

1 A bill to be entitled
2 An act relating to the Babcock Ranch Community
3 Independent Special District, Charlotte and Lee
4 Counties; amending chapter 2007-306, Laws of Florida;
5 expanding the Babcock Ranch Community Independent
6 Special District to include areas of Lee County;
7 amending legislative intent, definitions, legislative
8 policy, district creation and establishment, governing
9 board administrative duties, district budgets and
10 financial reports, and district powers to include
11 references to Lee County; amending the district's
12 legal boundaries to include areas of Lee County;
13 requiring district governing board election procedures
14 to involve officials from both counties; requiring
15 general obligation bond elections to occur in both
16 counties; authorizing the levy and collection of non-
17 ad valorem maintenance taxes in both counties;
18 providing for required notices to be published in both
19 counties; requiring a referendum; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraphs (a), (g), (j), (n), (o), (p), and
25 (q) of subsection (1), paragraphs (f) and (w) of subsection (2),

26 and paragraphs (a), (d), and (f) of subsection (3) of section 2
 27 of chapter 2007-306, Laws of Florida, are amended to read:

28 Section 2. Legislative findings and intent; definitions;
 29 policy.—

30 (1) LEGISLATIVE FINDINGS AND INTENT.—

31 (a) The unincorporated areas ~~area~~ of southeastern
 32 Charlotte County and northeastern Lee County, including the
 33 Babcock Ranch lands, are unique and special with a need towards
 34 protecting natural resources and retaining a viable agricultural
 35 system while protecting private property rights and promoting a
 36 sound economy.

37 (g) There are two alternatives for the creation of
 38 independent special districts for properties of this size: the
 39 establishment by rule of the Governor and Cabinet of one or more
 40 uniform community development districts over the property; and
 41 the establishment by special act of the Legislature of a single
 42 independent special district meeting the minimum requirements of
 43 chapter 189, Florida Statutes, the applicable district
 44 accountability general law. Use of this special act, created
 45 under chapter 189, Florida Statutes, is the better of the two
 46 alternatives in this case because it will allow for use of a
 47 single special district, with longer involvement and
 48 responsibility on the part of the initial landowner, which will
 49 result in better intergovernmental coordination and lower
 50 administrative costs for Charlotte County, Lee County, and the
 51 district, including its landowners and residents. ~~Additionally,~~

52 ~~use of this special act will provide the flexibility to include~~
53 ~~within the district, at a later date, contiguous Babcock Ranch~~
54 ~~lands within Lee County, whereas chapter 190, Florida Statutes,~~
55 ~~would prevent a single uniform community development district~~
56 ~~from crossing county lines.~~ Additionally, use of this special
57 act updates the charter of a uniform community development
58 district under chapter 190, Florida Statutes, eliminates
59 potential for its abuse, clarifies and sets forth certain
60 uniform procedures for liens on property, and makes other
61 substantial reforms to the benefit of the people of Charlotte
62 and Lee Counties County and future landowners, residents, and
63 visitors.

64 (j) The existence and use of such a limited, specialized
65 single-purpose local government for the Babcock Ranch Community,
66 subject to the respective Charlotte county comprehensive plan
67 and land development regulations, will result in a higher
68 propensity to provide for orderly development and prevent urban
69 sprawl; protect and preserve environmental and conservation uses
70 and assets; potentially enhance the market value for both
71 present and future landowners of the property consistent with
72 the need to protect private property; potentially enhance the
73 net economic benefit to Charlotte and Lee Counties County,
74 including an enhanced tax base to the benefit of all present and
75 future taxpayers in Charlotte and Lee Counties County; and
76 result in the sharing of costs of providing certain systems,

77 facilities, and services in an innovative, sequential, and
78 flexible manner within the area to be serviced by the district.

79 (n) In order to be responsive to the critical timing
80 required through the exercise of its special management
81 functions, an independent district requires financing of those
82 functions, including bondable, lienable, and nonlienable
83 revenue, with full and continuing public disclosure and
84 accountability, funded by landowners, both present and future,
85 and funded also by users of the systems, facilities, and
86 services provided to the land area by the district, without
87 burdening the taxpayers and citizens of the state, Charlotte
88 County, Lee County, or any municipality therein.

89 (o) The district created and established by this act shall
90 not exercise or have any comprehensive planning, zoning, or
91 development permitting power; the establishment of the district
92 shall not be considered a development order within the meaning
93 of chapter 380, Florida Statutes; and all applicable planning
94 and permitting laws, rules, regulations, agreements, and
95 policies of Charlotte and Lee Counties ~~County~~ shall control the
96 development of the land within each respective county to be
97 served by the district.

98 (p) ~~The creation by This act of the Babcock Ranch~~
99 ~~Community Independent Special District~~ is not inconsistent with
100 either the Charlotte County or Lee County comprehensive plan.

101 (q) Neither Charlotte County nor Lee County objects ~~does~~
102 ~~not object~~ to the creation of the district.

103 (2) DEFINITIONS.—As used in this act:

104 (f) "Babcock Ranch Community" means that portion of the
 105 Babcock Ranch to be developed with a new, sustainable, compact,
 106 mixed-use community pursuant to that certain Interlocal Planning
 107 Agreement for the Babcock Ranch, dated January 24, 2006, among
 108 the Florida Department of Community Affairs, Lee and Charlotte
 109 Counties, and the then contract purchaser of the Babcock Ranch,
 110 and pursuant to development approvals issued or to be issued by
 111 Lee and Charlotte Counties ~~County and Charlotte County~~,
 112 consisting of approximately 17,800 acres. ~~The subject of this~~
 113 ~~act is that portion of the Babcock Ranch Community located in~~
 114 ~~Charlotte County, consisting of approximately 13,631 acres, as~~
 115 described in section 4.

