

1 A bill to be entitled

2 An act relating to the Ave Maria Stewardship Community
3 District, Collier County; providing a popular name;
4 creating the Ave Maria Stewardship Community District;
5 providing for findings, determinations, ascertainments,
6 intent, purpose, definitions, and policy; creating the
7 charter of the District; providing for authority and
8 jurisdiction; creating the District as a special, limited,
9 and single-purpose independent district, an independent
10 local government and corporate body politic, to provide
11 community development infrastructure to the Ave Maria
12 community development in that certain portion of the
13 unincorporated area of the Collier County political
14 subdivision within and subject to the Growth Management
15 Plan and the Rural Lands Stewardship Area Zoning Overlay
16 District in Eastern Collier County; prescribing and fixing
17 the boundaries of the District; providing for election of
18 a Board of Supervisors and terms of office and powers and
19 duties thereof; requiring certain financial reports;
20 providing for disclosure of public financing information;
21 authorizing and providing for the levy and collection of
22 taxes; authorizing special powers relating to water
23 management and control, roads and bridges, and other
24 public facilities; providing for the issuance of bonds and
25 short-term borrowing; providing procedures for competitive
26 procurement of goods, supplies, and materials; providing
27 for enforcement of provisions of the Act and providing
28 penalties for violation thereof; providing for the

29 applicability of provisions of chapter 189, Florida
30 Statutes, and other general laws; providing for
31 severability; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Popular name.--This Act may be known by the
36 popular name the "Ave Maria Stewardship Community District Act."

37 Section 2. Preamble.--Legislative findings,
38 ascertainties, determinations, intent, purpose, definitions,
39 and policy.--

40 (1) Legislative findings.--

41 (a) The eastern area of unincorporated Collier County is
42 unique and special with natural resources that need protection
43 and with the need to retain a viable agricultural system while
44 protecting private property rights and promoting a sound
45 economy.

46 (b) Collier County, with the approval of the Governor and
47 members of the Cabinet, sitting as the Florida Land and Water
48 Adjudicatory Commission, established a designated Rural Lands
49 Stewardship Area Zoning Overlay District in order to implement
50 an innovative, specialized, and incentive-based Collier County
51 Rural Lands Stewardship Area Overlay as part of the Collier
52 County Growth Management Plan.

53 (c) In implementing both protection of natural resources
54 and retention of viable agriculture, the Rural Lands Stewardship
55 Area District Overlay promotes compact rural mixed-used
56 development as an alternative to low-density single use

57 development and establishes a system of generating Stewardship
 58 Credits in a designated Stewardship Sending Area and
 59 transferring them to a designated Stewardship Receiving Area
 60 within which new town communities may be created and developed
 61 with a full range of housing types and a full mix of uses with
 62 urban level services and infrastructure which support
 63 specialized development that is compact, mixed-use, human-scale,
 64 and balances land uses to reduce automobile trips and to
 65 increase livability.

66 (d) This comprehensive system anticipates new land uses to
 67 include unincorporated new town community development and the
 68 related highly specialized provision of basic infrastructure
 69 systems, facilities, and services.

70 (e) Barron Collier Company has made available
 71 approximately 905 acres to the Ave Maria University Foundation
 72 for the institution and operation of a private university known
 73 as Ave Maria University with a full slate of undergraduate,
 74 graduate, and professional programs with related cultural,
 75 recreational, and other activities, benefits, and programs for
 76 providing teaching, research, and public service to southwest
 77 Florida, the State of Florida, and the nation.

78 (f) The initial landowners also own, immediately and
 79 adjacent to and surrounding the Ave Maria University, lands upon
 80 which they are building a university-oriented new town community
 81 consistent with the Collier County Growth Management Plan and
 82 Land Development Code.

83 (g) Within and subject to this the Growth Management Plan
 84 and Land Development Code and its Rural and Stewardship Area

85 Zoning Overlay District within a designated Stewardship
 86 Receiving Area, the new town community surrounding the private
 87 university requires appropriate compact, balanced, and rural
 88 mixed-use development at a human scale with the required
 89 innovative balance of such importance to the Stewardship Overlay
 90 Area.

91 (h) In particular:

92 1. Creating a university new town community in the
 93 Stewardship Overlay Area of Eastern Collier County requires a
 94 critical coinciding of existing and future land use with
 95 provision of capital facilities and related systems and
 96 services, based upon timely, flexible, and specialized
 97 management of critical factors and sequential events, balancing
 98 between the interests of private enterprise, agriculture,
 99 private citizens, taxpayers, consumers, the environment, the
 100 economy, the initial landowners, and all applicable levels of
 101 government.

102 2. As evidenced by the Stewardship Overlay Program, all
 103 the applicable public and private persons and entities have
 104 invested and expended substantial time and moneys to generate
 105 both the Stewardship Overlay Area portions of the Growth
 106 Management Plan and the existing and future consistent specific
 107 regulatory and comprehensive planning entitlements and
 108 consistent land development regulations for the identification,
 109 preparation, and development of a new town community.

110 3. Creating such a new town community around the
 111 university and using a single special purpose independent
 112 district constitute innovative planning and flexible development

113 strategies pursuant to section 163.3177(11), Florida Statutes,
114 as amended from time to time, and Rule 9J-5.006(5)(1), Florida
115 Administrative Code, as amended from time to time, to minimize
116 the conversion of rural and agricultural lands to other uses to
117 discourage urban sprawl and to protect environmentally sensitive
118 areas, while maintaining the economic viability of agricultural
119 and other predominately rural land uses and providing for the
120 cost-efficient delivery of public facilities and services as
121 provided expressly in the Rural Lands Stewardship Area Land
122 Development Regulations, section 2.2.27.10.C.

123 (i) There is in particular a special need to use a
124 specialized and limited single-purpose independent special
125 district unit of local government for the Ave Maria Community:

126 1. To prevent urban sprawl by providing, sustaining, and
127 supporting freestanding infrastructure and by preventing
128 needless and counterproductive community development when the
129 existing urban area is not yet developed.

130 2. To prevent the needless duplication, fragmentation, and
131 proliferation of local government services in a proposed land
132 use area.

133 (j) Management of conservation, environmental,
134 agricultural, and economic challenges and opportunities in this
135 area of Eastern Collier County transcends the boundaries and
136 responsibilities of both private landowners and individual units
137 of government so that no one single public or private entity or
138 person can plan or implement policies to deal with the many
139 issues which attend the provision of basis systems, facilities,
140 and services to the area to be managed in Eastern Collier County

141 in order to provide for both a new university and a new town
142 academic community in the Stewardship area.

143 (k) It is the expressed set of findings of the Legislature
144 further that:

145 1. There is a considerably long period of time during
146 which there is an inordinate burden on the initial landowners of
147 both the land area for the private Ave Maria University and its
148 surrounding new town university community because of the
149 innovative, special, and unique requirements in the Growth
150 Management Plan for the Stewardship Receiving Area that deal
151 specifically with flexible management and related sequencing,
152 timing, and financing of the various systems, facilities, and
153 services to be provided to the new town community and that take
154 into consideration absorption rates, commercial viability, and
155 related factors.

156 2. Even as the community matures, there is a continuing
157 need for landowners, both initial and subsequent, to bear
158 burdens that remain relatively inordinate in order to preserve
159 such benefits for Eastern Collier County as the unique
160 environmental and economic purpose of the new town community in
161 this Stewardship Receiving Area.

162 3. Longer involvement of the initial landowner with regard
163 to the provision of basic systems, facilities, and services in
164 the Rural Lands Stewardship Overlay, coupled with a severely
165 limited and highly specialized single purpose of the District,
166 is in the public interest.

167 4. Any public or private system to provide basic
168 infrastructure improvements, systems, facilities, and services

169 to this new Ave Maria community in the Stewardship Overlay Area
170 of Eastern Collier County must be focused on an unfettered,
171 highly specialized, innovative, responsive, and accountable
172 mechanism to provide the components of infrastructure at
173 sustained levels of high quality over the long term only when
174 and as needed for such a unique community in such a unique area.

175 5. There is a critical need to maintain such provision of
176 such systems, facilities, and services to the Ave Maria
177 community because of the unique location and attributes of the
178 Stewardship Overlay Area, coupled with the unique purpose and
179 location of this new academic community, subject to, and not
180 inconsistent with, the state, regional, and local requirements
181 which attend implementation of the state plan, the Stewardship
182 Overlay for the Stewardship Receiving Area, and the Collier
183 County Growth Management Plan.

184 6. This need is met by coinciding the use and special
185 attributes of various public and private alternatives for the
186 provision of infrastructure to such a community development,
187 including:

188 a. The public policy and related implementing zoning,
189 permitting, and planning expertise, interests, and capabilities
190 of state and regional government and of the Collier County
191 general purpose local government;

192 b. The flexible, limited, focused, and locally accountable
193 management and related financing capabilities of independent
194 special purpose local government; and

195 c. The innovative development and marketing private sector
 196 expertise of the initial landowners, developers, and other
 197 components of private enterprise;

198 7. The specialized financing and revenue procedures for
 199 the levy and imposition of first-lien assessments, by a variety
 200 of names, must be disclosed, followed, noticed, fair,
 201 nonarbitrary, informed, reasonable, and accountable and that
 202 they must be set forth dispositively.

203 (1) That the existence and use of such a limited
 204 specialized single purpose local government for the Ave Maria
 205 community, subject both to the Rural Lands Stewardship Overlay
 206 Area District and to the Collier County Growth Management Plan,
 207 will result in a high propensity:

208 1. To prevent urban sprawl, protect and to preserve
 209 environmental, conservation, and agricultural uses and assets
 210 and to enhance the high quality use of the applicable
 211 Stewardship Receiving Area.

212 2. To enhance the market value for both present and future
 213 landowners of the property consistent with the need to protect
 214 private property rights in the Stewardship Overlay.

215 3. To enhance the net economic benefit to the Collier
 216 County area, including an enhanced and well maintained tax base
 217 to the benefit of all present and future taxpayers in Collier
 218 County.

219 4. To share the costs for providing such basic systems,
 220 facilities and services in an innovative, sequential, and
 221 flexible manner within the Ave Maria new town community to be
 222 serviced by the Stewardship Community District.

223 (2) Ascertainments.--Based upon these findings, the
 224 Legislature has learned and ascertains:

225 (a) There are two public government alternatives and one
 226 private alternative available to plan, construct, maintain, and
 227 finance the provision of systems, facilities, and services in
 228 and subject to the Stewardship Overlay:

229 1. One of the public or governmental alternatives is by
 230 the Board of County Commissioners within the Collier County
 231 political subdivision which can provide certain basic systems,
 232 facilities, and services directly, or with management by its
 233 staff with financing through either a municipal service taxing
 234 unit for ad valorem taxes or municipal service benefit for
 235 assessments, or indirectly, by nonemergency ordinance use of a
 236 dependent district.

237 2. The second public alternative is use of an independent
 238 special district.

239 3. The private alternative is the private landowner, a
 240 private homeowners' association, a private utility, a private
 241 business corporation or partnership, or a combination of these
 242 various private alternatives.

243 (b) Planning, permitting, and creating the Ave Maria
 244 University new town community and using the independent
 245 specialized single purpose Ave Maria Stewardship Community
 246 District created by this Act are consistent with and implement
 247 both the Collier County Growth Management Plan and Land
 248 Development Code and also the following long-standing and
 249 expressed policies of the state:

250 1. To allow the creation of independent special taxing
251 districts which have uniform general law standards and
252 procedures and which do not overburden other local governments
253 and their taxpayers while preventing the proliferation of
254 independent special taxing districts which do not meet the
255 standards set forth in section 187.201(20)(b)2., Florida
256 Statutes.

257 2. To encourage the development of local water supplies,
258 pursuant to section 187.201(7)(b)3., Florida Statutes.

259 3. To recognize the existence of legitimate and often
260 competing public and private interests and land use regulations
261 and other government action, pursuant to section 187.201(14)(a),
262 Florida Statutes, as provided for expressly in the Stewardship
263 Overlay Program.

264 4. Consistent with the Stewardship Overlay Program, to
265 recognize the importance of preserving natural resources and
266 enhancing quality of life by development in those areas where
267 land and water resources, fiscal abilities, and service capacity
268 can accommodate the land use and growth in a manner that is
269 environmentally acceptable, pursuant to section 187.201(15)(a),
270 Florida Statutes.

271 5. To allocate costs of new public facilities on the basis
272 of benefits received by existing and future residents while
273 planning for the management and financing of new facilities to
274 serve residents in a timely, orderly, and efficient manner,
275 pursuant to section 187.201(17)(a) and (b)3., Florida Statutes.

276 6. To encourage local government financial self-
277 sufficiency in providing public facilities and in identifying

278 and implementing physically sound, innovative, and cost-
 279 effective techniques to provide and finance public facilities
 280 while encouraging development, use, and coordination of capital
 281 improvement plans by all levels of government, pursuant to
 282 section 187.201(17)(b)5., 6., and 7., Florida Statutes, and as
 283 provided in the Stewardship Overlay Program.

284 7. To increase access to, and to promote and provide
 285 access for, cultural, historical and educational resources and
 286 opportunities, pursuant to section 187.201(18)(a) and (b)1.,
 287 Florida Statutes.

288 8. To enhance and diversify the economy of the Collier
 289 County area by promoting partnerships among education, business,
 290 industry, agriculture, and the arts, provide opportunities for
 291 training skilled employees for new and expanding businesses, and
 292 promote self-sufficiency through training and educational
 293 programs that result in productive employment pursuant to
 294 section 187.201(21)(a) and (b)6., 7., and 8., Florida Statutes.

295 9. To encourage and to enhance cooperation among
 296 communities that have unique assets, irrespective of political
 297 boundaries, to bring the private and public sectors together for
 298 establishing an orderly, environmentally, and economically sound
 299 plan for current and future needs and growth, pursuant to
 300 section 187.201(b)8., Florida Statutes.

301 10. To create independent special districts by or pursuant
 302 to general law to ensure long-term management and related
 303 financing, to meet the need in Florida for timely, efficient,
 304 effective, responsive, innovative, accountable, focused, and
 305 economical ways to deliver basic services to new communities to

306 solve the state's planning, management, and financing needs for
307 delivery of capital infrastructure in order in turn to provide
308 for projected growth only and to do so without overburdening
309 other governments and their taxpayers, pursuant to section
310 189.402, Florida Statutes, so that providing to the Ave Maria
311 community basic systems, facilities, and services by independent
312 special districts remains pursuant to uniform general law and
313 section 189.402(3)(a) and (c), Florida Statutes.

314 11. To ensure that those independent districts and the
315 exercise of their powers are consistent and comply with
316 applicable due process, disclosure, accountability, ethics, and
317 government-in-the-sunshine requirements of law, both to the
318 independent districts and to their elected and appointed
319 officials, pursuant to section 189.402(3)(b), Florida Statutes,
320 because independent special districts are a legitimate
321 alternative method available for use by both the public and
322 private sectors to manage, own, operate, construct, and finance
323 basic capital infrastructure systems, facilities, and services,
324 pursuant to section 189.402(4)(a), Florida Statutes.

325 12. To ensure that an independent special district is
326 created to serve a special purpose to cooperate and to
327 coordinate its activities with the applicable general purpose
328 local government because aspects of growth and development
329 transcend boundaries and responsibilities of individual units of
330 government so that no single unit of government can plan or
331 implement policies to deal with these issues unilaterally as
332 effectively, pursuant to section 189.402(7) and (8), Florida
333 Statutes.

334 (c) Construction and operation of the Ave Maria
 335 University, the development of the new town university
 336 community, and the use of the special and single purpose
 337 independent district are not inconsistent with the Collier
 338 County Comprehensive Plan and the requirements of the
 339 Stewardship Overlay and implement both.

340 (d) This land area for the private university and its new
 341 town community requires an independent, special, and single
 342 purpose local government, in the form of an independent special
 343 district as defined in section 189.403(3), Florida Statutes,
 344 subject to all substantive and procedural limitations under
 345 Florida law, including this Act, in order to constitute the
 346 highly specialized alternative and viable growth management
 347 mechanism appropriate for this unique Stewardship Overlay
 348 available to both the private and public sectors.

349 (e) Such a District requires timely, flexible, limited,
 350 and specialized management and related financing capabilities
 351 under its uniform state charter, created by this Act pursuant to
 352 general law, in order to produce those flexible, innovative, and
 353 highly specialized benefits to the new town university community
 354 property in the Stewardship Receiving Area and to the
 355 Stewardship Overlay in Eastern Collier County.

356 (f) Such a District must have management capabilities to
 357 provide pinpointed, focused, accountable, responsive, limited,
 358 specialized, and low-overhead-based capability, authority, and
 359 power to provide basic systems, facilities, and services to the
 360 new university community development with economies of scale but
 361 at sustained high levels of quality over the long term.

362 (g) In order to be responsive to the critical timing
 363 required through the exercise of its special management
 364 functions, an independent district requires financing of those
 365 functions, including bondable lienable and non-lienable revenue,
 366 with full and continuing public disclosure and accountability,
 367 funded by landowners, both present and future, and funded also
 368 by users of the systems, facilities, and services provided to
 369 the land area by the District, without burdening the taxpayers
 370 and citizens of the state, of Collier County, or any
 371 municipality in Collier County.

372 (h) The provision of services by this independent district
 373 must implement, be subject to, and function not inconsistent
 374 with, any applicable provisions of the Stewardship Overlay Area
 375 and related permitting and planning requirements of Collier
 376 County and of the Collier County Comprehensive Plan and Land
 377 Development Code.

378 (i) The creation, existence, and operation of the Ave
 379 Maria Stewardship Community District, as limited and specialized
 380 to its single narrow purpose, will also:

381 1. Constitute a public mechanism to translate the anti-
 382 urban-sprawl requirements of the Stewardship Overlay into
 383 reality;

384 2. Constitute a disincentive for premature or
 385 inappropriate municipal incorporation consistent with state law.

386 3. Provide a mechanism for full and continuing disclosure
 387 of how basic systems, facilities, and services are both managed
 388 and financed, including full and continuing disclosure to both
 389 prospective purchasers and all residents of public financing

390 related to any burdens of land ownership and any related burdens
 391 on existing or future residents.

392 4. Implement Rural Land Stewardship Area Zoning Overlay
 393 District Regulation, section 2.2.27.10.L.4. because such an
 394 independent single purpose special district is encouraged in the
 395 Stewardship Receiving Area where the new town community and
 396 university are located.

397 (j) The Ave Maria Stewardship Community District is also a
 398 mechanism to implement the Collier County Concurrency Management
 399 System designed to coincide with, and to implement, both the
 400 Collier County future land use element and the capital
 401 improvements element for basic systems, facilities, and services
 402 consistent with the best interests of the Ave Maria community in
 403 the Stewardship Overlay.

404 (k) By serving its single specialized purpose, the
 405 District will not result in needless proliferation, duplication,
 406 and fragmentation of local government systems, facilities, and
 407 services in this area of Eastern Collier County.

408 (l) Subject to its substantive and procedural limitations,
 409 the Ave Maria Stewardship Community District will assist
 410 directly in public and combined public and private planning and
 411 coordination in order to achieve innovative solutions to the
 412 needs and requirements in this unique academic new town
 413 community located in this Stewardship Overlay Area of Eastern
 414 Collier County.

415 (m) Management of the timing and phasing of critical
 416 sequential events, coordinated by the initial private landowner,
 417 the private university, and the Board of County Commissioners of

418 Collier County is of fundamental importance and is the basis of
 419 the inordinate burden on the initial landowner developer and on
 420 the private university to enhance the Stewardship Overlay and to
 421 implement its requirements.

422 (n) The critical single purpose of the Ave Maria
 423 Stewardship Community District to provide basic infrastructure
 424 systems, facilities, services, works, and improvements to the
 425 private Ave Maria university new town community is in the public
 426 interest because it:

427 1. Does not pass on taxes or profits to purchasers of
 428 property or to landowners and residents within their
 429 jurisdictions;

430 2. Decreases the tendency toward short-term planning,
 431 construction, and management considerations because the
 432 elections for members of the government board are staggered;

433 3. Is not influenced, guided, or limited by quarterly and
 434 annual profit statements;

435 4. Does not have police or regulatory powers;

436 5. Does not have larger general purpose overhead
 437 responsibilities;

438 6. Is not subject to legitimate but countervailing fiscal,
 439 economic, policy, and political considerations to which large
 440 general-purpose local governments and large landowners and
 441 developers would be subject in the natural course of events.

442 7. Does not constitute needless duplication,
 443 proliferation, or fragmentation of local government systems,
 444 facilities, and services in Collier County;

445 8. Shall operate and function subject to and not
446 inconsistent with the county comprehensive plan and not
447 inconsistent with, but rather shall enhance the purpose and
448 requirements of, the Rural Lands Stewardship Overlay with the
449 least overhead cost and the highest amount of public disclosure,
450 accountability, responsiveness, and productivity.

