

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Intergovernmental Affairs Subcommittee

Representative Esposito offered the following:

Amendment

Remove lines 1964-2694 and insert:

taxes. The levy of ad valorem taxes must be approved by referendum as required by Section 9, Article VII of the State Constitution and held at a general election.

(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 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

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17 the board not later than August 31 of each year. Such assessment
18 shall be entered by the property appraiser on the county tax
19 rolls and shall be collected and enforced by the tax collector
20 in the same manner and at the same time as county taxes, and the
21 proceeds thereof shall be paid to the district. However, this
22 subsection does not prohibit the district in its discretion from
23 using the method provided in s. 197.3632, Florida Statutes, or
24 chapter 173, Florida Statutes, as each may be amended from time
25 to time, for collecting and enforcing these assessments. Each
26 annual installment of benefit special assessments shall be a
27 lien on the property against which assessed until paid and shall
28 be enforceable in like manner as county taxes. The amount of the
29 assessment for the exercise of the district's powers under
30 subsections (6) and (7) shall be determined by the board based
31 upon a report of the district's engineer and assessed by the
32 board upon such lands, which may be part or all of the lands
33 within the district benefited by the improvement, apportioned
34 between benefited lands in proportion to the benefits received
35 by each tract of land. The board may, if it determines it is in
36 the best interests of the district, set forth in the proceedings
37 initially levying such benefit special assessments or in
38 subsequent proceedings a formula for the determination of an
39 amount which, when paid by a taxpayer with respect to any tax
40 parcel, shall constitute a prepayment of all future annual
41 installments of such benefit special assessments. The payment of

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42 such amount with respect to such tax parcel shall relieve and
43 discharge such tax parcel of the lien of such benefit special
44 assessments and any subsequent annual installment thereof. The
45 board may provide further that upon delinquency in the payment
46 of any annual installment of benefit special assessments, such
47 prepayment amount of all future annual installments of benefit
48 special assessments shall be and become immediately due and
49 payable together with such delinquent annual installment.

50 (c) Non-ad valorem maintenance taxes.—If and when
51 authorized by general law, to maintain and to preserve the
52 physical facilities and services constituting the works,
53 improvements, or infrastructure owned by the district pursuant
54 to this act, to repair and restore any one or more of them, when
55 needed, and to defray the current expenses of the district,
56 including any sum which may be required to pay state and county
57 ad valorem taxes on any lands which may have been purchased and
58 which are held by the district under this act, the board of
59 supervisors may, upon the completion of said systems,
60 facilities, services, works, improvements, or infrastructure, in
61 whole or in part, as may be certified to the board by the
62 engineer of the board, levy annually a non-ad valorem and
63 nonmillage tax upon each tract or parcel of land within the
64 district, to be known as a "maintenance tax." A maintenance tax
65 shall be apportioned upon the basis of the net assessments of
66 benefits assessed as accruing from the original construction and

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67 shall be evidenced to and certified by the board of supervisors
68 of the district not later than June 1 of each year to the Lee
69 County tax collector and shall be extended on the tax rolls and
70 collected by the tax collector on the merged collection roll of
71 the tax collector in the same manner and at the same time as
72 county ad valorem taxes, and the proceeds therefrom shall be
73 paid to the district. The maintenance tax shall be a lien until
74 paid on the property against which assessed and enforceable in
75 like manner and of the same dignity as county ad valorem taxes.

76 (d) Maintenance special assessments.—To maintain and
77 preserve the facilities and projects of the district, the board
78 may levy a maintenance special assessment. This assessment may
79 be evidenced to and certified to the tax collector by the board
80 of supervisors not later than August 31 of each year and shall
81 be entered by the property appraiser on the county tax rolls and
82 shall be collected and enforced by the tax collector in the same
83 manner and at the same time as county taxes, and the proceeds
84 therefrom shall be paid to the district. However, this
85 subsection does not prohibit the district in its discretion from
86 using the method prescribed in s. 197.363, s. 197.3631, or s.
87 197.3632, Florida Statutes, for collecting and enforcing these
88 assessments. These maintenance special assessments shall be a
89 lien on the property against which assessed until paid and shall
90 be enforceable in like manner as county taxes. The amount of the
91 maintenance special assessment for the exercise of the

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92 district's powers under this section shall be determined by the
93 board based upon a report of the district's engineer and
94 assessed by the board upon such lands, which may be all of the
95 lands within the district benefited by the maintenance thereof,
96 apportioned between the benefited lands in proportion to the
97 benefits received by each tract of land.

