

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

A bill to be entitled

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

Page 1 of 117

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

Section 2. Preamble.--Legislative findings, ascertainments, determinations, intent, purpose, definitions, and policy.--

(1) Legislative findings.--

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

(h) In particular:

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

4. Does not have police or regulatory powers;

5. Does not have larger general purpose overhead responsibilities;

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

issue revenue bonds for such purposes payable from special assessments.

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

3. The cost of improvements.

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

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

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

7. Financing charges.

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

9. Working capital.

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

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

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

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

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

14. Administrative expenses.

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

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

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

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

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

(j) The provisions regarding elections or referenda are:

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF PART OF SECTIONS 21, 22, 27, 28, 29, 30, AND 33

AND ALL OF SECTIONS 31 AND 32, TOWNSHIP 47 SOUTH, RANGE 29 EAST,

AND

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

PART OF SECTIONS 4, 9, 16, 17, AND 18
AND ALL OF SECTIONS 5, 6, 7, AND 8, TOWNSHIP 48 SOUTH,
RANGE 29 EAST,
AND
PART OF SECTIONS 1, 12 AND 13, TOWNSHIP 48 SOUTH,
RANGE 28 EAST,
AND
ALL OF SECTION 36, TOWNSHIP 47 SOUTH, RANGE 28 EAST,
COLLIER COUNTY, FLORIDA

COMMENCING AT the NORTHWEST CORNER OF SECTION 27,
TOWNSHIP 47 SOUTH, RANGE
29 EAST, COLLIER COUNTY, FLORIDA.

THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH
89°42'22" EAST 40.00 FEET TO THE INTERSECTION WITH THE
WEST RIGHT-OF-WAY LINE OF CAMP KEIAS ROAD (80' RIGHT-
OF-WAY) AND THE POINT OF BEGINNING OF THE PARCEL
HEREIN DESCRIBED:

THENCE ALONG SAID RIGHT-OF-WAY LINE IN THE FOLLOWING
TWENTY FOUR (24) DESCRIBED COURSES;

- 1) SOUTH 00°15'32" EAST 4936.39 FEET;
- 2) 395.35 FEET ALONG THE ARC OF A NON-TANGENTIAL
CIRCULAR CURVE CONCAVE WEST HAVING A RADIUS OF
3,707.51 FEET THROUGH A CENTRAL ANGLE OF 06°05'35" AND
BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 02°47'23"
WEST 395.17 FEET;
- 3) SOUTH 05°50'40" WEST 101.17 FEET;
- 4) THENCE SOUTH 89°37'49" WEST 7.63 FEET;

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

- 5) SOUTH 00°14'32" EAST 73.58 FEET;
- 6) SOUTH 05°51'27" WEST 224.83 FEET;
- 7) 403.87 FEET ALONG THE ARC OF A NON-TANGENTIAL
CIRCULAR CURVE CONCAVE
EAST HAVING A RADIUS OF 3,798.14 FEET THROUGH A
CENTRAL ANGLE OF 06°05'33" AND BEING SUBTENDED BY A
CHORD WHICH BEARS SOUTH 02°45'21" WEST 403.68 FEET;
- 8) SOUTH 00°14'33" EAST 1,907.96 FEET;
- 9) SOUTH 00°22'10" EAST 2,609.43 FEET;
- 10) SOUTH 00°30'10" EAST 2,673.59 FEET;
- 11) SOUTH 00°35'31" EAST 2,684.14 FEET;
- 12) SOUTH 00°38'11" EAST 2,610.47 FEET;
- 13) SOUTH 00°30'34" EAST 200.03 FEET;
- 14) 202.91 FEET ALONG THE ARC OF A CIRCULAR
CURVE CONCAVE EAST HAVING A RADIUS OF 2,702.95 FEET
THROUGH CENTRAL ANGLE OF 04°18'04" AND
BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 02°39'36"
EAST 202.86 FEET;
- 15) SOUTH 04°48'38" EAST 400.00 FEET;
- 16) SOUTH 05°08'04" EAST 95.99 FEET;
- 17) SOUTH 00°29'16" EAST 101.03 FEET;
- 18) CONTINUE ALONG SAID LINE SOUTH 00°29'16"
EAST 1,609.23 FEET;
- 19) SOUTH 00°59'03" EAST 2,660.06 FEET;
- 20) SOUTH 00°56'00" EAST 2,246.44 FEET;
- 21) 104.19 FEET ALONG THE ARC OF A NON-
TANGENTIAL CIRCULAR

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

CURVE CONCAVE WEST HAVING A RADIUS OF 461.33 FEET
THROUGH A CENTRAL ANGLE OF
12°56'25" AND BEING SUBTENDED BY A CHORD WHICH BEARS
SOUTH 05°33'57" WEST
103.97 FEET;

22) SOUTH 12°02'43" WEST 100.00 FEET;

23) 122.31 FEET ALONG THE ARC OF A CIRCULAR
CURVE CONCAVE EAST
HAVING A RADIUS OF 540.00 FEET THROUGH CENTRAL ANGLE
OF 12°58'40" AND BEING
SUBTENDED BY A CHORD WHICH BEARS SOUTH 05°33'23" WEST
122.05 FEET;