451 9. Coincides its functions with the authority and best
452 interests of general purpose local government, the private
453 university, the private landowners, both present and future, the
454 taxpayers, the future residents, and the state in the provision
455 of needed infrastructure to the community at sustained levels of
456 quality over the long term.

457 10. Provides highly accountable innovative systems,
458 facilities, and services close to the land and close to the
459 people to constitute expressly the stewardship of the lands of
460 the new community within and subject to the Stewardship Overlay
461 Area in Eastern Collier County and within its jurisdiction;

462 11. Serves a land area that is amenable to separate
463 special district government.

464 12. Serves a land area that is sufficiently compact and of
465 size sufficient for the functionally interrelated Ave Maria new
466 town community development.

467 13. Serves a land area in which there is no existing local
468 or regional system, facility, or service with which creation and
469 operation of this District and the provision of its systems,
470 facilities, improvements, and infrastructure would be
471 incompatible.

472 14. Will enhance the intrinsic value of the property and
 473 the new community development, for the purpose of the
 474 Stewardship Overlay, and be a sustaining source of public
 475 revenue.

476 (o) The independent district charter created in this Act
 477 involves innovative general and special powers not otherwise
 478 available for this unique and highly specialized first ever
 479 academic Ave Maria new town community in such a unique multi-
 480 faceted Rural Lands Stewardship Overlay.

481 (p) The minimum requirements of general law or creation of
 482 this District by special act have been met as confirmed and set
 483 forth expressly in section 3(1).

484 (3) Determinations.--Based upon its findings and
 485 ascertainties, the Legislature states expressly and determines:

486 (a) This Act represents the findings, ascertainments, and
 487 determinations of the Legislature that creating the Ave Maria
 488 Stewardship Community District, by special act, pursuant to
 489 general law, is the best alternative as required by section
 490 189.404(2)(e)3., Florida Statutes, because it meets
 491 affirmatively the findings and ascertainments of this
 492 Legislature set forth in this section.

493 (b) The creation by this Act of the Ave Maria Stewardship
 494 Community District in the Stewardship Overlay Area of Collier
 495 County is consistent affirmatively with the Collier County local
 496 government comprehensive plan.

497 (c) The authority for this Act is pursuant to section
 498 189.404, Florida Statutes, and the State Comprehensive Plan
 499 pursuant to section 187.201, Florida Statutes.

500 (d) The Board of County Commissioners of Collier County,
 501 on October 28, 2003, adopted Resolution 2003-381, expressing no
 502 objection to the creation and establishment of the Ave Maria
 503 University Stewardship Community District and finding it
 504 consistent with the Collier County local government
 505 comprehensive plan as provided in section 189.404(a)(e)4.,
 506 Florida Statutes.

507 (4) Intent.--Based upon its findings, ascertainments, and
 508 determinations, the Legislature expresses its intent:

509 (a) To ensure that the creation and operation of the Ave
 510 Maria Stewardship Community District by and pursuant to this
 511 Act, exercising its management and related financing powers to
 512 implement its limited, single, and special purpose, is not a
 513 development order and does not trigger or invoke any provision
 514 within the meaning of chapter 380, Florida Statutes, and all
 515 applicable governmental planning, environmental, and land
 516 development laws, regulations, rules, policies, and ordinances
 517 apply to all development of the land within the jurisdiction of
 518 the District as created by this Act.

519 (b) That the District operate and function subject to, and
 520 not inconsistent with, the Collier County Growth Management Plan
 521 and Land Development Code and any applicable development orders,
 522 zoning regulations, or other land development regulations.

523 (c) That under this Act this special and single purpose
 524 Ave Maria Stewardship Community District shall not have the
 525 power of a general purpose local government to adopt a
 526 comprehensive plan or related land development regulation as

527 those terms are defined in the Florida Local Government
528 Comprehensive Planning and Land Development Regulation Act.

529 (d) That the charter for this District in the Act is
530 exclusive and may be amended only by the Legislature by
531 subsequent special act. Any certain proposed amendment of this
532 Act which deals specifically, expressly, and only with section
533 2(4)(a), (b), and (c) shall not be considered by the Legislature
534 unless it is accompanied by a resolution of support by the
535 Collier County Board of County Commissioners provided that any
536 other amendment on any other subject or provision dealing with
537 any subject or provision in this Act does not require such
538 resolution.

539 (e) That the Ave Maria Stewardship Community District
540 created by this Act constitutes an innovative mechanism for
541 long-term, sustained, quality public stewardship through the
542 planning, implementation, construction, management, and related
543 financing, of basic systems, facilities, services and
544 infrastructure projects for the mixed-use new town academic
545 community.

546 (f) That, it is in the public interest that this limited,
547 independent, specialized, and single-purpose District have
548 perpetual existence subject only to legislative review as
549 provided in its charter as created by this Act so that it is not
550 in a position to outlive its usefulness.

551 (g) That the exercise by this Ave Maria Stewardship
552 Community District of its powers to carry out its single purpose
553 under its charter as created by this Act is consistent with
554 applicable due process, disclosure, accountability, ethics,

555 conflicts of laws, government in the sunshine, competitive
 556 procurement, including the employees of consultants, competitive
 557 negotiation, and competitive bidding, both as to the government
 558 entity itself and as to its appointed or elected officials as
 559 required in this Act.

560 (5) Purpose.--The limited, single, and specialized purpose
 561 of the Ave Maria Stewardship Community District is to provide
 562 community development systems, facilities, services, projects,
 563 improvements, and infrastructure to the Ave Maria community by
 564 exercising its various management powers, with related financing
 565 powers, both general and special, as set forth by and limited by
 566 its charter as created by this Act.

567 (6) Definitions.--As used in this Act:

568 (a) "Ad valorem bonds" means bonds which are payable from
 569 the proceeds of ad valorem taxes levied on real and tangible
 570 personal property and which are generally referred to as general
 571 obligation bonds.

572 (b) "Assessable improvements" means, without limitation,
 573 any and all public improvements and community facilities that
 574 the District is empowered to provide in accordance with this
 575 Act, that provide a special benefit to property within the
 576 District.

577 (c) "Assessment bonds" means special obligations of the
 578 District which are payable solely from proceeds of the special
 579 assessments or benefit special assessments levied for assessable
 580 improvements, provided that, in lieu of issuing assessment bonds
 581 to fund the costs of assessable improvements, the District may

582 issue revenue bonds for such purposes payable from special
 583 assessments.

584 (d) "Assessments" means those nonmillage District
 585 assessments which include special assessments, benefit special
 586 assessments, and maintenance special assessments and a
 587 nonmillage, non-ad valorem maintenance tax if authorized by
 588 general law.

589 (e) "Ave Maria Stewardship Community District" means the
 590 unit of special and single purpose local government created and
 591 chartered by this Act, including the creation of its charter,
 592 and limited to the performance, in implementing its single
 593 purpose, of those general and special powers authorized by its
 594 charter under this Act, the boundaries of which are set forth by
 595 the Act, the governing head of which is created and authorized
 596 to operate with legal existence by this Act, and the purpose of
 597 which is as set forth in this Act.

598 (f) "Benefit special assessments" are District assessments
 599 imposed, levied, and collected pursuant to the provisions of
 600 section 4(14)(b).

601 (g) "Board of Supervisors" or "board" means the governing
 602 board of the District or, if such board has been abolished, the
 603 board, body, or commission assuming the principal functions
 604 thereof or to whom the powers given to the board by this Act
 605 have been given by law.

606 (h) "Bond" includes "certificate," and the provisions that
 607 are applicable to bonds are equally applicable to certificates.
 608 The term "bond" includes any general obligation bond, assessment

609 bond, refunding bond, revenue bond, and other such obligation in
 610 the nature of a bond as is provided for in this Act.

611 (i) "Developed urban area" means any reasonably compact
 612 urban area.

613 (j) "Cost" or "costs," when used with reference to any
 614 project, includes, but is not limited to:

615 1. The expenses of determining the feasibility or
 616 practicability of acquisition, construction, or reconstruction.

617 2. The cost of surveys, estimates, plans, and
 618 specifications.

619 3. The cost of improvements.

620 4. Engineering, fiscal, and legal expenses and charges.

621 5. The cost of all labor, materials, machinery, and
 622 equipment.

623 6. The cost of all lands, properties, rights, easements,
 624 and franchises acquired.

625 7. Financing charges.

626 8. The creation of initial reserve and debt service funds.

627 9. Working capital.

628 10. Interest charges incurred or estimated to be incurred
 629 on money borrowed prior to and during construction and
 630 acquisition and for such reasonable period of time after
 631 completion of construction or acquisition as the board may
 632 determine.

633 11. The cost of issuance of bonds pursuant to this Act,
 634 including advertisements and printing.

635 12. The cost of any bond or tax referendum held pursuant
 636 to this Act and all other expenses of issuance of bonds.

637 13. The discount, if any, on the sale or exchange of
638 bonds.

639 14. Administrative expenses.

640 15. Such other expenses as may be necessary or incidental
641 to the acquisition, construction, or reconstruction of any
642 project, or to the financing thereof, or to the development of
643 any lands within the District.

644 16. Payments, contributions, dedications, and any other
645 exactions required as a condition of receiving any government
646 approval or permit necessary to accomplish any District purpose.

647 (k) "District" means the Ave Maria Stewardship Community
648 District.

649 (l) "District manager" means the manager of the District.

650 (m) "District roads" means highways, streets, roads,
651 alleys, sidewalks, landscaping, storm drains, bridges, and
652 thoroughfares of all kinds.

653 (n) "General obligation bonds" means bonds which are
654 secured by, or provide for their payment by, the pledge of the
655 full faith and credit and taxing power of the District, in
656 addition to those special taxes levied for their discharge and
657 such other sources as may be provided for their payment or
658 pledged as security under the resolution authorizing their
659 issuance, and for payment of which recourse may be had against
660 the general fund of the District.

661 (o) "Governing board member" means any member of the Board
662 of Supervisors.

663 (p) "Land development regulations" means those regulations
664 of general purpose local government, adopted under the Florida

665 Local Government Comprehensive Planning and Land Development
 666 Regulations Act, Florida's Growth Management Act, and chapter
 667 163, Florida Statutes, as amended from time to time, to which
 668 the District is subject and as to which the District may not
 669 doing anything that is inconsistent. Land development
 670 regulations shall not mean specific management engineering,
 671 planning, and other criteria and standards needed in the daily
 672 management, implementation, and provision by the District of
 673 basic systems, facilities, services, works, improvements,
 674 projects, or infrastructure, including design criteria and
 675 standards, so long as they remain subject to and are not
 676 inconsistent with the Collier County Growth Management Plan and
 677 applicable land development regulations.

678 (q) "Landowner" means the owner of a freehold estate as it
 679 appears on the deed record, including a trustee, a private
 680 corporation, and an owner of a condominium unit. Landowner does
 681 not include a reversioner, remainderman, mortgagee, or any
 682 governmental entity who shall not be counted and need not be
 683 notified of proceedings under this Act. Landowner also means the
 684 owner of a ground lease from a governmental entity, which
 685 leasehold interest has a remaining term, excluding all renewal
 686 options, in excess of 50 years.

687 (r) "General-purpose local government" means a county,
 688 municipality, or consolidated city-county government.

689 (s) "Maintenance special assessments" are assessments
 690 imposed, levied, and collected pursuant to the provisions of
 691 section 4(14)(d).

692 (t) "Non-ad valorem assessment" means an assessment levied
 693 and imposed by the Board of Supervisors of the Ave Maria
 694 Stewardship Community District that are not based upon millage
 695 and that constitutes, pursuant to the provisions of this Act,
 696 first lien imposed on the property subject thereto, coequal with
 697 any lien imposed by the state, county, municipality, or school
 698 board:

699 1. If, pursuant to general law, nonmillage and non-ad
 700 valorem taxes, limited expressly and only to certain maintenance
 701 taxes provided for expressly in the District charter as created
 702 by this Act that are not ad valorem taxes and are not special
 703 assessments.

704 2. If an assessment that is not a tax and is a special
 705 assessment levied and imposed by the Board of Supervisors of the
 706 District pursuant to an informed and nonarbitrary determination
 707 by the Board of Supervisors that the system, facility, or
 708 service will provide, as a logical connection to the applicable
 709 parcels of property, a special benefit peculiar to the property,
 710 different in kind and degree than a general benefit and,
 711 further, that the duty to pay per parcel will be apportioned in
 712 a manner that is fair and reasonable, and that may be known as
 713 an assessment, special assessment, maintenance assessment, or
 714 benefit assessment. The levy of a maintenance assessment to
 715 maintain a system or facility constructed and financed a by
 716 special assessment levied by the District may be based on the
 717 assessment methodology by which a construction special
 718 assessment is levied but upon a determination that a maintenance
 719 special assessment also provides a special and peculiar benefit

720 to the property and is apportioned in a manner that is fair and
721 reasonable.

722 3. If an assessment is levied, imposed, or equalized by
723 the Board of Supervisors by rule of the District.

724 (u) "Powers" means powers used and exercised by the Board
725 of Supervisors to accomplish the single, limited, and special
726 purpose of the District including:

727 1. "General powers" means those organizational and
728 administrative powers of the District as provided in its charter
729 in order to carry out its single special purpose as a local
730 government public corporate body politic.

731 2. "Special powers" means those powers enumerated by the
732 District charter to implement its specialized systems,
733 facilities, services, projects, improvements, and infrastructure
734 and related functions in order to carry out its single
735 specialized purpose.

736 3. Any other powers, authority, or function set forth in
737 this Act.

738 (v) "Project" means any development, improvement,
739 property, power, utility, facility, enterprise, service, system,
740 works, or infrastructure now existing or hereafter undertaken or
741 established under the provisions of this Act.

742 (w) "Qualified elector" means any person at least 18 years
743 of age who is a citizen of the United States, a legal resident
744 of Florida and of the District and who registers to vote with
745 the Supervisor of Elections in Collier County.

746 (x) "Refunding bonds" means bonds issued to refinance
747 outstanding bonds of any type and the interest and redemption

748 premium thereon. Refunding bonds shall be issuable and payable
 749 in the same manner as refinanced bonds, except that no approval
 750 by the electorate shall be required unless required by the State
 751 Constitution.

752 (y) "Revenue bonds" means obligations of the District that
 753 are payable from revenues, including, but not limited to,
 754 special assessments and benefit special assessments derived from
 755 sources other than ad valorem taxes on real or tangible personal
 756 property and that do not pledge the property, credit, or general
 757 tax revenue of the District.

758 (z) "Sewer system" means any plant, system, facility, or
 759 property, and additions, extensions, and improvements thereto at
 760 any future time constructed or acquired as part thereof, useful
 761 or necessary or having the present capacity for future use in
 762 connection with the collection, treatment, purification, or
 763 disposal of sewage, including, but not limited to, industrial
 764 wastes resulting from any process of industry, manufacture,
 765 trade, or business or from the development of any natural
 766 resource. Sewer system also includes treatment plants, pumping
 767 stations, lift stations, valves, force mains, intercepting
 768 sewers, laterals, pressure lines, mains, and all necessary
 769 appurtenances and equipment; all sewer mains, laterals, and
 770 other devices for the reception and collection of sewage from
 771 premises connected therewith; and all real and personal property
 772 and any interest therein, rights, easements, and franchises of
 773 any nature relating to any such system and necessary or
 774 convenient for operation thereof.

775 (aa) "Special assessments" shall mean assessments as
 776 imposed, levied, and collected by the District for the costs of
 777 assessable improvements pursuant to the provisions of this Act,
 778 chapter 170, Florida Statutes, as amended from time to time, and
 779 the additional authority under section 197.3631, Florida
 780 Statutes, as amended from time to time, or other provisions of
 781 general law, now or hereinafter enacted, which provide or
 782 authorize a supplemental means to impose, levy, and collect
 783 special assessments.

784 (bb) "Taxes" or "tax" means those levies and impositions
 785 of the Board of Supervisors that support and pay for government
 786 and the administration of law and that may be:

787 1. Ad valorem or property taxes based upon both the
 788 appraised value of property and millage, at a rate uniform
 789 within the jurisdiction;

790 2. If and when authorized by general law, non-ad valorem
 791 maintenance taxes not based on millage that are used to maintain
 792 District systems, facilities, and services.

793 (cc) "Urban area" means a developed and inhabited urban
 794 area within the District within a minimum acreage resident
 795 population density of least 1.5 persons per acre as defined by
 796 the latest official census, special census, or population
 797 estimate, a minimum density of one single-family home per 2.5
 798 acres with access to improved roads, or a minimum density of one
 799 single-family home per 5 acres within a recorded plat
 800 subdivision. Urban areas shall be designated by the Board of
 801 Supervisors with the assistance of all general purpose local

802 governments having jurisdiction over the area within the
 803 jurisdiction of the District.

804 (dd) "Water system" means any plant, system, facility, or
 805 property, and any addition, extension, or improvement thereto at
 806 any future time constructed or acquired as a part thereof,
 807 useful, necessary, or having the present capacity for future use
 808 in connection with the development of sources, treatment,
 809 purification, or distribution of water. Water system also
 810 includes dams, reservoirs, storage tanks, mains, lines, valves,
 811 pumping stations, laterals, and pipes for the purpose of
 812 carrying water to the premises connected with such system, and
 813 all rights, easements, and franchises of any nature relating to
 814 any such system and necessary or convenient for the operation
 815 thereof.

816 (7) Policy.--Based upon its findings, ascertainments,
 817 determinations, intent, purpose, and definitions, the
 818 Legislature states its policy expressly:

819 (a) The District and the District charter, with its
 820 general and special powers, as created in this Act, are
 821 essential and the best alternative for the unique location and
 822 nature of the new community for academic, residential,
 823 commercial, and other community uses, projects, or functions in
 824 the Rural Lands Stewardship Area Overlay of eastern Collier
 825 County consistent with and designed to enhance the Stewardship
 826 Overlay Program and to serve a lawful public purpose.

827 (b) The District which is a local government and a
 828 corporate body politic is limited to its single, narrow, and
 829 special purpose as expressed in this Act, with the power to

830 provide, plan, implement, construct, maintain, and finance as a
831 local government management entity its basic systems,
832 facilities, services, improvements, infrastructure, and projects
833 and possessing financing powers to fund its management power
834 over the long term and with sustained levels of high quality
835 commensurate with the Stewardship Overlay.

836 (c) This Act may be amended only by special act of the
837 Legislature in whole or in part.

838 Section 3. Minimum general law requirements; creation and
839 establishment; boundaries; jurisdiction; construction; charter
840 with legal description.--

841 (1) Pursuant to section 189.404(3), Florida Statutes, the
842 Legislature sets forth that the minimum requirements in
843 paragraphs (a) through (o) have been met in the identified
844 provisions of this Act as follows:

845 (a) The purpose of the District is stated in the Act in
846 section 2, subsection (5).

847 (b) The powers, functions, and duties of the District are
848 generally in section 4, subsection (3) paragraphs (g) and (h)
849 and subsections (5)-(16), (18), (19), (21), (25), and (32) as to
850 which:

851 1. Taxation provisions are set forth in section 2,
852 subsection (6), paragraph (bb); section 4, subsection (3),
853 paragraph (h), subsection (14), paragraphs (a), (c), (f), (g)
854 and (i), and subsections (17), (18), and (19).

855 2. Bond issuance provisions are set forth generally in
856 section 2; section 4, subsection (8), paragraph (d), subsections
857 (10)-(13), and subsection (16), paragraphs (b) and (c).

858 3. Provisions regarding the other revenue raising
859 capabilities are set forth in section 2, subsection (6),
860 paragraphs (b), (d), (s), (t), and (aa); section 4, subsection
861 (10) and (11), subsection (14), paragraphs (b), (d), (e), (h),
862 (i), and (j), and subsections (15) and (16).

863 4. Provisions regarding fees, rentals, and charges are in
864 section 2, subsection (6); and section 4, subsection (8),
865 paragraph (i) and subsections (22)-(25).

866 5. Provisions regarding budget preparation and approval
867 are in section 4, subsections (5), (6), and (9).

868 6. Provisions regarding liens and foreclosures of liens
869 are in section 4, subsection (14), paragraphs (f), (g), (h), and
870 (i), and subsections (15), (17), (18), and (19).

871 7. Provisions regarding the use of tax deeds and tax
872 certificates as appropriate for non-ad valorem assessments are
873 set forth in section 4, subsection (8), paragraph (o),
874 subsection (14), paragraphs (b), (c), (d), (e), (f), (h), and
875 (i), and subsection (15).

876 8. Provisions regarding contractual agreements are in
877 section 4, subsection (8), paragraphs (c), (l), (p), and (r),
878 and subsection (9), paragraphs (k), (o), (p), (s), (t), (v), and
879 (w).

880 (c) The provisions for methods for establishing the
881 District are in section 2, subsection (2), paragraph (b);
882 section 3; and effective as provided in section 6.

883 (d) The methods for amending the charter of the District
884 are set forth in section 2, subsection (7), paragraph (c);
885 section 3, subsection (4); and section 4, subsection (28).

886 (e) The provisions regarding aspects of the governing
887 board are as follows:

888 1. Provisions for the membership of the governing board
889 are in section 4, subsection (3), paragraph (b) and subsection
890 (4), paragraph (c).

