

**TOWN OF OCEAN BREEZE
REGULAR TOWN COUNCIL MEETING
AGENDA**

Monday, October 9, 2023, 6:00 pm
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –
SPEAK DIRECTLY INTO MICROPHONE***

- 1. Call to Order, President De Angeles**
 - Pledge of Allegiance
 - Roll Call
- 2. Approval of Minutes – ¹**
 - Regular Town Council Meeting, Monday, September 11, 2023
 - Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023
 - Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023
- 3. Presentation by Representative John Snyder, Florida District 86, Florida House of Representatives, regarding legislative activities – Introduction by President De Angeles**
- 4. RESOLUTION NO. 342-2023 – A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 16-22, 2023, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES – Mayor Ostrand**
(Motion, second, public comment, all in favor)
- 5. RESOLUTION NO. 343-2023 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING BUDGET AMENDMENT #4 TO THE GENERAL FUND BUDGET IN THE AMOUNT OF \$39,450 TO RECOGNIZE ADDITIONAL GENERAL GOVERNMENT AND PUBLIC SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES – Holly Vath, Financial Advisor**
(Motion, second, public comment, roll call)
- 6. Update on status of November 7, 2023 Town Council Election – Kim Stanton, Town Clerk**
- 7. Comments from the public on topics not on the agenda**

¹ Preparation underway, staff anticipates the minutes will be presented to the Council in December.

- 8. Comments from the Council on topics not on the agenda**
- 9. Comments from Town Management Consultant Terry O'Neil**
- 10. Comments from Mayor Ostrand**
- 11. Announcements** – Meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.
 - ~~• Canvassing Board Meeting, Wednesday, November 8, 2023 at 10:00 pm~~²
 - **Regular Town Council Meeting, Monday, November 13, 2023 at 10:30 pm**
- 12. Adjourn**
(Motion, second, all in favor)

² Meeting cancelled due to the fact that an election is no longer necessary. (See item 6)



RESOLUTION NO 342-2023

**A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA
RECOGNIZING CITY GOVERNMENT WEEK,
OCTOBER 16-23, 2023 AND ENCOURAGING ALL CITIZENS TO SUPPORT
THE CELEBRATION AND CORRESPONDING ACTIVITIES.**

WHEREAS, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Florida City Government Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Florida that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Florida City Government Week offers an important opportunity to convey to all the citizens of Florida that they can shape and influence government through their civic involvement.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF OCEAN BREEZE AS FOLLOWS:

Section 1. That the Town of Ocean Breeze does encourage all citizens, city government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.

Section 2. That the Town of Ocean Breeze does encourage educational partnerships between city government and schools.

Section 3. That the Town of Ocean Breeze does support and encourage all city governments to actively promote and sponsor "Florida City Government Week."

PASSED AND ADOPTED this 9th day of October, 2023.

Karen M. Ostrand, Mayor

Kenneth De Angeles, President

ATTEST: _____
Kim Stanton, Town Clerk

Memorandum

TO: **MAYOR AND TOWN COUNCIL**

FROM: **HOLLY VATH, FINANCIAL CONSULTANT**

SUBJECT: **2023 BUDGET AMENDMENT #4**

DATE: **OCTOBER 9, 2023**

The attached resolution amends the 2023 budget.

General Government

The original 2023 adopted budget included 25 hours per week at \$18.00 per hour for the Office Assistant. The Office Assistant worked on average 30 hours per week. The hourly rate was increased to \$20 per hour during the fiscal year. This generated additional expenses of approximately \$12,350. In addition, the expense for meeting security by the Martin County Sheriff's office was not needed. The Sheriff regularly sends an officer to the Council meetings at no charge to the Town.

Public Safety

There were additional expenses for the Building Official, Town Attorney and Permit processor related to PUD closeout of the Seawalk development.

Revenue

An increase in interest income, building permits and local communications services tax revenue offset the increase in expenditures.