98 (e) Special assessments.—The board may levy and impose any
99 special assessments pursuant to this subsection.

100 (f) Enforcement of taxes.—The collection and enforcement
101 of all taxes levied by the district shall be at the same time
102 and in like manner as county taxes and the provisions of general
103 law relating to the sale of lands for unpaid and delinquent
104 county taxes; the issuance, sale, and delivery of tax
105 certificates for such unpaid and delinquent county taxes; the
106 redemption thereof; the issuance to individuals of tax deeds
107 based thereon; and all other procedures in connection therewith
108 shall be applicable to the district to the same extent as if
109 such statutory provisions were expressly set forth in this act.
110 All taxes shall be subject to the same discounts as county
111 taxes.

112 (g) When unpaid tax is delinquent; penalty.—All taxes
113 provided for in this act shall become delinquent and bear
114 penalties on the amount of such taxes in the same manner as
115 county taxes.

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116 (h) Status of assessments.—Benefit special assessments,
117 maintenance special assessments, and special assessments are
118 hereby found and determined to be non-ad valorem assessments as
119 defined in s. 197.3632(1), Florida Statutes. Maintenance taxes
120 are non-ad valorem taxes and are not special assessments.

121 (i) Assessments constitute liens; collection.—Any and all
122 assessments, including special assessments, benefit special
123 assessments, and maintenance special assessments authorized and
124 granted by this subsection and maintenance taxes if authorized
125 by general law, shall constitute a lien on the property against
126 which assessed from the date of levy and imposition thereof
127 until paid, coequal with the lien of state, county, municipal,
128 and school board taxes. These assessments may be collected, at
129 the district's discretion, under authority of s. 197.3631,
130 Florida Statutes, as amended from time to time, by the tax
131 collector pursuant to ss. 197.3632 and 197.3635, Florida
132 Statutes, as amended from time to time, or in accordance with
133 other collection measures provided by general law. In addition
134 to, and not in limitation of, any powers otherwise set forth
135 herein or in general law, these assessments may also be enforced
136 pursuant to chapter 173, Florida Statutes, as amended from time
137 to time.

138 (j) Land owned by governmental entity.—Except as otherwise
139 provided by general law, a levy of ad valorem taxes or non-ad
140 valorem assessments under this act or chapter 170 or chapter

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141 197, Florida Statutes, or otherwise by the board of the district
142 on property of a governmental entity that is subject to a ground
143 lease as described in s. 190.003(14), Florida Statutes, does not
144 constitute a lien or encumbrance on the underlying fee interest
145 of such governmental entity.

146 (13) SPECIAL ASSESSMENTS.—

147 (a) As an alternative method to the levy and imposition of
148 special assessments pursuant to chapter 170, Florida Statutes,
149 pursuant to the authority under s. 197.3631, Florida Statutes,
150 or pursuant to other provisions of general law, now or hereafter
151 enacted, which provide a supplemental means or authority to
152 impose, levy, and collect special assessments as otherwise
153 authorized under this act, the board may levy and impose special
154 assessments to finance the exercise of any of its powers
155 permitted under this act using the following uniform procedures:

156 1. At a noticed meeting, the board of supervisors of the
157 district may consider and review an engineer's report on the
158 costs of the systems, facilities, and services to be provided; a
159 preliminary special assessment methodology; and a preliminary
160 roll based on acreage or platted lands, depending upon whether
161 platting has occurred.

