Assessments to be included with the mailing of the TRIM Notice. A sample must be provided to the Property Appraiser for approval prior to August 1st.
 - D. No later than **September 15th** of the current year the final roll reflecting the Non-Ad Valorem Assessments that are to appear on the Tax Bill must be submitted to the Property Appraiser and the Tax Collector.
4. The District agrees that the Tax Collector shall be entitled to retain the actual costs of collection, or two percent (2%), on the amount of special assessments collected and remitted.
5. This Agreement shall not take effect until the District is in full compliance with all local zoning, land use, and other applicable regulations.
6. **Duration of this Agreement.** Subject to the limitation of paragraph 5 above, this Agreement shall take effect upon signing and shall extend to the collection of

special assessments for each fiscal year thereafter, until cancelled by any Party pursuant to paragraph 11 herein.

7. **Severability of the Provisions in this Agreement.** The provisions of this Agreement are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.
8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
9. **Amendments or Modifications of this Agreement.** It is anticipated by the Parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all Parties to this Agreement.
10. **Indemnification and Hold Harmless.** The District shall indemnify and hold harmless, to the extent permitted by Florida law, the Property Appraiser, Tax Collector and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Property Appraiser, Tax Collector or their respective officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the negligent or intentional acts or omissions of the District or its employees, agents, servants, partners principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The District shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature

in the name of the Property Appraiser or Tax Collector where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

11. **Cancellation.** This Agreement may be cancelled by any Party upon thirty (30) days written notice to the other Parties.
12. **Intent to be Legally Bound.** By signing this Agreement, the Parties hereto confirm and state that they have carefully read the Agreement, that they know the contents thereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.
13. **Headings.** The headings for each paragraph in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.
14. **Complete Agreement.** This document shall represent the complete Agreement of the Parties.

IN WITNESS WHEREOF, the Parties hereto execute this Agreement, and they affirm that they have the power to do so on behalf of the District, the Tax Collector, and the Property Appraiser.

ATTEST:

By: _____

District: Secretary

LOS CAYOS COMMUNITY
DEVELOPMENT DISTRICT

By: _____

District: Chairperson

MIAMI-DADE COUNTY, FLORIDA
PROPERTY APPRAISER

By: _____
Pedro J. Garcia
Property Appraiser

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

ATTEST:

By: _____
Juan Fernandez-Barquin
County Clerk and Comptroller

By: _____
Daniella Levine Cava
Miami- Dade County Mayor

Approved as to legal sufficiency for Miami-Dade County and the Office of the Property Appraiser:

By: _____
Assistant County Attorney

AGREEMENT FOR ACCESS TO CERTAIN EXEMPT INFORMATION MAINTAINED BY THE MIAMI-DADE COUNTY PROPERTY APPRAISER

THIS AGREEMENT TO ACCESS CERTAIN EXEMPT INFORMATION MAINTAINED BY THE MIAMI-DADE COUNTY PROPERTY APPRAISER (**AGREEMENT**), made and entered into this ____ day of _____, 20____, by and between the **Los Cayos Community Development District** (hereinafter referred to as the “**CDD**”) and the **MIAMI-DADE COUNTY PROPERTY APPRAISER**, (hereinafter referred as the “**Property Appraiser**”).

WITNESSETH

WHEREAS, the CDD is an independent special purpose unit of local government that helps plan, finance, construct, operate and maintain infrastructure and services for the benefit of its residents,

WHEREAS, the CDD may finance infrastructure and services by levying ad valorem taxes or non-ad valorem assessments,

WHEREAS, the CDD has requested access to certain records maintained by the Property Appraiser relating to specific property owners, including name, home addresses, telephone numbers, dates of birth, and photographs, which are exempt from public disclosure under section 119.071 of the Florida Statutes (“**Exempt Information**”),

WHEREAS, under section 119.071 of the Florida Statutes, “home addresses” includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address,