116 (w) "Qualified elector" means any person at least 18 years
 117 of age or older, who is a citizen of the United States, a legal
 118 resident of the state and the district, ~~and~~ who registers to
 119 vote with the Supervisor of Elections in Charlotte County or Lee
 120 County, and resides in either Charlotte County or Lee County.

121 (3) POLICY.—Based upon its findings, ascertainments,
 122 determinations, intent, purpose, and definitions, the
 123 Legislature states its policy expressly:

124 (a) The district and the district charter, with its
 125 general and special powers, as created in this act, are
 126 essential and the best alternative for the residential,
 127 commercial, and other community uses, projects, or functions in
 128 the included portions ~~portion~~ of Charlotte County and Lee County

129 consistent with the effective comprehensive plans and serve a
 130 lawful public purpose.

131 (d) The district shall operate and function subject to,
 132 and not inconsistent with, the applicable comprehensive plan of
 133 either Charlotte County or Lee County ~~comprehensive plan~~ and any
 134 applicable development orders, zoning regulations, and other
 135 land development regulations.

136 (f) This act may be amended, in whole or in part, only by
 137 subsequent special act of the Legislature. No amendment to this
 138 act that alters the district boundaries or the general or
 139 special powers of the district may be considered by the
 140 Legislature unless it is accompanied by a resolution or official
 141 statement as provided for in section 189.031(2)(e)4.

142 ~~189.404(2)(e)4.~~, Florida Statutes. However, if an amendment
 143 alters the district boundaries in only one county, or affects
 144 the district's special powers in only one county, it is
 145 necessary to secure the resolution or statement from only the
 146 affected county.

147 Section 2. Subsection (1) of section 3 of chapter 2007-
 148 306, Laws of Florida, is amended to read:

149 Section 3. Creation and establishment; jurisdiction;
 150 construction; charter with legal description.—

151 (1) The Babcock Ranch Community Independent Special
 152 District, which also may be referred to as the "district," is
 153 created and incorporated as a public body corporate and politic,
 154 an independent, limited, special purpose local government, an

155 independent special district under section 189.031 ~~189.404~~,
 156 Florida Statutes, and as defined in this act and section
 157 189.012(3) ~~189.403(3)~~, Florida Statutes, in and for a certain
 158 portions ~~portion~~ of Charlotte County and Lee County. Any
 159 amendments to chapter 190, Florida Statutes, after January 1,
 160 2007, granting additional general powers, special powers,
 161 authorities, or projects to a community development district by
 162 amendment to its uniform charter, sections 190.006-190.041,
 163 Florida Statutes, shall constitute a general power, special
 164 power, authority, or function of the Babcock Ranch Community
 165 Independent Special District. All notices for the enactment by
 166 the Legislature of this special act have been provided pursuant
 167 to the State Constitution, laws of the state, and the Rules of
 168 the Florida House of Representatives and of the Florida Senate.

169 Section 3. Section 4 of chapter 2007-306, Laws of Florida,
 170 is amended to read:

171 Section 4. Legal description of the Babcock Ranch
 172 Community Independent Special District.-

173
 174 LEGAL DESCRIPTION. The metes and bounds legal
 175 description of the district, within which there are no
 176 parcels of property owned by those who do not wish
 177 their property to be included within the district, is
 178 as follows:

179
 180 CHARLOTTE COUNTY PARCEL:

181
 182 A parcel of land lying within Sections 29, 31 through
 183 33, Township 41 South, Range 26 East, AND, Sections 4
 184 through 10, Sections 15 through 17 and Sections 19
 185 through 36, Township 42 South, Range 26 East,
 186 Charlotte County, Florida, being more particularly
 187 described as follows:

188
 189 Commence at the Southwest corner of Section 31,
 190 Township 42 South, Range 26 East and run S89°41'45"E,
 191 along the South line of said Section 31, a distance of
 192 50.00 feet to a point on the East right-of-way line of
 193 State Road No. 31, said point also being the Point of
 194 Beginning of the parcel of land herein described;
 195 Thence continue S89°41'45"E a distance of 5,189.75
 196 feet to the Northeast corner of Section 6, Township 43
 197 South, Range 26 East; Thence S89°41'45"E a distance of
 198 5,306.08 feet to the Northeast corner of Section 5,
 199 Township 43 South, Range 26 East; Thence S89°37'16"E a
 200 distance of 5,289.11 feet to the Northeast corner of
 201 Section 4, Township 43 South, Range 26 East; Thence
 202 S89°35'44"E a distance of 5,294.60 feet to the
 203 Northeast corner of Section 3, Township 43 South,
 204 Range 26 East; Thence S89°35'44"E a distance of
 205 5,294.60 feet to the Northeast corner of Section 2,
 206 Township 43 South, Range 26 East; Thence S89°35'44"E,

