

1 A bill to be entitled
2 An act relating to Lee County; creating the Duke Farm
3 Stewardship District; providing a short title,
4 legislative findings and intent, and definitions;
5 establishing compliance with minimum requirements for
6 creation of an independent special district; providing
7 for creation and establishment of the district;
8 establishing the legal boundaries of the district;
9 providing for the jurisdiction and charter of the
10 district; providing for a governing board; providing
11 for membership, election, and terms of office;
12 providing for meetings; providing administrative
13 duties of the board; providing a method for transition
14 of the board from landowner control to control by the
15 resident electors of the district; providing for a
16 district manager and district employees; providing for
17 a district treasurer, selection of a public
18 depository, and district budgets and financial
19 reports; providing for disclosure of public
20 information; providing the general powers of the
21 district; providing the special powers of the district
22 to plan, finance, and provide community infrastructure
23 and services within the district; providing for bonds;
24 providing for borrowing; providing for trust
25 agreements; providing for future ad valorem taxation;

26 providing for special assessments; providing for
 27 issuance of certificates of indebtedness; providing
 28 for tax liens; providing for competitive procurement;
 29 providing for fees and charges; providing requirements
 30 for termination, contraction, or expansion of the
 31 district; authorizing mergers; providing for required
 32 notices to purchasers of residential units within the
 33 district; specifying that certain district property is
 34 public; providing construction; providing
 35 severability; providing for a referendum; providing
 36 effective dates.

37

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

39

40 **Section 1.** This act may be cited as the "Duke Farm
 41 Stewardship District Act."

42 **Section 2.** Legislative findings and intent; definitions;
 43 policy.-

44 (1) LEGISLATIVE INTENT; PURPOSE OF THE DISTRICT.-

45 (a) The lands located wholly within Lee County covered by
 46 this act contain many opportunities for thoughtful,
 47 comprehensive, responsible, and consistent development over a
 48 long period.

49 (b) There is a need to use a single special and limited
 50 purpose independent special district unit of local government

51 for the Duke Farm Stewardship District lands located within Lee
52 County for a more comprehensive community development approach,
53 which will facilitate an integral relationship among regional
54 transportation, land use, and urban design to provide for a
55 diverse mix of housing and regional employment and economic
56 development opportunities, rather than fragmented development
57 with underutilized infrastructure which is generally associated
58 with urban sprawl.

59 (c) There is a considerably long period of time during
60 which there is a significant burden to provide various systems,
61 facilities, and services to the initial landowners of the Duke
62 Farm Stewardship District lands, such that there is a need for
63 flexible management, sequencing, timing, and financing of the
64 various systems, facilities, and services to be provided to
65 these lands, taking into consideration absorption rates,
66 commercial viability, and related factors. Therefore, extended
67 control by the initial landowner with regard to the provision of
68 systems, facilities, and services for the Duke Farm Stewardship
69 District lands, coupled with the special and single purpose of
70 such district, is in the public interest.

71 (d) While chapter 190, Florida Statutes, provides an
72 opportunity for previous community development services and
73 facilities to be provided by the continued use of community
74 development districts in a manner that furthers the public
75 interest, given the size of the Duke Farm Stewardship District

76 | lands and the duration of development continuing to utilize
77 | multiple community development districts over these lands which
78 | would result in an inefficient, duplicative, and needless
79 | proliferation of special-purpose local governments, contrary to
80 | the public interest and the Legislature's findings in chapter
81 | 190, Florida Statutes, it is in the public interest that the
82 | long-range provision for, and management, financing, and long-
83 | term maintenance, upkeep, and operation of, services and
84 | facilities to be provided for ultimate development and
85 | conservation of the lands covered by this act be under one
86 | coordinated entity. The creation of an independent special
87 | district will assist in integrating the management of state
88 | resources and allow for greater and more coordinated stewardship
89 | of natural resources.

90 | (e) The existence and use of a special and limited purpose
91 | local government for the Duke Farm Stewardship District lands,
92 | subject to the Lee County comprehensive plan, will provide for a
93 | comprehensive and complete community development approach to
94 | promote a sustainable and efficient land use pattern for the
95 | Duke Farm Stewardship District lands with long-term planning for
96 | conservation and development, provide opportunities for the
97 | mitigation of impacts and development of infrastructure in an
98 | orderly and timely manner, prevent the overburdening of the
99 | local general purpose government and the taxpayers, and provide
100 | an enhanced tax base and regional employment and economic

101 development opportunities.

102 (f) The creation and establishment of the special district
103 will encourage local government financial self-sufficiency in
104 providing public facilities and in identifying and implementing
105 fiscally sound, innovative, and cost-effective techniques to
106 provide and finance public facilities while encouraging
107 coordinated development of capital improvement plans by all
108 levels of government, in accordance with the goals of chapter
109 187, Florida Statutes.

110 (g) The creation and establishment of a special and single
111 purpose independent district is a legitimate supplemental and
112 alternative method available to manage, own, operate, construct,
113 and finance capital infrastructure systems, facilities, and
114 services.

115 (h) In order to be responsive to the critical timing
116 required through the exercise of its special management
117 functions, an independent special district requires financing of
118 those functions, including bondable lienable and nonlienable
119 revenue, with full and continuing public disclosure and
120 accountability, funded by landowners, both present and future,
121 and funded also by users of the systems, facilities, and
122 services provided to the land area by the special district,
123 without unduly burdening the taxpayers, citizens, and ratepayers
124 of the state or Lee County.

125 (i) The special district created and established by this

126 act shall not have or exercise any comprehensive planning,
 127 zoning, or development permitting power; the establishment of
 128 the special district is not considered a development order
 129 within the meaning of part I of chapter 380, Florida Statutes;
 130 and all applicable planning and permitting laws, rules,
 131 regulations, and policies of Lee County control the development
 132 of the land to be serviced by the special district.

133 (j) The creation by this act of the Duke Farm Stewardship
 134 District is not inconsistent with the Lee County comprehensive
 135 plan.

136 (k) It is the legislative intent and purpose that no debt
 137 or obligation of the special district constitute a burden on Lee
 138 County.

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

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

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

148 (c) "Assessment bonds" means special obligations of the
 149 district which are payable solely from proceeds of the special
 150 assessments or benefit special assessments levied for assessable

151 improvements, provided that, in lieu of issuing assessment bonds
152 to fund the costs of assessable improvements, the district may
153 issue revenue bonds for such purposes payable from assessments.

154 (d) "Assessments" means nonmillage district assessments
155 including special assessments, benefit special assessments, and
156 maintenance special assessments, and a nonmillage, non-ad
157 valorem maintenance tax if authorized by general law.

158 (e) "Benefit special assessments" means district
159 assessments imposed, levied, and collected pursuant to section
160 6.