WHEREAS, the CDD shall only request Exempt Information when there is a statutory or official need for the Exempt Information,

WHEREAS, the CDD shall take full responsibility for protecting all Exempt Information provided pursuant to this agreement in accordance with Florida law,

NOW, THEREFORE, in consideration of the covenants herein provided, the CDD and the Property Appraiser agree as follows:

1. The foregoing recitals are incorporated herein.
2. Before the CDD requests any Exempt Information from the Property Appraiser, the CDD shall establish sufficient safeguards to ensure that Exempt Information will not be disclosed, whether intentionally or inadvertently, by the CDD or any of its agents or employees, except as authorized by Florida law.
3. The CDD shall only use Exempt Information to fulfill the official administration, duties, and responsibilities of the CDD and such Exempt Information may not be disclosed or shared for any other purpose other than as prescribed by Florida law.
4. When in receipt of Exempt Information from the Property Appraiser, the CDD acknowledges that its employees, successors, and authorized agents are subject to the same requirements

exempting such records from public disclosure and the same penalties for violation of those requirements as the Property Appraiser. The CDD accepts full responsibility for the actions of its employees, successors, and authorized agents with regards to the Exempt Information.

5. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, if applicable, the CDD does hereby agree to indemnify and hold the Property Appraiser, its officials, employees, and instrumentalities, harmless from any and all liability for any damage, injury, or claim that may arise by virtue of the Exempt Information, or the exercise of any rights, obligations or actions under this Agreement, including, but not limited to, the CDD's failure to maintain the Exempt Information in accordance with Florida law.
6. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the CDD and the Property Appraiser and shall remain in full force and effect and be binding on the CDD, and any permitted successors or assigns.
7. In the event that the CDD requests any third party to assume any of its responsibilities as it relates to the Exempt Information or this Agreement, the CDD must require the third party to agree in writing that it is subject to, and must comply with, all terms of this Agreement and that it must protect the Exempt Information from disclosure. Such agreement by the third party must be signed before the CDD allows the third party to access any Exempt Information. The CDD acknowledges that such assumption by a third party shall not relieve the CDD from any obligations or responsibilities hereunder. Any failure by any third party shall not subject the Property Appraiser to any liability for any damage, injury, or claim that may arise. A failure of the CDD to comply with this section shall be a breach of this Agreement and therefore a termination of the Agreement without the notice requirement in section 9.
8. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under section 768.28 of the Florida Statutes, or as a waiver of the Property Appraiser's sovereign rights.
9. Either party to this Agreement may terminate the Agreement with seven (7) days' written notice to the other party. Upon termination of the Agreement, the CDD shall destroy all Exempt Information within ten (10) days. The CDD's obligation to protect the Exempt Information from disclosure shall remain in full force and effect following the termination of the Agreement.
10. The language agreed to herein expresses the mutual intent and agreement of the Property Appraiser and the CDD, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.
11. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the CDD and Property Appraiser designate the following as the respective places for notice purposes:

Community Development District:

Los Cayos Community Development District
C/O Special District Services, Inc.
2501 A Burns Road
Palm Beach Gardens, Florida 33410
Attn: Jeff Walker

With a Copy to:

Billings, Cochran, Lyles, Mauro & Ramsey, P.A.
515 East Las Olas Blvd., 6th Floor
Ft. Lauderdale, Florida 33301
Attn: Dennis E. Lyles, Esq.

Property Appraiser

Miami-Dade County
Office of the Property Appraiser
111 Northwest First Street, Suite 710
Miami, Florida 33128

With a Copy to:

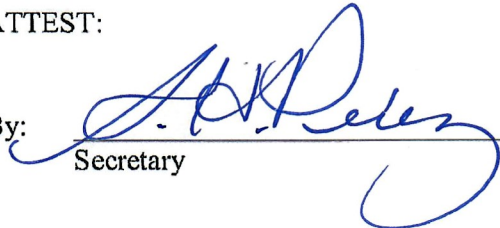
Miami-Dade County Attorney's Office
111 Northwest First Street, Suite 2810
Miami, Florida 33128

IN WITNESS WHEREOF, the Los Cayos Community Development District has caused this instrument to be executed by its respective officials thereunto duly authorized, this the day and year above written.