207 along the North line of Section 1, Township 43 South,
 208 Range 26 East, a distance of 3,430.66 feet; Thence
 209 N00°00'40"W a distance of 10,185.53 feet; Thence
 210 N05°46'23"E a distance of 1,058.56 feet; Thence
 211 N66°40'38"W a distance of 200.62 feet; Thence
 212 S83°12'47"W a distance of 1,373.33 feet; Thence
 213 N30°17'33"W a distance of 1,686.63 feet; Thence
 214 N70°02'41"W a distance of 1,332.41 feet; Thence
 215 S72°42'44"W a distance of 1,430.81 feet; Thence
 216 N49°18'31"W a distance of 2,362.25 feet; Thence
 217 S69°00'57"W a distance of 1,518.19 feet; Thence
 218 S21°08'17"W a distance of 865.44 feet; Thence
 219 S20°29'11"E a distance of 1,376.91 feet; Thence
 220 N74°38'25"E a distance of 1,635.69 feet; Thence
 221 S00°18'50"E a distance of 1,309.92 feet; Thence
 222 S89°45'02"W a distance of 4,154.48 feet; Thence
 223 N51°39'36"W a distance of 782.53 feet; Thence
 224 N04°14'12"E a distance of 1,329.59 feet; Thence
 225 N39°20'59"W a distance of 1,779.16 feet; Thence
 226 N42°01'35"W a distance of 1,162.94 feet; Thence
 227 S52°01'16"W a distance of 818.34 feet; Thence
 228 S62°56'46"W a distance of 516.42 feet; Thence
 229 S89°59'33"W a distance of 307.20 feet; Thence
 230 N80°06'18"W a distance of 334.84 feet; Thence
 231 N20°54'51"W a distance of 336.86 feet; Thence
 232 N05°03'05"E a distance of 533.35 feet; Thence

233 N22°47'49"E a distance of 5,490.82 feet; Thence
 234 N55°42'26"E a distance of 195.73 feet; Thence
 235 N21°59'06"W a distance of 1,739.17 feet; Thence
 236 N52°37'55"E a distance of 867.75 feet; Thence
 237 N13°36'57"W a distance of 2,507.33 feet; Thence
 238 S78°50'16"W a distance of 687.95 feet; Thence
 239 N19°48'25"W a distance of 366.25 feet; Thence
 240 N08°01'21"W a distance of 493.32 feet; Thence
 241 N03°43'40"E a distance of 687.22 feet; Thence
 242 N00°28'20"E a distance of 674.51 feet; Thence
 243 N25°12'33"W a distance of 261.13 feet; Thence
 244 N42°54'55"W a distance of 643.19 feet; Thence
 245 N07°19'37"W a distance of 171.40 feet; Thence
 246 N13°05'30"E a distance of 201.96 feet; Thence
 247 N32°40'01"W a distance of 186.12 feet; Thence
 248 N05°04'15"W a distance of 1,832.77 feet; Thence
 249 N19°47'08"W a distance of 527.20 feet; Thence
 250 N26°13'22"W a distance of 802.13 feet; Thence
 251 S79°06'55"W a distance of 475.20 feet; Thence
 252 N74°19'19"W a distance of 1,689.05 feet; Thence
 253 N01°26'06"W a distance of 897.42 feet; Thence
 254 N89°51'42"W a distance of 67.91 feet; Thence
 255 N00°00'03"W a distance of 1,218.37 feet; Thence
 256 N39°50'11"W a distance of 190.86 feet; Thence
 257 N00°00'29"W a distance of 324.62 feet; Thence
 258 N89°59'52"W a distance of 688.20 feet; Thence

259 N00°00'00"E a distance of 1,967.22 feet; Thence
 260 N41°13'25"W a distance of 2,825.17 feet; Thence
 261 S89°59'57"W a distance of 3,566.80 feet; Thence
 262 S00°00'03"E a distance of 2,799.34 feet; Thence
 263 S89°11'17"W a distance of 5,960.98 feet to a point
 264 lying 50.00 feet East of the East right-of-way line
 265 for State Road No. 31; Thence along a line 50.00 feet
 266 East of, and parallel with, the East right-of-way line
 267 for State Road No. 31, the following courses and
 268 distances: S00°48'43"E a distance of 2,976.13 feet and
 269 S00°34'01"W a distance of 786.25 feet; Thence
 270 S89°25'59"E a distance of 4,104.32 feet; Thence
 271 S00°01'22"E a distance of 2,084.04 feet; Thence
 272 S16°46'15"E a distance of 1,740.24 feet; Thence
 273 S09°11'59"W a distance of 1,325.85 feet; Thence
 274 S73°15'18"E a distance of 661.15 feet; Thence
 275 N59°20'29"E a distance of 577.75 feet; Thence
 276 S38°10'48"E a distance of 551.46 feet; Thence
 277 S86°25'58"E a distance of 385.80 feet; Thence
 278 S24°01'11"E a distance of 975.12 feet; Thence
 279 S57°46'34"E a distance of 530.20 feet; Thence
 280 S70°04'12"E a distance of 1,843.47 feet; Thence
 281 N63°01'21"E a distance of 1,214.99 feet; Thence
 282 S50°03'22"E a distance of 2,565.56 feet; Thence
 283 S13°56'09"W a distance of 1,953.90 feet; Thence
 284 S12°51'59"E a distance of 1,862.33 feet; Thence

285 S71°59'01"W a distance of 448.53 feet; Thence
 286 N45°00'57"W a distance of 266.60 feet; Thence
 287 S69°50'23"W a distance of 1,104.27 feet; Thence
 288 S28°10'55"E a distance of 1,272.60 feet; Thence
 289 S62°45'03"W a distance of 4,638.30 feet; Thence
 290 S82°12'01"W a distance of 711.48 feet; Thence
 291 S81°38'00"W a distance of 5,167.82 feet; Thence
 292 N77°54'41"W a distance of 707.32 feet; Thence
 293 N89°28'15"W a distance of 299.98 feet to a point lying
 294 50.00 feet East of the East right-of-way line for
 295 State Road No. 31; Thence along a line 50.00 feet East
 296 of, and parallel with, the East right-of-way line for
 297 State Road No. 31, the following courses and
 298 distances: S00°31'45"W a distance of 4,197.71 feet,
 299 S00°26'10"W a distance of 5,282.33 feet and
 300 S00°36'46"W a distance of 5,337.00 feet to the Point
 301 of Beginning.

302
 303 Containing 13,630.64 acres, more or less.