162 a. The special assessment methodology shall address and
163 discuss and the board shall consider whether the systems,
164 facilities, and services being contemplated will result in
165 special benefits peculiar to the property, different in kind and

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166 degree than general benefits, as a logical connection between
167 the systems, facilities, and services themselves and the
168 property, and whether the duty to pay the special assessments by
169 the property owners is apportioned in a manner that is fair and
170 equitable and not in excess of the special benefit received. It
171 shall be fair and equitable to designate a fixed proportion of
172 the annual debt service, together with interest thereon, on the
173 aggregate principal amount of bonds issued to finance such
174 systems, facilities, and services which give rise to unique,
175 special, and peculiar benefits to property of the same or
176 similar characteristics under the special assessment methodology
177 so long as such fixed proportion does not exceed the unique,
178 special, and peculiar benefits enjoyed by such property from
179 such systems, facilities, and services.

180 b. The engineer's cost report shall identify the nature of
181 the proposed systems, facilities, and services, their location,
182 a cost breakdown plus a total estimated cost, including cost of
183 construction or reconstruction, labor, and materials, lands,
184 property, rights, easements, franchises, or systems, facilities,
185 and services to be acquired; cost of plans and specifications
186 and surveys of estimates of costs and revenues; costs of
187 engineering, legal, and other professional consultation
188 services; and other expenses or costs necessary or incident to
189 determining the feasibility or practicability of such
190 construction, reconstruction, or acquisition, administrative

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191 expenses, relationship to the authority and power of the
192 district in its charter, and such other expenses or costs as may
193 be necessary or incident to the financing to be authorized by
194 the board of supervisors.

195 c. The preliminary special assessment roll shall be in
196 accordance with the assessment methodology as may be adopted by
197 the board of supervisors; the special assessment roll shall be
198 completed as promptly as possible and shall show the acreage,
199 lots, lands, or plats assessed and the amount of the fairly and
200 reasonably apportioned assessment based on special and peculiar
201 benefit to the property, lot, parcel, or acreage of land; and,
202 if the special assessment against such lot, parcel, acreage, or
203 portion of land is to be paid in installments, the number of
204 annual installments in which the special assessment is divided
205 shall be entered into and shown upon the special assessment
206 roll.

207 2. The board of supervisors of the district may determine
208 and declare by an initial special assessment resolution to levy
209 and assess the special assessments with respect to assessable
210 improvements stating the nature of the systems, facilities, and
211 services, improvements, projects, or infrastructure constituting
212 such assessable improvements, the information in the engineer's
213 cost report, the information in the special assessment
214 methodology as determined by the board at the noticed meeting
215 and referencing and incorporating as part of the resolution the

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216 engineer's cost report, the preliminary special assessment
217 methodology, and the preliminary special assessment roll as
218 referenced exhibits to the resolution by reference. If the board
219 determines to declare and levy the special assessments by the
220 initial special assessment resolution, the board shall also
221 adopt and declare a notice resolution which shall provide and
222 cause the initial special assessment resolution to be published
223 in a newspaper of general circulation in Lee County once a week
224 for 2 consecutive weeks, and said board shall by the same
225 resolution fix a time and place at which the owner or owners of
226 the property to be assessed or any other persons interested
227 therein may appear before said board and be heard as to the
228 propriety and advisability of making such improvements, as to
229 the costs thereof, as to the manner of payment therefor, and as
230 to the amount thereof to be assessed against each property so
231 improved. Thirty days' notice in writing of such time and place
232 shall be given to such property owners. The notice shall include
233 the amount of the special assessment and shall be served by
234 mailing a copy to each assessed property owner at his or her
235 last known address, the names and addresses of such property
236 owners to be obtained from the record of the property appraiser
237 of the county political subdivision in which the land is located
238 or from such other sources as the district manager or engineer
239 deems reliable. Proof of such mailing shall be made by the
240 affidavit of the manager of the district or by the engineer,