161 (f) "Board of supervisors" or "board" means the governing
162 body of the district or, if such board has been abolished, the
163 board, body, or commission assuming the principal functions
164 thereof or to whom the powers given to the board by this act
165 have been given by general law.

166 (g) "Bond" includes "certificate," and the provisions that
167 are applicable to bonds are equally applicable to certificates.
168 The term also includes any general obligation bond, assessment
169 bond, refunding bond, revenue bond, bond anticipation note, and
170 other such obligation in the nature of a bond as is provided for
171 in this act.

172 (h) "Cost" or "costs," when used in reference to any
173 project, includes, but is not limited to:

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

- 176 2. The cost of surveys, estimates, plans, and
177 specifications.
- 178 3. The cost of improvements.
- 179 4. Engineering, architectural, fiscal, and legal expenses
180 and charges.
- 181 5. The cost of all labor, materials, machinery, and
182 equipment.
- 183 6. The cost of all lands, properties, rights, easements,
184 and franchises acquired.
- 185 7. Financing charges.
- 186 8. The creation of initial reserve and debt service funds.
- 187 9. Working capital.
- 188 10. Interest charges incurred or estimated to be incurred
189 on money borrowed before and during construction and acquisition
190 and for such reasonable period of time after completion of
191 construction or acquisition as the board may determine.
- 192 11. The cost of issuance of bonds pursuant to this act,
193 including advertisements and printing.
- 194 12. The cost of any bond or tax referendum held pursuant
195 to this act and all other expenses of the issuance of bonds.
- 196 13. The discount, if any, on the sale or exchange of
197 bonds.
- 198 14. Administrative expenses.
- 199 15. Such other expenses as may be necessary or incidental
200 to the acquisition, construction, or reconstruction of any

201 project, or to the financing thereof, or to the development of
202 any lands within the district.

203 16. Payments, contributions, dedications, and any other
204 exactions required as a condition of receiving any governmental
205 approval or permit necessary to accomplish any district purpose.

206 17. Any other expense or payment permitted by this act or
207 allowable by general law.

208 (i) "District manager" means the manager of the district.

209 (j) "District roads" means highways, streets, roads,
210 alleys, intersection improvements, sidewalks, crossings,
211 landscaping, irrigation, signage, signalization, storm drains,
212 bridges, multi-use trails, lighting, and thoroughfares of all
213 kinds.

214 (k) "Duke Farm Stewardship District" or "district" means
215 the special and single-purpose independent special district unit
216 of local government and political subdivision created and
217 chartered by this act, and limited to the performance of those
218 general and special powers authorized by its charter under this
219 act, the boundaries of which are set forth in this act, the
220 governing board of which is created and authorized to operate
221 with legal existence by this act, and the purpose of which is as
222 set forth in this act.

223 (l) "General obligation bonds" means bonds which are
224 secured by, or provide for their payment by, the pledge of the
225 full faith and credit and taxing power of the district.

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

228 (n) "Governing board member" means any member of the board
229 of supervisors.

230 (o) "Land development regulations" means those regulations
231 of the general-purpose local government, adopted under the
232 Community Planning Act, codified as part II of chapter 163,
233 Florida Statutes, to which the district is subject and as to
234 which the district may not do anything that is inconsistent
235 therewith. Land development regulations are not considered
236 specific management, engineering, operations, or capital
237 improvement planning needed in the daily management,
238 implementation, and supplying by the district of systems,
239 facilities, services, works, improvements, projects, or
240 infrastructure, so long as they remain subject to and are not
241 inconsistent with the applicable county codes.

242 (p) "Landowner" means the owner of a freehold estate as it
243 appears on the deed record, including a trustee, a private
244 corporation, and an owner of a condominium unit. The term
245 "landowner" does not include a reversioner, remainderman,
246 mortgagee, or any governmental entity which is not counted and
247 does not need to be notified of proceedings under this act. The
248 term "landowner" also means the owner of a ground lease from a
249 governmental entity, which leasehold interest has a remaining
250 term, excluding all renewal options, in excess of 50 years.

251 (q) "Maintenance special assessments" are assessments
252 imposed, levied, and collected pursuant to section 6.

253 (r) "Non-ad valorem assessment" means only those
254 assessments which are not based upon millage and which can
255 become a lien against a homestead as permitted in s. 4, Art. X
256 of the State Constitution.

257 (s) "Powers" means powers used and exercised by the board
258 of supervisors to accomplish the special and limited purpose of
259 the district, including:

260 1. "General powers," which means those organizational and
261 administrative powers of the district as provided in its charter
262 in order to carry out its special and limited purposes as a
263 local government public corporate body politic.

264 2. "Special powers," which means those powers provided by
265 the district charter to implement its specialized systems,
266 facilities, services, projects, improvements, and infrastructure
267 and related functions in order to carry out its special and
268 limited purposes.

269 3. Any other powers, authority, or functions set forth in
270 this act.

271 (t) "Project" means any development, improvement,
272 property, power, utility, facility, enterprise, service, system,
273 works, or infrastructure now existing or hereafter undertaken or
274 established under this act.

275 (u) "Qualified elector" means any person at least 18 years

276 of age who is a citizen of the United States and a legal
277 resident of the state and of the district and who registers to
278 vote with the Supervisor of Elections in Lee County and resides
279 in Lee County.

280 (v) "Reclaimed water" means water, including from wells or
281 stormwater management facilities, that has received at least
282 secondary treatment and basic disinfection and is reused after
283 flowing out of a domestic wastewater treatment facility or
284 otherwise reused as an approved use of surface water or
285 groundwater by the water management district.

286 (w) "Reclaimed water system" means any plant, well,
287 system, facility, or property, and any addition, extension, or
288 improvement thereto at any future time constructed or acquired
289 as part thereof, useful, necessary, or having the present
290 capacity for future use in connection with the development of
291 sources, treatment, purification, or distribution of reclaimed
292 water. The term includes franchises of any nature relating to
293 any such system and necessary or convenient for the operation
294 thereof including for the district's own use or resale.

295 (x) "Refunding bonds" means bonds issued to refinance
296 outstanding bonds of any type and the interest and redemption
297 premium thereon. Refunding bonds may be issuable and payable in
298 the same manner as refinanced bonds, except that no approval by
299 the electorate shall be required unless required by the State
300 Constitution.

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

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

324 (aa) "Special assessments" means assessments as imposed,
325 levied, and collected by the district for the costs of

326 assessable improvements pursuant to this act; chapter 170,
327 Florida Statutes; and the additional authority under s.
328 197.3631, Florida Statutes, or any other provision of general
329 law, now or hereinafter enacted, which provide or authorize a
330 supplemental means to impose, levy, or collect special
331 assessments.