24) SOUTH 00°55'58" EAST 49.54 FEET TO THE NORTH
RIGHT OF WAY

LINE OF OIL WELL ROAD (100' RIGHT OF WAY)
THENCE ALONG SAID NORTH RIGHT OF WAY IN THE FOLLOWING
EIGHT (8) DESCRIBED
COURSES;

1) SOUTH 88°57'46" WEST 2,595.92 FEET;

2) SOUTH 88°54'34" WEST 2,641.05 FEET;

3) SOUTH 88°57'06" WEST 2,570.04 FEET;

4) SOUTH 88°55'37" WEST 2,702.71 FEET;

5) SOUTH 88°56'50" WEST 2,645.03 FEET;

6) SOUTH 88°56'28" WEST 2,639.06 FEET;

7) SOUTH 89°44'55" WEST 2,676.56 FEET;

8) SOUTH 89°44'33" WEST 0.82 FEET TO THE WEST

LINE OF THOSE
LANDS DESCRIBED IN O.R. BOOK 2493, PAGE 2779-2796;

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

THENCE ALONG SAID LINE NORTH 01°11'28" WEST 2,637.90
FEET TO THE NORTH LINE
OF THOSE LANDS DESCRIBED IN O.R. BOOK 2493, PAGE 2779-
2796;
THENCE ALONG SAID LINE NORTH 89°32'26" EAST 1,332.28
FEET TO A NORTHWEST
CORNER OF THOSE LANDS DESCRIBED IN O.R. BOOK 2009 PAGE
1554-1558;
THENCE ALONG THE NORTH LINE OF SAID LANDS NORTH
89°32'26" EAST 360.40 FEET
TO THE INTERSECTION WITH THE WEST LINE OF THOSE LANDS
DESCRIBED IN O.R. BOOK
2943 PAGE 2779-2796;
THENCE ALONG THE WEST LINE OF SAID LANDS NORTH
01°11'02" WEST 2,688.15 FEET
TO THE INTERSECTION WITH SOUTH LINE OF SECTION 12,
TOWNSHIP 48 SOUTH, RANGE
28 EAST,
THENCE ALONG SAID LINE SOUTH 89°24'56" WEST 151.63
FEET TO THE INTERSECTION
WITH THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R.
BOOK 2493 PAGE 2779-2796;
THENCE ALONG THE WEST LINE OF SAID LANDS NORTH
00°44'30" WEST 5,387.66 FEET
TO THE INTERSECTION WITH THE NORTH LINE OF SAID
SECTION 12;
THENCE ALONG SAID NORTH LINE NORTH 89°00'09" EAST
23.81 FEET TO INTERSECTION

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

WITH THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R.
BOOK 2493 PAGES
2779-2796;
THENCE ALONG THE WEST LINE OF SAID LANDS NORTH
00°43'12" WEST 5,312.87 FEET
TO THE SOUTH LINE OF SECTION 36, TOWNSHIP 47 SOUTH,
RANGE 28 EAST;
THENCE ALONG SAID SOUTH LINE SOUTH 89°28'47" WEST
1,591.63 FEET;
THENCE CONTINUE ALONG SAID SOUTH LINE SOUTH 89°28'47"
WEST 2,658.12 FEET TO THE SOUTH WEST CORNER OF SAID
SECTION 36;
THENCE ALONG THE WEST LINE OF SAID SECTION 36 NORTH
00°12'02" WEST 2,594.56 FEET;
THENCE CONTINUE ALONG THE WEST LINE OF SAID SECTION 36
NORTH 00°13'09" EAST
2,595.59 FEET TO THE NORTHWEST CORNER OF SAID SECTION
36;
THENCE ALONG THE NORTH LINE OF SAID SECTION 36 NORTH
89°57'18" EAST 2,678.23
FEET;
THENCE CONTINUE ALONG THE NORTH LINE OF SAID SECTION
NORTH 89°57'18" EAST
2,678.23 FEET TO THE NORTH EAST CORNER OF SAID SECTION
36;
THENCE ALONG THE WEST LINE OF SECTION 30, TOWNSHIP 47
SOUTH, RANGE 29 EAST,
NORTH 00°13'04" WEST 2,580.06 FEET;

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

THENCE CONTINUE ALONG SAID WEST LINE OF SAID SECTION
30 NORTH 00°10'45" WEST
2,527.41 FEET TO THE SOUTH RIGHT OF WAY LINE OF
IMMOKALEE ROAD (100' RIGHT
OF WAY)

THENCE ALONG SAID RIGHT OF WAY LINE FOR THE FOLLOWING
NINE (9) DESCRIBED
COURSES;

- 1) SOUTH 89°43'35" EAST 0.74 FEET;
- 2) NORTH 87°40'12" EAST 2,582.06 FEET;
- 3) NORTH 87°38'44" EAST 2,630.49 FEET;
- 4) NORTH 87°41'38" EAST 2,640.92 FEET;
- 5) NORTH 87°46'05" EAST 2,645.58 FEET;
- 6) NORTH 89°37'45" EAST 2,687.06 FEET;
- 7) NORTH 89°39'06" EAST 780.08 FEET;
- 8) 3,074.23 FEET ALONG THE ARC OF A NON-