304
 305 Bearings hereinabove mentioned are based on the North
 306 line of Section 6, Township 43 South, Range 26 East to
 307 bear S89°41'45"E.

308
 309 LEE COUNTY PARCEL:
 310

311 A parcel of land lying within Sections 1 through 7 and
312 Section 9, Township 43 South, Range 26 East, Lee
313 County, Florida, being more particularly described as
314 follows:

315
316 Commence at the Southwest corner of Section 31,
317 Township 42 South, Range 26 East and run S89°41'45"E,
318 along the South line of said Section 31, a distance of
319 50.00 feet to a point on the East right-of-way line of
320 State Road No. 31, said point also being the Point of
321 Beginning of the parcel of land herein described;
322 Thence continue S89°41'45"E a distance of 5,189.75
323 feet to the Northeast corner of Section 6, Township 43
324 South, Range 26 East; Thence S89°41'45"E a distance of
325 5,306.08 feet to the Northeast corner of Section 5,
326 Township 43 South, Range 26 East; Thence S89°37'16"E a
327 distance of 5,289.11 feet to the Northeast corner of
328 Section 4, Township 43 South, Range 26 East; Thence
329 S89°35'44"E a distance of 5,294.60 feet to the
330 Northeast corner of Section 3, Township 43 South,
331 Range 26 East; Thence S89°35'44"E a distance of
332 5,294.60 feet to the Northeast corner of Section 2,
333 Township 43 South, Range 26 East; Thence S89°35'44"E,
334 along the North line of Section 1, Township 43 South,
335 Range 26 East, a distance of 155.76 feet; Thence
336 S09°58'52"W a distance of 4,667.96 feet; Thence

337 S04°10'14"W a distance of 283.52 feet; Thence
338 S03°53'19"E a distance of 515.32 feet to a point on
339 the South line of Section 2, Township 43 South, Range
340 26 East (said point being 558.41 feet West of the
341 Southeast corner of said Section 2); Thence
342 N88°38'22"W a distance of 2,084.07 feet to the South
343 one-quarter corner of said Section 2; Thence
344 N88°38'42"W a distance of 2,642.06 feet to the
345 Southwest corner of said Section 2; Thence N89°51'49"W
346 a distance of 5,300.09 feet to the Southwest corner of
347 Section 3, Township 43 South, Range 26 East; Thence
348 N89°51'54"W a distance of 2,650.09 feet to the South
349 one-quarter corner of Section 4, Township 43 South,
350 Range 26 East; Thence S00°23'25"W a distance of
351 1,330.65 feet to the Southwest corner of the North
352 one-half of the Northeast one-quarter of Section 9,
353 Township 43 South, Range 26 East; Thence S06°02'41"E a
354 distance of 1,338.36 feet to a point on the North line
355 of the Southeast one-quarter of said Section 9 (said
356 point being 150.00 feet East of the Northwest corner
357 of the Southeast one-quarter of said Section 9);
358 Thence S00°22'58"W, parallel with and 150.00 feet East
359 of the West line of the Southeast one-quarter of said
360 Section 9, a distance of 2,611.56 feet to a point on
361 the North right-of-way line of County Road No. 78;
362 Thence along said right-of-way line the following

363 courses and distances, N89°54'54"W a distance of
364 150.26 feet and N89°54'44"W a distance of 2,648.95
365 feet to a point on the West line of said Section 9;
366 Thence N00°22'31"E a distance of 2,612.02 feet to the
367 West one-quarter corner of said Section 9; Thence
368 N00°21'56"E a distance of 2,663.13 feet to the
369 Southeast corner of Section 5, Township 43 South,
370 Range 26 East; Thence N89°52'00"W a distance of
371 2,666.70 feet to the South one-quarter corner of said
372 Section 5; Thence N89°50'47"W a distance of 2,667.42
373 feet to the Southwest corner of said Section 5; Thence
374 S00°23'16"W, along the East line of Section 7,
375 Township 43 South, Range 26 East, a distance of
376 5,294.00 feet to a point on the North right-of-way
377 line of County Road No. 78; Thence Westerly along the
378 curved right-of-way line, (said curve being curved
379 concave to the North, having a delta angle of
380 00°53'52" and a radius of 11,339.17 feet, with a chord
381 bearing of N89°19'12"W and a chord length of 177.69
382 feet) a distance of 177.69 feet to the end of the
383 curve; Thence N88°52'16"W, along said North right-of-
384 way line, a distance of 4,406.31 feet to the beginning
385 of a curve to the right; Thence along the arc of the
386 curved right-of-way line, (said curve being curved
387 concave to the Northeast, having a delta angle of
388 89°12'05" and a radius of 522.94 feet, with a chord

389 bearing of N44°16'14"W and a chord length of 734.37
 390 feet) a distance of 814.14 feet to a point on the East
 391 right-of-way line of State Road No. 31; Thence along
 392 the East right-of-way line for State Road No. 31, the
 393 following courses and distances, N00°19'49"E a
 394 distance of 4,776.07 feet, N00°18'54"E a distance of
 395 5,313.41 feet and N00°36'46"E a distance of 0.14 feet
 396 to the Point of Beginning.
 397 Containing 4,157.2 acres, more or less.
 398 Bearings hereinabove mentioned are based on the North
 399 line of Section 6, Township 43 South, Range 26 East to
 400 bear S89°41'45"E.
 401 CONTAINING A TOTAL AREA OF 17,787.84 ACRES, PLUS OR
 402 MINUS.