891 2. Provisions regarding the organization of the governing
892 board are in section 4, subsection (3), paragraphs (b)-(d) and
893 subsection (4), paragraph (c).

894 3. Provisions regarding the requirement of five board
895 members are in section 4, subsection (3), paragraph (b), and
896 subsection (4), paragraph (c), subparagraph 1.

897 4. The provisions regarding the quorum of the governing
898 board are in section 4, subsection (3), paragraph (b), and
899 subsection (4) paragraph (c), subparagraph 1, sub-subparagraph
900 e.

901 (f) The provisions regarding maximum compensation of each
902 board member are in section 4, subsection (4), paragraph (c),
903 and in particular in subparagraph 1., sub-subparagraph h.;
904 section 4, subsection (4), paragraph (c), subparagraph 1., sub-
905 subparagraph h.

906 (g) The provisions regarding the administrative duties of
907 the governing board are found in section 4, subsections (5)-(8).

908 (h) The provisions applicable to financial disclosure,
909 noticing, and reporting requirements for:

910 1. Financial disclosure are in section 4, subsections (6)
911 and (7).

912 2. The provisions regarding voting are found in section 4,
913 subsections (3) and (4).

914 3. Reporting requirements are in section 4, subsections
 915 (5)-(7) and subsection (31).

916 (i) The provisions regarding procedures and requirements
 917 for issuing bonds are:

918 1. For issuing bonds are in section 4, subsection (12),
 919 particularly in paragraphs (a), (b), (i), (k), and (l), and
 920 related provisions regarding trust agreements are in subsection
 921 (13).

922 2. For issuing bonds are in section 4, subsection (12),
 923 particularly in paragraphs (c)-(q) and subsection (13).

924 (j) The provisions regarding elections or referenda are:

925 1. For procedures for elections are in section 4,
 926 subsections (3) and (4), and provisions regarding referenda are
 927 in subsection (14), paragraph (a).

928 2. For qualifications of an elector of the District, a
 929 qualified elector, are in section 2, subsection (6), paragraph
 930 (w); and section 4, subsection (3), paragraphs (b) and (c).

931 3. For referenda are in section 4, subsection (4),
 932 paragraph (b).

933 (k) The provisions regarding methods for financing the
 934 District are generally in section 4, subsections (10), (11),
 935 (14), (15), (16), (17), (18), and (19).

936 (l) Other than taxes levied for the payment of bonds and
 937 taxes levied for periods not longer than 2 years when authorized
 938 by vote of the electors of the District, the provisions for:

939 1. The authority to levy ad valorem tax is in section 4,
 940 subsection (14), paragraph (a) and subsection (3), paragraph

941 (h); and section 2, subsection (6) paragraph (bb) subparagraph
 942 1.

943 2. The authorized millage rate is in section 4, subsection
 944 (14), paragraph (a).

945 (m) The provisions for the method or methods of collecting
 946 non-ad valorem assessments, fees, or service charges are:

947 1. For collecting non-ad valorem assessments in section 4,
 948 subsection (14), paragraphs (b), (c), (d), (e), (h), and (i) and
 949 subsection (15).

950 2. For collecting fees and service charges in section 4,
 951 subsection (22).

952 (n) The provisions for planning requirements are as
 953 limited by the provisions of section 2 and section 3, as limited
 954 further by section 4, subsections (8) and (9).

955 (o) The provisions for geographic boundary limitations of
 956 the District are set forth in section 3, subsection (2)-(4); and
 957 section 4, subsection (2).

958 (2) Creation and establishment.--The Ave Maria Stewardship
 959 Community District, which may also be referred to and be known
 960 as the "Stewardship Community District," "Ave Maria District,"
 961 or "District" is created and incorporated as a public body,
 962 corporate and politic, an independent, limited, special, and
 963 single purpose local government, an independent special
 964 district, under section 189.404, Florida Statutes, as amended
 965 from time to time, and as defined in this Act and in section
 966 189.403(3), Florida Statutes, as amended from time to time, in
 967 and for eastern Collier County. Any amendments to chapter 190,
 968 Florida Statutes, after January 1, 2004, granting additional

969 general powers, special powers, authorities, or projects to a
 970 community development district by amendment to its uniform
 971 charter, sections 190.006-190.041, Florida Statutes, shall
 972 constitute a general power, special power, authority, or
 973 function of the Ave Maria Stewardship Community District.
 974 Because all notices for the enactment by the Legislature of this
 975 Act, a special act, have been provided pursuant to the State
 976 Constitution, the Laws of Florida, and the Rules of the Florida
 977 House of Representatives and of the Florida Senate, and because
 978 Collier County is not a charter county, no referendum subsequent
 979 to the effective date of this Act is required. The District, as
 980 created by this Act, is established on the property pursuant to
 981 section 6 and section 4(3).

982 (3) The territorial boundary of the District shall embrace
 983 and include, without reservation or enclave, all of that certain
 984 real property described legally in the following section 4(2).

985 (4) The jurisdiction of this District, in the exercise of
 986 its general and special powers, and in the carrying out of its
 987 single, narrow, and special purpose, is both within the external
 988 boundaries of the legal description of this District and
 989 extraterritorially when limited to, and as authorized expressly
 990 elsewhere in, the charter of the District as created in this Act
 991 or applicable general law. This single purpose District is
 992 created as a public body corporate and politic and local
 993 government authority and power is limited by its charter, this
 994 Act, and subject to the provisions of other general laws,
 995 including chapter 189, Florida Statutes, except that an
 996 inconsistent provision in this Act shall control and the

997 District has jurisdiction to perform such acts and exercise such
 998 projects, functions, and powers as shall be necessary,
 999 convenient, incidental, proper, or reasonable for the
 1000 implementation of its limited, single, and specialized purpose
 1001 regarding the sound planning, provision, acquisition,
 1002 development, operation, maintenance, and related financing of
 1003 those public systems, facilities, services, improvements,
 1004 projects, and infrastructure works as authorized herein
 1005 including those necessary and incidental thereto.

1006 (5) Exclusive charter.--The exclusive charter of the "Ave
 1007 Maria Stewardship Community District" is this Act and may be
 1008 amended only by special act of the Legislature.

1009 Section 4. Disposition of sections 2 and 3; legal
 1010 description; exclusive charter of the Ave Maria Stewardship
 1011 Community District.--

1012 (1) EXCLUSIVE CHARTER.--This Act constitutes the exclusive
 1013 charter of the Ave Maria Stewardship Community District.

1014 (2) LEGAL DESCRIPTION. The metes and bounds legal
 1015 description of the District, within which there are no enclaves
 1016 or parcels of property owned by those who do not wish their
 1017 property to be included within the District, is as follows:

1018
 1019 METES AND BOUNDS DESCRIPTION
 1020 DESCRIPTION OF PART OF SECTIONS 21, 22, 27, 28, 29,
 1021 30, AND 33
 1022 AND ALL OF SECTIONS 31 AND 32, TOWNSHIP 47 SOUTH,
 1023 RANGE 29 EAST,
 1024 AND

1025 PART OF SECTIONS 4, 9, 16, 17, AND 18
 1026 AND ALL OF SECTIONS 5, 6, 7, AND 8, TOWNSHIP 48 SOUTH,
 1027 RANGE 29 EAST,
 1028 AND
 1029 PART OF SECTIONS 1, 12 AND 13, TOWNSHIP 48 SOUTH,
 1030 RANGE 28 EAST,
 1031 AND
 1032 ALL OF SECTION 36, TOWNSHIP 47 SOUTH, RANGE 28 EAST,
 1033 COLLIER COUNTY, FLORIDA
 1034
 1035 COMMENCING AT the NORTHWEST CORNER OF SECTION 27,
 1036 TOWNSHIP 47 SOUTH, RANGE
 1037 29 EAST, COLLIER COUNTY, FLORIDA.
 1038 THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH
 1039 89°42'22" EAST 40.00 FEET TO THE INTERSECTION WITH THE
 1040 WEST RIGHT-OF-WAY LINE OF CAMP KEIAS ROAD (80' RIGHT-
 1041 OF-WAY) AND THE POINT OF BEGINNING OF THE PARCEL
 1042 HEREIN DESCRIBED:
 1043 THENCE ALONG SAID RIGHT-OF-WAY LINE IN THE FOLLOWING
 1044 TWENTY FOUR (24) DESCRIBED COURSES;
 1045 1) SOUTH 00°15'32" EAST 4936.39 FEET;
 1046 2) 395.35 FEET ALONG THE ARC OF A NON-TANGENTIAL
 1047 CIRCULAR CURVE CONCAVE WEST HAVING A RADIUS OF
 1048 3,707.51 FEET THROUGH A CENTRAL ANGLE OF 06°05'35" AND
 1049 BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 02°47'23"
 1050 WEST 395.17 FEET;
 1051 3) SOUTH 05°50'40" WEST 101.17 FEET;
 1052 4) THENCE SOUTH 89°37'49" WEST 7.63 FEET;

- 1053 | 5) SOUTH 00°14'32" EAST 73.58 FEET;
- 1054 | 6) SOUTH 05°51'27" WEST 224.83 FEET;
- 1055 | 7) 403.87 FEET ALONG THE ARC OF A NON-TANGENTIAL
- 1056 | CIRCULAR CURVE CONCAVE
- 1057 | EAST HAVING A RADIUS OF 3,798.14 FEET THROUGH A
- 1058 | CENTRAL ANGLE OF 06°05'33" AND BEING SUBTENDED BY A
- 1059 | CHORD WHICH BEARS SOUTH 02°45'21" WEST 403.68 FEET;
- 1060 | 8) SOUTH 00°14'33" EAST 1,907.96 FEET;
- 1061 | 9) SOUTH 00°22'10" EAST 2,609.43 FEET;
- 1062 | 10) SOUTH 00°30'10" EAST 2,673.59 FEET;
- 1063 | 11) SOUTH 00°35'31" EAST 2,684.14 FEET;
- 1064 | 12) SOUTH 00°38'11" EAST 2,610.47 FEET;
- 1065 | 13) SOUTH 00°30'34" EAST 200.03 FEET;
- 1066 | 14) 202.91 FEET ALONG THE ARC OF A CIRCULAR
- 1067 | CURVE CONCAVE EAST HAVING A RADIUS OF 2,702.95 FEET
- 1068 | THROUGH CENTRAL ANGLE OF 04°18'04" AND
- 1069 | BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 02°39'36"
- 1070 | EAST 202.86 FEET;
- 1071 | 15) SOUTH 04°48'38" EAST 400.00 FEET;
- 1072 | 16) SOUTH 05°08'04" EAST 95.99 FEET;
- 1073 | 17) SOUTH 00°29'16" EAST 101.03 FEET;
- 1074 | 18) CONTINUE ALONG SAID LINE SOUTH 00°29'16"
- 1075 | EAST 1,609.23 FEET;
- 1076 | 19) SOUTH 00°59'03" EAST 2,660.06 FEET;
- 1077 | 20) SOUTH 00°56'00" EAST 2,246.44 FEET;
- 1078 | 21) 104.19 FEET ALONG THE ARC OF A NON-
- 1079 | TANGENTIAL CIRCULAR

1080 CURVE CONCAVE WEST HAVING A RADIUS OF 461.33 FEET
 1081 THROUGH A CENTRAL ANGLE OF
 1082 12°56'25" AND BEING SUBTENDED BY A CHORD WHICH BEARS
 1083 SOUTH 05°33'57" WEST
 1084 103.97 FEET;
 1085 22) SOUTH 12°02'43" WEST 100.00 FEET;
 1086 23) 122.31 FEET ALONG THE ARC OF A CIRCULAR
 1087 CURVE CONCAVE EAST
 1088 HAVING A RADIUS OF 540.00 FEET THROUGH CENTRAL ANGLE
 1089 OF 12°58'40" AND BEING
 1090 SUBTENDED BY A CHORD WHICH BEARS SOUTH 05°33'23" WEST
 1091 122.05 FEET;
 1092 24) SOUTH 00°55'58" EAST 49.54 FEET TO THE NORTH
 1093 RIGHT OF WAY
 1094 LINE OF OIL WELL ROAD (100' RIGHT OF WAY)
 1095 THENCE ALONG SAID NORTH RIGHT OF WAY IN THE FOLLOWING
 1096 EIGHT (8) DESCRIBED
 1097 COURSES;
 1098 1) SOUTH 88°57'46" WEST 2,595.92 FEET;
 1099 2) SOUTH 88°54'34" WEST 2,641.05 FEET;
 1100 3) SOUTH 88°57'06" WEST 2,570.04 FEET;
 1101 4) SOUTH 88°55'37" WEST 2,702.71 FEET;
 1102 5) SOUTH 88°56'50" WEST 2,645.03 FEET;
 1103 6) SOUTH 88°56'28" WEST 2,639.06 FEET;
 1104 7) SOUTH 89°44'55" WEST 2,676.56 FEET;
 1105 8) SOUTH 89°44'33" WEST 0.82 FEET TO THE WEST
 1106 LINE OF THOSE
 1107 LANDS DESCRIBED IN O.R. BOOK 2493, PAGE 2779-2796;

1108 THENCE ALONG SAID LINE NORTH 01°11'28" WEST 2,637.90
 1109 FEET TO THE NORTH LINE
 1110 OF THOSE LANDS DESCRIBED IN O.R. BOOK 2493, PAGE 2779-
 1111 2796;
 1112 THENCE ALONG SAID LINE NORTH 89°32'26" EAST 1,332.28
 1113 FEET TO A NORTHWEST
 1114 CORNER OF THOSE LANDS DESCRIBED IN O.R. BOOK 2009 PAGE
 1115 1554-1558;
 1116 THENCE ALONG THE NORTH LINE OF SAID LANDS NORTH
 1117 89°32'26" EAST 360.40 FEET
 1118 TO THE INTERSECTION WITH THE WEST LINE OF THOSE LANDS
 1119 DESCRIBED IN O.R. BOOK
 1120 2943 PAGE 2779-2796;
 1121 THENCE ALONG THE WEST LINE OF SAID LANDS NORTH
 1122 01°11'02" WEST 2,688.15 FEET
 1123 TO THE INTERSECTION WITH SOUTH LINE OF SECTION 12,
 1124 TOWNSHIP 48 SOUTH, RANGE
 1125 28 EAST,
 1126 THENCE ALONG SAID LINE SOUTH 89°24'56" WEST 151.63
 1127 FEET TO THE INTERSECTION
 1128 WITH THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R.
 1129 BOOK 2493 PAGE 2779-2796;
 1130 THENCE ALONG THE WEST LINE OF SAID LANDS NORTH
 1131 00°44'30" WEST 5,387.66 FEET
 1132 TO THE INTERSECTION WITH THE NORTH LINE OF SAID
 1133 SECTION 12;
 1134 THENCE ALONG SAID NORTH LINE NORTH 89°00'09" EAST
 1135 23.81 FEET TO INTERSECTION

1136 | WITH THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R.
 1137 | BOOK 2493 PAGES
 1138 | 2779-2796;
 1139 | THENCE ALONG THE WEST LINE OF SAID LANDS NORTH
 1140 | 00°43'12" WEST 5,312.87 FEET
 1141 | TO THE SOUTH LINE OF SECTION 36, TOWNSHIP 47 SOUTH,
 1142 | RANGE 28 EAST;
 1143 | THENCE ALONG SAID SOUTH LINE SOUTH 89°28'47" WEST
 1144 | 1,591.63 FEET;
 1145 | THENCE CONTINUE ALONG SAID SOUTH LINE SOUTH 89°28'47"
 1146 | WEST 2,658.12 FEET TO THE SOUTH WEST CORNER OF SAID
 1147 | SECTION 36;
 1148 | THENCE ALONG THE WEST LINE OF SAID SECTION 36 NORTH
 1149 | 00°12'02" WEST 2,594.56 FEET;
 1150 | THENCE CONTINUE ALONG THE WEST LINE OF SAID SECTION 36
 1151 | NORTH 00°13'09" EAST
 1152 | 2,595.59 FEET TO THE NORTHWEST CORNER OF SAID SECTION
 1153 | 36;
 1154 | THENCE ALONG THE NORTH LINE OF SAID SECTION 36 NORTH
 1155 | 89°57'18" EAST 2,678.23
 1156 | FEET;
 1157 | THENCE CONTINUE ALONG THE NORTH LINE OF SAID SECTION
 1158 | NORTH 89°57'18" EAST
 1159 | 2,678.23 FEET TO THE NORTH EAST CORNER OF SAID SECTION
 1160 | 36;
 1161 | THENCE ALONG THE WEST LINE OF SECTION 30, TOWNSHIP 47
 1162 | SOUTH, RANGE 29 EAST,
 1163 | NORTH 00°13'04" WEST 2,580.06 FEET;

1164 | THENCE CONTINUE ALONG SAID WEST LINE OF SAID SECTION
 1165 | 30 NORTH 00°10'45" WEST
 1166 | 2,527.41 FEET TO THE SOUTH RIGHT OF WAY LINE OF
 1167 | IMMOKALEE ROAD (100' RIGHT
 1168 | OF WAY)
 1169 | THENCE ALONG SAID RIGHT OF WAY LINE FOR THE FOLLOWING
 1170 | NINE (9) DESCRIBED
 1171 | COURSES;
 1172 | 1) SOUTH 89°43'35" EAST 0.74 FEET;
 1173 | 2) NORTH 87°40'12" EAST 2,582.06 FEET;
 1174 | 3) NORTH 87°38'44" EAST 2,630.49 FEET;
 1175 | 4) NORTH 87°41'38" EAST 2,640.92 FEET;
 1176 | 5) NORTH 87°46'05" EAST 2,645.58 FEET;
 1177 | 6) NORTH 89°37'45" EAST 2,687.06 FEET;
 1178 | 7) NORTH 89°39'06" EAST 780.08 FEET;
 1179 | 8) 3,074.23 FEET ALONG THE ARC OF A NON-
 1180 | TANGENTIAL CIRCULAR CURVE CONCAVE NORTHWEST HAVING A
 1181 | RADIUS OF 1,960.26 FEET THROUGH A CENTRAL ANGLE OF
 1182 | 89°51'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS
 1183 | NORTH 44°42'37" EAST 2,768.73 FEET;
 1184 | 9) NORTH 00°27'14" WEST 663.14 FEET TO THE
 1185 | INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID
 1186 | CAMP KEIAS ROAD;
 1187 | THENCE ALONG SAID RIGHT-OF-WAY LINE IN THE FOLLOWING
 1188 | SEVEN (7) DESCRIBED COURSES:
 1189 | 1) SOUTH 89°56'24" EAST 266.14 FEET;
 1190 | 2) 722.56 FEET ALONG THE ARC OF A NON-
 1191 | TANGENTIAL CIRCULAR CURVE CONCAVE SOUTHWEST HAVING A

1192 RADIUS OF 460.00 FEET THROUGH A CENTRAL ANGLE OF
 1193 89°59'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS
 1194 SOUTH 44°56'23" EAST 650.54 FEET;
 1195 3) SOUTH 00°03'36" WEST 600.00 FEET;
 1196 4) 529.01 FEET ALONG THE ARC OF A CIRCULAR CURVE
 1197 CONCAVE WEST HAVING A RADIUS OF 760.00 FEET THROUGH
 1198 CENTRAL ANGLE OF 39°52'53" AND BEING SUBTENDED
 1199 by a chord which bears South 20°00'02" West 518.39
 1200 feet;
 1201 5) SOUTH 39°56'29" WEST 543.45 FEET;
 1202 6) 589.90 FEET ALONG THE ARC OF A CIRCULAR CURVE
 1203 CONCAVE EAST HAVING A RADIUS OF 840.00 FEET THROUGH
 1204 CENTRAL ANGLE OF 40°14'11" AND BEING SUBTENDED
 1205 BY A CHORD WHICH BEARS SOUTH 19°49'24" WEST 577.85
 1206 feet;
 1207 7) South 00°17'42" East 60.83 feet TO THE POINT
 1208 OF BEGINNING.
 1209
 1210 CONTAINING 10805.08 ACRES, MORE OR LESS.
 1211 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 1212 BEARINGS ARE BASED ON THE WEST HALF OF THE SOUTH LINE
 1213 OF SECTION 16,
 1214 TOWNSHIP 48 SOUTH, RANGE 29 EAST, COLLIER COUNTY,
 1215 FLORIDA BEING SOUTH
 1216 88°54'34" WEST.
 1217

1218 (3) BOARD OF SUPERVISORS; MEMBERS AND MEETINGS;
 1219 ORGANIZATION; POWERS; DUTIES; TERMS OF OFFICE; RELATED ELECTON
 1220 REQUIREMENTS.--

1221 (a) The Board of Supervisors of the District shall
 1222 exercise the powers granted to the District pursuant to this Act
 1223 in order to implement its specialized single purpose.