332 (bb) "Tax" or "taxes" means those levies and impositions
333 of the board of supervisors that support and pay for government
334 and the administration of general law and that may be:

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

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

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

351 system and necessary or convenient for the operation thereof.

352 (3) POLICY.—Based upon its findings, ascertainments,
353 determinations, intent, purpose, and definitions, the
354 Legislature states its policy expressly:

355 (a) The district and the district charter, with its
356 general and special powers, as created in this act, are
357 essential and the best alternative for the residential,
358 commercial, office, hotel, health care, and other similar
359 community uses, projects, or functions in the included portion
360 of Lee County consistent with the effective comprehensive plan,
361 and designed to serve a lawful public purpose.

362 (b) The district, which is a local government and a
363 political subdivision, is limited to its special purpose as
364 expressed in this act, with the power to provide, plan,
365 implement, construct, maintain, and finance as a local
366 government management entity systems, facilities, services,
367 improvements, infrastructure, and projects, and possessing
368 financing powers to fund its management power over the long term
369 and with sustained levels of high quality.

370 (c) The creation of the Duke Farm Stewardship District by
371 and pursuant to this act, and its exercise of its management and
372 related financing powers to implement its limited, single, and
373 special purpose, is not a development order and does not trigger
374 or invoke any provision within the meaning of chapter 380,
375 Florida Statutes, and all applicable governmental planning,

376 environmental, and land development laws, regulations, rules,
377 policies, and ordinances apply to all development of the land
378 within the jurisdiction of the district as created by this act.

379 (d) The district shall operate and function subject to,
380 and not inconsistent with, the applicable comprehensive plan of
381 Lee County and any applicable development orders (e.g., detailed
382 site plan development orders), zoning regulations, and other
383 land development regulations.

384 (e) The special and single-purpose Duke Farm Stewardship
385 District does not have the power of a general-purpose local
386 government to adopt a comprehensive plan or related land
387 development regulation as those terms are defined in the
388 Community Planning Act.

389 (f) This act may be amended, in whole or in part, only by
390 special act of the Legislature. The board of supervisors of the
391 district may not ask the Legislature to amend this act without
392 first obtaining a resolution or official statement from the
393 district and Lee County as provided in s. 189.031(2)(e)4.,
394 Florida Statutes, for the creation of an independent special
395 district.

396 **Section 3.** Minimum charter requirements; creation and
397 establishment; jurisdiction; construction; charter.-

398 (1) Pursuant to s. 189.031(3), Florida Statutes, the
399 Legislature sets forth that the minimum requirements in
400 paragraphs (a) through (o) have been met in the identified

401 provisions of this act as follows:

402 (a) The purpose of the district is provided in section 2
403 and this section.

404 (b) The powers, functions, and duties of the district
405 regarding ad valorem taxation, bond issuance, other revenue-
406 raising capabilities, budget preparation and approval, liens and
407 foreclosure of liens, use of tax deeds and tax certificates as
408 appropriate for non-ad valorem assessments, and contractual
409 agreements are provided in section 6.

410 (c) The methods for establishing the district are provided
411 in this section.

412 (d) The methods for amending the charter of the district
413 are provided in this section.

414 (e) The membership and organization of the governing body
415 and the establishment of a quorum are provided in section 5.

416 (f) The maximum compensation of board members is provided
417 in section 5.

418 (g) The administrative duties of the governing body are
419 provided in sections 5 and 6.

420 (h) The requirements for financial disclosure, noticing,
421 and reporting are provided in section 6.

422 (i) The procedures and requirements for issuing bonds are
423 provided in section 6.

424 (j) The requirements for elections or referendums and
425 qualifications of an elector of the district are provided in

426 section 5.

427 (k) The methods for financing the district are provided in
428 section 6.

429 (l) Other than taxes levied for the payment of bonds and
430 taxes levied for periods of up to 2 years when authorized by a
431 vote of the electors of the district, the authority to levy ad
432 valorem tax and the authorized millage rate are provided in
433 section 6.

434 (m) The methods for collecting non-ad valorem assessments,
435 fees, or service charges are provided in section 6.

436 (n) The requirements for planning are provided in sections
437 2 and 6.

438 (o) The geographic boundary limitations of the district
439 are provided in sections 4 and 6.

440 (2) The Duke Farm Stewardship District is created and
441 incorporated as a public body corporate and politic, an
442 independent special and limited purpose local government, an
443 independent special district, under s. 189.031, Florida
444 Statutes, and as defined in this act and in s. 189.012(3),
445 Florida Statutes, in and for portions of Lee County. Any
446 amendments to chapter 190, Florida Statutes, after January 1,
447 2025, granting additional general powers, special powers,
448 authorities, or projects to a community development district by
449 amendment to its uniform charter contained in ss. 190.006-
450 190.041, Florida Statutes, which are not inconsistent with this

451 act, shall constitute a general power, special power, authority,
452 or function of the Duke Farm Stewardship District. All notices
453 for the enactment by the Legislature of this special act have
454 been provided pursuant to the State Constitution, the Laws of
455 Florida, and the rules of the House of Representatives and of
456 the Senate. A referendum subsequent to the effective date of
457 this act is not required as a condition of establishing the
458 district. Therefore, the district, as created by this act, is
459 established on the property described in this act.

460 (3) The territorial boundary of the district shall embrace
461 and include all of that certain real property described in
462 section 4.

463 (4) The jurisdiction of the district, in the exercise of
464 its general and special powers, and in the carrying out of its
465 special and limited purposes, is both within the external
466 boundaries of the legal description of this district and
467 extraterritorially when limited to, and as authorized expressly
468 elsewhere in, the charter of the district as created in this act
469 or applicable general law. This special and limited purpose
470 district is created as a public body corporate and politic, and
471 local government authority and power is limited by its charter,
472 this act, and subject to other general laws, including chapter
473 189, Florida Statutes, except that an inconsistent provision in
474 this act shall control and the district has jurisdiction to
475 perform such acts and exercise such authorities, functions, and

476 powers as shall be necessary, convenient, incidental, proper, or
 477 reasonable for the implementation of its special and limited
 478 purpose regarding the sound planning, provision, acquisition,
 479 development, operation, maintenance, and related financing of
 480 those public systems, facilities, services, improvements,
 481 projects, and infrastructure works as authorized herein,
 482 including those necessary and incidental thereto. The district
 483 shall only exercise any of its powers extraterritorially within
 484 Lee County after execution of an interlocal agreement between
 485 the district and Lee County consenting to the district's
 486 exercise of any of such powers within Lee County or an
 487 applicable development order or as part of other land
 488 development regulations issued by Lee County.

489 (5) The exclusive charter of the Duke Farm Stewardship
 490 District is this act and, except as otherwise provided in
 491 subsection (2), may be amended only by special act of the
 492 Legislature.