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241 said proof to be filed with the district manager. Failure to
242 mail said notice or notices does not invalidate any of the
243 proceedings hereunder. It is provided further that the last
244 publication shall be at least 1 week before the date of the
245 hearing on the final special assessment resolution. Said notice
246 shall describe the general areas to be improved and advise all
247 persons interested that the description of each property to be
248 assessed and the amount to be assessed to each piece, parcel,
249 lot, or acre of property may be ascertained at the office of the
250 manager of the district. Such service by publication shall be
251 verified by the affidavit of the publisher and filed with the
252 manager of the district. Moreover, the initial special
253 assessment resolution with its attached, referenced, and
254 incorporated engineer's cost report, preliminary special
255 assessment methodology, and preliminary special assessment roll,
256 along with the notice resolution, shall be available for public
257 inspection at the office of the manager and the office of the
258 engineer or any other office designated by the board of
259 supervisors in the notice resolution. Notwithstanding the
260 foregoing, the landowners of all of the property which is
261 proposed to be assessed may give the district written notice of
262 waiver of any notice and publication provided for in this
263 subparagraph. However, such notice and publication is not
264 required, provided that any meeting of the board of supervisors
265 to consider such resolution is a publicly noticed meeting.

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266 3. At the time and place named in the noticed resolution
267 as provided for in subparagraph 2., the board of supervisors of
268 the district shall meet and hear testimony from affected
269 property owners as to the propriety and advisability of making
270 the systems, facilities, services, projects, works,
271 improvements, or infrastructure and funding them with
272 assessments referenced in the initial special assessment
273 resolution on the property. Following the testimony and
274 questions from the members of the board or any professional
275 advisors to the district of the preparers of the engineer's cost
276 report, the special assessment methodology, and the special
277 assessment roll, the board of supervisors shall make a final
278 decision on whether to levy and assess the particular special
279 assessments. Thereafter, the board of supervisors shall meet as
280 an equalizing board to hear and to consider any and all
281 complaints as to the particular special assessments and shall
282 adjust and equalize the special assessments to ensure proper
283 assessment based on the benefit conferred on the property.

284 4. When so equalized and approved by resolution or
285 ordinance by the board of supervisors, to be called the final
286 special assessment resolution, a final special assessment roll
287 shall be filed with the clerk of the board, and such special
288 assessment shall stand confirmed and remain legal, valid, and
289 binding first liens on the property against which such special
290 assessments are made until paid, equal in dignity to the first

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291 liens of ad valorem taxation of county and municipal governments
292 and school boards. However, upon completion of the systems,
293 facilities, services, projects, improvements, works, or
294 infrastructure, the district shall credit to each of the
295 assessments the difference in the special assessment as
296 originally made, approved, levied, assessed, and confirmed and
297 the proportionate part of the actual cost of the improvement to
298 be paid by the particular special assessments as finally
299 determined upon the completion of the improvement; but in no
300 event shall the final special assessment exceed the amount of
301 the special and peculiar benefits as apportioned fairly and
302 reasonably to the property from the system, facility, or service
303 being provided as originally assessed. Promptly after such
304 confirmation, the special assessment shall be recorded by the
305 clerk of the district in the minutes of the proceedings of the
306 district, and the record of the lien in this set of minutes
307 shall constitute prima facie evidence of its validity. The board
308 of supervisors, in its sole discretion, may, by resolution,
309 grant a discount equal to all or a part of the payee's
310 proportionate share of the cost of the project consisting of
311 bond financing cost, such as capitalized interest, funded
312 reserves, and bond discounts included in the estimated cost of
313 the project, upon payment in full of any special assessments
314 during such period before the time such financing costs are

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315 incurred as may be specified by the board of supervisors in such
316 resolution.

317 5. District special assessments may be made payable in
318 installments over no more than 40 years after the date of the
319 payment of the first installment thereof and may bear interest
320 at fixed or variable rates.

321 (b) Notwithstanding any provision of this act or chapter
322 170, Florida Statutes, that portion of s. 170.09, Florida
323 Statutes, which provides that special assessments may be paid
324 without interest at any time within 30 days after the
325 improvement is completed and a resolution accepting the same has
326 been adopted by the governing authority is not applicable to any
327 district special assessments, whether imposed, levied, and
328 collected pursuant to this act or any other provision of general
329 law, including, but not limited to, chapter 170, Florida
330 Statutes.

331 (c) In addition, the district is authorized expressly in
332 the exercise of its rulemaking power to adopt rules that provide
333 for notice, levy, imposition, equalization, and collection of
334 assessments.