403
 404 Section 4. Paragraphs (a) and (d) of subsection (3) and
 405 subsection (8) of section 5 of chapter 2007-306, Laws of
 406 Florida, are amended to read:

407 Section 5. Governing board; members and meetings;
 408 organization; powers; duties; terms of office; related election
 409 requirements.—

410 (3) (a) 1. The board may not exercise the ad valorem taxing
 411 power or general obligation bond power authorized by this act
 412 until such time as all members of the board, except for
 413 nonvoting members, are qualified electors who are elected by
 414 qualified electors of the district.

415 2.a. Regardless of whether the district has proposed to
416 levy ad valorem taxes or issue general obligation bonds, board
417 members initially elected by landowners shall be elected by
418 qualified electors of the district as the district becomes
419 populated with qualified electors. The transition shall occur
420 such that the composition of the board, after the first general
421 election following a trigger of the qualified elector population
422 thresholds set forth below, shall be as follows:

423 (I) Once 4,600 qualified electors reside within the
424 district, one voting board member shall be a person who was
425 elected by the qualified electors, and four voting board members
426 shall be persons who were elected by the landowners.

427 (II) Once 8,900 qualified electors reside within the
428 district, two voting board members shall be persons who were
429 elected by the qualified electors, and three voting board
430 members shall be persons elected by the landowners.

431 (III) Once 22,000 qualified electors reside within the
432 district, three voting board members shall be persons who were
433 elected by the qualified electors and two voting board members
434 shall be persons who were elected by the landowners.

435 (IV) Once 24,000 qualified electors reside within the
436 district, four voting board members shall be persons who were
437 elected by the qualified electors and one voting board member
438 shall be a person who was elected by the landowners.

439 (V) Once 25,000 qualified electors reside within the
440 district, all five voting board members shall be persons who
441 were elected by the qualified electors.

442
443 Nothing in this sub-subparagraph is intended to require an
444 election prior to the expiration of an existing board member's
445 term.

446 b. On or before June 1 of each year, the board shall
447 determine the number of qualified electors in the district as of
448 the immediately preceding April 15. The board shall use and rely
449 upon the official records maintained by the supervisor of
450 elections and property appraiser or tax collector in and for
451 each ~~Charlotte~~ county in making this determination. Such
452 determination shall be made at a properly noticed meeting of the
453 board and shall become a part of the official minutes of the
454 district.

455 c. All governing board members elected by qualified
456 electors shall be elected at large at an election occurring as
457 provided in subsection (2) and this subsection.

458 d. Once the district qualifies to have any of its board
459 members elected by the qualified electors of the district, the
460 initial and all subsequent elections by the qualified electors
461 of the district shall be held at the general election in
462 November. The board shall adopt a resolution if necessary to
463 implement this requirement. The transition process described

464 herein is intended to be in lieu of the process set forth in
465 section 189.041 ~~189.4051~~, Florida Statutes.

466 (d) The supervisors ~~supervisor~~ of elections shall appoint
467 the inspectors and clerks of elections, prepare and furnish the
468 ballots, designate polling places, and canvass the returns of
469 the election of board members by qualified electors. The county
470 canvassing boards ~~board~~ shall declare and certify the results of
471 the election.

472 (8) The board shall keep a permanent record book entitled
473 "Record of Proceedings of Babcock Ranch Community Independent
474 Special District," in which shall be recorded minutes of all
475 meetings, resolutions, proceedings, certificates, bonds given by
476 all employees, and any and all corporate acts. The record book
477 and all other district records shall at reasonable times be
478 opened to inspection in the same manner as state, county, and
479 municipal records pursuant to chapter 119, Florida Statutes. The
480 record book shall be kept at the office or other regular place
481 of business maintained by the board in a designated location in
482 either Charlotte County or Lee County.

483 Section 5. Paragraphs (c) and (d) of subsection (4),
484 paragraphs (f) and (q) of subsection (6), paragraph (s) of
485 subsection (7), paragraphs (i) and (n) of subsection (10),
486 paragraph (c) of subsection (12), paragraph (a) of subsection
487 (13), paragraph (a) of subsection (19), paragraph (b) of
488 subsection (20), and subsection (26) of section 6 of chapter
489 2007-306, Laws of Florida, are amended to read:

490 Section 6. Governing board; general duties.—

491 (4) BUDGET; REPORTS AND REVIEWS.—

492 (c) At least 60 days prior to adoption, the board of the
 493 district shall submit to the boards of county commissioners of
 494 Charlotte and Lee Counties ~~County Board of County Commissioners,~~
 495 for purposes of disclosure and information only, the proposed
 496 annual budget for the ensuing fiscal year, and each ~~the~~ board of
 497 county commissioners may submit written comments to the board of
 498 the district solely for the assistance and information of the
 499 board of the district in adopting its annual district budget.

500 (d) The board of the district shall submit annually to the
 501 boards of county commissioners of Charlotte and Lee Counties
 502 ~~County Board of County Commissioners~~ its district public
 503 facilities report under section 189.08(2) ~~189.415(2)~~, Florida
 504 Statutes, which report each ~~the~~ board of county commissioners
 505 may shall use and rely on in the preparation or revision of its
 506 comprehensive plan, specifically under section 189.08(6)
 507 ~~189.415(6)~~, Florida Statutes.

508 (6) GENERAL POWERS.—The district shall have, and the board
 509 may exercise, the following general powers:

510 (f) To maintain an office at such place or places as the
 511 board designates in either Charlotte County or Lee County, and
 512 within the district when facilities are available.

513 (q) To exercise such special powers and other express
 514 powers as may be authorized and granted by this act in the
 515 charter of the district, including powers as provided in any

516 interlocal agreement entered into pursuant to chapter 163,
517 Florida Statutes, or that shall be required or permitted to be
518 undertaken by the district pursuant to any development order or
519 development of regional impact, or any other agreement with
520 Charlotte County, Lee County, or other governmental entities,
521 including, without limitation, any school district, sheriff,
522 fire district, drainage district, and health care district for
523 proportionate, fair-share, or pipelining capital construction
524 funding for any certain capital facilities or systems required
525 from the development pursuant to any applicable development
526 order or agreement.