BEFORE THE TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 343-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING
BUDGET AMENDMENT #4 TO THE GENERAL FUND
BUDGET IN THE AMOUNT OF \$39,450 TO RECOGNIZE
ADDITIONAL GENERAL GOVERNMENT AND PUBLIC
SAFETY EXPENSES, PROVIDING FOR AN EFFECTIVE
DATE, AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN
BREEZE, FLORIDA that:

SECTION 1: For the purpose of increasing the 2023 budget for additional expenses incurred during the 2022/2023 fiscal year, amending the General Fund Budget of the Town of Ocean Breeze adopted by Resolution No. 328-2022 of the Town Council of the Town of Ocean Breeze, is hereby amended, as follows:

REVENUE INCREASE:

Local communications services tax	\$1,450
Interest income	21,000
Building permits	17,000
Total	\$39,450

EXPENDITURE INCREASE:

General government	\$10,100
Public safety	29,350
Total	\$39,450

SECTION 3: This resolution shall take effect on adoption.

ADOPTED this 9TH day of October, 2023.

Council Member _____ offered the foregoing resolution moved its adoption. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH DE ANGELES, PRESIDENT
SANDY KEBLBECK-KELLEY, COUNCIL MEMBER
ELIZABETH REESE, COUNCIL MEMBER
GINA KENT, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

KIM STANTON
TOWN CLERK

KENNETH DE ANGELES
PRESIDENT

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM:

WILLIAM F. CRARY, II
TOWN ATTORNEY

Memorandum

To: Town Council and Mayor
From: Kim Stanton, Town Clerk
Date: October 3, 2023

Re: Update on November 7, 2023 Town Council Election

As you know, three (3) of six (6) Town Council seats are subject to election on November 7, 2023. Council Members and the Mayor each serve two-year terms.

At the close of this year's qualification period in August, six (6) candidates had submitted their names for consideration.

They are:

William Arnold (incumbent)
Ken DeAngeles (incumbent)
Kevin Docherty (incumbent)
Michael Heller
Pete Luther
Matthew Squires

As of the date of this memorandum:

William Arnold has resigned from the Council and will not stand for re-election.

Ken De Angeles has withdrawn his name from consideration and will complete his term on December 11, 2023.

Pete Luther has also withdrawn his name from consideration.

As a result, with three (3) open seats and only three (3) remaining candidates, Kevin Docherty, Michael Heller and Matthew Squires will be sworn into office on December 11, 2023 without the need for an election; which has been confirmed with the Martin County Supervisor of Elections.

Council selections of a President and Vice President will occur at the December 11, 2023 regular Town Council meeting.



CERTIFICATE OF ELECTION

State of Florida
County of Martin

Office of Town Clerk
Acting as Supervisor of Elections

October 3, 2023

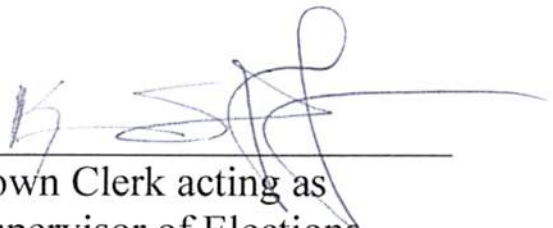
This is to certify that:

Kevin Docherty

Michael Heller

Matthew Squires

were elected Council Members in and for the Town of Ocean Breeze, Martin County, Florida, having not been opposed during 2023 Election for the two-year seats as shown by the qualifying documents on file in my office.



Town Clerk acting as
Supervisor of Elections
Town of Ocean Breeze



CERTIFICATE OF ELECTION

State of Florida
County of Martin

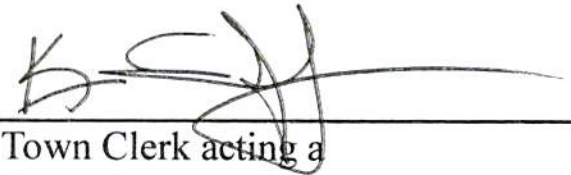
Office of Town Clerk
Acting as Supervisor of Elections

October 3, 2023

This is to certify that:

Kevin Docherty

was elected Town Council member in and for the Town of Ocean Breeze, Martin County, Florida, having not been opposed during 2023 Election for the two-year seat, as shown by the qualifying documents on file in my office.