1224 (b) There is hereby created the Board of Supervisors of
 1225 the Stewardship Community District which shall be the governing
 1226 board and body of the District. Except as otherwise provided in
 1227 this Act, each member shall hold office for a term of 4 years
 1228 and until a successor is chosen and qualifies. There shall be
 1229 five members of the Board of Supervisors who shall, in order to
 1230 be eligible, be residents of the state and citizens of the
 1231 United States. Three members shall constitute a quorum.

1232 (c) Within in 45 days after the effective date of this
 1233 Act, a noticed special meeting of the landowners of the Ave
 1234 Maria Stewardship Community District shall be held for the
 1235 purpose of electing the members to the first Board of
 1236 Supervisors for the District as provided in this Act. Notice of
 1237 such special meeting of the landowners shall be given by causing
 1238 publication thereof, to be made once a week for 2 consecutive
 1239 weeks prior to such meeting in a newspaper of general paid
 1240 subscription and circulation in Collier County the last day of
 1241 such publication not to be fewer than 14 or more than 28 days
 1242 before the day of the election. Such special meeting of the
 1243 landowners shall be held in a public place in Collier County and
 1244 the place, date, and hour of holding such meeting and the
 1245 purpose thereof shall be stated expressly in the notice. The

1246 landowners when assembled shall organize by electing a Chair,
1247 who shall preside at the meeting of the landowners, and a
1248 Secretary, who shall record the proceedings. At such meeting,
1249 for the election of each person to be elected, each and every
1250 acre of land, or any fraction thereof, within the boundary of
1251 the District shall represent one vote and each owner of that
1252 acre or fraction thereof shall be entitled to one vote for every
1253 such acre or fraction thereof. Persons who qualify to serve as
1254 board members shall be nominated at the noticed meeting prior to
1255 the initial election at the noticed meeting. A landowner may
1256 vote in person or by proxy in writing. A landowner who sells
1257 land to a bona fide purchaser may by written lawful instrument
1258 retain the voting rights for that acreage.

1259 (d) At the landowners meeting for the election of the
1260 members of the Board of Supervisors on a one-acre, one-vote
1261 basis, the two candidates receiving the highest number of votes
1262 shall be elected for a term expiring November 30, 2006, and the
1263 three candidates receiving the next largest number of votes
1264 shall be elected for a term expiring November 30, 2008. The
1265 members of the first board elected by the landowners shall serve
1266 their 4-year or 2-year term; however, the next election by the
1267 landowners shall be held on the first Tuesday in November.
1268 Thereafter, there shall be an election of supervisors for the
1269 District every 2 years in November on a date established by the
1270 board and noticed pursuant to paragraph (c). The two candidates
1271 receiving the highest number of votes shall be elected to serve
1272 for a 4-year period and the remaining candidates shall serve for
1273 a 2-year period.

1274 (e) The landowners present at the meeting shall constitute
 1275 a quorum.

1276 (f) All vacancies or expirations on the Board of
 1277 Supervisors shall be filled as provided by this Act.

1278 (g) In case of a vacancy in the office of any member of
 1279 the Board of Supervisors, the remaining members of the Board of
 1280 Supervisors shall by majority vote appoint a person to serve as
 1281 a member of the Board of Supervisors for the unexpired portion
 1282 of the term.

1283 (h) If the board proposes to exercise its limited ad
 1284 valorem taxing power as provided in the charter, the provisions
 1285 of paragraph (14)(a) shall apply.

1286 (4) ELECTION; POPULAR ELECTIONS, REFERENDUM AND
 1287 DESIGNATION OF URBAN AREAS.--

1288 (a) Elections of the members of the board shall be
 1289 conducted on a one-acre, one-vote basis as provided in paragraph
 1290 (3)(c), until and unless the provisions of paragraph (4)(b)
 1291 apply. When and as applicable and required, the appropriate
 1292 provisions of section 189.405, Florida Statutes, as amended from
 1293 time to time, apply.

1294 (b) A referendum shall be called by the Board of
 1295 Supervisors of the District, each member elected on a one-acre,
 1296 one-vote basis, on the question of whether certain members of
 1297 the board should be elected by qualified electors, providing
 1298 each of the following conditions has been satisfied at least 60
 1299 days prior to the general or special election at which the
 1300 referendum is to be held:

- 1301 1. That the District has at least 500 qualified electors,
 1302 based on the most recent state population estimate.
- 1303 2. A petition signed by 10 percent of the qualified
 1304 electors of the District shall have been filed with the Board of
 1305 Supervisors of the District. The petition shall be submitted to
 1306 the Supervisor of Elections of Collier County who shall, within
 1307 30 days after receipt of the petition, certify to the board the
 1308 percentage of signatures of qualified electors contained on the
 1309 petition.
- 1310 3. Upon verification by the Supervisor of Elections that
 1311 10 percent of the qualified electors of the District have
 1312 petitioned the Board of Supervisors, the next regularly
 1313 scheduled election of governing board members shall occur at
 1314 least 60 days after verification of the petition.
- 1315 4. If the qualified electors approve the election
 1316 procedure described in this section, the governing board of the
 1317 District shall remain five members and elections shall be held
 1318 pursuant to the criteria described in this section, beginning
 1319 with the next regularly scheduled election of governing board
 1320 members or at a special election called within 6 months
 1321 following the referendum and final unappealed approval of
 1322 District urban area maps as provided in this section, whichever
 1323 is earlier.
- 1324 5. If the qualified electors of the District disapprove
 1325 the election procedure described in this section, elections of
 1326 the members of the Board of Supervisors shall continue as
 1327 described in this Act on a one-acre, one-vote basis. No further

1328 referendum on the question shall be held for a minimum period of
 1329 2 years following the referendum.

1330 6. Within 30 days after approval of the election process
 1331 described in this section by qualified electors of the District,
 1332 the Board of Supervisors shall direct the District staff to
 1333 prepare and to present maps of the District describing the
 1334 extent and location of all urban areas within the District, such
 1335 determination shall be based upon the criteria contained in the
 1336 definition of urban area, in this Act.

1337 7. Within 60 days after approval of the election process
 1338 described in this subsection by qualified electors of the
 1339 District, the maps describing urban areas within the District
 1340 shall be presented to the Board of Supervisors.

1341 8. Any District landowner or elector may contest the
 1342 accuracy of the urban area maps prepared by the staff of the
 1343 District within 30 days after submission to the Board of
 1344 Supervisors. Upon notice of objection to the maps, the
 1345 governing board shall request the county engineer to prepare and
 1346 present maps of the District describing the extent and location
 1347 of all urban areas within the District. Such determination shall
 1348 be based limitedly and exclusively upon the criteria contained
 1349 in the definition in this Act of urban area. Within 30 days
 1350 after the governing board requests, the county engineer shall
 1351 present the maps to the governing board.

1352 9. Upon presentation of the maps by the county engineer,
 1353 the governing board shall compare the maps submitted by both the
 1354 District staff and the county engineer and make a determination
 1355 as to which set of maps to adopt. Within 60 days after

1356 presentation of all such maps, the governing board may amend and
 1357 shall adopt the official maps at a regularly scheduled board
 1358 meeting.

1359 10. Any District landowner or qualified elector may
 1360 contest the accuracy of the urban area maps adopted by the board
 1361 after adoption in accordance with the provision for judicial
 1362 review as provided in Florida Administrative Procedure Act.
 1363 Accuracy shall be determined pursuant to the definition of urban
 1364 area as contained in this Act.

1365 11. Upon adoption by the Board of Supervisors or
 1366 certification by the court, the District urban area maps shall
 1367 serve as the official maps for determination of the extent of
 1368 the urban area within the District and the number of members of
 1369 the Board of Supervisors to be elected by qualified electors and
 1370 by the one-acre, one-vote principle at the next regularly
 1371 scheduled election of governing board members.

1372 12. Upon a determination of the percentage of urban area
 1373 within the District as compared with total area within the
 1374 District, the governing board shall determine the number of
 1375 electors in accordance with the percentages pursuant to this
 1376 paragraph. The landowners' meeting date shall be designated by
 1377 the Board of Supervisors.

1378 13. The map shall be updated and readopted every 5 years
 1379 or sooner at the discretion of the Board of Supervisors.

1380 (c) Governing board.--

1381 1. The composition of the governing board shall be as
 1382 follows:

1383 a. The five members of the governing board of the District
1384 shall be elected in accordance with the following determinations
1385 of urban area:

1386 (I) If urban areas constitute 25 percent or less of the
1387 District, one governing board member shall be elected by the
1388 qualified electors and four governing board members shall be
1389 elected in accordance with the one-acre, one-vote principle
1390 contained in subsection (3) or the district's enabling
1391 legislation.

1392 (II) If urban areas constitute more than 25 percent but
1393 less than 50 percent of the District, two governing board
1394 members shall be elected by the qualified electors and three
1395 governing board members shall be elected in accordance with the
1396 one-acre, one-vote principle contained in subsection (3) or the
1397 district's enabling legislation.

1398 (III) If urban areas constitute at least 50 percent but
1399 less than 70 percent of the District, three governing board
1400 members shall be elected by the qualified electors and two
1401 governing board members shall be elected in accordance with the
1402 one-acre/one-vote principle contained in subsection (3) or the
1403 district's enabling legislation.

1404 (IV) If urban areas constitute at least 70 percent but
1405 less than 90 percent of the District, four governing board
1406 members shall be elected by the qualified electors and one
1407 governing board member shall be elected in accordance with the
1408 one-acre, one-vote principle contained in subsection (3) or the
1409 district's enabling legislation.

1410 (V) If urban areas constitute at least 90 percent or more
1411 of the District, all governing board members shall be elected by
1412 the qualified electors.

1413 b. All members of the Board of Supervisors, regardless of
1414 how elected, shall be public officers, shall be known as
1415 Supervisors, and, upon entering into office, shall take and
1416 subscribe to the oath of office as prescribed by section 876.05,
1417 Florida Statutes, as amended from time to time. All members of
1418 the Board of Supervisors, regardless of how elected, and
1419 regardless of whether they are qualified electors themselves or
1420 not, shall be public officials and subject to ethics and
1421 conflict of interest laws of the state that apply to all public
1422 officers. They shall hold office for the terms for which they
1423 were elected and until their successors are chosen and
1424 qualified.

1425 c. Any elected member of the Board of Supervisors may be
1426 removed by the Governor for malfeasance, misfeasance,
1427 dishonesty, incompetency, or failure to perform the duties
1428 imposed upon him or her by this Act, and any vacancies that may
1429 occur in such office shall be filled by the Governor, as soon as
1430 practicable, unless filled by the board as provided in this Act.

1431 d. All governing board members elected by qualified
1432 electors shall be qualified electors elected at large.
1433 Candidates seeking election as qualified electors shall conduct
1434 their campaigns in accordance with the provisions of chapter
1435 106, Florida Statutes, as amended from time to time, and shall
1436 file petitions as required in section 99.021, Florida Statutes,

1437 as amended from time to time, and take the oath therein
1438 prescribed.

1439 e. All governing board members elected by qualified
1440 electors shall have a term of 4 years except for governing board
1441 members elected at the first election and the first landowners'
1442 meeting following the referendum prescribed in paragraph (b).
1443 Governing board members elected at the first election and the
1444 first landowners' meeting following the referendum shall serve
1445 as follows:

1446 (I) If one governing board member is elected by the
1447 qualified electors and four are elected on a one-acre, one-vote
1448 basis, the governing board member elected by the qualified
1449 electors shall be elected for a period of 4 years. Governing
1450 board members elected on a one-acre, one-vote basis shall be
1451 elected for a specified period of years, as prescribed by
1452 subsection (3).

1453 (II) If two governing board members are elected by the
1454 qualified electors and three are elected on a one-acre, one-vote
1455 basis, the governing board members elected by the qualified
1456 electors shall be elected for a period of 4 years. Governing
1457 board members elected on a one-acre, one-vote basis shall be
1458 elected for periods of 1, 2, and 3 years, respectively, as
1459 prescribed by subsection (3).

1460 (III) If three governing board members are elected by the
1461 qualified electors and two are elected on a one-acre, one-vote
1462 basis, two of the governing board members elected by the
1463 qualified electors shall be elected for a term of 4 years and
1464 the other governing board member elected by the qualified

1465 electors shall be elected for a term of 2 years. Governing
1466 board members elected on a one-acre, one-vote basis shall be
1467 elected for periods of 1 year and 2 years, respectively, as
1468 prescribed by subsection (3).

1469 (IV) If four governing board members are elected by the
1470 qualified electors and one is elected on a one-acre/one-vote
1471 basis, two of the governing board members elected by the
1472 qualified electors shall be elected for a term of 2 years and
1473 the other two for a term of 4 years. The governing board member
1474 elected on a one-acre, one-vote basis shall be elected for a
1475 term of 1 year as prescribed by subsection (3).

1476 (V) If five governing board members are elected by the
1477 qualified electors, three shall be elected for a term of 4 years
1478 and two for a term of 2 years.

1479 (VI) If any vacancy occurs in a seat occupied by a
1480 governing board member elected by the qualified electors, the
1481 remaining members of the governing board shall, within 45 days
1482 after the vacancy occurs, appoint a person who would be eligible
1483 to hold the office for the unexpired term.

1484 (VII) Each and every election, by qualified electors, of
1485 members of the Board of Supervisors pursuant to this Act shall
1486 be conducted in the manner and at a time prescribed by law for
1487 holding general elections or prescribed by the Supervisor of
1488 Elections in and for the Collier County political subdivision.

1489 e.1. An annual landowners' meeting shall be held pursuant
1490 to subsection (3) and at least one governing board member shall
1491 be elected on a one-acre, one-vote basis pursuant to subsection
1492 (3) for so long as 10 percent or more of the District is not

1493 contained in an urban area. In the event that all District
1494 governing board members are elected by qualified electors, there
1495 shall be no further landowners' meetings.

1496 2. At any landowners' meeting called pursuant to this
1497 section, 50 percent of the District acreage shall not be
1498 required to constitute a quorum and each governing board member
1499 shall be elected by a majority of the acreage represented either
1500 by owner or proxy present and voting at said meeting.

1501 3. All landowners' meetings of districts operating
1502 pursuant to this section shall be set by the board within the
1503 month preceding the month of the election of the governing board
1504 members by the electors.

1505 4. Vacancies on the board shall be filled pursuant to
1506 subsection (3) and this subsection except as otherwise provided
1507 in this section.

1508 f. Three of the members of the Board of Supervisors
1509 constitute a quorum for the purpose of conducting its business
1510 and exercising its powers and for all other related purposes.
1511 Action taken by the District Board of Supervisors present shall
1512 be upon a vote of the majority of the members present, unless
1513 general law or rule of the District subsequently promulgated
1514 requires a greater number.

1515 g. As soon as practicable after each election or
1516 appointment, the board shall organize by electing one of its
1517 members as Chair and by electing a Secretary, who need not be a
1518 member of the board, and such other officers as the board may
1519 deem necessary.

1520 h. The board shall keep a permanent record book entitled
 1521 "Record of Proceedings of Ave Maria Stewardship Community
 1522 District," in which shall be recorded minutes of all meetings,
 1523 resolutions, proceedings, certificates, bonds given by all
 1524 employees, and any and all corporate acts. The record book shall
 1525 at reasonable times be opened to inspection in the same manner
 1526 as state, county, and municipal records pursuant to chapter 119,
 1527 Florida Statutes. The record book shall be kept at the office or
 1528 other regular place of business maintained by the Board of
 1529 Supervisors within Collier County.

1530 i. Each supervisor shall be entitled to receive for his or
 1531 her services an amount not to exceed \$200 per meeting of the
 1532 Board of Supervisors, not to exceed \$4,800 per year per
 1533 supervisor, or an amount established by the electors voting in a
 1534 referendum. In addition, each supervisor shall receive travel
 1535 and per diem expenses as set forth in section 112.061, Florida
 1536 Statutes, as amended from time to time.

1537 j. All meetings of the board shall be open to the public
 1538 and governed by the provisions of chapter 286, Florida Statutes.

1539 2. The members of the Board of Supervisors of the
 1540 District, whether elected on a one-acre, one-vote basis or a
 1541 qualified elector basis, shall constitute the members of the
 1542 governing board of the District subject to the requirements of
 1543 this Act.

1544 (5) BOARD OF SUPERVISORS; GENERAL DUTIES.--

1545 (a) The board shall employ and fix the compensation of a
 1546 District Manager. The District Manager shall have charge and
 1547 supervision of the works of the District and shall be

1548 responsible for preserving and maintaining any improvement or
1549 facility constructed or erected pursuant to the provisions of
1550 this Act, for maintaining and operating the equipment owned by
1551 the District, and for performing such other duties as may be
1552 prescribed by the board. It shall not be a conflict of interest
1553 under chapter 112, Florida Statutes, as amended from time to
1554 time, for a board member, the District Manager, or another
1555 employee of the District to be a stockholder, officer, or
1556 employee of a landowner. The District Manager may hire or
1557 otherwise employ and terminate the employment of such other
1558 persons, including, without limitation, professional,
1559 supervisory, and clerical employees, as may be necessary and
1560 authorized by the board. The compensation and other conditions
1561 of employment of the officers and employees of the District
1562 shall be as provided by the board.

1563 (b) The board shall designate a person who is a resident
1564 of the state as Treasurer of the District, who shall have charge
1565 of the funds of the District. Such funds shall be disbursed only
1566 upon the order or pursuant to a resolution of the board by
1567 warrant or check countersigned by the Treasurer and by such
1568 other person as may be authorized by the board. The board may
1569 give the Treasurer such other or additional powers and duties as
1570 the board may deem appropriate and may fix his or her
1571 compensation. The board may require the Treasurer to give a bond
1572 in such amount, on such terms, and with such sureties as may be
1573 deemed satisfactory to the board to secure the performance by
1574 the Treasurer of his or her powers and duties. The financial

1575 records of the board shall be audited by an independent
 1576 certified public accountant at least once a year.

1577 (c) The board is authorized to select as a depository for
 1578 its funds any qualified public depository as defined in section
 1579 280.02, Florida Statutes, as amended from time to time which
 1580 meets all the requirements of chapter 280, Florida Statutes, as
 1581 amended from time to time, and has been designated by the
 1582 Treasurer as a qualified public depository upon such terms and
 1583 conditions as to the payment of interest by such depository upon
 1584 the funds so deposited as the board may deem just and
 1585 reasonable.

1586 (6) BUDGET; REPORTS AND REVIEWS.--

1587 (a) The District shall provide financial reports in such
 1588 form and such manner as prescribed pursuant to this Act and
 1589 chapter 218, Florida Statutes, as amended from time to time.

1590 (b) On or before July 15 of each year, the District
 1591 Manager shall prepare a proposed budget for the ensuing fiscal
 1592 year to be submitted to the board for board approval. The
 1593 proposed budget shall include at the direction of the board an
 1594 estimate of all necessary expenditures of the District for the
 1595 ensuing fiscal year and an estimate of income to the District
 1596 from the taxes and assessments provided in this Act. The board
 1597 shall consider the proposed budget item by item and may either
 1598 approve the budget as proposed by the District Manager or modify
 1599 the same in part or in whole. The board shall indicate its
 1600 approval of the budget by resolution, which resolution shall
 1601 provide for a hearing on the budget as approved. Notice of the
 1602 hearing on the budget shall be published in a newspaper of

1603 general circulation in the area of the district once a week for
1604 2 consecutive weeks, except that the first publication shall be
1605 not fewer than 15 days prior to the date of the hearing. The
1606 notice shall further contain a designation of the day, time, and
1607 place of the public hearing. At the time and place designated in
1608 the notice, the board shall hear all objections to the budget as
1609 proposed and may make such changes as the board deems necessary.
1610 At the conclusion of the budget hearing, the board shall, by
1611 resolution, adopt the budget as finally approved by the board.
1612 The budget shall be adopted prior to October 1 of each year.

1613 (c) At least 60 days prior to adoption, the Board of
1614 Supervisors of the District shall submit to the Collier County
1615 Board of County Commissioners, for purposes of disclosure and
1616 information only, the proposed annual budget for the ensuing
1617 fiscal year and the Board of County Commissioners may submit
1618 written comments to the Board of Supervisors solely for the
1619 assistance and information of the Board of Supervisors of the
1620 District in adopting its annual District budget.

1621 (d) The Board of Supervisors of the District shall submit
1622 annually, to the Board of County Commissioners of Collier
1623 County, its District public facilities report under section
1624 189.415(2), Florida Statutes, as amended from time to time,
1625 addressing specifically short-term and long-term innovative
1626 systems, facilities, and services consistent with the unique
1627 nature of the new university town community in the Eastern
1628 Collier County Stewardship Area Overlay, as to which the Board
1629 of County Commissioners of Collier County shall use and rely on
1630 the District public facilities report in the preparation or

1631 revision of the Collier County Growth Management Plan,
 1632 specifically under section 189.415(6), Florida Statutes, as
 1633 amended from time to time.