335 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
336 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

337 (a) The board may, after any special assessments or
338 benefit special assessments for assessable improvements are
339 made, determined, and confirmed as provided in this act, issue

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340 certificates of indebtedness for the amount so assessed against
341 the abutting property or property otherwise benefited, as the
342 case may be, and separate certificates shall be issued against
343 each part or parcel of land or property assessed, which
344 certificates shall state the general nature of the improvement
345 for which the assessment is made. The certificates shall be
346 payable in annual installments in accordance with the
347 installments of the special assessment for which they are
348 issued. The board may determine the interest to be borne by such
349 certificates, not to exceed the maximum rate allowed by general
350 law, and may sell such certificates at either private or public
351 sale and determine the form, manner of execution, and other
352 details of such certificates. The certificates shall recite that
353 they are payable only from the special assessments levied and
354 collected from the part or parcel of land or property against
355 which they are issued. The proceeds of such certificates may be
356 pledged for the payment of principal of and interest on any
357 revenue bonds or general obligation bonds issued to finance in
358 whole or in part such assessable improvement or, if not so
359 pledged, may be used to pay the cost or part of the cost of such
360 assessable improvements.

361 (b) The district may also issue assessment bonds, revenue
362 bonds, or other obligations payable from a special fund into
363 which such certificates of indebtedness referred to in paragraph
364 (a) may be deposited or, if such certificates of indebtedness

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365 have not been issued, may assign to such special fund for the
366 benefit of the holders of such assessment bonds or other
367 obligations, or to a trustee for such bondholders, the
368 assessment liens provided for in this act unless such
369 certificates of indebtedness or assessment liens have been
370 theretofore pledged for any bonds or other obligations
371 authorized hereunder. In the event of the creation of such
372 special fund and the issuance of such assessment bonds or other
373 obligations, the proceeds of such certificates of indebtedness
374 or assessment liens deposited therein shall be used only for the
375 payment of the assessment bonds or other obligations issued as
376 provided in this section. The district is authorized to covenant
377 with the holders of such assessment bonds, revenue bonds, or
378 other obligations that it will diligently and faithfully enforce
379 and collect all the special assessments, and interest and
380 penalties thereon, for which such certificates of indebtedness
381 or assessment liens have been deposited in or assigned to such
382 fund; to foreclose such assessment liens so assigned to such
383 special fund or represented by the certificates of indebtedness
384 deposited in the special fund, after such assessment liens have
385 become delinquent, and deposit the proceeds derived from such
386 foreclosure, including interest and penalties, in such special
387 fund; and to make any other covenants deemed necessary or
388 advisable in order to properly secure the holders of such
389 assessment bonds or other obligations.

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

399 (d) Such assessment bonds, revenue bonds, or other
400 obligations issued under this subsection shall bear such
401 interest as the board may determine, not to exceed the maximum
402 rate allowed by general law, and shall be executed, shall have
403 such provisions for redemption before maturity, shall be sold in
404 such manner, and shall be subject to all of the applicable
405 provisions contained in this act for revenue bonds, except as
406 the same may be inconsistent with this subsection.

407 (e) All assessment bonds, revenue bonds, or other
408 obligations issued under this subsection shall be, shall
409 constitute, and shall have all the qualities and incidents of
410 negotiable instruments under the law merchant and general laws.

411 (15) TAX LIENS.—All taxes of the district provided for in
412 this act, together with all penalties for default in the payment
413 of the same and all costs in collecting the same, including a
414 reasonable attorney fee fixed by the court and taxed as a cost

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415 in the action brought to enforce payment, shall, from January 1
416 of each year the property is liable to assessment and until
417 paid, constitute a lien of equal dignity with the liens for
418 state and county taxes and other taxes of equal dignity with
419 state and county taxes upon all the lands against which such
420 taxes shall be levied. A sale of any of the real property within
421 the district for state and county or other taxes may not operate
422 to relieve or release the property so sold from the lien for
423 subsequent district taxes or installments of district taxes,
424 which lien may be enforced against such property as though no
425 such sale thereof had been made. In addition, for purposes of s.
426 197.552, Florida Statutes, the lien of all special assessments
427 levied by the district shall constitute a lien of record held by
428 a municipal or county governmental unit. Sections 194.171,
429 197.122, 197.333, and 197.432, Florida Statutes, are applicable
430 to district taxes with the same force and effect as if such
431 sections were expressly provided in this act.