493 **Section 4.** Formation; boundaries.—The Duke Farm
 494 Stewardship District, an independent special district, is
 495 created and incorporated in Lee County and shall embrace and
 496 include the territory described as:

497
 498 LEGAL DESCRIPTION

499
 500 BEING A PORTION OF SECTION 16, 17, 18 AND 19, TOWNSHIP

501 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING
 502 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 503 COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST
 504 QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE
 505 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN
 506 S.00°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST
 507 QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY
 508 RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78),
 509 A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE POINT
 510 OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;
 511 THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE FOR
 512 THE FOLLOW 4 COURSES, COURSE (1) SOUTH 88°52'22" EAST,
 513 2,392.11 FEET TO A POINT ON A NON-TANGENTIAL CURVE;
 514 COURSE (2) EASTERLY, 359.37 FEET ALONG THE ARC OF A
 515 CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF
 516 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 01°47'20"
 517 AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH
 518 89°43'14" EAST, 359.35 FEET; COURSE (3) NORTH
 519 89°19'50" EAST, 2,372.18 FEET TO A POINT ON A NON-
 520 TANGENTIAL CURVE; COURSE (4) EASTERLY, 114.31 FEET
 521 ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY,
 522 HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL
 523 ANGLE OF 00°34'27" AND BEING SUBTENDED BY A CHORD THAT
 524 BEARS NORTH 89°50'15" EAST, 114.31 FEET TO THE
 525 EASTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION

526 17; THENCE SOUTH 00°27'59" WEST ALONG THE SAID
 527 EASTERLY LINE OF THE NORTHWEST QUARTER, A DISTANCE OF
 528 1,294.97 FEET TO THE NORTHWEST CORNER OF P. JOHN
 529 HART'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
 530 PLAT BOOK 3, PAGE 7 OF THE PUBLIC RECORDS OF LEE
 531 COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY LINE OF
 532 SAID P. JOHN HART'S FOR THE FOLLOWING 2 COURSES,
 533 COURSE (1) SOUTH 89°42'51" EAST, 1,335.96 FEET; COURSE
 534 (2) SOUTH 00°26'09" WEST, 1,340.52 FEET TO THE
 535 SOUTHEAST CORNER OF SAID P. JOHN HART'S AND BEING THE
 536 SOUTHWEST CORNER OF NORTH RIVER OAKS ACCORDING TO THE
 537 PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGES 102
 538 AND 103 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
 539 THENCE ALONG THE BOUNDARY LINE OF SAID NORTH RIVER
 540 OAKS FOR THE FOLLOWING 2 COURSES, COURSE (1) SOUTH
 541 89°57'13" EAST, 1,336.67 FEET; COURSE (2) NORTH
 542 00°24'21" EAST, A DISTANCE OF 2,620.55 FEET TO A POINT
 543 ON THE SAID SOUTH RIGHT OF WAY OF NORTH RIVER ROAD;
 544 THENCE ALONG THE SAID SOUTH RIGHT OF WAY LINE OF NORTH
 545 RIVER ROAD FOR THE FOLLOWING 11 COURSES, COURSE (1)
 546 SOUTH 89°54'13" EAST, 3,853.85 FEET; COURSE (2) SOUTH
 547 00°05'41" WEST, 25.00 FEET TO A POINT ON A NON-
 548 TANGENTIAL CURVE; COURSE (3) SOUTHEASTERLY, 2,144.24
 549 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE
 550 SOUTHWESTERLY, HAVING A RADIUS OF 1,357.40 FEET,

551 THROUGH A CENTRAL ANGLE OF 90°30'30" AND BEING
 552 SUBTENDED BY A CHORD THAT BEARS SOUTH 44°39'04" EAST,
 553 1,928.15 FEET; COURSE (4) SOUTH 89°23'49" EAST, 25.00
 554 FEET; COURSE (5) SOUTH 00°36'11" WEST, 451.22 FEET TO
 555 A POINT OF CURVATURE; COURSE (6) SOUTHERLY, 291.78
 556 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE
 557 EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A
 558 CENTRAL ANGLE OF 11°16'39" AND BEING SUBTENDED BY A
 559 CHORD THAT BEARS SOUTH 05°02'09" EAST, 291.31 FEET;
 560 COURSE (7) SOUTH 00°30'35" WEST, 269.95 FEET; COURSE
 561 (8) NORTH 89°29'25" WEST, 6.10 FEET; COURSE (9) SOUTH
 562 00°31'50" WEST, 163.49 FEET; COURSE (10) SOUTH
 563 89°29'25" EAST, 6.16 FEET; COURSE (11) SOUTH 00°30'35"
 564 WEST, 40.31 FEET TO THE SOUTH LINE OF THE NORTHEAST
 565 QUARTER OF SAID SECTION 16; THENCE SOUTH 89°58'44"
 566 WEST ALONG THE SAID SOUTH LINE OF NORTHEAST QUARTER
 567 SAID SECTION 16, A DISTANCE OF 3,534.32 FEET; THENCE
 568 SOUTH 11°37'59" EAST LEAVING THE SAID SOUTH LINE OF
 569 THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE
 570 OF 129.40 FEET; THENCE SOUTH 38°55'40" EAST, A
 571 DISTANCE OF 171.91 FEET; THENCE SOUTH 01°24'18" EAST,
 572 A DISTANCE OF 210.70 FEET; THENCE SOUTH 04°12'34"
 573 EAST, A DISTANCE OF 885.91 FEET TO A POINT ON A NON-
 574 TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 744.14 FEET
 575 ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE

576 SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET, THROUGH
 577 A CENTRAL ANGLE OF 58°00'23" AND BEING SUBTENDED BY A
 578 CHORD THAT BEARS SOUTH 63°44'29" EAST, 712.76 FEET;
 579 THENCE SOUTH 00°31'19" WEST, A DISTANCE OF 323.16 FEET
 580 TO A POINT ON THE NORTHERLY RIGHT OF WAY OF DUKE
 581 HIGHWAY, RIGHT OF WAY MPA DUKE HIGHWAY ACCORDING TO
 582 THE PLAT OR MAP RECORDED IN MAP BOOK 2 PAGES1 THROUGH
 583 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO
 584 A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE
 585 SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY FOR
 586 THE FOLLOW 5 COURSES, COURSE (1) SOUTHWESTERLY, 241.09
 587 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE
 588 SOUTHEASTERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH
 589 A CENTRAL ANGLE OF 37°20'01" AND BEING SUBTENDED BY A
 590 CHORD THAT BEARS SOUTH 39°14'38" WEST, 236.85 FEET;
 591 COURSE (2) SOUTH 20°31'56" WEST, 313.99 FEET TO A
 592 POINT ON A NON-TANGENTIAL CURVE; COURSE (3)
 593 SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR
 594 CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF
 595 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°38'12" AND
 596 BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 55°16'41"
 597 WEST, 308.33 FEET; COURSE (4) NORTH 89°54'59" WEST,
 598 2,080.14 FEET; COURSE (5) NORTH 89°36'26" WEST,
 599 2,006.30 FEET; THENCE NORTH 00°26'05" EAST LEAVING THE
 600 SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A