527
528 The provisions of this subsection shall be construed liberally
529 in order to carry out effectively the specialized purpose of
530 this act.

531 (7) SPECIAL POWERS.—The district shall have, and the board
532 may exercise, the following special powers to implement its
533 lawful and special purpose and to provide, pursuant to that
534 purpose, systems, facilities, services, improvements, projects,
535 works, and infrastructure, each of which constitutes a lawful
536 public purpose when exercised pursuant to this charter, subject
537 to, and not inconsistent with, the regulatory jurisdiction and
538 permitting authority of all other applicable governmental
539 bodies, agencies, and any special districts having authority
540 with respect to any area included therein, and to plan,
541 establish, acquire, construct or reconstruct, enlarge or extend,

542 equip, operate, finance, fund, and maintain improvements,
 543 systems, facilities, services, works, projects, and
 544 infrastructure, including, without limitation, any obligations
 545 pursuant to a development order or agreement. Any or all of the
 546 following special powers are granted by this act in order to
 547 implement the special purpose of the district:

548 (s) To provide for affordable housing and affordable
 549 housing assistance in accordance with section 189.081(6)
 550 ~~189.4155(6)~~, Florida Statutes, and other provisions of general
 551 law.

552 (10) BONDS.—

553 (i) General obligation bonds.—

554 1. Subject to the limitations of this charter, the
 555 district shall have the power from time to time to issue general
 556 obligation bonds to finance or refinance capital projects or to
 557 refund outstanding bonds in an aggregate principal amount of
 558 bonds outstanding at any one time not in excess of 35 percent of
 559 the assessed value of the taxable property within the district
 560 as shown on the pertinent tax records at the time of the
 561 authorization of the general obligation bonds for which the full
 562 faith and credit of the district is pledged. Except for
 563 refunding bonds, no general obligation bonds shall be issued
 564 unless the bonds are issued to finance or refinance a capital
 565 project and the issuance has been approved at an election held
 566 in accordance with the requirements for such election as
 567 prescribed by the State Constitution. Such elections shall be

568 called to be held in the district by the boards ~~Board~~ of county
569 commissioners of Charlotte and Lee Counties ~~County~~ upon the
570 request of the board of the district. The expenses of calling
571 and holding an election shall be at the expense of the district,
572 and the district shall reimburse each ~~the~~ county for any
573 expenses incurred in calling or holding such election.

574 2. The district may pledge its full faith and credit for
575 the payment of the principal and interest on such general
576 obligation bonds and for any reserve funds provided therefor and
577 may unconditionally and irrevocably pledge itself to levy ad
578 valorem taxes on all taxable property in the district, to the
579 extent necessary for the payment thereof, without limitation as
580 to rate or amount.

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

589 4. In arriving at the amount of general obligation bonds
590 permitted to be outstanding at any one time pursuant to
591 subparagraph 1., there shall not be included any general
592 obligation bonds that are additionally secured by the pledge of:

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

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

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

604 (n) Application of section 189.051 ~~189.4085~~, Florida
 605 Statutes.—Bonds issued by the district shall meet the criteria
 606 set forth in section 189.051 ~~189.4085~~, Florida Statutes.

607 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 608 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 609 ASSESSMENTS; MAINTENANCE TAXES.—

610 (c) Non-ad valorem maintenance taxes.—If and when
 611 authorized by general law, to maintain and preserve the physical
 612 facilities and services constituting the works, improvements, or
 613 infrastructure provided by the district pursuant to this act; to
 614 repair and restore any one or more of them, when needed; and to
 615 defray the current expenses of the district, including any sum
 616 that may be required to pay state and county ad valorem taxes on
 617 any lands that may have been purchased and that are held by the
 618 district under the provisions of this act, the governing board

619 | may, upon the completion of said systems, facilities, services,
 620 | works, improvements, or infrastructure, in whole or in part, as
 621 | may be certified to the board by the engineer of the board, levy
 622 | annually a non-ad valorem and nonmillage tax upon each tract or
 623 | parcel of land within the district, to be known as a
 624 | "maintenance tax." This non-ad valorem maintenance tax shall be
 625 | apportioned upon the basis of the net assessments of benefits
 626 | assessed as accruing from the original construction and shall be
 627 | evidenced to and certified by the governing board of the
 628 | district not later than June 1 of each year to the property
 629 | appraisers ~~appraiser~~ of Charlotte and Lee Counties ~~County~~ and
 630 | shall be extended by the property appraiser on the tax roll of
 631 | the property appraiser, as certified by the property appraiser
 632 | to the tax collector, and collected by the tax collector on the
 633 | merged collection roll of the tax collector in the same manner
 634 | and at the same time as county ad valorem taxes, and the
 635 | proceeds therefrom shall be paid to the district. This non-ad
 636 | valorem maintenance tax shall be a lien until paid on the
 637 | property against which assessed and enforceable in like manner
 638 | and of the same dignity as county ad valorem taxes.

639 | (13) SPECIAL ASSESSMENTS.—

640 | (a) As an alternative method to the levy and imposition of
 641 | special assessments pursuant to chapter 170, Florida Statutes,
 642 | pursuant to the authority of section 197.3631, Florida Statutes,
 643 | or pursuant to other provisions of general law, now or hereafter
 644 | enacted, which provide a supplemental means or authority to

645 impose, levy, and collect special assessments as otherwise
646 authorized under this act, the board may levy and impose special
647 assessments to finance the exercise of any of its powers
648 permitted under this act using the following uniform procedures:

649 1. At a noticed meeting, the governing board of the
650 district may consider and review an engineer's report on the
651 costs of the systems, facilities, and services to be provided, a
652 preliminary assessment methodology, and a preliminary roll based
653 on acreage or platted lands, depending upon whether platting has
654 occurred.