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

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

435 1. Pay any delinquent state, county, district, municipal,
436 or other tax or assessment upon lands located wholly or
437 partially within the boundaries of the district.

438 2. Redeem or purchase any tax sales certificates issued or
439 sold on account of any state, county, district, municipal, or

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440 other taxes or assessments upon lands located wholly or
441 partially within the boundaries of the district.

442 (b) Delinquent taxes paid, or tax sales certificates
443 redeemed or purchased, by the district, together with all
444 penalties for the default in payment of the same and all costs
445 in collecting the same and a reasonable attorney fee, shall
446 constitute a lien in favor of the district of equal dignity with
447 the liens of state and county taxes and other taxes of equal
448 dignity with state and county taxes upon all the real property
449 against which the taxes were levied. The lien of the district
450 may be foreclosed in the manner provided in this act.

451 (c) In any sale of land pursuant to s. 197.542, Florida
452 Statutes, as may be amended from time to time, the district may
453 certify to the clerk of the circuit court of the county holding
454 such sale the amount of taxes due to the district upon the lands
455 sought to be sold, and the district shall share in the
456 disbursement of the sales proceeds in accordance with this act
457 and under general law.

458 (17) FORECLOSURE OF LIENS.—Any lien in favor of the
459 district arising under this act may be foreclosed by the
460 district by foreclosure proceedings in the name of the district
461 in a court of competent jurisdiction as provided by general law
462 in like manner as is provided in chapter 170 or chapter 173,
463 Florida Statutes, and any amendments thereto, and those chapters
464 shall be applicable to such proceedings with the same force and

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465 effect as if those chapters were expressly provided in this act.
466 Any act required or authorized to be done by or on behalf of a
467 municipality in foreclosure proceedings under chapter 170 or
468 chapter 173, Florida Statutes, may be performed by such officer
469 or agent of the district as the board of supervisors may
470 designate. Such foreclosure proceedings may be brought at any
471 time after the expiration of 1 year from the date any tax, or
472 installment thereof, becomes delinquent; however, no lien shall
473 be foreclosed against any political subdivision or agency of the
474 state. Other legal remedies shall remain available.

475 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
476 FACILITIES, AND SERVICES.—To the full extent permitted by
477 general law, the district shall require all lands, buildings,
478 premises, persons, firms, and corporations within the district
479 to use the facilities of the district.

480 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
481 PROVISIONS REQUIRED.—

482 (a) A contract may not be let by the board for any goods,
483 supplies, or materials to be purchased when the amount thereof
484 to be paid by the district shall exceed the amount provided in
485 s. 287.017, Florida Statutes, for category four, unless notice
486 of bids shall be published in a newspaper of general circulation
487 in Lee County at least once. Any board seeking to construct or
488 improve a public building, structure, or other public works
489 shall comply with the bidding procedures of s. 255.20, Florida

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490 Statutes, as amended from time to time, and other applicable
491 general law. In each case, the bid of the lowest responsive and
492 responsible bidder shall be accepted unless all bids are
493 rejected because the bids are too high or the board determines
494 it is in the best interests of the district to reject all bids.
495 The board may require the bidders to furnish bond with a
496 responsible surety to be approved by the board. Nothing in this
497 subsection shall prevent the board from undertaking and
498 performing the construction, operation, and maintenance of any
499 project or facility authorized by this act by the employment of
500 labor, material, and machinery.

501 (b) The Consultants' Competitive Negotiation Act, s.
502 287.055, Florida Statutes, applies to contracts for engineering,
503 architecture, landscape architecture, or registered surveying
504 and mapping services let by the board.

505 (c) Contracts for maintenance services for any district
506 facility or project shall be subject to competitive bidding
507 requirements when the amount thereof to be paid by the district
508 exceeds the amount provided in s. 287.017, Florida Statutes, as
509 amended from time to time, for category four. The district shall
510 adopt rules, policies, or procedures establishing competitive
511 bidding procedures for maintenance services. Contracts for other
512 services may not be subject to competitive bidding unless the
513 district adopts a rule, policy, or procedure applying
514 competitive bidding procedures to said contracts. Nothing herein

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515 shall preclude the use of requests for proposal instead of
516 invitations to bid as determined by the district to be in its
517 best interest.