Town Clerk acting as
Supervisor of Elections
Town of Ocean Breeze



CERTIFICATE OF ELECTION

State of Florida
County of Martin


Office of Town Clerk
Acting as Supervisor of Elections

October 3, 2023

This is to certify that:

Matthew Squires

was elected Town Council member in and for the Town of Ocean Breeze, Martin County, Florida, having not been opposed during 2023 Election for the two-year seat, as shown by the qualifying documents on file in my office.



Town Clerk acting as
Supervisor of Elections
Town of Ocean Breeze



CERTIFICATE OF ELECTION

State of Florida
County of Martin


Office of Town Clerk
Acting as Supervisor of Elections

October 3, 2023

This is to certify that:

Michael Heller

was elected Town Council member in and for the Town of Ocean Breeze, Martin County, Florida, having not been opposed during 2023 Election for the two-year seat, as shown by the qualifying documents on file in my office.



Town Clerk acting as
Supervisor of Elections
Town of Ocean Breeze

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.

Town Clerk

From: MRC Deputy Director <council@mrcirl.org>
Sent: Monday, September 25, 2023 12:09 PM
To: Town Clerk
Subject: Indian River Lagoon priorities and one collaborative example
Attachments: BIRLC Collaborative Legislative Requests.pdf; IRL Strategic Communication 9.17.2023.pdf; MRC IRL Priorities 9.15.23.pdf

(Please distribute to municipal and key staff involved in Indian River Lagoon protection and restoration, and know that Rivers Coalition and Indian Riverkeeper leaders are working on a similar collaborative initiative in Martin County)

Indian River Lagoon community stakeholder:

Communities in the inter-connected east central region of Florida are collaborating with governments, business and non-governmental organizations to restore our waterways, specifically the Indian River Lagoon, providing a blueprint to other regions and the state. This dedicated, united approach is proving successful, assisted by the Legislative funding of \$100,000,000 this past session.

Attached is our Shared Vision, an example of Legislative Priorities collaboratively developed by Brevard Indian River Lagoon Coalition, as it regards Brevard County, and a Communications Strategy to guide our actions.

We offer this information as one example of a regional collaborative initiative and encourage you to consider its merits as you plan in your region. This information is being shared with you, the Florida House/Senate, state agencies involved in the IRL region, U.S. leaders in our region, and a variety of IRL community stakeholders, and we will be asking for your support.

Protecting and healing the natural treasures of our state is essential for us to thrive in the future – economically, environmentally and personally.

Reach out to Marine Resources Council Chair Jim Moir if you care to discuss this or related initiatives via Council@mrcirl.org or mobile 772.341.4953.

--

Marine Resources Council

3275 Dixie Hwy. NE

Palm Bay, FL 32905

(321) 725-7775

www.SaveTheIRL.org



COLLABORATIVE LEGISLATIVE REQUESTS

Continue IRL Protection Plan funding at \$100M/year

Develop new KSC Sewage Plants
with biosolids converted to beneficial products

Prohibit Biosolids of any type from being used as agricultural fertilizer

Set Maximum Nitrogen/Phosphorous levels for Reuse water for Irrigation

Allow Counties to continue local Summer Fertilizer Ordinances

Ratify the Statewide Stormwater Rules as proposed by FDEP in 2023

Increase water quality monitoring as recommended by the
Blue Green Algae Task Force

Pursue funding for Duane DeFreese Conservation Hub
at Proposed Aquarium Project at Port Canaveral

Collaborative, Cohesive Communications Strategy
Indian River Lagoon
Clear -- Concise -- Consistent

High level, research-based communications and messages developed in 2022-2023, sponsored by Collaboration of Stakeholders throughout the IRL Coastal Community

The Indian River Lagoon is one of our priceless natural resources. While its health was neglected for decades, today - hope is on the horizon.