1634 (7) DISCLOSURE OF PUBLIC FINANCING.--The District shall
 1635 take affirmative steps to provide for the full disclosure of
 1636 information relating to the public financing and maintenance of
 1637 improvements to real property undertaken by the District. Such
 1638 information shall be made available to all existing residents
 1639 and all prospective residents, of the District. The District
 1640 shall furnish each developer of a residential development within
 1641 the District with sufficient copies of that information to
 1642 provide each prospective initial purchaser of property in that
 1643 development with a copy, and any developer of a residential
 1644 development within the District, when required by law to provide
 1645 a public offering statement, shall include a copy of such
 1646 information relating to the public financing and maintenance of
 1647 improvements in the public offering statement. The Division of
 1648 Florida Land Sales, Condominiums, and Mobile Homes of the
 1649 Department of Business and Professional Regulation shall ensure
 1650 that disclosures made by developers pursuant to chapter 498,
 1651 Florida Statutes, meet the requirements of section 190.009(1),
 1652 Florida Statutes.

1653 (8) GENERAL POWERS.--The District shall have, and the
 1654 board may exercise, the following general powers:

1655 (a) To sue and be sued in the name of the District; to
 1656 adopt and use a seal and authorize the use of a facsimile
 1657 thereof; to acquire, by purchase, gift, devise, or otherwise,
 1658 and to dispose of real and personal property, or any estate

1659 therein; and to make and execute contracts and other instruments
 1660 necessary or convenient to the exercise of its powers.

1661 (b) To apply for coverage of its employees under the
 1662 Florida Retirement System in the same manner as if such
 1663 employees were state employees, subject to necessary action by
 1664 the District to pay employer contributions into the Florida
 1665 Retirement System Trust Fund.

1666 (c) To contract for the services of consultants to perform
 1667 planning, engineering, legal, or other appropriate services of a
 1668 professional nature. Such contracts shall be subject to public
 1669 bidding or competitive negotiation requirements as set forth in
 1670 subsection (21).

1671 (d) To borrow money and accept gifts; to apply for and use
 1672 grants or loans of money or other property from the United
 1673 States, the state, a unit of local government, or any person for
 1674 any District purposes and enter into agreements required in
 1675 connection therewith; and to hold, use, and dispose of such
 1676 moneys or property for any District purposes in accordance with
 1677 the terms of the gift, grant, loan, or agreement relating
 1678 thereto.

1679 (e) To adopt rules and orders pursuant to the provisions
 1680 of chapter 120, Florida Statutes, as amended from time to time,
 1681 prescribing the powers, duties, and functions of the officers of
 1682 the District; the conduct of the business of the District; the
 1683 maintenance of records; and the form of certificates evidencing
 1684 tax liens and all other documents and records of the District.
 1685 The board may also adopt administrative rules with respect to
 1686 any of the projects of the District and define the area to be

1687 included therein. The board may also adopt resolutions which may
 1688 be necessary for the conduct of District business.

1689 (f) To maintain an office at such place or places as the
 1690 Board of Supervisors designates in Collier County, and within
 1691 the District when facilities are available.

1692 (g) To hold, control, and acquire by donation, purchase,
 1693 or condemnation, or dispose of, any public easements,
 1694 dedications to public use, platted reservations for public
 1695 purposes, or any reservations for those purposes authorized by
 1696 this Act other than public easements conveyed to or accepted by
 1697 Collier County and to make use of such easements, dedications,
 1698 or reservations for the purposes mandated by this Act.

1699 (h) To lease as lessor or lessee to or from any person,
 1700 firm, corporation, association, or body, public or private, any
 1701 projects of the type that the District is authorized to
 1702 undertake and facilities or property of any nature for the use
 1703 of the District to carry out the purposes mandated by this Act.

1704 (i) To borrow money and issue bonds, certificates,
 1705 warrants, notes, or other evidence of indebtedness as
 1706 hereinafter provided; to levy such tax and assessments as may be
 1707 authorized; and to charge, collect, and enforce fees and other
 1708 user charges subject as applicable to subsections (10)-(13).

1709 (j) To raise, by user charges or fees authorized by
 1710 resolution of the board, amounts of money which are necessary
 1711 for the conduct of District activities and services and to
 1712 enforce their receipt and collection in the manner prescribed by
 1713 resolution not inconsistent with law.

1714 (k) To exercise within the District, or beyond the
 1715 District with prior approval by super majority vote of a
 1716 resolution of the governing body of the county if the taking
 1717 will occur in an unincorporated area, the right and power of
 1718 eminent domain, pursuant to the provisions of chapters 73 and
 1719 74, Florida Statutes, as they may be amended from time to time,
 1720 over any property within the state, except municipal, county,
 1721 state, and federal property, for the uses and purpose of the
 1722 District relating solely to water, sewer, District roads, and
 1723 water management, specifically including, without limitation,
 1724 the power for the taking of easements for the drainage of the
 1725 land of one person over and through the land of another.

1726 (l) To cooperate with, or contract with, other
 1727 governmental agencies as may be necessary, convenient,
 1728 incidental, or proper in connection with any of the powers,
 1729 duties, or purposes authorized by this Act.

1730 (m) To assess and to impose upon lands in the District ad
 1731 valorem taxes as provided and limited by this Act.

1732 (n) If and when authorized by general law, to determine,
 1733 order, levy, impose, collect, and enforce maintenance taxes.

1734 (o) To determine, order, levy, impose, collect, and
 1735 enforce assessments pursuant to this Act, which sets forth a
 1736 detailed uniform procedure to implement chapter 170, Florida
 1737 Statutes, and, as an alternative, to determine, order, levy,
 1738 impose, collect, and enforce assessments under and pursuant to
 1739 chapter 170, Florida Statutes, as amended from time to time,
 1740 pursuant to authority granted in section 197.3631, Florida
 1741 Statutes, as amended from time to time, or pursuant to other

1742 provisions of general law now or hereinafter enacted which
1743 provide or authorize a supplemental means to impose, levy, and
1744 collect special assessments. Such special assessments, in the
1745 discretion of the District, as provided in section 197.3631,
1746 Florida Statutes, as amended from time to time, may be collected
1747 and enforced pursuant to the provisions of sections 197.3632 and
1748 197.3635, Florida Statutes, and chapters 170 and 173, Florida
1749 Statutes, as they may be amended from time to time, or as
1750 provided by this Act.

1751 (p) To exercise such special powers and other express
1752 powers as may be authorized and granted by this Act in the
1753 charter of the District including powers as provided in any
1754 interlocal agreement entered into pursuant to chapter 163,
1755 Florida Statutes, as amended from time to time, or which shall
1756 be required or permitted to be undertaken by the District
1757 pursuant to any development order or development of regional
1758 impact, including any interlocal service agreement with Collier
1759 County for fair-share capital construction funding for any
1760 certain capital facilities or systems required of the developer
1761 pursuant to any applicable development order or agreement.

1762 (q) To exercise all of the powers necessary, convenient,
1763 incidental, or proper in connection with any other powers or
1764 duties or the single purpose of the District authorized by this
1765 Act.

1766 (r) The provisions of this section on general powers shall
1767 be construed liberally in order to carry out effectively the
1768 single specialized purpose of this Act and to secure for the

1769 District its ability to be innovative in and for the Rural Lands
 1770 Stewardship Overlay.

1771 (9) SPECIAL POWERS.--The District shall have the following
 1772 special powers to implement its lawful, single, and special
 1773 purpose and to provide, pursuant to that purpose, basic systems,
 1774 facilities, services, improvements, projects, works, and
 1775 infrastructure in and subject to the Stewardship Overlay, each
 1776 of which constitutes a lawful public purpose when exercised
 1777 pursuant to this charter, subject to, and not inconsistent with,
 1778 the regulatory jurisdiction and permitting authority of all
 1779 other applicable governmental bodies, agencies, and any special
 1780 districts having authority with respect to any area included
 1781 therein, and to plan, establish, acquire, construct or
 1782 reconstruct, enlarge or extend, equip, operate, finance, fund,
 1783 and maintain improvements, systems, facilities, services, works,
 1784 projects, and infrastructure. Any or all of the following
 1785 special powers are granted by this Act in order to implement the
 1786 special requirements of this university new town community
 1787 within the Stewardship Overlay and the single special purpose of
 1788 the District:

1789 (a) Water management and control for the lands within the
 1790 District and to connect some or any of such facilities with
 1791 roads and bridges. In the event that the board assumes the
 1792 responsibility for providing water management and control for
 1793 the District which is to be financed by a benefit special
 1794 assessments, the board shall adopt plans and assessments
 1795 pursuant to law or may proceed to adopt water management and

1796 control plans, assess for benefits, and apportion and levy
1797 special assessments, as follows:

1798 1. The board shall cause to be made by the District's
1799 engineer, or such other engineer or engineers as the board may
1800 employ for that purpose, complete and comprehensive water
1801 management and control plans for the lands located within the
1802 District that will be improved in any part or in whole by any
1803 system of facilities that may be outlined and adopted, and the
1804 engineer shall make a report in writing to the board with maps
1805 and profiles of said surveys and an estimate of the cost of
1806 carrying out and completing the plans.

1807 2. Upon the completion of such plans, the board shall hold
1808 a hearing thereon to hear objections thereto, shall give notice
1809 of the time and place fixed for such hearing by publication once
1810 each week for 2 consecutive weeks in a newspaper of general
1811 circulation in the general area of the District, and shall
1812 permit the inspection of the plan at the office of the District
1813 by all persons interested. All objections to the plan shall be
1814 filed at or before the time fixed in the notice for the hearing
1815 and shall be in writing.

1816 3. After the hearing, the board shall consider the proposed
1817 plan and any objections thereto and may modify, reject, or adopt
1818 the plan or continue the hearing until a day certain for further
1819 consideration of the proposed plan or modifications thereof.

1820 4. When the board approves a plan, a resolution shall be
1821 adopted and a certified copy thereof shall be filed in the
1822 office of the Secretary and incorporated by him or her into the
1823 records of the District.

1824 5. The water management and control plan may be altered in
 1825 detail from time to time until the appraisal record herein
 1826 provided is filed, but not in such manner as to affect
 1827 materially the conditions of its adoption. After the appraisal
 1828 record has been filed, no alteration of the plan shall be made,
 1829 except as provided by this Act.

1830 6. Within 20 days after the final adoption of the plan by
 1831 the board, the board shall proceed pursuant to section 298.301,
 1832 Florida Statutes, as amended from time to time.

1833 (b) Water supply, sewer, and wastewater management,
 1834 reclamation, and reuse, or any combination thereof, and any
 1835 irrigation systems, facilities, and services and to construct
 1836 and operate connecting intercepting or outlet sewers and sewer
 1837 mains and pipes and water mains, conduits, or pipelines in,
 1838 along, and under any street, alley, highway, or other public
 1839 place or ways, and to dispose of any effluent, residue, or other
 1840 byproducts of such system or sewer system.

1841 1. The District may not purchase or sell a water, sewer,
 1842 or wastewater reuse utility that provides service to the public
 1843 for compensation, or enter into a wastewater facility
 1844 privatization contract for a wastewater facility, until the
 1845 governing body of the Stewardship Community District has held a
 1846 public hearing on the purchase, sale, or wastewater facility
 1847 privatization contract and made a determination that the
 1848 purchase, sale, or wastewater facility privatization contract is
 1849 in the public interest.

1850 2. In determining if the purchase, sale, or wastewater
 1851 facility privatization contract is in the public interest, the

1852 Stewardship Community District shall consider, at a minimum, the
 1853 following:

1854 a. The most recent available income and expense statement
 1855 for the utility;

1856 b. The most recent available balance sheet for the
 1857 utility, listing assets and liabilities and clearly showing the
 1858 amount of contributions-in-aid-of-construction and the
 1859 accumulated depreciation thereon;

1860 c. A statement of the existing rate base of the utility
 1861 for regulatory purposes;

1862 d. The physical condition of the utility facilities being
 1863 purchased, sold, or subject to a wastewater facility
 1864 privatization contract;

1865 e. The reasonableness of the purchase, sales, or
 1866 wastewater facility privatization contract price and terms;

1867 f. The impacts of the purchase, sale, or wastewater
 1868 facility privatization contract on utility customers, both
 1869 positive and negative;

1870 g. Any additional investment required and the ability and
 1871 willingness of the purchaser or the private firm under a
 1872 wastewater facility privatization contract to make that
 1873 investment, whether the purchaser is the District or the entity
 1874 purchasing the utility from the District;

1875 h. In the case of a wastewater facility privatization
 1876 contract, the terms and conditions on which the private firm
 1877 will provide capital investment and financing or a combination
 1878 thereof for contemplated capital replacements, additions,

1879 expansions, and repairs. The District shall give significant
 1880 weight to this criteria;

1881 i. The alternatives to the purchase, sale, or wastewater
 1882 facility privatization contract and the potential impact on
 1883 utility customers if the purchase, sale, or wastewater facility
 1884 privatization contract is not made;

1885 j. The ability of the purchaser or the private firm under
 1886 a wastewater facility privatization contract to provide and
 1887 maintain high-quality and cost-effective utility service,
 1888 whether the purchaser is the District or the entity purchasing
 1889 the utility from the District;

1890 k. In the case of a wastewater facility privatization
 1891 contract, the District shall give significant weight to the
 1892 technical expertise and experience of the private firm in
 1893 carrying out the obligations specified in the wastewater
 1894 facility privatization contract; and

1895 l. All moneys paid by a private firm to a District
 1896 pursuant to a wastewater facility privatization contract shall
 1897 be used for the purpose of reducing or offsetting property
 1898 taxes, wastewater service rates, or debt reduction or making
 1899 infrastructure improvements or capital asset expenditures or
 1900 other public purpose; provided, however, nothing herein shall
 1901 preclude the District from using all or part of the moneys for
 1902 the purpose of the District's qualification for relief from the
 1903 repayment of federal grant awards associated with the wastewater
 1904 system as may be required by federal law or regulation.

1905

1906 | The District shall prepare a statement showing that the
 1907 | purchase, sale, or wastewater facility privatization contract is
 1908 | in the public interest, including a summary of the purchaser's
 1909 | or private firm's experience in water, sewer, or wastewater
 1910 | reuse utility operation and a showing of financial ability to
 1911 | provide the service, whether the purchaser or private firm is
 1912 | the District or the entity purchasing the utility from the
 1913 | District.

1914 | (c) Bridges or culverts that may be needed across any
 1915 | drain, ditch, canal, floodway, holding basin, excavation, public
 1916 | highway, tract, grade, fill, or cut and roadways over levees and
 1917 | embankments, and to construct any and all of such works and
 1918 | improvements across, through, or over any public right-of-way,
 1919 | highway, grade, fill, or cut.

1920 | (d) District roads equal to or exceeding the
 1921 | specifications of the county in which such District roads are
 1922 | located, and street lights, including conditions of development
 1923 | approval which sometimes may be different specifications than
 1924 | the normal specifications of the county. This special power
 1925 | includes construction, improvement, pavement, and maintenance of
 1926 | roadways and roads necessary and convenient for the exercise of
 1927 | the powers or duties of the District to:

- 1928 | 1. Implement its single purpose;
 1929 | 2. Include as a component thereof roads, parkways, bridges,
 1930 | landscaping, irrigation, bicycle lanes, and jogging paths,
 1931 | street lighting, traffic signals, road striping, and all other
 1932 | customary elements of a modern road system in general or as tied

1933 | to the conditions of development approval for the specific Ave
 1934 | Maria Community Development; and

1935 | 3. Plan, implement, construct or reconstruct, enlarge or
 1936 | extend, finance, fund, equip, operate, and maintain parking
 1937 | facilities that are freestanding or that may be related to any
 1938 | innovative strategic intermodal system of transportation
 1939 | pursuant to applicable federal, state, and local law and
 1940 | ordinance.

1941 | (e) Buses, trolleys, transit shelters, ridesharing
 1942 | facilities and services, parking improvements, and related
 1943 | signage.

1944 | (f) Investigation and remediation costs associated with
 1945 | the cleanup of actual or perceived environmental contamination
 1946 | within the District under the supervision or direction of a
 1947 | competent governmental authority unless the covered costs
 1948 | benefit any person who is a landowner within the District and
 1949 | who caused or contributed to the contamination.

1950 | (g) Conservation areas, mitigation areas, and wildlife
 1951 | habitat, including the maintenance of any plant or animal
 1952 | species, and any related interest in real or personal property.

1953 | (h) Using its general and special powers as set forth in
 1954 | this Act, any other project within or without the boundaries of
 1955 | a District when the project is the subject of an agreement
 1956 | between the District and the Board of County Commissioners of
 1957 | Collier County or with any applicable other public or private
 1958 | entity, including a homeowners' association, and is not
 1959 | inconsistent with the Collier County Comprehensive Plan, the

1960 Growth Management Plan, and the Stewardship Overlay which
 1961 implement the single special purpose of the District.
 1962 (i) Parks and facilities for indoor and outdoor
 1963 recreational, cultural, and educational uses.
 1964 (j) Fire prevention and control, including fire stations,
 1965 water mains and plugs, fire trucks, and other vehicles and
 1966 equipment.
 1967 (k) School buildings and related structures, which may be
 1968 leased, sold, or donated to the school district, for use in the
 1969 educational system when authorized by the district school board.
 1970 The Stewardship Community District is granted the special power
 1971 to contract with the Collier County School Board and, as
 1972 applicable, the Board of County Commissioners of Collier County,
 1973 and with the applicable landowner developer of the lands within
 1974 the jurisdiction of the District, to assess the school district
 1975 educational facilities plan, and to implement a management and
 1976 financing plan for timely construction, maintenance, and
 1977 acquisition, at the option of the Stewardship Community
 1978 District, school facilities, including facilities identified in
 1979 the facilities work programs or those proposed by charter
 1980 schools. The Stewardship Community District is granted the
 1981 special power to determine, order, levy, impose, collect, or
 1982 arrange for the collection and enforcement of assessments, as
 1983 defined in and pursuant to this Act for such school facilities.
 1984 The Stewardship Community District created under and by this Act
 1985 is eligible for the financial enhancements available to
 1986 educational facilities benefit districts to provide for
 1987 financing the construction and maintenance of educational

1988 | facilities pursuant to section 1013.356, Florida Statutes, and,
 1989 | if and when authorized by general law, to acquire such
 1990 | educational facilities. This Act, in the place of an educational
 1991 | facilities benefit district, authorizes the Collier County
 1992 | School Board to designate the Ave Maria Stewardship Community
 1993 | District. The Stewardship Community District is authorized to
 1994 | enter into an interlocal agreement with the Collier County
 1995 | School Board and, as applicable, the Board of County
 1996 | Commissioners of Collier County and applicable private
 1997 | landowners and developers, and the Ave Maria University in order
 1998 | to provide for such construction, maintenance, and acquisition
 1999 | and in order to receive the applicable financial enhancements
 2000 | provided by section 1013.356, Florida Statutes. The interlocal
 2001 | agreement shall among other things consider absorption rates,
 2002 | sales rates, and related data of existing and projected schools,
 2003 | racial, ethnic, social, and economic balance within the Collier
 2004 | County School District under applicable state and federal law
 2005 | and the provision of school attendance zones to allow students
 2006 | residing within a reasonable distance of the facilities
 2007 | constructed and financed through the interlocal agreement to
 2008 | attend such facilities. It is provided, because these
 2009 | facilities are funded by assessments and not by taxes of any
 2010 | type, that the provision of these facilities may be multiuse
 2011 | and, consistent with the provisions of this Act, shall be first
 2012 | liens on the property upon a showing of special and peculiar
 2013 | benefits that flow to the applicable property as a logical
 2014 | connection from the systems, facilities, and services, resulting
 2015 | in added use, enhanced enjoyment, decreased insurance premiums,

2016 or enhanced value in marketability so that the Legislature finds
2017 that the provisions of the Florida Constitution for free public
2018 schools are implemented and enhanced.

2019 (l) Security, including, but not limited to, guardhouses,
2020 fences, and gates, electronic intrusion-detection systems, and
2021 patrol cars, when authorized by proper governmental agencies;
2022 except that the District may not exercise any powers of a law
2023 enforcement agency, but may contract with the appropriate local
2024 general-purpose government agencies for an increased level of
2025 such services within the District boundaries. Notwithstanding
2026 any provision of general law, the District may operate
2027 guardhouses for the limited purpose of providing security for
2028 the residents of the District and which serve a predominate
2029 public, as opposed to private, purpose. Such guardhouses shall
2030 be operated by the District or any other unit of local
2031 government pursuant to procedures designed to serve such
2032 security purposes as set forth in rules adopted by the board,
2033 from time to time, following the procedures set froth in chapter
2034 120, Florida Statutes, as amended from time to time.

2035 (m) Control and elimination of mosquitoes and other
2036 arthropods of public health importance.

2037 (n) Waste, waste collection, and disposal.

2038 (o) To enter into impact fee credit agreements with
2039 Collier County. Under such agreements, where the District
2040 constructs or makes contributions for public systems,
2041 facilities, services, projects, improvements, works, and
2042 infrastructures for which impact fee credits would be available
2043 to the landowner developer under the Collier County applicable

2044 impact fee ordinance, the agreement authorized by this Act shall
 2045 provide such impact fee credit shall inure to the landowners
 2046 within the District in proportion to assessments or other
 2047 burdens levied and imposed upon the landowners with respect to
 2048 assessable improvements giving rise to such impact fee credits,
 2049 and the District shall from time to time execute such
 2050 instruments, such as assignments of impact fee credits, as may
 2051 be necessary, appropriate, or desirable to accomplish or to
 2052 confirm the foregoing.