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

671 peculiar benefits enjoyed by such property from such systems,
672 facilities, and services.

673 b. The engineer's cost report shall identify the nature of
674 the proposed systems, facilities, and services, their location,
675 a cost breakdown plus a total estimated cost, including cost of
676 construction or reconstruction, labor, and materials, lands,
677 property, rights, easements, franchises, or systems, facilities,
678 and services to be acquired, cost of plans and specifications,
679 surveys of estimates of costs and revenues, costs of
680 engineering, legal, and other professional consultation
681 services, and other expenses or costs necessary or incident to
682 determining the feasibility or practicability of such
683 construction, reconstruction, or acquisition, administrative
684 expenses, relationship to the authority and power of the
685 district in its charter, and such other expenses or costs as may
686 be necessary or incident to the financing to be authorized by
687 the governing board.

688 c. The preliminary assessment roll to be prepared will be
689 in accordance with the method of assessment provided for in the
690 assessment methodology and as may be adopted by the governing
691 board; the assessment roll shall be completed as promptly as
692 possible and shall show the acreage, lots, lands, or plats
693 assessed and the amount of the fairly and reasonably apportioned
694 assessment based on special and peculiar benefit to the
695 property, lot, parcel, or acreage of land; and, if the
696 assessment against each such lot, parcel, acreage, or portion of

697 land is to be paid in installments, the number of annual
698 installments in which the assessment is divided shall be entered
699 into and shown upon the assessment roll.

700 2. The governing board of the district may determine and
701 declare by an initial assessment resolution to levy and assess
702 the assessments with respect to assessable improvements stating
703 the nature of the systems, facilities, and services,
704 improvements, projects, or infrastructure constituting such
705 assessable improvements, the information in the engineer's cost
706 report, the information in the assessment methodology as
707 determined by the board at the noticed meeting and referencing
708 and incorporating as part of the resolution the engineer's cost
709 report, the preliminary assessment methodology, and the
710 preliminary assessment roll as referenced exhibits to the
711 resolution by reference. If the board determines to declare and
712 levy the special assessments by the initial assessment
713 resolution, the board shall also adopt and declare a notice
714 resolution that shall provide and cause the initial assessment
715 resolution to be published once a week for a period of 2 weeks
716 in newspapers ~~a newspaper~~ of general circulation published in
717 Charlotte and Lee Counties ~~County~~ and said board shall by the
718 same resolution fix a time and place at which the owner or
719 owners of the property to be assessed or any other persons
720 interested therein may appear before said board and be heard as
721 to the propriety and advisability of making such improvements,
722 as to the costs thereof, as to the manner of payment therefor,

723 and as to the amount thereof to be assessed against each
724 property so improved. Thirty days' notice in writing of such
725 time and place shall be given to such property owners. The
726 notice shall include the amount of the assessment and shall be
727 served by mailing a copy to each assessed property owner at his
728 or her last known address, the names and addresses of such
729 property owners to be obtained from the record of the property
730 appraiser of the county political subdivision in which the land
731 is located or from such other sources as the district manager or
732 engineer deems reliable, and proof of such mailing shall be made
733 by the affidavit of the manager of the district or by the
734 engineer, said proof to be filed with the district manager,
735 provided that failure to mail said notice or notices shall not
736 invalidate any of the proceedings hereunder. It is provided
737 further that the last publication shall be at least 1 week prior
738 to the date of the hearing on the final assessment resolution.
739 Said notice shall describe the general areas to be improved and
740 advise all persons interested that the description of each
741 property to be assessed and the amount to be assessed to each
742 piece, parcel, lot, or acre of property may be ascertained at
743 the office of the manager of the district. Such service by
744 publication shall be verified by the affidavit of the publisher
745 and filed with the manager of the district. Moreover, the
746 initial assessment resolution with its attached, referenced, and
747 incorporated engineer's cost report, preliminary assessment
748 methodology, and preliminary assessment roll, along with the

749 notice resolution, shall be available for public inspection at
750 the office of the manager and the office of the engineer or any
751 other office designated by the governing board in the notice
752 resolution. Notwithstanding the foregoing, the landowners of all
753 of the property that is proposed to be assessed may give the
754 district written notice of waiver of any notice and publication
755 provided for in this subparagraph and such notice and
756 publication shall not be required, provided, however, that any
757 meeting of the governing board to consider such resolution shall
758 be a publicly noticed meeting.

759 3. At the time and place named in the noticed resolution
760 as provided for in subparagraph 2., the governing board of the
761 district shall meet and hear testimony from affected property
762 owners as to the propriety and advisability of making the
763 systems, facilities, services, projects, works, improvements, or
764 infrastructure and funding them with assessments referenced in
765 the initial assessment resolution on the property. Following the
766 testimony and questions from the members of the board or any
767 professional advisors to the district of the preparers of the
768 engineer's cost report, the assessment methodology, and the
769 assessment roll, the governing board shall make a final decision
770 on whether to levy and assess the particular assessments.
771 Thereafter, the governing board shall meet as an equalizing
772 board to hear and to consider any and all complaints as to the
773 particular assessments and shall adjust and equalize the
774 assessments on the basis of justice and right.