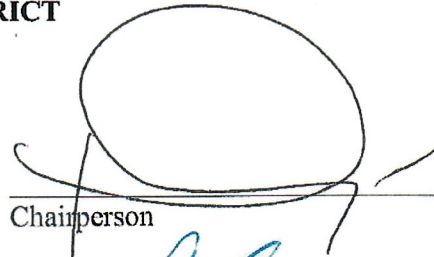
LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT

ATTEST:

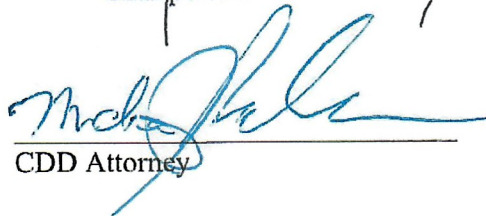
By:


Secretary

By:


Chairperson

APPROVED AS TO LEGAL FORM
AND CORRECTNESS:


CDD Attorney

MIAMI-DADE COUNTY PROPERTY APPRAISER

ATTEST:

By:

Property Appraiser or
Designee

Date

Los Cayos
Community Development District

**Financial Report For
March 2024**

**LOS CAYOS COMMUNITY DEVELOPMENT DISTRICT
MONTHLY FINANCIAL REPORT
MARCH 2024**

	Annual Budget 10/1/23 - 9/30/24	Actual Mar-24	Year To Date Actual 10/1/23 - 3/31/24
REVENUES			
O&M Assessments	0	0	0
Developer Contribution	119,375	0	29,844
Developer Contribution - Import Fill Material	2,300,000	0	649,577
Debt Assessments	0	0	0
Other Revenue	0	0	0
Interest Income	0	0	26,242
Total Revenues	\$ 2,419,375	\$ -	\$ 705,663
EXPENDITURES			
Administrative Expenditures			
Supervisor Fees	0	0	0
Management	39,000	3,250	19,500
Legal	40,000	0	4,548
Assessment Roll	0	0	0
Audit Fees	4,000	0	0
Arbitrage Rebate Fee	0	0	0
Insurance	6,000	0	5,000
Legal Advertisements	20,000	0	114
Miscellaneous	1,500	31	84
Postage	200	48	200
Office Supplies	2,000	193	327
Dues & Subscriptions	175	0	175
Website Management	2,500	208	1,250
Trustee Fees	0	0	0
Continuing Disclosure Fee	0	0	0
Total Administrative Expenditures	\$ 115,375	\$ 3,730	\$ 31,198
Maintenance Expenditures			
Engineering/Inspections	2,000	126	3,751
Miscellaneous Maintenance	2,000	0	0
Import Fill Material	2,300,000	0	3,012,245
Total Maintenance Expenditures	\$ 2,304,000	\$ 126	\$ 3,015,996
TOTAL EXPENDITURES	\$ 2,419,375	\$ 3,856	\$ 3,047,194
REVENUES LESS EXPENDITURES	\$ -	\$ (3,856)	\$ (2,341,531)
Bond Payments	0	0	0
BALANCE	\$ -	\$ (3,856)	\$ (2,341,531)
County Appraiser & Tax Collector Fee	0	0	0
Discounts For Early Payments	0	0	0
EXCESS/ (SHORTFALL)	\$ -	\$ (3,856)	\$ (2,341,531)
Fund Balance As Of 9/30/23	\$ 3,008,093.82		
Bank Balance As Of 3/31/24	\$ 670,418.39		
Accounts Payable As Of 3/31/24	\$ 3,856.00		
Accounts Receivable As Of 3/31/24	\$ -		
Available Funds As Of 3/31/24	\$ 666,562.39		