STRATEGIC APPROACH

Speak With One Voice at The Highest Level – Consistently and Concisely

Engage key stakeholders in local government, business and NGO organizations
Respect and support regional differences

Create Communications based on Research Findings

- Awareness of the condition of the Lagoon is high
- *Minimal understanding by the public of polluting sources, restoration efforts and personal actions*
- Citizens understand the value of the IRL and support funding of restoration

Focus On Sources of Trusted Information

Engage with key trusted sources of information: local governments, news media, friends and colleagues

Strengthen Collaborative Efforts

Those committed to reviving, protecting and preserving the Lagoon have the power to reach millions of people and create positive change
We must commit to work together

Use the Power of Word Of Mouth

Engaging the public so *they* will share information with family and friends is critical.
The public is diverse: reaching them requires variety of strategies, tactics and tools.

Primary Collaborators: Brevard IRL Coalition, Brevard Zoo, Restore Our Shores, Clean Water Coalition of Indian River, IRL National Estuary Program, Marine Discovery Center, Marine Resources Council

September 17, 2023



OUR SHARED VISION:

IMAGINE!

By 2050, the Indian River Lagoon, the environmental and economic lifeblood of the globally important east-central Florida region, will be restored to sustainable balance, providing an example to the world of what's possible when people collaborate.

Inter-Connected Indian River Lagoon Coastal Community is Uniting

From Orlando east, including 40 percent of Florida's central Atlantic coast, Daytona to West Palm Beach

We Need to Protect One of Our Earth's Most Valuable Natural Treasures

One of the most bio-diverse regions in North America; natural diversity is what makes the region thrive

Respect and Support Regional Differences

Collaborate, yet rely on each region to best understand and address its unique challenges

Explosive Development Has Put Our Paradise at Risk!

Rising pollution, inadequate septic systems and stormwater and wastewater infrastructure

Build on Recent Progress

Bi-partisan federal, state, and regional planning/funding have begun; need dedicated long-term funding

Stop Pollution at its Source

What happens on the land ends up in groundwater, streams, canals and rivers...ultimately the lagoon

Require and Promote Real Progress

Promote and support legislation, comprehensive planning, and projects based on their merits

Employ Adaptive Management Strategies

Reduce uncertainty and restore hope and health with enforcement, monitoring, and improved policies

Communitywide Low Impact Development (LID) and Green Infrastructure (GI)

Reduce flooding and stormwater pollution by updating comprehensive plans, codes, and ordinances

Use 21st Century Technology to Protect Our Paradise and Grow Our Economy

Showcase new technologies, including advanced stormwater, wastewater, and septic systems

Finish What Has Been Started

Clean Waterways Act, Stormwater Rule, Basin Management Action Plans, Total Maximum Daily Loads, Blue Green Algae Task Force recommendations, seasonal fertilizer restrictions

SEPT 15, 2023

3275 Dixie Hwy NE, Palm Bay, FL 32905 • 321.725.7775

Science + Education + Action

Town Clerk

From: Town Clerk
Sent: Monday, September 25, 2023 11:57 AM
To: Karen Ostrand; Kevin Docherty; Gina Kent; Liz Reese; Sandy Kelley
Subject: Fwd: Reminder: Coastal Cleanup Enormous Win for Lagoon!

Sent via the Samsung Galaxy Note20 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Marine Resources Council <sharkey@mrcirl.org>
Sent: Thursday, September 21, 2023 7:01:42 AM
To: William Arnold <warnold@Townofoceanbreeze.org>
Subject: Reminder: Coastal Cleanup Enormous Win for Lagoon!



MRC Coastal Cleanup 2023 Enormous Win For The Lagoon!



With your help, the Marine Resources Council enlisted 695 volunteers who picked up 8,726 pounds of trash and debris from 41 miles of Indian River Lagoon shorelines in a few hours on Saturday, September 16, 2023. Thank you so very much for cleaning up our estuary!