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

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

531 (b) No such rates, fees, rentals, or other charges for any
532 of the facilities or services of the district shall be fixed
533 until after a public hearing at which all the users of the
534 proposed facility or services or owners, tenants, or occupants
535 served or to be served thereby and all other interested persons
536 shall have an opportunity to be heard concerning the proposed
537 rates, fees, rentals, or other charges. Rates, fees, rentals,
538 and other charges shall be adopted under the administrative
539 rulemaking authority of the district but do not apply to

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540 district leases. Notice of such public hearing setting forth the
541 proposed schedule or schedules of rates, fees, rentals, and
542 other charges shall have been published in a newspaper of
543 general circulation in Lee County at least once and at least 10
544 days before such public hearing. The rulemaking hearing may be
545 adjourned from time to time. After such hearing, such schedule
546 or schedules, either as initially proposed or as modified or
547 amended, may be finally adopted. A copy of the schedule or
548 schedules of such rates, fees, rentals, or charges as finally
549 adopted shall be kept on file in an office designated by the
550 board and shall be open at all reasonable times to public
551 inspection. The rates, fees, rentals, or charges so fixed for
552 any class of users or property served shall be extended to cover
553 any additional users or properties thereafter served which shall
554 fall in the same class, without the necessity of any notice or
555 hearing.

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

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

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

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

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

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

581 (21) RECOVERY OF DELINQUENT CHARGES.-In the event that any
582 rates, fees, rentals, charges, or delinquent penalties are not
583 paid as and when due and are in default for 60 days or more, the
584 unpaid balance thereof and all interest accrued thereon,
585 together with reasonable attorney fees and costs, may be
586 recovered by the district in a civil action.

587 (22) DISCONTINUANCE OF SERVICES OR FACILITIES.-In the
588 event the fees, rentals, or other charges for district services

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589 or facilities are not paid when due, the board shall have the
590 power, under such reasonable rules and regulations as the board
591 may adopt, to discontinue and shut off such services or
592 facilities until such fees, rentals, or other charges, including
593 interest, penalties, and charges for the shutting off and
594 discontinuance and the restoration of such services or
595 facilities, are fully paid; and, for such purposes, the board
596 may enter on any lands, waters, or premises of any person, firm,
597 corporation, or body, public or private, within the district
598 limits. Such delinquent fees, rentals, or other charges,
599 together with interest, penalties, and charges for the shutting
600 off and discontinuance and the restoration of such services or
601 facilities and reasonable attorney fees and other expenses, may
602 be recovered by the district, which may also enforce payment of
603 such delinquent fees, rentals, or other charges by any other
604 lawful method of enforcement.

605 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved
606 person may have recourse to such remedies in general law and at
607 equity as may be necessary to ensure compliance with this act,
608 including injunctive relief to enjoin or restrain any person
609 violating this act or any bylaws, resolutions, regulations,
610 rules, codes, or orders adopted under this act. In case any
611 building or structure is erected, constructed, reconstructed,
612 altered, repaired, converted, or maintained, or any building,
613 structure, land, or water is used, in violation of this act or

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614 of any code, order, resolution, or other regulation made under
615 authority conferred by this act or under general law, the board
616 or any citizen residing in the district may institute any
617 appropriate action or proceeding to prevent such unlawful
618 erection, construction, reconstruction, alteration, repair,
619 conversion, maintenance, or use; to restrain, correct, or avoid
620 such violation; to prevent the occupancy of such building,
621 structure, land, or water; and to prevent any illegal act,
622 conduct, business, or use in or about such premises, land, or
623 water.

624 (24) SUITS AGAINST THE DISTRICT.—Any suit or action
625 brought or maintained against the district for damages arising
626 out of tort, including, without limitation, any claim arising
627 upon account of an act causing an injury or loss of property,
628 personal injury, or death, shall be subject to the limitations
629 provided in s. 768.28, Florida Statutes.