2053 (p) To establish and create, at noticed meetings, such
 2054 government departments of the Board of Supervisors of the
 2055 District, as well as committees, task forces, boards, or
 2056 commissions, or other agencies under the supervision and control
 2057 of the District, as from time to time the members of the Board
 2058 of Supervisors may deem necessary or desirable in the
 2059 performance of the acts or other things necessary to exercise
 2060 its general or special powers to implement an innovative project
 2061 to carry out the special purpose of the District as provided in
 2062 this Act and to delegate the exercise of its powers to such
 2063 departments, boards, task forces, committees, or other agencies
 2064 such administrative duties and other powers as the Board of
 2065 Supervisors may deem necessary or desirable but only if there is
 2066 a set of expressed limitations for accountability, notice, and
 2067 periodic written reporting to the Board of Supervisors which
 2068 shall retain its powers.

2069 (q) Consistent with stewardship of the Rural Lands
 2070 Stewardship Area Zoning Overlay District and so long as not
 2071 inconsistent with the applicable local government comprehensive

2072 plan and development entitlements, the District may coordinate
 2073 with the landowner developer and with the university on the
 2074 phasing of the delivery of infrastructure and may create phase
 2075 entities or units for its charter purpose. Toward this end, and
 2076 so long as it implements the purpose of the District under this
 2077 Act, the Board of Supervisors may designate units of development
 2078 and adopt systems of progressive phased development by units
 2079 with related management planning, implementation, construction,
 2080 maintenance, and financing within its phased unit. If the Board
 2081 of Supervisors proceeds to designate such phased units of
 2082 development, it must adopt at a noticed meeting pursuant to
 2083 chapter 120, Florida Statutes, as amended from time to time, a
 2084 rule setting forth detailed procedures and authorizations for
 2085 such phase unit processes. A committee, department, or agency of
 2086 the board shall be given express duty of oversight with monthly
 2087 written reports to the Board of Supervisors. No such phased
 2088 units can begin or operate until or unless the required noticed
 2089 rule has been adopted. With regard to any phased unit, there
 2090 shall be no bonded indebtedness and no levy of any lienable or
 2091 nonlienable revenue, whether to amortize bonds or not, within
 2092 the boundary of a phrased unit other than by the Board of
 2093 Supervisors and pursuant to the powers, procedures, and
 2094 provisions of this Act and other applicable laws.

2095 (r) To plan, establish, acquire, construct, or
 2096 reconstruct, enlarge or extend, equip, operate, maintain,
 2097 finance and fund buildings and structures for District offices,
 2098 maintenance facilities, meeting facilities, town centers or any
 2099 other project authorized or granted by this Act upon a showing

2100 at a noticed meeting of its efficacy to the specialized single
 2101 purpose of this District for the new university town community
 2102 in the Rural Lands Stewardship Zoning Overlay District.

2103 (s) To plan, establish, acquire, construct or reconstruct,
 2104 enlarge or extend, equip, operate, maintain, finance, and fund
 2105 edifices and facilities for the provision of healthcare, and to
 2106 include the operation of any one or more of such facilities when
 2107 authorized by applicable public or private agencies providing
 2108 healthcare and upon a showing of efficacy to carryout the
 2109 purpose of the District in the Rural Lands Stewardship Zoning
 2110 Overlay District.

2111 (t) To enter into an agreement with the Ave Maria
 2112 University, upon a showing of efficacy in implementing the
 2113 single specialized purpose of the District in the Stewardship
 2114 Overlay, for the planning, establishment, acquisition,
 2115 construction or reconstruction, enlarging or extending,
 2116 equipping, operating, maintaining, financing, and funding of any
 2117 innovative system, facility, or service constituting a project
 2118 as defined in this Act.

2119 (u) To adopt and enforce appropriate rules following the
 2120 procedures of chapter 120, Florida Statutes, in connection with
 2121 the provisions of one or more its systems, facilities, services,
 2122 projects, improvements, works, and infrastructure.

2123 (v) The enumeration of special powers herein shall not be
 2124 deemed exclusive or restrictive, but shall be deemed to
 2125 incorporate all powers express or implied necessary or incident
 2126 to carrying out such enumerated special powers, including also

2127 the general powers provided by this special act charter to the
 2128 District to implement its single purpose.

2129 (w) The provisions of this section on special powers shall
 2130 be construed liberally in order to carry out effectively the
 2131 single purpose of this District under this Act and to secure for
 2132 the District its ability to be innovative in and for the Rural
 2133 Lands Stewardship Overlay.

2134 (10) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to
 2135 the other powers provided for in this Act, and not in limitation
 2136 thereof, the District shall have the power, at any time, and
 2137 from time to time after the issuance of any bonds of the
 2138 District shall have been authorized, to borrow money for the
 2139 purposes for which such bonds are to be issued in anticipation
 2140 of the receipt of the proceeds of the sale of such bonds and to
 2141 issue bond anticipation notes in a principal sum not in excess
 2142 of the authorized maximum amount of such bond issue. Such notes
 2143 shall be in such denomination or denominations, bear interest at
 2144 such rate as the board may determine not to exceed the maximum
 2145 rate allowed by general law, mature at such time or times not
 2146 later than 5 years from the date of issuance, and be in such
 2147 form and executed in such manner as the board shall prescribe.
 2148 Such notes may be sold at either public or private sale or, if
 2149 such notes shall be renewal notes, may be exchanged for notes
 2150 then outstanding on such terms as the board shall determine.
 2151 Such notes shall be paid from the proceeds of such bonds when
 2152 issued. The board may, in its discretion, in lieu of retiring
 2153 the notes by means of bonds, retire them by means of current
 2154 revenues or from any taxes or assessments levied for the payment

2155 of such bonds, but in such event a like amount of the bonds
 2156 authorized shall not be issued.

2157 (11) SHORT-TERM BORROWING.--The District at any time may
 2158 obtain loans, in such amount and on such terms and conditions as
 2159 the board may approve, for the purpose of paying any of the
 2160 expenses of the District or any costs incurred or that may be
 2161 incurred in connection with any of the projects of the District,
 2162 which loans shall bear interest as the board determines as not
 2163 to exceed the maximum rate allowed by general law, and may be
 2164 payable from and secured by a pledge of such funds, revenues,
 2165 taxes, and assessments as the board may determine, subject,
 2166 however, to the provisions contained in any proceeding under
 2167 which bonds were theretofore issued and are then outstanding.
 2168 For the purpose of defraying such costs and expenses, the
 2169 District may issue negotiable notes, warrants, or other
 2170 evidences of debt to be payable at such times, to bear such
 2171 interest as the board may determine, not to exceed the maximum
 2172 rate allowed by general law, and to be sold or discounted at
 2173 such price or prices not less than 95 percent of par value and
 2174 on such terms as the board may deem advisable. The board shall
 2175 have the right to provide for the payment thereof by pledging
 2176 the whole or any part of the funds, revenues, taxes, and
 2177 assessments of the District. The approval of the electors
 2178 residing in the District shall not be necessary except when
 2179 required by the State Constitution.

2180 (12) BONDS.--

2181 (a) Sale of bonds.--Bonds may be sold in blocks or
 2182 installments at different times, or an entire issue or series

2183 may be sold at one time. Bonds may be sold at public or private
 2184 sale after such advertisement, if any, as the board may deem
 2185 advisable but not in any event at less than 90 percent of the
 2186 par value thereof, together with accrued interest thereon. Bonds
 2187 may be sold or exchanged for refunding bonds. Special assessment
 2188 and revenue bonds may be delivered by the District as payment of
 2189 the purchase price of any project or part thereof, or a
 2190 combination of projects or parts thereof, or as the purchase
 2191 price or exchange for any property, real, personal, or mixed,
 2192 including franchises or services rendered by any contractor,
 2193 engineer, or other person, all at one time or in blocks from
 2194 time to time, in such manner and upon such terms as the board in
 2195 its discretion shall determine. The price or prices for any
 2196 bonds sold, exchanged, or delivered may be:

- 2197 1. The money paid for the bonds;
- 2198 2. The principal amount, plus accrued interest to the date
 2199 of redemption or exchange, or outstanding obligations exchanged
 2200 for refunding bonds; and
- 2201 3. In the case of special assessment or revenue bonds, the
 2202 amount of any indebtedness to contractors or other persons paid
 2203 with such bonds, or the fair value of any properties exchanged
 2204 for the bonds, as determined by the board.

2205 (b) Authorization and form of bonds.--Any general
 2206 obligation bonds, special assessment bonds, or revenue bonds may
 2207 be authorized by resolution or resolutions of the board which
 2208 shall be adopted by a majority of all the members thereof then
 2209 in office. Such resolution or resolutions may be adopted at the
 2210 same meeting at which they are introduced and need not be

2211 published or posted. The board may, by resolution, authorize the
 2212 issuance of bonds and fix the aggregate amount of bonds to be
 2213 issued; the purpose or purposes for which the moneys derived
 2214 therefrom shall be expended, including, but not limited to,
 2215 payment of costs as defined in section 2 (6)(j); the rate or
 2216 rates of interest, not to exceed the maximum rate allowed by
 2217 general law; the denomination of the bonds; whether or not the
 2218 bonds are to be issued in one or more series; the date or dates
 2219 of maturity, which shall not exceed 40 years from their
 2220 respective dates of issuance; the medium of payment; the place
 2221 or places within or without the state where payment shall be
 2222 made; registration privileges; redemption terms and privileges,
 2223 whether with or without premium; the manner of execution; the
 2224 form of the bonds, including any interest coupons to be attached
 2225 thereto; the manner of execution of bonds and coupons; and any
 2226 and all other terms, covenants, and conditions thereof and the
 2227 establishment of revenue or other funds. Such authorizing
 2228 resolution or resolutions may further provide for the contracts
 2229 authorized by section 159.825(1)(f) and (g), Florida Statutes,
 2230 as amended from time to time, regardless of the tax treatment of
 2231 such bonds being authorized, subject to the finding by the board
 2232 of a net saving to the District resulting by reason thereof.
 2233 Such authorizing resolution may further provide that such bonds
 2234 may be executed in accordance with the Registered Public
 2235 Obligations Act, except that bonds not issued in registered form
 2236 shall be valid if manually countersigned by an officer
 2237 designated by appropriate resolution of the board. The seal of
 2238 the District may be affixed, lithographed, engraved, or

2239 otherwise reproduced in facsimile on such bonds. In case any
 2240 officer whose signature shall appear on any bonds or coupons
 2241 shall cease to be such officer before the delivery of such
 2242 bonds, such signature or facsimile shall nevertheless be valid
 2243 and sufficient for all purposes the same as if he or she had
 2244 remained in office until such delivery.

2245 (c) Interim certificates; replacement
 2246 certificates.--Pending the preparation of definitive bonds, the
 2247 board may issue interim certificates or receipts or temporary
 2248 bonds, in such form and with such provisions as the board may
 2249 determine, exchangeable for definitive bonds when such bonds
 2250 have been executed and are available for delivery. The board may
 2251 also provide for the replacement of any bonds which become
 2252 mutilated, lost, or destroyed.

2253 (d) Negotiability of bonds.--Any bond issued under this
 2254 Act or any temporary bond, in the absence of an express recital
 2255 on the face thereof that it is nonnegotiable, shall be fully
 2256 negotiable and shall be and constitute a negotiable instrument
 2257 within the meaning and for all purposes of the law merchant and
 2258 the laws of the state.

2259 (e) Defeasance.--The board may make such provision with
 2260 respect to the defeasance of the right, title, and interest of
 2261 the holders of any of the bonds and obligations of the District
 2262 in any revenues, funds, or other properties by which such bonds
 2263 are secured as the board deems appropriate and, without
 2264 limitation on the foregoing, may provide that when such bonds or
 2265 obligations become due and payable or shall have been called for
 2266 redemption and the whole amount of the principal and interest

2267 and premium, if any, due and payable upon the bonds or
 2268 obligations then outstanding shall be held in trust for such
 2269 purpose and provision shall also be made for paying all other
 2270 sums payable in connection with such bonds or other obligations,
 2271 then and in such event the right, title, and interest of the
 2272 holders of the bonds in any revenues, funds, or other properties
 2273 by which such bonds are secured shall thereupon cease,
 2274 terminate, and become void; and the board may apply any surplus
 2275 in any sinking fund established in connection with such bonds or
 2276 obligations and all balances remaining in all other funds or
 2277 accounts other than moneys held for the redemption or payment of
 2278 the bonds or other obligations to any lawful purpose of the
 2279 District as the board shall determine.

2280 (f) Issuance of additional bonds.--If the proceeds of any
 2281 bonds are less than the cost of completing the project in
 2282 connection with which such bonds were issued, the board may
 2283 authorize the issuance of additional bonds, upon such terms and
 2284 conditions as the board may provide in the resolution
 2285 authorizing the issuance thereof, but only in compliance with
 2286 the resolution or other proceedings authorizing the issuance of
 2287 the original bonds.

2288 (g) Refunding bonds.--The District shall have the power to
 2289 issue bonds to provide for the retirement or refunding of any
 2290 bonds or obligations of the District that at the time of such
 2291 issuance are or subsequent thereto become due and payable, or
 2292 that at the time of issuance have been called or are or will be
 2293 subject to call for redemption within 10 years thereafter, or
 2294 the surrender of which can be procured from the holders thereof

2295 | at prices satisfactory to the board. Refunding bonds may be
 2296 | issued at any time when in the judgment of the board such
 2297 | issuance will be advantageous to the District. No approval of
 2298 | the qualified electors residing in the District shall be
 2299 | required for the issuance of refunding bonds except in cases in
 2300 | which such approval is required by the State Constitution. The
 2301 | board may by resolution confer upon the holders of such
 2302 | refunding bonds all rights, powers, and remedies to which the
 2303 | holders would be entitled if they continued to be the owners and
 2304 | had possession of the bonds for the refinancing of which such
 2305 | refunding bonds are issued, including, but not limited to, the
 2306 | preservation of the lien of such bonds on the revenues of any
 2307 | project or on pledged funds, without extinguishment, impairment,
 2308 | or diminution thereof. The provisions of this Act pertaining to
 2309 | bonds of the District shall, unless the context otherwise
 2310 | requires, govern the issuance of refunding bonds, the form and
 2311 | other details thereof, the rights of the holders thereof, and
 2312 | the duties of the board with respect to them.

2313 | (h) Revenue bonds.--

2314 | 1. The District shall have the power to issue revenue
 2315 | bonds from time to time without limitation as to amount. Such
 2316 | revenue bonds may be secured by, or payable from, the gross or
 2317 | net pledge of the revenues to be derived from any project or
 2318 | combination of projects; from the rates, fees, or other charges
 2319 | to be collected from the users of any project or projects; from
 2320 | any revenue-producing undertaking or activity of the District;
 2321 | from special assessments; or from benefit special assessments;
 2322 | or from any other source or pledged security. Such bonds shall

2323 not constitute an indebtedness of the District, and the approval
 2324 of the qualified electors shall not be required unless such
 2325 bonds are additionally secured by the full faith and credit and
 2326 taxing power of the District.

2327 2. Any two or more projects may be combined and
 2328 consolidated into a single project and may hereafter be operated
 2329 and maintained as a single project. The revenue bonds authorized
 2330 herein may be issued to finance any one or more of such
 2331 projects, regardless of whether or not such projects have been
 2332 combined and consolidated into a single project. If the board
 2333 deems it advisable, the proceedings authorizing such revenue
 2334 bonds may provide that the District may thereafter combine the
 2335 projects then being financed or theretofore financed with other
 2336 projects to be subsequently financed by the District and that
 2337 revenue bonds to be thereafter issued by the District shall be
 2338 on parity with the revenue bonds then being issued, all on such
 2339 terms, conditions, and limitations as shall have been provided
 2340 in the proceeding which authorized the original bonds.

2341 (i) General obligation bonds.--

2342 1. Subject to the limitations of this charter, the
 2343 District shall have the power from time to time to issue general
 2344 obligation bonds to finance or refinance capital projects or to
 2345 refund outstanding bonds in an aggregate principal amount of
 2346 bonds outstanding at any one time not in excess of 35 percent of
 2347 the assessed value of the taxable property within the District
 2348 as shown on the pertinent tax records at the time of the
 2349 authorization of the general obligation bonds for which the full
 2350 faith and credit of the District is pledged. Except for

2351 refunding bonds, no general obligation bonds shall be issued
 2352 unless the bonds are issued to finance or refinance a capital
 2353 project and the issuance has been approved at an election held
 2354 in accordance with the requirements for such election as
 2355 prescribed by the State Constitution. Such elections shall be
 2356 called to be held in the District by the board of county
 2357 commissioners of the county upon the request of the board of the
 2358 District. The expenses of calling and holding an election shall
 2359 be at the expense of the District, and the District shall
 2360 reimburse the county for any expenses incurred in calling or
 2361 holding such election.

2362 2. The District may pledge its full faith and credit for
 2363 the payment of the principal and interest on such general
 2364 obligation bonds and for any reserve funds provided therefore
 2365 and may unconditionally and irrevocably pledge itself to levy ad
 2366 valorem taxes on all taxable property in the District, to the
 2367 extent necessary for the payment thereof, without limitations as
 2368 to rate or amount.

2369 3. If the board determines to issue general obligation
 2370 bonds for more than one capital project, the approval of the
 2371 issuance of the bonds for each and all such projects may be
 2372 submitted to the electors on one and the same ballot. The
 2373 failure of the electors to approve the issuance of bonds for any
 2374 one or more capital projects shall not defeat the approval of
 2375 bonds for any capital project which has been approved by the
 2376 electors.

2377 4. In arriving at the amount of general obligation bonds
 2378 permitted to be outstanding at any one time pursuant to

2379 subparagraph 1., there shall not be included any general
 2380 obligation bonds which are additionally secured by the pledge
 2381 of:

2382 a. Any assessments levied in an amount sufficient to pay
 2383 the principal and interest on the general obligation bonds so
 2384 additionally secured, which assessments have been equalized and
 2385 confirmed by resolution of the board pursuant to this Act or
 2386 section 170.08, Florida Statutes.

2387 b. Water revenues, sewer revenues, or water and sewer
 2388 revenues of the District to be derived from user fees in an
 2389 amount sufficient to pay the principal and interest on the
 2390 general obligation bonds so additionally secured.

2391 c. Any combination of assessments and revenues described
 2392 in sub-subparagraphs a. and b.

2393 (j) Bonds as legal investment or security.--

2394 1. Notwithstanding any provisions of any other law to the
 2395 contrary, all bonds issued under the provisions of this Act
 2396 shall constitute legal investments for savings banks, banks,
 2397 trust companies, insurance companies, executors, administrators,
 2398 trustees, guardians, and other fiduciaries and for any board,
 2399 body, agency, instrumentality, county, municipality, or other
 2400 political subdivision of the state and shall be and constitute
 2401 security which may be deposited by banks or trust companies as
 2402 security for deposits of state, county, municipal, or other
 2403 public funds or by insurance companies as required or voluntary
 2404 statutory deposits.

2405 2. Any bonds issued by the District shall be incontestable
 2406 in the hands of bona fide purchasers or holders for value and

2407 shall not be invalid because of any irregularity or defect in
 2408 the proceedings for the issue and sale thereof.

2409 (k) Covenants.--Any resolution authorizing the issuance of
 2410 bonds may contain such covenants as the board may deem
 2411 advisable, and all such covenants shall constitute valid and
 2412 legally binding and enforceable contracts between the District
 2413 and the bondholders, regardless of the time of issuance thereof.
 2414 Such covenants may include, without limitation, covenants
 2415 concerning the disposition of the bond proceeds; the use and
 2416 disposition of project revenues; the pledging of revenues,
 2417 taxes, and assessments; the obligations of the District with
 2418 respect to the operation of the project and the maintenance of
 2419 adequate project revenues; the issuance of additional bonds; the
 2420 appointment, powers, and duties of trustees and receivers; the
 2421 acquisition of outstanding bonds and obligations; restrictions
 2422 on the establishing of competing projects or facilities;
 2423 restrictions on the sale or disposal of the assets and property
 2424 of the District; the priority of assessment liens; the priority
 2425 of claims by bondholders on the taxing power of the District;
 2426 the maintenance of deposits to ensure the payment of revenues by
 2427 users of District facilities and services; the discontinuance of
 2428 District services by reason of delinquent payments; acceleration
 2429 upon default; the execution of necessary instruments; the
 2430 procedure for amending or abrogating covenants with the
 2431 bondholders; and such other covenants as may be deemed necessary
 2432 or desirable for the security of the bondholders.