775 4. When so equalized and approved by resolution or
776 ordinance by the governing board, to be called the final
777 assessment resolution, a final assessment roll shall be filed
778 with the clerk of the board and such assessment shall stand
779 confirmed and remain legal, valid, and binding first liens on
780 the property against which such assessments are made until paid,
781 equal in dignity to the first liens of ad valorem taxation of
782 county and municipal governments and school boards. However,
783 upon completion of the systems, facilities, service, project,
784 improvement, works, or infrastructure, the district shall credit
785 to each of the assessments the difference in the assessment as
786 originally made, approved, levied, assessed, and confirmed and
787 the proportionate part of the actual cost of the improvement to
788 be paid by the particular special assessments as finally
789 determined upon the completion of the improvement; but in no
790 event shall the final assessment exceed the amount of the
791 special and peculiar benefits as apportioned fairly and
792 reasonably to the property from the system, facility, or service
793 being provided as originally assessed. Promptly after such
794 confirmation, the assessment shall be recorded by the clerk of
795 the district in the minutes of the proceedings of the district,
796 and the record of the lien in this set of minutes shall
797 constitute prima facie evidence of its validity. The governing
798 board, in its sole discretion, may, by resolution, grant a
799 discount equal to all or a part of the payee's proportionate
800 share of the cost of the project consisting of bond financing

801 cost, such as capitalized interest, funded reserves, and bond
 802 discounts included in the estimated cost of the project, upon
 803 payment in full of any assessments during such period prior to
 804 the time such financing costs are incurred as may be specified
 805 by the governing board in such resolution.

806 5. District assessments may be made payable in
 807 installments over no more than 30 years after ~~from~~ the date of
 808 the payment of the first installment thereof and may bear
 809 interest at fixed or variable rates.

810 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 811 PROVISIONS REQUIRED.—

812 (a) No contract shall be let by the board for any goods,
 813 supplies, or materials to be purchased when the amount thereof
 814 to be paid by the district shall exceed the amount provided in
 815 section 287.017, Florida Statutes, for category four, unless
 816 notice of bids shall be advertised once in newspapers ~~a~~
 817 ~~newspaper~~ in general circulation in Charlotte and Lee Counties
 818 ~~County~~. Any board seeking to construct or improve a public
 819 building, structure, or other public works shall comply with the
 820 bidding procedures of section 255.20, Florida Statutes, and
 821 other applicable general law. In each case, the bid of the
 822 lowest responsive and responsible bidder shall be accepted
 823 unless all bids are rejected because the bids are too high or
 824 the board determines it is in the best interests of the district
 825 to reject all bids. The board may require the bidders to furnish
 826 bond with a responsible surety to be approved by the board.

827 Nothing in this section shall prevent the board from undertaking
 828 and performing the construction, operation, and maintenance of
 829 any project or facility authorized by this act by the employment
 830 of labor, material, and machinery.

831 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 832 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

833 (b) No such rates, fees, rentals, or other charges for any
 834 of the facilities or services of the district shall be fixed
 835 until after a public hearing at which all the users of the
 836 proposed facility or services or owners, tenants, or occupants
 837 served or to be served thereby and all other interested persons
 838 shall have an opportunity to be heard concerning the proposed
 839 rates, fees, rentals, or other charges. Rates, fees, rentals,
 840 and other charges shall be adopted under the administrative
 841 rulemaking authority of the district, but shall not apply to
 842 district leases. Notice of such public hearing setting forth the
 843 proposed schedule or schedules of rates, fees, rentals, and
 844 other charges shall have been published in newspapers ~~a~~
 845 ~~newspaper~~ of general circulation in Charlotte and Lee Counties
 846 ~~County~~ at least once and at least 10 days prior to such public
 847 hearing. The rulemaking hearing may be adjourned from time to
 848 time. After such hearing, such schedule or schedules, either as
 849 initially proposed or as modified or amended, may be finally
 850 adopted. A copy of the schedule or schedules of such rates,
 851 fees, rentals, or charges as finally adopted shall be kept on
 852 file in an office designated by the board and shall be open at

853 all reasonable times to public inspection. The rates, fees,
 854 rentals, or charges so fixed for any class of users or property
 855 served shall be extended to cover any additional users or
 856 properties thereafter served that shall fall in the same class,
 857 without the necessity of any notice or hearing.

858 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—

859 (a) The board may ask the Legislature through its local
 860 legislative delegations in and for Charlotte and Lee Counties
 861 ~~County~~ to amend this act to contract, to expand or to contract,
 862 and to expand the boundaries of the district.

863 (b) The district shall remain in existence until:

864 1. The district is terminated and dissolved pursuant to
 865 amendment to this act by the Legislature.

866 2. The district has become inactive pursuant to section
 867 189.062 ~~189.4044~~, Florida Statutes.

868 Section 6. In the election provided for in section 7, each
 869 landowner present in person or by proxy is entitled to cast one
 870 vote for each assessable acre or fraction of an acre of land
 871 owned by him or her and located within the district.

872 Section 7. This section and section 6 shall take effect
 873 upon this act becoming a law, and the remaining sections shall
 874 take effect upon approval by a majority vote of the owners of
 875 land within the district, including land in Charlotte and Lee
 876 Counties, who are not exempt from ad valorem taxes or non-ad
 877 valorem assessments and who are present in person or by proxy at
 878 a landowners' meeting to be held within 90 days after the

HB 1039

2016

879 | effective date of this act. Such landowners' meeting shall be
880 | noticed in the same manner as provided in section 5 of chapter
881 | 2007-306, Laws of Florida. However, the provisions of this act
882 | authorizing the levy of ad valorem taxation and the issuance of
883 | general obligation bonds shall take effect only upon express
884 | approval by a majority vote of those qualified electors of the
885 | Babcock Ranch Community Independent Special District voting in a
886 | referendum election held at such time as all members of the
887 | district's governing board are qualified electors of the
888 | district who are elected by qualified electors of the district
889 | as provided in this act.