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

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

(a) The board of supervisors of the district may not ask the Legislature to repeal or amend this act to expand or to contract the boundaries of the district or otherwise cause the merger or termination of the district without first obtaining a resolution or official statement from Lee County as required by s. 189.031(2)(e)4., Florida Statutes, for creation of an independent special district. The district's consent may be evidenced by a resolution or other official written statement of the district.

(b) The district shall remain in existence until:

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

2. The district has become inactive pursuant to s. 189.062, Florida Statutes.

(27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—The

district may merge with one or more community development districts situated wholly within its boundaries. The district shall be the surviving entity of the merger. Any mergers shall commence upon each such community development district filing a written request for merger with the district. A copy of the written request shall also be filed with Lee County. The district, subject to the direction of its board of supervisors, shall enter into a merger agreement which shall provide for the proper allocation of debt, the manner in which such debt shall

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664 be retired, the transition of the community development district
665 board, and the transfer of all financial obligations and
666 operating and maintenance responsibilities to the district. The
667 execution of the merger agreement by the district and each
668 community development district constitutes consent of the
669 landowners within each district. The district and each community
670 development district requesting merger shall hold a public
671 hearing within its boundaries to provide information about and
672 take public comment on the proposed merger in the merger
673 agreement. The public hearing shall be held within 45 days after
674 the execution of the merger agreement by all parties thereto.
675 Notice of the public hearing shall be published in a newspaper
676 of general circulation in Lee County at least 14 days before the
677 hearing. At the conclusion of the public hearing, each district
678 shall consider a resolution approving or disapproving the
679 proposed merger. If the district and each community development
680 district which is a party to the merger agreement adopt a
681 resolution approving the proposed merger, the resolutions and
682 the merger agreement shall be filed with Lee County. Upon
683 receipt of the resolutions approving the merger and the merger
684 agreement, Lee County shall adopt a nonemergency ordinance
685 dissolving each community development district pursuant to s.
686 190.046(10), Florida Statutes.

687 (28) INCLUSION OF TERRITORY.—The inclusion of any or all
688 territory of the district within a municipality does not change,

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689 alter, or affect the boundary, territory, existence, or
690 jurisdiction of the district.

691 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
692 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this
693 district under this act, each contract for the initial sale of a
694 parcel of real property and each contract for the initial sale
695 of a residential unit within the district shall include,
696 immediately before the space reserved in the contract for the
697 signature of the purchaser, the following disclosure statement
698 in boldfaced and conspicuous type which is larger than the type
699 in the remaining text of the contract: "THE DUKE FARM
700 STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS,
701 OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND
702 ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE
703 COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE
704 DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE
705 DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY
706 AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER
707 TAXES AND ASSESSMENTS PROVIDED FOR BY GENERAL LAW."

708 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days
709 after the election of the first board of supervisors creating
710 the district, the district shall cause to be recorded in the
711 grantor-grantee index of the property records in Lee County a
712 "Notice of Creation and Establishment of the Duke Farm

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713 Stewardship District." The notice shall, at a minimum, include
714 the legal description of the territory described in this act.

715 (31) DISTRICT PROPERTY PUBLIC; FEES.-Any system, facility,
716 service, works, improvement, project, or other infrastructure
717 owned by the district, or funded by federal tax-exempt bonding
718 issued by the district, is public; and the district by rule may
719 regulate, and may impose reasonable charges or fees for, the use
720 thereof, but not to the extent that such regulation or
721 imposition of such charges or fees constitutes denial of
722 reasonable access.

723 **Section 7.** If any provision of this act or its application
724 to any person or circumstance is held invalid, the invalidity
725 does not affect the remaining provisions or applications of the
726 act which can be given effect without the invalid provision or
727 application, and to this end the provisions of this act are
728 severable.

729 **Section 8.** This act shall take effect upon becoming a law,
730 except that the provisions of this act which authorize the levy
731 of ad valorem taxation shall take effect only upon express
732 approval by a majority vote of those qualified electors of the
733 Duke Farm Stewardship District, as required by Section 9,
734 Article VII of the State Constitution, voting in a referendum
735 election held during a general election at such time as all
736 members of the board are qualified electors who are elected by
737 qualified electors of the district as provided in this act.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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