601 DISTANCE OF 635.18 FEET; THENCE NORTH 89°44'35" WEST,
 602 A DISTANCE OF 669.02 FEET TO A POINT ON THE WESTERLY
 603 LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP
 604 43 SOUTH, RANGE 26 EAST; THENCE NORTH 00°26'25" EAST
 605 ALONG THE SAID WESTERLY LINE OF SOUTHEAST QUARTER OF
 606 SECTION 17, A DISTANCE OF 1,992.85 FEET TO THE
 607 NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID
 608 SECTION 17; THENCE NORTH 89°54'31" WEST ALONG THE
 609 SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SAID
 610 SECTION 17, A DISTANCE OF 2,661.75 FEET TO THE
 611 SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION
 612 17; THENCE SOUTH 00°20'37" WEST ALONG THE EASTERLY
 613 LINE OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP
 614 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, A
 615 DISTANCE OF 1,447.33 FEET TO A POINT HEREINAFTER
 616 REFERRED TO AS POINT "A", THE SAME BEING A POINT ON
 617 THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION
 618 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988);
 619 THENCE RUN ALONG SAID MEAN HIGH WATER LINE FOR THE
 620 FOLLOWING # COURSES, COURSE (1) SOUTH 63°09'11" WEST,
 621 68.12 FEET; COURSE (2) SOUTH 66°53'17" WEST, 63.33
 622 FEET; COURSE (3) SOUTH 70°27'15" WEST, 39.63 FEET;
 623 COURSE (4) SOUTH 64°37'58" WEST, 53.06 FEET; COURSE
 624 (5) SOUTH 77°10'24" WEST, 31.94 FEET; COURSE (6) SOUTH
 625 67°19'24" WEST, 49.00 FEET; COURSE (7) SOUTH 66°42'36"

626 WEST, 31.31 FEET; COURSE (8) SOUTH 80°37'35" WEST,
 627 23.70 FEET; COURSE (9) SOUTH 49°00'39" WEST, 25.62
 628 FEET; COURSE (10) SOUTH 65°48'12" WEST, 63.16 FEET;
 629 COURSE (11) SOUTH 74°36'11" WEST, 79.06 FEET; COURSE
 630 (12) SOUTH 73°49'33" WEST, 76.39 FEET; COURSE (13)
 631 SOUTH 77°28'30" WEST, 81.85 FEET; COURSE (14) SOUTH
 632 82°44'45" WEST, 86.96 FEET; COURSE (15) SOUTH
 633 69°49'00" WEST, 63.53 FEET; COURSE (16) SOUTH
 634 83°38'00" WEST, 84.05 FEET; COURSE (17) NORTH
 635 64°43'19" WEST, 10.65 FEET; COURSE (18) NORTH
 636 10°04'22" WEST, 17.28 FEET; COURSE (19) NORTH
 637 67°36'56" EAST, 63.76 FEET; COURSE (20) NORTH
 638 75°31'42" EAST, 84.91 FEET; COURSE (21) NORTH
 639 67°43'57" EAST, 42.46 FEET; COURSE (22) NORTH
 640 48°46'12" EAST, 15.77 FEET; COURSE (23) NORTH
 641 22°03'58" EAST, 53.88 FEET; COURSE (24) NORTH
 642 67°46'02" EAST, 56.48 FEET; COURSE (25) NORTH
 643 53°42'12" EAST, 56.78 FEET; COURSE (26) NORTH
 644 09°10'30" EAST, 71.37 FEET; COURSE (27) NORTH
 645 18°38'24" WEST, 45.27 FEET; COURSE (28) NORTH
 646 36°09'14" EAST, 54.90 FEET; COURSE (29) NORTH
 647 35°53'09" EAST, 55.09 FEET; COURSE (30) NORTH
 648 01°19'19" EAST, 23.41 FEET; COURSE (31) NORTH
 649 32°33'04" WEST, 51.20 FEET; COURSE (32) NORTH
 650 07°39'06" EAST, 57.91 FEET; COURSE (33) NORTH

651 06°39'11" WEST, 79.50 FEET; COURSE (34) NORTH
 652 36°15'06" WEST, 133.80 FEET; COURSE (35) NORTH
 653 13°17'04" EAST, 69.67 FEET; COURSE (36) NORTH
 654 51°38'20" EAST, 56.94 FEET; COURSE (37) NORTH
 655 09°17'06" WEST, 57.33 FEET; COURSE (38) SOUTH
 656 47°33'50" WEST, 52.48 FEET; COURSE (39) SOUTH
 657 52°35'15" WEST, 71.39 FEET; COURSE (40) SOUTH
 658 26°00'04" WEST, 44.07 FEET; COURSE (41) SOUTH
 659 05°32'36" EAST, 123.25 FEET; COURSE (42) SOUTH
 660 35°01'53" EAST, 91.33 FEET; COURSE (43) SOUTH
 661 50°35'34" EAST, 85.61 FEET; COURSE (44) SOUTH
 662 10°34'53" WEST, 33.93 FEET; COURSE (45) SOUTH
 663 21°26'11" EAST, 36.72 FEET; COURSE (46) SOUTH
 664 40°17'20" EAST, 33.23 FEET; COURSE (47) SOUTH
 665 35°18'25" WEST, 42.17 FEET; COURSE (48) SOUTH
 666 42°33'03" WEST, 45.18 FEET; COURSE (49) SOUTH
 667 41°13'28" WEST, 30.71 FEET; COURSE (50) SOUTH
 668 18°57'53" EAST, 40.71 FEET; COURSE (51) SOUTH
 669 02°39'27" EAST, 43.57 FEET; COURSE (52) SOUTH
 670 18°07'05" WEST, 39.46 FEET; COURSE (53) SOUTH
 671 67°10'19" WEST, 48.51 FEET; COURSE (54) SOUTH
 672 75°56'36" WEST, 27.05 FEET; COURSE (55) SOUTH
 673 56°00'26" WEST, 40.96 FEET; COURSE (56) SOUTH
 674 04°07'53" WEST, 15.13 FEET; COURSE (57) SOUTH
 675 02°20'53" WEST, 30.76 FEET; COURSE (58) SOUTH