2433 (l) Validation proceedings.--The power of the District to
 2434 issue bonds under the provisions of this Act may be determined,

2435 and any of the bonds of the District maturing over a period of
 2436 more than 5 years shall be validated and confirmed, by court
 2437 decree, under the provisions of chapter 75, Florida Statutes,
 2438 and laws amendatory thereof or supplementary thereto.

2439 (m) Tax exemption.--To the extent allowed by general law,
 2440 all bonds issued hereunder and interest paid thereon and all
 2441 fees, charges, and other revenues derived by the District from
 2442 the projects provided by this Act are exempt from all taxes by
 2443 the state or by any political subdivision, agency, or
 2444 instrumentality thereof; however, any interest, income, or
 2445 profits on debt obligations issued hereunder are not exempt from
 2446 the tax imposed by chapter 220, Florida Statutes. Further, the
 2447 District is not exempt from the provisions of chapter 212,
 2448 Florida Statutes.

2449 (n) Application of section 189.4085, Florida
 2450 Statutes.--Bonds issued by the District shall meet on the
 2451 criteria set forth in section 189.4085, Florida Statutes, as
 2452 amended from time to time.

2453 (o) Act furnishes full authority for issuance of
 2454 bonds.--This Act constitutes full and complete authority for the
 2455 issuance of bonds and the exercise of the powers of the District
 2456 provided herein. No procedures or proceedings, publications,
 2457 notices, consents, approvals, orders, acts, or things by the
 2458 board, or any board, officer, commission, department, agency, or
 2459 instrumentality of the District, other than those required by
 2460 this Act, shall be required to perform anything under this Act,
 2461 except that the issuance or sale of bonds pursuant to the
 2462 provisions of this Act shall comply with the general law

2463 requirements applicable to the issuance or sale of bonds by the
 2464 District. Nothing in this Act shall be construed to authorize
 2465 the District to utilize bond proceeds to fund the ongoing
 2466 operations of the District.

2467 (p) Pledge by the state to the bondholders of the
 2468 District.--The state pledges to the holders of any bonds issued
 2469 under this Act that it will not limit or alter the rights of the
 2470 District to own, acquire, construct, reconstruct, improve,
 2471 maintain, operate, or furnish the projects or to levy and
 2472 collect the taxes, assessments, rentals, rates, fees, and other
 2473 charges provided for herein and to fulfill the terms of any
 2474 agreement made with the holders of such bonds or other
 2475 obligations and that it will not in any way impair the rights or
 2476 remedies of such holders.

2477 (q) Default.--A default on the bonds or obligations of a
 2478 District shall not constitute a debt or obligation of the state
 2479 or any general purpose local government or the state.

2480 (13) TRUST AGREEMENTS.--Any issue of bonds shall be
 2481 secured by a trust agreement by and between the District and a
 2482 corporate trustee or trustees, which may be any trust company or
 2483 bank having the powers of a trust company within or without the
 2484 state. The resolution authorizing the issuance of the bonds or
 2485 such trust agreement may pledge the revenues to be received from
 2486 any projects of the District and may contain such provisions for
 2487 protecting and enforcing the rights and remedies of the
 2488 bondholders as the board may approve, including, without
 2489 limitation, covenants setting forth the duties of the District
 2490 in relation to: the acquisition, construction, reconstruction,

2491 improvement, maintenance, repair, operation, and insurance of
 2492 any projects; the fixing and revising of the rates, fees, and
 2493 charges; and the custody, safeguarding, and application of all
 2494 moneys and for the employment of consulting engineers in
 2495 connection with such acquisition, construction, reconstruction,
 2496 improvement, maintenance, repair, or operation. It shall be
 2497 lawful for any bank or trust company within or without the state
 2498 which may act as a depository of the proceeds of bonds or of
 2499 revenues to furnish such indemnifying bonds or to pledge such
 2500 securities as may be required by the District. Such resolution
 2501 or trust agreement may set forth the rights and remedies of the
 2502 bondholders and of the trustee, if any, and may restrict the
 2503 individual right of action by bondholders. The board may provide
 2504 for the payment of proceeds of the sale of the bonds and the
 2505 revenues of any project to such officer, board, or depository as
 2506 it may designate for the custody thereof and may provide for the
 2507 method of disbursement thereof with such safeguards and
 2508 restrictions as it may determine. All expenses incurred in
 2509 carrying out the provisions of such resolution or trust
 2510 agreement may be treated as part of the cost of operation of the
 2511 project to which such trust agreement pertains.

2512 (14) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 2513 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 2514 ASSESSMENTS; MAINTENANCE TAXES.--

2515 (a) Ad valorem taxes.--An elected board shall have the
 2516 power to levy and assess an ad valorem tax on all the taxable
 2517 property in the District to construct, operate, and maintain
 2518 assessable improvements; to pay the principal of, and interest

2519 on, any general obligation bonds of the District; and to provide
 2520 for any sinking or other funds established in connection with
 2521 any such bonds. An ad valorem tax levied by the board for
 2522 operating purposes, exclusive of debt service on bonds, shall
 2523 not exceed 3 mills. The ad valorem tax provided for herein shall
 2524 be in addition to county and all other ad valorem taxes provided
 2525 for by law. Such tax shall be assessed, levied, and collected in
 2526 the same manner and same time as county taxes. The levy of ad
 2527 valorem taxes shall be approved by referendum when required by
 2528 the State Constitution.

2529 (b) Benefit special assessments.--The board annually shall
 2530 determine, order, and levy the annual installment of the total
 2531 benefit special assessments for bonds issued and related
 2532 expenses to finance assessable improvements. These assessments
 2533 may be due and collected during each year that county taxes are
 2534 due and collected, in which case such annual installment and
 2535 levy shall be evidenced to and certified to the property
 2536 appraiser by the board not later than August 31 of each year.
 2537 Such assessment shall be entered by the property appraiser on
 2538 the county tax rolls and shall be collected and enforced by the
 2539 tax collector in the same manner and at the same time as county
 2540 taxes, and the proceeds thereof shall be paid to the District.
 2541 However, this subsection shall not prohibit the District in its
 2542 discretion from using the method prescribed in either section
 2543 197.3632 or chapter 173, Florida Statutes, as each may be
 2544 amended from time to time, for collecting and enforcing these
 2545 assessments. Each annual installment of benefit special
 2546 assessments shall be a lien on the property against which

2547 assessed until paid and shall be enforceable in like manner as
 2548 county taxes. The amount of the assessment for the exercise of
 2549 the District's powers under subsections (8) and (9) shall be
 2550 determined by the board based upon a report of the District's
 2551 engineer and assessed by the board upon such lands, which may be
 2552 part or all of the lands within the District benefited by the
 2553 improvement, apportioned between benefited lands in proportion
 2554 to the benefits received by each tract of land. The board may,
 2555 if it determines it is in the best interests of the District,
 2556 set forth in the proceedings initially levying such benefit
 2557 special assessments or in subsequent proceedings a formula for
 2558 the determination of an amount, which when paid by a taxpayer
 2559 with respect to any tax parcel, shall constitute a prepayment of
 2560 all future annual installments of such benefit special
 2561 assessments and that the payment of which amount with respect to
 2562 such tax parcel shall relieve and discharge such tax parcel of
 2563 the lien of such benefit special assessments and any subsequent
 2564 annual installment thereof. The board may provide further that
 2565 upon delinquency in the payment of any annual installment of
 2566 benefit special assessments, the prepayment amount of all future
 2567 annual installments of benefit special assessments as determined
 2568 in the preceding sentence shall be and become immediately due
 2569 and payable together with such delinquent annual installment.

2570 (c) Non-ad valorem maintenance taxes.--If and when
 2571 authorized by general law, to maintain and to preserve the
 2572 physical facilities and services constituting the works,
 2573 improvements, or infrastructure provided by the District
 2574 pursuant to this Act, to repair and restore any one or more of

2575 them, when needed, and to defray the current expenses of the
2576 District, including any sum which may be required to pay state
2577 and county ad valorem taxes on any lands which may have been
2578 purchased and which are held by the District under the
2579 provisions of this Act, the Board of Supervisors may, upon the
2580 completion of said systems, facilities, services, works,
2581 improvements, or infrastructure, in whole or in part, as may be
2582 certified to the board by the engineer of the board, levy
2583 annually a non-ad valorem and non-millage tax upon each tract or
2584 parcel of land within the District, to be known as a
2585 "maintenance tax." This non-ad valorem maintenance tax shall be
2586 apportioned upon the basis of the net assessments of benefits
2587 assessed as accruing from the original construction and shall be
2588 evidence to, and certified by, the Board of Supervisors of the
2589 District not later than June 1 of each year to the property
2590 appraiser of Collier County and shall be extended by the
2591 property appraiser on the tax roll of the property appraiser, as
2592 certified by the property appraiser to the tax collector, and
2593 collected by the tax collector on the merged collection roll of
2594 the tax collector in the same manner and time as county ad
2595 valorem taxes, and the proceeds therefrom shall be paid to the
2596 District. This non-ad valorem maintenance tax shall be a lien
2597 until paid on the property against which assessed and
2598 enforceable in like manner and of the same dignity as county ad
2599 valorem taxes.

2600 (d) Maintenance special assessments.--To maintain and
2601 preserve the facilities and projects of the District, the board
2602 may levy a maintenance special assessment. This assessment may

2603 be evidenced to and certified to the property appraiser by the
 2604 Board of Supervisors not later than August 31 of each year and
 2605 shall be entered by the property appraiser on the county tax
 2606 rolls and shall be collected and enforced by the tax collector
 2607 in the same manner and at the same time as county taxes, and the
 2608 proceeds therefrom shall be paid to the District. However, this
 2609 subsection shall not prohibit the District in its discretion
 2610 from using the method prescribed in either section 197.363.,
 2611 section 197.3631, or section 197.3632, Florida Statutes, as any
 2612 one or more may be amended from time to time, for collecting and
 2613 enforcing these assessments. These maintenance special
 2614 assessments shall be a lien on the property against which
 2615 assessed until paid and shall be enforceable in like manner as
 2616 county taxes. The amount of the maintenance special assessment
 2617 for the exercise of the District's powers under this section
 2618 shall be determined by the board based upon a report of the
 2619 District's engineer and assessed by the board upon such lands,
 2620 which may be all of the lands within the District benefited by
 2621 the maintenance thereof, apportioned between the benefited lands
 2622 in proportion to the benefits received by each tract of land.

2623 (e) Special assessments.--To levy and impose any special
 2624 assessments pursuant to subsection (15).

2625 (f) Enforcement of taxes.--The collection and enforcement
 2626 of all taxes levied by the District shall be at the same time
 2627 and in like manner as county taxes, and the provisions of the
 2628 Florida Statutes relating to the sale of lands for unpaid and
 2629 delinquent county taxes; the issuance, sale, and delivery of tax
 2630 certificates for such unpaid and delinquent county taxes; the

2631 redemption thereof; the issuance to individuals of tax deeds
 2632 based thereon; and all other procedures in connection therewith
 2633 shall be applicable to the District to the same extent as if
 2634 such statutory provisions were expressly set forth herein. All
 2635 taxes shall be subject to the same discounts as county taxes.

2636 (g) When unpaid tax is delinquent; penalty.--All taxes
 2637 provided for in this Act shall become delinquent and bear
 2638 penalties on the amount of such taxes in the same manner as
 2639 county taxes.

2640 (h) Status of assessments.--Benefit special assessments,
 2641 maintenance special assessments, and special assessments are
 2642 hereby found and determined to be non-ad valorem assessments as
 2643 defined by section 197.3632, Florida Statutes. Maintenance taxes
 2644 are non-ad valorem taxes and are not special assessments.

2645 (i) Assessments constitute liens; collection.--Any and all
 2646 assessments including special assessments, benefit special
 2647 assessments and maintenance special assessments authorized by
 2648 this section, and including special assessments as defined by
 2649 section 2(6)(aa) and granted and authorized by this subsection,
 2650 and including maintenance taxes if authorized by general law,
 2651 shall constitute a lien on the property against which assessed
 2652 from the date of levy and imposition thereof until paid, coequal
 2653 with the lien of state, county, municipal, and school board
 2654 taxes. These assessments may be collected, at the District's
 2655 discretion, under authority of section 197.3631, Florida
 2656 Statutes, as amended from time to time, by the tax collector
 2657 pursuant to the provisions of sections 197.3632 and 197.3635,
 2658 Florida Statutes, as amended from time to time, or in accordance

2659 with other collection measures provided by law. In addition to,
 2660 and not in limitation of any powers otherwise set forth herein
 2661 or in general law, these assessments may also be enforced
 2662 pursuant to the provisions of chapter 173, Florida Statutes, as
 2663 amended from time to time.

2664 (j) Land owned by governmental entity.--Except as
 2665 otherwise provided by law, no levy of ad valorem taxes or non-ad
 2666 valorem assessments under this Act or chapter 170 or chapter
 2667 197, Florida Statutes, as each may be amended from time to time,
 2668 or otherwise, by a board of a District, on property of a
 2669 governmental entity that is subject to a ground lease as
 2670 described in section 190.003(13), Florida Statutes, as amended
 2671 from time to time, shall constitute a lien or encumbrance on the
 2672 underlying fee interest of such governmental entity.

2673 (15) SPECIAL ASSESSMENTS.--

2674 (a) As an alternative method to the levy and imposition of
 2675 special assessments pursuant to chapter 170, Florida Statutes,
 2676 as amended from time to time, pursuant to the authority of
 2677 section 197.3631, Florida Statutes, as amended from time to
 2678 time, or pursuant to other provisions of general law, now or
 2679 hereinafter enacted, which provide a supplemental means or
 2680 authority to impose, levy, and collect special assessments as
 2681 otherwise authorized under this Act, the board may levy and
 2682 impose special assessments to finance the exercise of any of its
 2683 powers permitted under this Act using the following uniform
 2684 procedures:

2685 1. At a noticed meeting consider and review an engineer's
 2686 report on the costs of the systems, facilities, and services to

2687 be provided, a preliminary assessment methodology, and a
 2688 preliminary roll based on acreage or platted lands, depending
 2689 upon whether platting has occurred.

2690 2. The assessment methodology shall address and discuss
 2691 and the board shall consider whether the systems, facilities,
 2692 and services being contemplated will result in special benefits
 2693 peculiar to the property, different in kind and degree than
 2694 general benefits, as a logical connection between the systems,
 2695 facilities, and services themselves and the property, and
 2696 whether the duty to pay the assessments by the property owners
 2697 is apportioned in a manner that is fair and equitable and not in
 2698 excess of the special benefit received. It shall be fair and
 2699 equitable to designate a fixed proportion of the annual debt
 2700 service, together with interest thereon, on the aggregate
 2701 principal amount of bonds issued to finance such systems,
 2702 facilities, and services which give rise to unique, special, and
 2703 peculiar benefits to property of the same or similar
 2704 characteristics under the assessment methodology so long as such
 2705 fixed proportion does not exceed the unique, special, and
 2706 peculiar benefits enjoyed by such property from such systems,
 2707 facilities, and services.

2708 3. The engineer's cost report shall identify the nature of
 2709 the proposed systems, facilities, and services, their location,
 2710 a cost breakdown plus a total estimated cost, including cost of
 2711 construction or reconstruction, labor, and materials, lands,
 2712 property, rights, easements, franchises, or systems, facilities,
 2713 and services to be acquired, cost of plans and specifications,
 2714 surveys of estimates of costs and revenues, cost of engineering,

2715 legal and other professional consultation services, and other
 2716 expenses or costs necessary or incident to determining the
 2717 feasibility or practicability of such construction,
 2718 reconstruction, or acquisition, administrative expenses,
 2719 relationship to the authority and power of the District in its
 2720 charter, and such other expense or costs as may be necessary or
 2721 incident to the financing to be authorized by the Board of
 2722 Supervisors.

2723 4. The preliminary assessment roll to be prepared will be
 2724 in accordance with the method of assessment provided for in the
 2725 assessment methodology and as may be adopted by the Board of
 2726 Supervisors; the assessment roll shall be completed as promptly
 2727 as possible and shall show the acreage, lots, lands, or plats
 2728 assessed and the amount of the fairly and reasonably apportioned
 2729 assessment based on special and peculiar benefit to the
 2730 property, lot, parcel, or acreage of land and, if the assessment
 2731 against each such lot, parcel, acreage, or portion of land is to
 2732 be paid in installments, the number of annual installments in
 2733 which the assessment is divided shall be entered into and shown
 2734 upon the assessment roll.

2735 5. The Board of Supervisors of the District may determine
 2736 and declare by an initial assessment resolution to levy and
 2737 assess the assessments with respect to assessable improvements
 2738 stating the nature of the systems, facilities, and services,
 2739 improvements, projects, or infrastructure constituting such
 2740 assessable improvements, the information in the engineer's cost
 2741 report, the information in the assessment methodology as
 2742 determined by the board at the noticed meeting and referencing

2743 and incorporating as part of the resolution the engineer's cost
2744 report, the preliminary assessment methodology, and the
2745 preliminary assessment roll as referenced exhibits to the
2746 resolution by reference; if the board determines to declare and
2747 levy the special assessments by the initial assessment
2748 resolution, the board shall also adopt and declare a notice
2749 resolution which shall provide and cause the initial assessment
2750 resolution to be published once a week for a period of 2 weeks
2751 in a newspaper of general circulation published in Collier
2752 County and said board shall by the same resolution fix a time
2753 and place at which the owner or owners of the property to be
2754 assessed or any other persons interested therein may appear
2755 before said board and be heard as to the propriety and
2756 advisability of making such improvements, as to the costs
2757 thereof, as to the manner of payment therefore, and as to the
2758 amount thereof to be assessed against each property so improved.
2759 Thirty days' notice in writing of such time and place shall be
2760 given to such property owners. The notice shall include the
2761 amount of the assessment and shall be served by mailing a copy
2762 to each assessed property owner at his or her last known
2763 address, the names and addresses of such property owners to be
2764 obtained from the record of the property appraiser of the county
2765 political subdivision where the land is located or from such
2766 other sources as the District Manager or engineer deems
2767 reliable, and proof of such mailing shall be made by the
2768 affidavit of the manager of the District or by the engineer,
2769 said proof to be filed with the District Manager, provided that
2770 failure to mail said notice or notices shall not invalidate any

2771 of the proceedings hereunder. It is provided further that the
 2772 last publication shall be at least 1 week prior to the date of
 2773 the hearing on the final assessment resolution. Said notice
 2774 shall describe the general areas to be improved and advise all
 2775 person interested that the description of each property to be
 2776 assessed and the amount to be assessed to each piece, parcel,
 2777 lot, or acre of property may be ascertained at the office of the
 2778 manager of the District. Such service by publication shall be
 2779 verified by the affidavit of the publisher and filed with the
 2780 manager of the District. Moreover, the initial assessment
 2781 resolution with its attached, referenced, and incorporated
 2782 engineer's cost report, preliminary assessment methodology, and
 2783 preliminary assessment roll, along with the notice resolution,
 2784 shall be available for public inspection at the office of the
 2785 manager and the office of the engineer or any other office
 2786 designated by the Board of Supervisors in the notice resolution.
 2787 Notwithstanding the foregoing, the landowners of all of the
 2788 property which is proposed to be assessed may give the District
 2789 written notice of waiver of any notice and publication provided
 2790 for in this subparagraph and such notice and publication shall
 2791 not be required; provided, however, that any meeting of the
 2792 Board of Supervisors to consider such resolution shall be a
 2793 publicly noticed meeting.

2794 6. At the time and place named in the noticed resolution
 2795 as provided for in subparagraph 5., the Board of Supervisors of
 2796 the District shall meet and hear testimony from affected
 2797 property owners as to the propriety and advisability of making
 2798 the systems, facilities, services, projects, works,

2799 improvements, or infrastructure and funding them with
 2800 assessments referenced in the initial assessment resolution on
 2801 the property. Following the testimony and questions from the
 2802 members of the board or any professional advisors to the
 2803 District of the preparers of the engineer's cost report, the
 2804 assessment methodology, and the assessment roll, the Board of
 2805 Supervisors shall make a final decision on whether to levy and
 2806 assess the particular assessments. Thereafter, the Board of
 2807 Supervisors shall meet as an equalizing board to hear and to
 2808 consider any and all complaints as to the particular assessments
 2809 and shall adjust and equalize the assessments on the basis of
 2810 justice and right.