2023 MRC Coastal Cleanup



Tipping The Scales

Top 10 Items Collected

	14,537	Tiny Glass Pieces
	8,351	Cigarette Butts
	6,166	Tiny Plastic Pieces
	3,918	Food Wrappers
	3,101	Construction Materials
	2,908	Plastic Bottles
	2,529	Tiny Foam Pieces
	2,454	Plastic Caps
	2,275	Beverage Cans
	1,977 ft	Fishing Line

For Our Lagoon



8,726

Pounds of Trash Collected



62,119

Total Items Collected



695

Volunteers



41 Miles of

Lagoon Shoreline Cleaned

All Waterways Lead to the Ocean

LoveTheIRL.org

Marine Resources Council

The MRC would like to extend a special thank you to our many sponsors who contributed funding, supplies, dumpsters, vehicles, volunteers, and much encouragement. We only succeed through your love of the Lagoon!



One of our primary goals for this event is to foster "Kids for Conservation" and inspire the next generation of Lagoon Stewards. The most exciting data collected was that we had more youth participation in the Cleanup than ever before! It is our hope that children who invest in conservation efforts will continue to protect our environment as adults. Based on the outcome of this day, we are incredibly hopeful for the future. Thank you to all the parents, grandparents, teachers, club leaders, coaches, and schools for chaperoning your "Kids for Conservation" at the MRC Coastal Cleanup.





If you were unable to support or volunteer at this year's Cleanup but would like to participate in next year's event, please reply to this email and include your contact information (first and last name, phone number, and email address). Thank you.



Volunteers are the heartbeat of the Marine Resources Council. You inspire us with your daily commitment, and it will take all of us to bring our Lagoon back to health! Please sign up to volunteer today. We hope to see you at our next cleanup.

[Click Here to Become a Volunteer](#)



Make a Difference Year-Round by Becoming an Official Member of MRC.

[Click Here to Become a Member](#)



Help Foster the Next Generation of Kids for Conservation!

[Please Click Here to Donate](#)



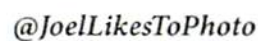
Florida Institute of Technology, Pi Kappa Alpha Scholars, Leaders, Athletes, and Gentlemen ensured the success of MRC's 2023 Coastal Cleanup, with 30 volunteers contributing over 210 cumulative hours to the event. GO PIKES!



Special Thanks to Sponsor Wescon Construction, Inc.
for donating four dump trailers, and collecting, transporting, and removing the thousands of pounds of debris from our cleanup sites! If you need a new roof, please call Wescon at 321.259.6789.

Thank You, Sponsors!

Surf & Beach Preservation



Please support local organizations actively helping improve and protect our estuary of national significance.

[Click Here for More Fun Photos from the Cleanup](#)

If you have any photos you would like to share from the event, please respond to this email with the pictures. Thank you.

LoveTheIRL.org

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE." The toll-free number of the department is 1-800-HELP-FLA (435-7352) – calling from within the state of Florida, or (850) 410-3800 – calling from outside of Florida. The department's website is www.800helpfla.com. [s. 496.412(1)(c), F.S.].

Marine Resources Council | 3275 Dixie Hwy NE, Palm Bay, FL 32905

[Unsubscribe warnold@townofoceanbreeze.org](mailto:warnold@townofoceanbreeze.org)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by sharkey@mrcirl.org powered by





September 15, 2023

BY EMAIL

Mr. Terry O'Neil
Town Manager
Town of Ocean Breeze
P.O. Box 1025
Jensen Beach, FL 34958

Re: Project Name: Ocean Breeze East PUD
Matter Number: 53628-00001
Extension Pursuant to Section 252.363, Florida Statutes
Executive Order 23-03 (Emergency Management - Illegal Migration)
Executive Order 23-49 (Extension of Exec. Order 23-03 – Illegal Migration)
Executive Order 23-88 (Extension of Exec. Order 23-03 – Illegal Migration)
Executive Order 23-134 (Extension of Exec. Order 23-03 – Illegal Migration)
Executive Order 23-173 (Extension of Exec. Order 23-03- Illegal Migration)
Executive Order 23-176 (Extension of Exec. Order 22-218 – Hurricane Ian)
Executive Order 23-170 (Extension of Exec. Order 22-253 – Hurricane Nicole)

Dear Mr. O'Neil:

Section 252.363, Florida Statutes provides in part as follows:

252.363 Tolling and extension of permits and other authorizations.

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373
4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to § 380.06 (19)(c).