676 83°41'22" WEST, 17.10 FEET; COURSE (59) NORTH
 677 81°54'26" WEST, 32.46 FEET; COURSE (60) SOUTH
 678 72°46'26" WEST, 51.87 FEET; COURSE (61) NORTH
 679 79°37'03" WEST, 77.30 FEET; COURSE (62) SOUTH
 680 43°53'28" WEST, 29.96 FEET; COURSE (63) SOUTH
 681 64°51'44" WEST, 33.22 FEET; COURSE (64) SOUTH
 682 67°25'22" WEST, 27.97 FEET; COURSE (65) SOUTH
 683 63°29'01" WEST, 21.10 FEET; COURSE (66) SOUTH
 684 63°09'28" WEST, 50.02 FEET; COURSE (67) SOUTH
 685 55°16'21" WEST, 81.31 FEET; COURSE (68) SOUTH
 686 61°20'10" WEST, 66.81 FEET; COURSE (69) SOUTH
 687 67°49'59" WEST, 48.47 FEET; COURSE (70) SOUTH
 688 72°10'03" WEST, 58.79 FEET; COURSE (71) SOUTH
 689 78°14'00" WEST, 49.72 FEET; COURSE (72) SOUTH
 690 64°42'00" WEST, 53.28 FEET; COURSE (73) SOUTH
 691 38°23'32" WEST, 10.59 FEET; COURSE (74) NORTH
 692 89°16'27" WEST, 20.26 FEET; COURSE (75) NORTH
 693 00°43'09" EAST, 121.86 FEET; COURSE (76) NORTH
 694 07°03'43" EAST, 300.00 FEET; COURSE (77) NORTH
 695 02°16'53" EAST, 100.00 FEET; COURSE (78) NORTH
 696 07°27'32" WEST, 299.99 FEET; COURSE (79) NORTH
 697 01°23'52" WEST, 100.00 FEET; COURSE (80) NORTH
 698 13°23'08" EAST, 100.00 FEET; COURSE (81) NORTH
 699 23°42'08" EAST, 99.22 FEET; COURSE (82) NORTH
 700 88°52'07" WEST, 00.00 FEET; COURSE (83) SOUTH

701 01°07'53" WEST, 1,252.34 FEET; COURSE (84) SOUTH
 702 59°33'49" WEST, 66.58 FEET; COURSE (85) SOUTH
 703 19°55'43" WEST, 17.96 FEET; COURSE (86) SOUTH
 704 53°18'36" WEST, 53.47 FEET; COURSE (87) SOUTH
 705 26°06'00" WEST, 82.56 FEET; COURSE (88) SOUTH
 706 05°34'19" WEST, 68.70 FEET; COURSE (89) SOUTH
 707 07°11'04" EAST, 29.90 FEET; COURSE (90) SOUTH
 708 07°54'16" EAST, 11.85 FEET; COURSE (91) SOUTH
 709 12°21'57" WEST, 78.12 FEET; COURSE (92) SOUTH
 710 10°40'48" WEST, 33.89 FEET; COURSE (93) SOUTH
 711 21°15'12" WEST, 20.19 FEET; COURSE (94) SOUTH
 712 10°05'07" WEST, 34.32 FEET; COURSE (95) SOUTH
 713 16°26'09" WEST, 51.67 FEET; COURSE (96) SOUTH
 714 20°15'30" WEST, 28.82 FEET; COURSE (97) SOUTH
 715 18°57'28" WEST, 36.38 FEET; COURSE (98) SOUTH
 716 15°47'44" WEST, 34.13 FEET; COURSE (99) SOUTH
 717 16°28'26" WEST, 59.42 FEET; COURSE (100) SOUTH
 718 12°32'34" WEST, 53.60 FEET; COURSE (101) SOUTH
 719 23°08'17" WEST, 62.09 FEET; COURSE (102) SOUTH
 720 15°16'02" WEST, 33.53 FEET; COURSE (103) SOUTH
 721 18°12'29" WEST, 115.02 FEET; COURSE (104) SOUTH
 722 03°19'16" EAST, 4.78 FEET; COURSE (105) NORTH
 723 47°23'44" WEST, 78.47 FEET; COURSE (106) NORTH
 724 24°12'11" WEST, 91.43 FEET; COURSE (107) NORTH
 725 03°48'12" WEST, 29.62 FEET; COURSE (108) NORTH

726 06°50'11" WEST, 34.61 FEET; COURSE (109) NORTH
 727 08°54'45" WEST, 28.95 FEET; COURSE (110) NORTH
 728 12°43'52" WEST, 39.18 FEET; COURSE (111) NORTH
 729 28°20'46" WEST, 39.90 FEET; COURSE (112) NORTH
 730 32°06'08" WEST, 30.67 FEET; COURSE (113) NORTH
 731 45°59'51" WEST, 43.84 FEET; COURSE (114) NORTH
 732 40°53'39" WEST, 33.01 FEET; COURSE (115) NORTH
 733 53°48'26" WEST, 60.20 FEET; COURSE (116) NORTH
 734 75°05'44" WEST, 54.64 FEET; COURSE (117) NORTH
 735 71°07'07" WEST, 40.46 FEET; COURSE (118) NORTH
 736 62°42'59" WEST, 34.22 FEET; COURSE (119) NORTH
 737 66°57'30" WEST, 51.84 FEET TO THE WESTERLY LINE OF THE
 738 SOUTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH
 739 00°16'39" EAST ALONG THE WESTERLY LINE AND THE
 740 WESTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION
 741 18, A DISTANCE OF 5,052.72 FEET TO THE POINT OF
 742 BEGINNING.
 743 CONTAINING 45,517,418 SQUARE FEET OR 1,044.936 ACRES,
 744 MORE OR LESS.
 745 AND COMMENCE AT THE AFOREMENTIONED POINT "A"; THENCE
 746 RUN S.00°20'37"W., ALONG THE EAST LINE OF THE
 747 SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE
 748 OF 77.70 FEET TO THE POINT OF BEGINNING OF THE PARCEL
 749 OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON
 750 THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION

751 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988);
 752 THENCE LEAVING SAID MEAN HIGH WATER LINE RUN
 753 S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE
 754 NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID
 755 SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST
 756 LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR
 757 A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF
 758 SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT
 759 OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN
 760 S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A
 761 DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF
 762 THE CALOOSAHATCHEE RIVER (ELEVATION 0.23 FEET-NORTH
 763 AMERICAN VERTICAL DATUM OF 1988); THENCE RUN
 764 N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 765 DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E.,
 766 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 767 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN
 768 HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE
 769 RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE,
 770 FOR A DISTANCE OF 42.95 FEET; THENCE RUN
 771 N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 772 DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W.,
 773 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 774 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN
 775 HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE

776 RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE,
 777 FOR A DISTANCE OF 60.65 FEET; THENCE RUN
 778 N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 779 DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E.,
 780 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 781 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN
 782 HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE
 783 RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE,
 784 FOR A DISTANCE OF 17.93 FEET; THENCE RUN
 785 S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 786 DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W.,
 787 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 788 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN
 789 HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE
 790 RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE,
 791 FOR A DISTANCE OF 53.19 FEET; THENCE RUN
 792 S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 793 DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W.,
 794 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 795 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN
 796 HIGH WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE
 797 RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE,,
 798 FOR A DISTANCE OF 39.89 FEET; THENCE RUN
 799 N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 800 DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W.,

801 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 802 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN
 803 HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE
 804 RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE,
 805 FOR A DISTANCE OF 64.46 FEET; THENCE RUN
 806 N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 807 DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W.,
 808 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 809 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN
 810 HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE
 811 RUN N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE,
 812 FOR A DISTANCE OF 30.93 FEET; THENCE RUN
 813 N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 814 DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W.,
 815 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 816 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN
 817 HIGH WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE
 818 RUN N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE,
 819 FOR A DISTANCE OF 50.25 FEET; THENCE RUN
 820 N.76°40'16"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 821 DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W.,
 822 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 823 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN
 824 HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE
 825 RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE,

826 FOR A DISTANCE OF 24.79 FEET; THENCE RUN
827 S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
828 DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W.,
829 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
830 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN
831 HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE
832 RUN N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE,
833 FOR A DISTANCE OF 42.82 FEET; THENCE RUN
834 N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
835 DISTANCE OF 23.07 FEET; THENCE RUN N.66°30'11"W.,
836 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
837 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN
838 HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE
839 RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE,
840 FOR A DISTANCE OF 30.41 FEET; THENCE RUN
841 N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
842 DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W.,
843 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
844 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN
845 HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE
846 RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE,
847 FOR A DISTANCE OF 28.45 FEET; THENCE RUN
848 N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
849 DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W.,
850 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF

851 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN
 852 HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE
 853 RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE,
 854 FOR A DISTANCE OF 27.53 FEET; THENCE RUN
 855 N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
 856 DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W.,
 857 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 858 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE,
 859 RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET;
 860 THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68
 861 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF
 862 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE
 863 OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A
 864 DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR
 865 A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E.,
 866 FOR A DISTANCE OF 219.46 FEET; THENCE RUN
 867 N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE
 868 RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET;
 869 THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03
 870 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF
 871 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE
 872 OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A
 873 DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR
 874 A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE
 875 OF TROUT CREEK (ELEVATION 0.03 FEET- NORTH AMERICAN

876 VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E.,
 877 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 878 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN
 879 HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE
 880 RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE,
 881 FOR A DISTANCE OF 59.04 FEET; THENCE RUN
 882 N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 883 DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E.,
 884 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 885 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN
 886 HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE
 887 RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE,
 888 FOR A DISTANCE OF 61.09 FEET; THENCE RUN
 889 N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 890 DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E.,
 891 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 892 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN
 893 HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE
 894 RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE,
 895 FOR A DISTANCE OF 120.20 FEET; THENCE RUN
 896 N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 897 DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E.,
 898 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 899 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN
 900 HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE

901 RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE,
 902 FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E.
 903 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 904 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN
 905 HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE
 906 RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE,
 907 FOR A DISTANCE OF 23.99 FEET; THENCE RUN
 908 N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A
 909 DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E.,
 910 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
 911 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN
 912 HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO THE
 913 POINT OF BEGINNING.

914 CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE
 915 OR LESS.
 916 TOTAL AREA OR PROPERTY DESCRIBED HEREIN IS 49,289,621
 917 SQUARE FEET OR 1,131.53 ACRES, MORE OR LESS.

918
 919 Being subject to any rights-of-way, restrictions, and
 920 easements of record.

921
 922 **Section 5.** Board of supervisors; members and meetings;
 923 organization; powers; duties; terms of office; related election
 924 requirements.—

925 (1) The board of the district shall exercise the powers

926 granted to the district pursuant to this act. The board shall
927 consist of five members, each of whom shall hold office for a
928 term of 4 years, as provided in this section, except as
929 otherwise provided herein for initial board members, and until a
930 successor is chosen and qualified. The members of the board must
931 be residents of the state and citizens of the United States.

932 (2) (a) Within 90 days after the effective date of this
933 act, there shall be held a meeting of the landowners of the
934 district for the purpose of electing five supervisors for the
935 district. Notice of the landowners' meeting shall be published
936 in a newspaper of general circulation in the general area of the
937 district once a week for 2 consecutive weeks, the last day of
938 such publication to be not fewer than 14 days nor more than 28
939 days before the date of the election. The landowners, when
940 assembled at such meeting, shall organize by electing a chair,
941 who shall conduct the meeting. The chair may be any person
942 present at the meeting. If the chair is a landowner or proxy
943 holder of a landowner, he or she may nominate candidates and
944 make and second motions. The landowners present at the meeting,
945 in person or by proxy, shall constitute a quorum. At any
946 landowners' meeting, 50 percent of the district acreage is not
947 required to constitute a quorum, and each governing board member
948 elected by landowners shall be elected by a majority of the
949 acreage represented either by owner or proxy present and voting
950 at said meeting.

951 (b) At such meeting, each landowner shall be entitled to
952 cast one vote per acre of land owned by him or her and located
953 within the district for each person to be elected. A landowner
954 may vote in person or by proxy in writing. Each proxy must be
955 signed by one of the legal owners of the property for which the
956 vote is cast and must contain the typed or printed name of the
957 individual who signed the proxy; the street address, legal
958 description of the property, or tax parcel identification
959 number; and the number of authorized votes. If the proxy
960 authorizes more than one vote, each property must be listed and
961 the number of acres of each property must be included. The
962 signature on a proxy need not be notarized. A fraction of an
963 acre shall be treated as 1 acre, entitling the landowner to one
964 vote with respect thereto. The three candidates receiving the
965 highest number of votes shall each be elected for terms expiring
966 November 27, 2029, and the two candidates receiving the next
967 largest number of votes shall each be elected for terms expiring
968 November 23, 2027, with the term of office for each successful
969 candidate commencing upon election. The members of the first
970 board elected by landowners shall serve their respective terms;
971 however, the next election of board members shall be held on the
972 first Tuesday after the first Monday in November 2027.
973 Thereafter, there shall be an election by landowners for the
974 district every 2 years on the first Tuesday after the first
975 Monday in November, which shall be noticed pursuant to paragraph

976 (a). The second and subsequent landowners' election shall be
977 announced at a public meeting of the board at least 90 days
978 before the date of the landowners' meeting and shall also be
979 noticed pursuant to paragraph (a). Instructions on how all
980 landowners may participate in the election, along with sample
981 proxies, shall be provided during the board meeting that
982 announces the landowners' meeting. Each supervisor elected in or
983 after November 2027 shall serve a 4-year term.