2811 7. When so equalized and approved by resolution or
 2812 ordinance by the Board of Supervisors, to be called the final
 2813 assessment resolution, a final assessment roll shall be filed
 2814 with the clerk of the board and such assessment shall stand
 2815 confirmed and remain legal, valid, and binding first liens on
 2816 the property against which such assessments are made until paid,
 2817 equal in dignity to the first liens of ad valorem taxation of
 2818 county governments and school boards; however, upon completion
 2819 of the systems, facilities, service, project, improvement,
 2820 works, or infrastructure, the District shall credit to each of
 2821 the assessments the difference in the assessment as originally
 2822 made, approved, levied, assessed, and confirmed and the
 2823 proportionate part of the actual cost of the improvement to be
 2824 paid by the particular special assessments as finally determined
 2825 upon the completion of the improvement, but in no event shall
 2826 the final assessment exceed the amount of the special and

2827 peculiar benefits as apportioned fairly and reasonably to the
 2828 property from the system, facility, or service being provided as
 2829 originally assessed. Promptly after such confirmation, the
 2830 assessment shall be recorded by the clerk of the District in the
 2831 minutes of the proceedings of the District and the record of the
 2832 lien in this set of minutes shall constitute prima facie
 2833 evidence of its validity. The Board of Supervisors, in its sole
 2834 discretion, may, by resolution grant a discount equal to all or
 2835 a part of the payee's proportionate share of the cost of the
 2836 project consisting of bond financing cost, such as capitalized
 2837 interest, funded reserves, and bond discounts included in the
 2838 estimated cost of the project, upon payment in full of any
 2839 assessments during such period prior to the time such financing
 2840 costs are incurred as may be specified by the Board of
 2841 Supervisors in such resolution.

2842 8. District assessments may be made payable in
 2843 installments over no more than 30 years from the date of the
 2844 payment of the first installment thereof and may bear interest
 2845 at fixed or variable rates.

2846 (b) Notwithstanding any provision of this Act or chapter
 2847 170 or section 170.09, Florida Statutes, as amended from time to
 2848 time, which provide that assessments may be paid without
 2849 interest at any time within 30 days after the improvement is
 2850 completed and a resolution accepting the same has been adopted
 2851 by the governing authority, shall not be applicable to any
 2852 District assessments, whether imposed, levied, and collected
 2853 pursuant to the provisions of this Act or other provisions of

2854 Florida law, including, but not limited to chapter 170, Florida
 2855 Statutes.

2856 (c) In addition, the District is authorized expressly in
 2857 the exercise of its rulemaking power to promulgate a rule or
 2858 rules which provides or provide for notice, levy, imposition,
 2859 equalization, and collection of assessments.

2860 (16) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 2861 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

2862 (a) The board may, after any special assessments or
 2863 benefit special assessments for assessable improvements are
 2864 made, determined, and confirmed as provided in this Act, issue
 2865 certificates of indebtedness for the amount so assessed against
 2866 the abutting property or property otherwise benefited, as the
 2867 case may be, and separate certificates shall be issued against
 2868 each part or parcel of land or property assessed, which
 2869 certificates shall state the general nature of the improvement
 2870 for which the assessment is made. The certificates shall be
 2871 payable in annual installments in accordance with the
 2872 installments of the special assessment for which they are
 2873 issued. The board may determine the interest to be borne by such
 2874 certificates, not to exceed the maximum rate allowed by general
 2875 law, and may sell such certificates at either private or public
 2876 sale and determine the form, manner of execution, and other
 2877 details of such certificates. The certificates shall recite that
 2878 they are payable only from the special assessments levied and
 2879 collected from the part or parcel of land or property against
 2880 which they are issued. The proceeds of such certificates may be
 2881 pledged for the payment of principal of and interest on any

2882 revenue bonds or general obligation bonds issued to finance in
 2883 whole or in part such assessable improvement, or, if not so
 2884 pledged, may be used to pay the cost or part of the cost of such
 2885 assessable improvements.

2886 (b) The District may also issue assessment bonds, revenue
 2887 bonds, or other obligations payable from a special fund into
 2888 which such certificates of indebtedness referred to in the
 2889 preceding subsection may be deposited or, if such certificates
 2890 of indebtedness have not been issued, the District may assign to
 2891 such special fund for the benefit of the holders of such
 2892 assessment bonds or other obligations, or to a trustee for such
 2893 bondholders, the assessment liens provided for in this Act
 2894 unless such certificates of indebtedness or assessment liens
 2895 have been theretofore pledged for any bonds or other obligations
 2896 authorized hereunder. In the event of the creation of such
 2897 special fund and the issuance of such assessment bonds or other
 2898 obligations, the proceeds of such certificates of indebtedness
 2899 or assessment liens deposited therein shall be used only for the
 2900 payment of the assessment bonds or other obligations issued as
 2901 provided in this section. The District is authorized to covenant
 2902 with the holders of such assessment bonds, revenue bonds, or
 2903 other obligations that it will diligently and faithfully enforce
 2904 and collect all the special assessments, and interest and
 2905 penalties thereon, for which such certificates of indebtedness
 2906 or assessment liens have been deposited in or assigned to such
 2907 fund; to foreclose such assessment liens so assigned to such
 2908 special fund or represented by the certificates of indebtedness
 2909 deposited in the special fund, after such assessment liens have

2910 become delinquent, and deposit the proceeds derived from such
 2911 foreclosure, including interest and penalties, in such special
 2912 fund; and to make any other covenants deemed necessary or
 2913 advisable in order to properly secure the holders of such
 2914 assessment bonds or other obligations.

2915 (c) The assessment bonds, revenue bonds, or other
 2916 obligations issued pursuant to this section shall have such
 2917 dates of issue and maturity as shall be deemed advisable by the
 2918 board; however, the maturities of such assessment bonds or other
 2919 obligations shall not be more than 2 years after the due date of
 2920 the last installment which will be payable on any of the special
 2921 assessments for which such assessment liens, or the certificates
 2922 of indebtedness representing such assessment liens, are assigned
 2923 to or deposited in such special fund.

2924 (d) Such assessment bonds, revenue bonds, or other
 2925 obligations issued under this section shall bear such interest
 2926 as the board may determine, not to exceed the maximum rate
 2927 allowed by general law, and shall be executed, shall have such
 2928 provisions for redemption prior to maturity, shall be sold in
 2929 the manner, and shall be subject to all of the applicable
 2930 provisions contained in this Act for revenue bonds, except as
 2931 the same may be inconsistent with the provisions of this
 2932 section.

2933 (e) All assessment bonds, revenue bonds, or other
 2934 obligations issued under the provisions of this section shall
 2935 be, shall constitute, and shall have all the qualities and
 2936 incidents of negotiable instruments under the law merchant and
 2937 the laws of the state.

2938 (17) TAX LIENS.--All taxes of the District provided for in
 2939 this Act, except together with all penalties for default in the
 2940 payment of the same and all costs in collecting the same,
 2941 including a reasonable attorney's fee fixed by the court and
 2942 taxed as a cost in the action brought to enforce payment, shall,
 2943 from January 1 for each year the property is liable to
 2944 assessment and until paid, constitute a lien of equal dignity
 2945 with the liens for state and county taxes and other taxes of
 2946 equal dignity with state and county taxes upon all the lands
 2947 against which such taxes shall be levied. A sale of any of the
 2948 real property within the District for state and county or other
 2949 taxes shall not operate to relieve or release the property so
 2950 sold from the lien for subsequent District taxes or installments
 2951 of District taxes, which lien may be enforced against such
 2952 property as though no such sale thereof had been made. In
 2953 addition to, and not in limitation of, the preceding sentence,
 2954 for purposes of section 197.552, Florida Statutes, as amended
 2955 from time to time, the lien of all special assessments levied by
 2956 the district shall constitute a lien of record held by a
 2957 municipal or county governmental unit. The provisions of
 2958 sections 194.171, 197.122, 197.333, and 197.432, Florida
 2959 Statutes, as each may be amended from time to time, shall be
 2960 applicable to District taxes with the same force and effect as
 2961 if such provisions were expressly set forth in this Act.

2962 (18) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2963 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2964 (a) The District shall have the power and right to:

2965 | 1. Pay any delinquent state, county, District, municipal,
 2966 | or other tax or assessment upon lands located wholly or
 2967 | partially within the boundaries of the District; and

2968 | 2. Redeem or purchase any tax sales certificates issued or
 2969 | sold on account of any state, county, District, municipal, or
 2970 | other taxes or assessments upon lands located wholly or
 2971 | partially within the boundaries of the District.

2972 | (b) Delinquent taxes paid, or tax sales certificates
 2973 | redeemed or purchased, by the District, together with all
 2974 | penalties for the default in payment of the same and all costs
 2975 | in collecting the same and a reasonable attorney's fee, shall
 2976 | constitute a lien in favor of the District of equal dignity with
 2977 | the liens of state and county taxes and other taxes of equal
 2978 | dignity with state and county taxes upon all the real property
 2979 | against which the taxes were levied. The lien of the District
 2980 | may be foreclosed in the manner provided in this Act.

2981 | (c) In any sale of land pursuant to section 197.542,
 2982 | Florida Statutes, as may be amended from time to time, the
 2983 | District may certify to the clerk of the circuit court of the
 2984 | county holding such sale the amount of taxes due to the District
 2985 | upon the lands sought to be sold, and the District shall share
 2986 | in the disbursement of the sales proceeds in accordance with the
 2987 | provisions of this Act and under the laws of the state.

2988 | (19) FORECLOSURE OF LIENS.--Any lien in favor of the
 2989 | District arising under this Act may be foreclosed by the
 2990 | District by foreclosure proceedings in the name of the District
 2991 | in a court of competent jurisdiction as provided by general law
 2992 | in like manner as is provided in chapter 173, Florida Statutes,

2993 and amendments thereto and the provisions of that chapter shall
 2994 be applicable to such proceedings with the same force and effect
 2995 as if those provisions were expressly set forth in this Act. Any
 2996 act required or authorized to be done by or on behalf of a
 2997 municipality in foreclosure proceedings under chapter 173,
 2998 Florida Statutes, may be performed by such officer or agent of
 2999 the District as the Board of Supervisors may designate. Such
 3000 foreclosure proceedings may be brought at any time after the
 3001 expiration of 1 year from the date any tax, or installment
 3002 thereof, becomes delinquent; however, no lien shall be
 3003 foreclosed against any political subdivision or agency of the
 3004 state. Other legal remedies shall remain available.

3005 (20) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
 3006 FACILITIES, AND SERVICES.--To the full extent permitted by law,
 3007 the District shall require all lands, buildings, premises,
 3008 persons, firms, and corporations within the District to use the
 3009 water management and control facilities and water and sewer
 3010 facilities of the District.

3011 (21) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 3012 PROVISIONS REQUIRED.--

3013 (a) No contract shall be let by the board for any goods,
 3014 supplies, or materials to be purchased when the amount thereof
 3015 to be paid by the District shall exceed the amount provided in
 3016 section 287.017, Florida Statutes, as amended from time to time,
 3017 for category four, unless notice of bids shall be advertised
 3018 once in a newspaper in general circulation in Collier County.
 3019 Any board seeking to construct or improve a public building,
 3020 structure, or other public works shall comply with the bidding

3021 procedures of section 255.20, Florida Statutes, as amended from
 3022 time to time, and other applicable general law. In each case,
 3023 the bid of the lowest responsive and responsible bidder shall be
 3024 accepted unless all bids are rejected because the bids are too
 3025 high, or the board determines it is in the best interests of the
 3026 District to reject all bids. The board may require the bidders
 3027 to furnish bond with a responsible surety to be approved by the
 3028 board. Nothing in this section shall prevent the board from
 3029 undertaking and performing the construction, operation, and
 3030 maintenance of any project or facility authorized by this Act by
 3031 the employment of labor, material, and machinery.

3032 (b) The provisions of the Consultants' Competitive
 3033 Negotiation Act, section 287.055, Florida Statutes, as amended
 3034 from time to time, apply to contracts for engineering,
 3035 architecture, landscape architecture, or registered surveying
 3036 and mapping services let by the board.

3037 (c) Contracts for maintenance services for any District
 3038 facility or project shall be subject to competitive bidding
 3039 requirements when the amount thereof to be paid by the District
 3040 exceeds the amount provided in section 287.017, Florida
 3041 Statutes, as amended from time to time, for category four. The
 3042 District shall adopt rules, policies, or procedures establishing
 3043 competitive bidding procedures for maintenance services.
 3044 Contracts for other services shall not be subject to competitive
 3045 bidding unless the District adopts a rule, policy, or procedure
 3046 applying competitive bidding procedures to said contracts.

3047 (22) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 3048 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

3049 (a) The District is authorized to prescribe, fix,
 3050 establish, and collect rates, fees, rentals, or other charges,
 3051 hereinafter sometimes referred to as "revenues," and to revise
 3052 the same from time to time, for the systems, facilities, and
 3053 services furnished by the District, within the limits of the
 3054 District, including, but not limited to, recreational
 3055 facilities, water management and control facilities, and water
 3056 and sewer systems; to recover the costs of making connection
 3057 with any District service, facility, or system; and to provide
 3058 for reasonable penalties against any user or property for any
 3059 such rates, fees, rentals, or other charges that are delinquent.

3060 (b) No such rates, fees, rentals, or other charges for any
 3061 of the facilities or services of the District shall be fixed
 3062 until after a public hearing at which all the users of the
 3063 proposed facility or services or owners, tenants, or occupants
 3064 served or to be served thereby and all other interested persons
 3065 shall have an opportunity to be heard concerning the proposed
 3066 rates, fees, rentals, or other charges. Rates, fees, rentals,
 3067 and other charges shall be adopted under the administrative
 3068 rulemaking authority of the District, but shall not apply to
 3069 District leases. Notice of such public hearing setting forth the
 3070 proposed schedule or schedules of rates, fees, rentals, and
 3071 other charges shall have been published in a newspaper of
 3072 general circulation in Collier County at least once and at least
 3073 10 days prior to such public hearing. The rulemaking hearing may
 3074 be adjourned from time to time. After such hearing, such
 3075 schedule or schedules, either as initially proposed or as
 3076 modified or amended, may be finally adopted. A copy of the

3077 schedule or schedules of such rates, fees, rentals, or charges
 3078 as finally adopted shall be kept on file in an office designated
 3079 by the board and shall be open at all reasonable times to public
 3080 inspection. The rates, fees, rentals, or charges so fixed for
 3081 any class of users or property served shall be extended to cover
 3082 any additional users or properties thereafter served which shall
 3083 fall in the same class, without the necessity of any notice or
 3084 hearing.

3085 (c) Such rates, fees, rentals, and charges shall be just
 3086 and equitable and uniform for users of the same class, and when
 3087 appropriate may be based or computed either upon the amount of
 3088 service furnished, upon the number of average number of persons
 3089 residing or working in or otherwise occupying the premises
 3090 served, or upon any other factor affecting the use of the
 3091 facilities furnished, or upon any combination of the foregoing
 3092 factors, as may be determined by the board on an equitable
 3093 basis.

3094 (d) The rates, fees, rentals, or other charges prescribed
 3095 shall be such as will produce revenues, together with any other
 3096 assessments, taxes, revenues, or funds available or pledged for
 3097 such purpose, at least sufficient to provide for the items
 3098 hereinafter listed, but not necessarily in the order stated:

3099 1. To provide for all expenses of operation and
 3100 maintenance of such facility or service;

3101 2. To pay when due all bonds and interest thereon for the
 3102 payment of which such revenues are, or shall have been, pledged
 3103 or encumbered, including reserves for such purpose; and

3104 3. To provide for any other funds which may be required
 3105 under the resolution or resolutions authorizing the issuance of
 3106 bonds pursuant to this Act.

3107 (e) The board shall have the power to enter into contracts
 3108 for the use of the projects of the District and with respect to
 3109 the services, systems, and facilities furnished or to be
 3110 furnished by the District.

3111 (23) RECOVERY OF DELINQUENT CHARGES.--In the event that
 3112 any rates, fees, rentals, charges, or delinquent penalties shall
 3113 not be paid as and when due and shall be in default for 60 days
 3114 or more, the unpaid balance thereof and all interest accrued
 3115 thereon, together with reasonable attorney's fees and costs, may
 3116 be recovered by the District in a civil action.

3117 (24) DISCONTINUANCE OF SERVICE.--In the event the fees,
 3118 rentals, or other charges for water and sewer services, or
 3119 either of them, are not paid when due, the board shall have the
 3120 power, under such reasonable rules and regulations as the board
 3121 may adopt, to discontinue and shut off both water and sewer
 3122 services until such fees, rentals, or other charges, including
 3123 interest, penalties, and charges for the shutting off and
 3124 discontinuance and the restoration of such water and sewer
 3125 services or both, are fully paid; and, for such purposes, the
 3126 board may enter on any lands, waters, or premises of any person,
 3127 firm, corporation, or body, public or private, within the
 3128 District limits. Such delinquent fees, rentals, or other
 3129 charges, together with interest, penalties, and charges for the
 3130 shutting off and discontinuance and the restoration of such
 3131 services and facilities and reasonable attorney's fees and other

3132 expenses, may be recovered by the District, which may also
 3133 enforce payment of such delinquent fees, rentals, or other
 3134 charges by any other lawful method of enforcement.

3135 (25) ENFORCEMENT AND PENALTIES.--The board or any
 3136 aggrieved person may have recourse to such remedies in law and
 3137 at equity as may be necessary to ensure compliance with the
 3138 provisions of this Act, including injunctive relief to enjoin or
 3139 restrain any person violating the provisions of this Act or any
 3140 bylaws, resolutions, regulations, rules, codes, or orders
 3141 adopted under this Act. In case any building or structure is
 3142 erected, constructed, reconstructed, altered, repaired,
 3143 converted, or maintained, or any building, structure, land, or
 3144 water is used, in violation of this Act or of any code, order,
 3145 resolution, or other regulation made under authority conferred
 3146 by this Act or under law, the board or any citizen residing in
 3147 the District may institute any appropriate action or proceeding
 3148 to prevent such unlawful erection, construction, reconstruction,
 3149 alteration, repair, conversion, maintenance, or use; to
 3150 restrain, correct, or avoid such violation; to prevent the
 3151 occupancy of such building, structure, land, or water; and to
 3152 prevent any illegal act, conduct, business, or use in or about
 3153 such premises, land, or water.

3154 (26) SUITS AGAINST THE DISTRICT.--Any suit or action
 3155 brought or maintained against the District for damages arising
 3156 out of tort, including, without limitation, any claim arising
 3157 upon account of an act causing an injury or loss of property,
 3158 personal injury, or death, shall be subject to the limitations

3159 provided in section 768.28, Florida Statutes, as amended from
 3160 time to time.

3161 (27) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
 3162 District property shall be exempt from levy and sale by virtue
 3163 of an execution, and no execution or other judicial process
 3164 shall issue against such property, nor shall any judgment
 3165 against the District be a charge or lien on its property or
 3166 revenues; however, nothing contained herein shall apply to or
 3167 limit the rights of bondholders to pursue any remedy for the
 3168 enforcement of any lien or pledge given by the District in
 3169 connection with any of the bonds or obligations of the District.

3170 (28) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

3171 (a) The board may ask the Legislature through its local
 3172 legislative delegation in and for Collier County to amend this
 3173 Act to contract, to expand or to contract, and to expand the
 3174 boundaries of the District by amendment of this section.

3175 (b) The District shall remain in existence until:

3176 1. The District is terminated and dissolved pursuant to
 3177 amendment to this Act by the Florida Legislature.

3178 2. The District has become inactive pursuant to section
 3179 189.4044, Florida Statutes.

3180 (29) INCLUSION OF TERRITORY.--The inclusion of any or all
 3181 territory of the District within a municipality does not change,
 3182 alter, or affect the boundary, territory, existence, or
 3183 jurisdiction of the District.

3184 (30) SALE OF REAL ESTATE WITHIN A DISTRICT; REQUIRED
 3185 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
 3186 District under this Act, each contract for the initial sale of a

3187 parcel of real property and each contract for the initial sale
 3188 of a residential unit within the District shall include,
 3189 immediately prior to the space reserved in the contract for the
 3190 signature of the purchaser, the following disclosure statement
 3191 in boldfaced and conspicuous type which is larger than the type
 3192 in the remaining text of the contract: "THE AVE MARIA
 3193 STEWARDSHIP COMMUNITY DISTRICT MAY IMPOSE AND LEVY TAXES OR
 3194 ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
 3195 THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION,
 3196 AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES AND
 3197 SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING
 3198 BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN
 3199 ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND
 3200 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY
 3201 LAW."

3202 (31) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
 3203 after the election of the first Board of Supervisors creating
 3204 this District, the District shall cause to be recorded in the
 3205 grantor-grantee index of the property records in the county in
 3206 which it is located a "Notice of Creation and Establishment of
 3207 the Ave Maria Stewardship Community District." The notice shall,
 3208 at a minimum, include the legal description of the property of
 3209 the landowners who have consented to establishment of this
 3210 District and a copy of the disclosure statement specified in
 3211 subsection (30).

3212 (32) Any system, facility, service, works, improvement,
 3213 project, or other infrastructure owned by the District, or
 3214 funded by federal tax exempt bonding issued by the District, is

HB 1625, Engrossed 1

2004
CS

3215 | public; the District by rule may regulate, and may impose
3216 | reasonable charges or fees for, the use thereof but not to the
3217 | extent that such regulation or imposition of such charges or
3218 | fees constitutes denial of reasonable access.

3219 | Section 5. SEVERABILITY.--If any provision of this Act is
3220 | determined unconstitutional or otherwise determined invalid by a
3221 | court of law, all the rest and remainder of the Act shall remain
3222 | in full force and effect as the law of Florida.

3223 | Section 6. This act shall take effect upon becoming a law.