(b) Within 90 days after the termination of the emergency declaration, the holder of the permit or other authorization shall notify the issuing authority of the intent to exercise the tolling and extension granted under paragraph (a). The notice must be in writing and identify the specific permit or other authorization qualifying for extension.

On January 6, 2023, Governor DeSantis issued Executive Order 23-03, finding that the migration of unauthorized aliens to the State of Florida constitutes a major disaster, and declared a state of emergency for the State of Florida. This declared state of emergency would have expired on March 7, 2023, however, the state of emergency was extended, ratified and reaffirmed by Executive Orders 23-49, 23-88, 23-134, and 23-173.

The below timeframe also includes the additional extension of Executive Order 22-218, in the form of Executive Order 23-176 as to Hurricane Ian, and the additional extension of Executive Order 22-253, in the form of Executive Order 23-170 as to Hurricane Nicole. The most recent notice dated July 27, 2023, to the Town of Ocean Breeze regarding the Hurricane Ian and Nicole Executive Orders, on behalf of NHC-FL143, Inc, is attached hereto and made a part hereof.

This correspondence is sent on behalf of and serves as the required notice to the Town of Ocean Breeze of NHC-FL143, Inc.'s, notice that the timetable for development for the Ocean Breeze East PUD must be tolled for the entire tolling period provided through Executive Orders 23-02, 23-49, 23-88, 23-134, 23-173, 23-176, and 23-170 as of **September 15, 2023**, which currently amounts to an additional 57 days for Hurricanes Ian and Nicole, and an additional 6 months for Illegal Migration.

Therefore, based upon Executive Orders 23-03, 23-49, 23-88, 23-134, 23-173, 23-176, and 23-170, the timetable, is extended as follows:

- the deadline for the use of lots for motorhomes is now extended from November 7, 2025, to July 3, 2026.

Although these extensions are automatic, pursuant to Florida law, with submission of the required notification to the Town of Ocean Breeze, we would appreciate written acknowledgment regarding the extension of the development order pursuant to the Executive Orders referenced above. Please be aware that further extensions may occur, and that the Expiration Dates above will be automatically extended should there be any future extensions to the above referenced Executive Orders.

Please let us know if you have any disagreement with the new expiration dates identified above, or if you have any questions or need anything else regarding this matter.

Sincerely,



Gena May

cc: Rick Crary, Esq., Town Attorney (via email)
Client (via email)
Robert S. Raynes, Esq. (via email)
Anthony Herzog, District Manager, Sun (via email)

Certified # 7022 0410 0000 9976 8267
9/16/23



CERTIFIED #9589 0710 5270 0420
3939 56

Sun Resorts & Residences Ocean Breeze Resort
3000 NE Indian River Drive
Jensen Beach, FL 34957

July 27, 2023

BY EMAIL

Mr. Terry O'Neil
Town Manager
Town of Ocean Breeze
P.O. Box 1025
Jensen Beach, FL 34958

Re: Project Name: Ocean Breeze East PUD

Project Number: 00054265.00001

Extension Pursuant to Section 252.363, Florida Statutes

Executive Order 22-218 (Tropical Depression Nine)

Executive Order 22-219 (Tropical Depression Nine)

Executive Order 22-268 (Hurricane Ian)

Executive Order 23-21 (Extension of Exec. Order 22-128 - Hurricane Ian)

Executive Order 23-60 (Extension of Exec. Order 22-128 - Hurricane Ian)

Executive Order 23-104 (Extension of Exec. Order 22-218 - Hurricane Ian)

Executive Order 23-139 (Extension of Exec. Order 22-218 - Hurricane Ian)

Executive Order 22-253 (Subtropical Storm Nicole)