Los Cayos Community Development District
Budget vs. Actual
October 2023 through March 2024

	<u>Oct 23 - Jan 24</u>	<u>23/24 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Developer Contribution	29,843.75	119,375.00	-89,531.25	25.0%
Developer Contribution - Import Fill Material	649,576.78	2,300,000.00	-1,650,423.22	28.24%
O&M Assessments	0.00	0.00	0.00	0.0%
Debt Assessments	0.00	0.00	0.00	0.0%
Debt Assessment - Pd To Trustee	0.00	0.00	0.00	0.0%
County Appaiser & Tax Collector Fee	0.00	0.00	0.00	0.0%
Discounts For Early Payments	0.00	0.00	0.00	0.0%
Other Revenue	0.00	0.00	0.00	0.0%
Interest Income	26,242.41	0.00	26,242.41	100.0%
Total Income	<u>705,662.94</u>	<u>2,419,375.00</u>	<u>-1,713,712.06</u>	<u>29.17%</u>
Expense				
Supervisor Fees	0.00	0.00	0.00	0.0%
Management	19,500.00	39,000.00	-19,500.00	50.0%
Legal Fees	4,547.50	40,000.00	-35,452.50	11.37%
Assessment Roll	0.00	0.00	0.00	0.0%
Audit Fees	0.00	4,000.00	-4,000.00	0.0%
Arbitrage Rebate Fee	0.00	0.00	0.00	0.0%
Insurance	5,000.00	6,000.00	-1,000.00	83.33%
Legal Advertisements	114.00	20,000.00	-19,886.00	0.57%
Miscellaneous	83.57	1,500.00	-1,416.43	5.57%
Postage and Delivery	199.52	200.00	-0.48	99.76%
Office Supplies	326.50	2,000.00	-1,673.50	16.33%
Dues & Subscriptions	175.00	175.00	0.00	100.0%
Website Management	1,249.98	2,500.00	-1,250.02	50.0%
Trustee Fees	0.00	0.00	0.00	0.0%
Continuing Disclosure Fee	0.00	0.00	0.00	0.0%
Engineering/Inspections	3,751.25	2,000.00	1,751.25	187.56%
Miscellaneous Maintenance	0.00	2,000.00	-2,000.00	0.0%
Import Fill Material	3,012,247.05	2,300,000.00	712,247.05	130.97%
Total Expense	<u>3,047,194.37</u>	<u>2,419,375.00</u>	<u>627,819.37</u>	<u>125.95%</u>
Net Ordinary Income	<u>-2,341,531.43</u>	<u>0.00</u>	<u>-2,341,531.43</u>	<u>100.0%</u>
Net Income	<u><u>-2,341,531.43</u></u>	<u><u>0.00</u></u>	<u><u>-2,341,531.43</u></u>	<u><u>100.0%</u></u>

Ethics Training

Beginning in 2024, District Supervisors are required to complete four (4) hours of ethics training annually. Below are links to two training sessions that will, upon completion, satisfy the training requirement. *Beginning with the 2024 Form 1, District Supervisors will be required to confirm that they have completed the training each year.*

- **State Ethics Laws for Constitutional Officers & Elected Municipal Officers**
 - <https://www.youtube.com/watch?v=U8JktIMKzyl>
- **Public Meetings and Public Records Law**
 - <https://www.myfloridalegal.com/sites/default/files/Full%2520audio%25202018%5B2%5D.mp3>

Both links can be found on SDS' website, at www.sdsinc.org/links.

The Florida Association of Special Districts (FASD) also offers a training option through Florida State University's Florida Institute of Government. If your special district is a member of FASD, the cost for this special district-specific ethics training is \$49.00 for each district official.

If your special district is NOT a member of FASD, the cost for this special district-specific ethics training is \$79.00 for each district official.

Information on the FASD course can be found at <https://www.fasd.com/ethics-for-special-districts>.