TANGENTIAL CIRCULAR CURVE CONCAVE NORTHWEST HAVING A
RADIUS OF 1,960.26 FEET THROUGH A CENTRAL ANGLE OF
89°51'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS
NORTH 44°42'37" EAST 2,768.73 FEET;

9) NORTH 00°27'14" WEST 663.14 FEET TO THE
INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID
CAMP KEIAS ROAD;

THENCE ALONG SAID RIGHT-OF-WAY LINE IN THE FOLLOWING
SEVEN (7) DESCRIBED COURSES:

- 1) SOUTH 89°56'24" EAST 266.14 FEET;
- 2) 722.56 FEET ALONG THE ARC OF A NON-

TANGENTIAL CIRCULAR CURVE CONCAVE SOUTHWEST HAVING A

ENROLLED
 HB 1625, Engrossed 1

2004 Legislature

RADIUS OF 460.00 FEET THROUGH A CENTRAL ANGLE OF
 89°59'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS
 SOUTH 44°56'23" EAST 650.54 FEET;

3) SOUTH 00°03'36" WEST 600.00 FEET;

4) 529.01 FEET ALONG THE ARC OF A CIRCULAR CURVE
 CONCAVE WEST HAVING A RADIUS OF 760.00 FEET THROUGH
 CENTRAL ANGLE OF 39°52'53" AND BEING SUBTENDED
 by a chord which bears South 20°00'02" West 518.39
 feet;

5) SOUTH 39°56'29" WEST 543.45 FEET;

6) 589.90 FEET ALONG THE ARC OF A CIRCULAR CURVE
 CONCAVE EAST HAVING A RADIUS OF 840.00 FEET THROUGH
 CENTRAL ANGLE OF 40°14'11" AND BEING SUBTENDED
 BY A CHORD WHICH BEARS SOUTH 19°49'24" WEST 577.85
 feet;

7) South 00°17'42" East 60.83 feet TO THE POINT
 OF BEGINNING.

CONTAINING 10805.08 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE WEST HALF OF THE SOUTH LINE
 OF SECTION 16,

TOWNSHIP 48 SOUTH, RANGE 29 EAST, COLLIER COUNTY,

FLORIDA BEING SOUTH

88°54'34" WEST.

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

1. That the District has at least 500 qualified electors, based on the most recent state population estimate.

2. A petition signed by 10 percent of the qualified electors of the District shall have been filed with the Board of Supervisors of the District. The petition shall be submitted to the Supervisor of Elections of Collier County who shall, within 30 days after receipt of the petition, certify to the board the percentage of signatures of qualified electors contained on the petition.

3. Upon verification by the Supervisor of Elections that 10 percent of the qualified electors of the District have petitioned the Board of Supervisors, the next regularly scheduled election of governing board members shall occur at least 60 days after verification of the petition.

4. If the qualified electors approve the election procedure described in this section, the governing board of the District shall remain five members and elections shall be held pursuant to the criteria described in this section, beginning with the next regularly scheduled election of governing board members or at a special election called within 6 months following the referendum and final unappealed approval of District urban area maps as provided in this section, whichever is earlier.

5. If the qualified electors of the District disapprove the election procedure described in this section, elections of the members of the Board of Supervisors shall continue as described in this Act on a one-acre, one-vote basis. No further

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

(c) Governing board.--

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

(6) BUDGET; REPORTS AND REVIEWS.--

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

Growth Management Plan, and the Stewardship Overlay which implement the single special purpose of the District.

(i) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

(j) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.

(k) School buildings and related structures, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the district school board. The Stewardship Community District is granted the special power to contract with the Collier County School Board and, as applicable, the Board of County Commissioners of Collier County, and with the applicable landowner developer of the lands within the jurisdiction of the District, to assess the school district educational facilities plan, and to implement a management and financing plan for timely construction, maintenance, and acquisition, at the option of the Stewardship Community District, school facilities, including facilities identified in the facilities work programs or those proposed by charter schools. The Stewardship Community District is granted the special power to determine, order, levy, impose, collect, or arrange for the collection and enforcement of assessments, as defined in and pursuant to this Act for such school facilities. The Stewardship Community District created under and by this Act is eligible for the financial enhancements available to educational facilities benefit districts to provide for financing the construction and maintenance of educational

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

(n) Waste, waste collection, and disposal.

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

(12) BONDS.--

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

(h) Revenue bonds.--

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

(i) General obligation bonds.--

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

(15) SPECIAL ASSESSMENTS.--

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

(b) The District may also issue assessment bonds, revenue bonds, or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited or, if such certificates of indebtedness have not been issued, the District may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this Act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The District is authorized to covenant with the holders of such assessment bonds, revenue bonds, or other obligations that it will diligently and faithfully enforce and collect all the special assessments, and interest and penalties thereon, for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

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

(b) The District shall remain in existence until:

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

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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

ENROLLED
HB 1625, Engrossed 1

2004 Legislature

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

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

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