Executive Order 23-02 (Extension of Exec. Order 22-253 - Hurricane Nicole)

Executive Order 23-48 (Extension of Exec. Order 22-253 - Hurricane Nicole)

Executive Order 23-87 (Extension of Exec. Order 22-253 - Hurricane Nicole)

Executive Order 23-133 (Extension of Exec. Order 22-253 - Hurricane Nicole)

Dear Mr. O'Neil:

Section 252.363, Florida Statutes provides in part as follows:

252.363 Tolling and extension of permits and other authorizations.

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.
3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373
4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to § 380.06 (19)(c).

(b) Within 90 days after the termination of the emergency declaration, the holder of the permit or other authorization shall notify the issuing authority of the intent to exercise the tolling and extension granted under paragraph (a). The notice must be in writing and identify the specific permit or other authorization qualifying for extension.

On September 23, 2022, Governor DeSantis issued Executive Order Number 22-218 declaring a state of emergency for certain counties in the State of Florida, including Martin County, as a result of the threat of Tropical Storm Nine. This emergency declaration was effective on September 23, 2022, and would have expired, 60 days later, on November 22, 2022. The Governor also issued Executive Order 22-219 on September 24, 2022, expanding the state of emergency to cover the entire State of Florida.

On November 7, 2022, Governor DeSantis issued Executive Order 22-253 declaring a state of emergency for certain counties in the State of Florida, including Martin County, as a result of the impending Subtropical Storm Nicole. This emergency declaration was effective on November 7, 2022, and would have expired 60 days later, on January 6, 2023. However, subsequent executive orders have continued to extend executive order 22-253, specifically Executive Orders 23-02, 23-48, 23-87, and 23-133.

On November 21, 2022, Governor DeSantis issued Executive Order 22-268 extending the state of emergency declared in previously issued executive orders 22-218, and 22-219. The extension of the state of emergency was necessitated by the continued recovery efforts and the continued recovery of affected people hit by Hurricane Ian, which still required the support of the State of Florida. This emergency declaration was effective on November 21, 2022, and would have expired, 60 days later, on January 20, 2023. However, subsequent executive orders have continued to extend executive orders 22-218, and 22-219, specifically Executive Orders 22-268, 23-21, 23-60, 23-104, and 23-139.

This correspondence is sent on behalf of and serves as the required notice to the Town of Ocean Breeze of NHC-FL143, Inc.'s, notice that the timetable for development for the Ocean Breeze East PUD must be tolled for the entire tolling period provided through Executive Orders 22-218, 22-219, 22-268, 23-21, 23-60, 23-104, 23-139, 22-253, 23-02, 23-48, 23-87 and 23-133 which currently amounts to 353 days and 12 months.

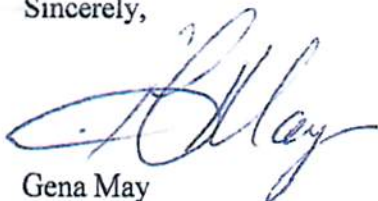
Therefore, based upon Executive Orders 22-218, 22-219, 22-268, 23-21, 23-60, 23-104, 23-139, 22-253, 23-02, 23-48, 23-87, and 23-133, as of July 27, 2023,

- the deadline for the use of lots for motorhomes is now extended from November 20, 2023 to November 7, 2025.

Although these extensions are automatic, pursuant to Florida law, with submission of the required notification to the Town of Ocean Breeze, we would appreciate written acknowledgment regarding the extension of the development order pursuant to the Executive Orders referenced above. Please be aware that further extensions may occur, and the Expiration Dates above will be automatically extended should there be any future extensions to the above referenced Executive Orders.

Please let us know if you have any disagreement with the new expiration dates identified above, or if you have any questions or need anything else regarding this matter.

Sincerely,



Gena May

cc: Rick Crary, Esq., Town Attorney (via email)
Client (via email)
Robert S. Raynes, Esq. (via Email)
Anthony Herzog, District Manager, Sun (via Email)

Certified #

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