984 (3) (a) 1. The board may not exercise the ad valorem taxing
985 power authorized by this act until such time as all members of
986 the board are qualified electors who are elected by qualified
987 electors of the district.

988 2.a. Regardless of whether the district has proposed to
989 levy ad valorem taxes, board members shall be elected by
990 qualified electors of the district as the district becomes
991 populated with qualified electors. The transition shall occur
992 such that the composition of the board, after the first general
993 election following a trigger of the qualified elector population
994 thresholds set forth below, shall be as follows:

995 (I) Once 1,200 qualified electors reside within the
996 district, one governing board member shall be a person who is a
997 qualified elector of the district and who was elected by the
998 qualified electors, and four governing board members shall be
999 persons who were elected by the landowners.

1000 (II) Once 1,600 qualified electors reside within the

1001 district, two governing board members shall be persons who are
1002 qualified electors of the district and who were elected by the
1003 qualified electors, and three governing board members shall be
1004 persons who were elected by the landowners.

1005 (III) Once 2,000 qualified electors reside within the
1006 district, three governing board members shall be persons who are
1007 qualified electors of the district and who were elected by the
1008 qualified electors, and two governing board members shall be
1009 persons who were elected by the landowners.

1010 (IV) Once 2,300 qualified electors reside within the
1011 district, four governing board members shall be persons who are
1012 qualified electors of the district and who were elected by the
1013 qualified electors, and one governing board member shall be a
1014 person who was elected by the landowners.

1015 (V) Once 2,500 qualified electors reside within the
1016 district, all five governing board members shall be persons who
1017 are qualified electors of the district and who were elected by
1018 the qualified electors.

1019

1020 Nothing in this sub-subparagraph is intended to require an
1021 election before the expiration of an existing board member's
1022 term.

1023 b. On or before June 1 of each election year, the board
1024 shall determine the number of qualified electors in the district
1025 as of the immediately preceding April 15. The board shall use

1026 and rely upon the official records maintained by the supervisor
1027 of elections and property appraiser or tax collector in Lee
1028 County in making this determination. Such determination shall be
1029 made at a properly noticed meeting of the board and shall become
1030 a part of the official minutes of the district.

1031 c. All governing board members elected by qualified
1032 electors shall be elected at large at an election occurring as
1033 provided in subsection (2) and this subsection.

1034 d. All governing board members elected by qualified
1035 electors shall reside in the district.

1036 e. Once the district qualifies to have any of its board
1037 members elected by the qualified electors of the district, the
1038 initial and all subsequent elections by the qualified electors
1039 of the district shall be held at the general election in
1040 November. The board shall adopt a resolution, if necessary, to
1041 implement this requirement. The transition process described
1042 herein is intended to be in lieu of the process set forth in s.
1043 189.041, Florida Statutes.

1044 (b) Elections of board members by qualified electors held
1045 pursuant to this subsection shall be nonpartisan and shall be
1046 conducted in the manner prescribed by general law for holding
1047 general elections. Board members shall assume the office on the
1048 second Tuesday following their election.

1049 (c) Candidates seeking election to office by qualified
1050 electors under this subsection shall conduct their campaigns in

1051 accordance with chapter 106, Florida Statutes, and shall file
1052 qualifying papers and qualify for individual seats in accordance
1053 with s. 99.061, Florida Statutes.

1054 (d) The supervisor of elections shall appoint the
1055 inspectors and clerks of elections, prepare and furnish the
1056 ballots, designate polling places, and canvass the returns of
1057 the election of board members by qualified electors. The county
1058 canvassing board shall declare and certify the results of the
1059 election.

1060 (4) Members of the board, regardless of how elected, shall
1061 be public officers, shall be known as supervisors, and, upon
1062 entering into office, shall take and subscribe to the oath of
1063 office as prescribed by s. 876.05, Florida Statutes. Members of
1064 the board shall be subject to ethics and conflict of interest
1065 laws of the state that apply to all local public officers. They
1066 shall hold office for the terms for which they were elected or
1067 appointed and until their successors are chosen and qualified.
1068 If, during the term of office, a vacancy occurs, the remaining
1069 members of the board shall fill each vacancy by an appointment
1070 for the remainder of the unexpired term.

1071 (5) Any elected member of the board of supervisors may be
1072 removed by the Governor for malfeasance, misfeasance,
1073 dishonesty, incompetency, or failure to perform the duties
1074 imposed upon him or her by this act, and any vacancies that may
1075 occur in such office for such reasons shall be filled by the

1076 Governor as soon as practicable.

1077 (6) A majority of the members of the board constitutes a
1078 quorum for the purposes of conducting its business and
1079 exercising its powers and for all other purposes. Action taken
1080 by the district shall be upon a vote of a majority of the
1081 members present unless general law or a rule of the district
1082 requires a greater number.

1083 (7) As soon as practicable after each election or
1084 appointment, the board shall organize by electing one of its
1085 members as chair and by electing a secretary, who need not be a
1086 member of the board, and such other officers as the board may
1087 deem necessary.

1088 (8) The board shall keep a permanent record book entitled
1089 "Record of Proceedings of Duke Farm Stewardship District," in
1090 which shall be recorded minutes of all meetings, resolutions,
1091 proceedings, certificates, bonds given by all employees, and any
1092 and all corporate acts. The record book and all other district
1093 records shall at reasonable times be opened to inspection in the
1094 same manner as state, county, and municipal records pursuant to
1095 chapter 119, Florida Statutes. The record book shall be kept at
1096 the office or other regular place of business maintained by the
1097 board in a designated location in Lee County.

1098 (9) Each supervisor may not be entitled to receive
1099 compensation for his or her services in excess of the limits
1100 established in s. 190.006(8), Florida Statutes, or any other

1101 provision of general law; however, each supervisor shall receive
1102 travel and per diem expenses as set forth in s. 112.061, Florida
1103 Statutes.

1104 (10) All meetings of the board shall be open to the public
1105 and governed by chapter 286, Florida Statutes.

1106 **Section 6.** Board of supervisors; general duties.—

1107 (1) DISTRICT MANAGER AND EMPLOYEES.—The board shall employ
1108 and fix the compensation of a district manager, who shall have
1109 charge and supervision of the works of the district and shall be
1110 responsible for preserving and maintaining any improvement or
1111 facility constructed or erected pursuant to this act, for
1112 maintaining and operating the equipment owned by the district,
1113 and for performing such other duties as may be prescribed by the
1114 board. It is not a conflict of interest or an abuse of public
1115 position under chapter 112, Florida Statutes, for a board
1116 member, the district manager, or another employee of the
1117 district to be a stockholder, officer, or employee of a
1118 landowner or an entity affiliated with a landowner. The district
1119 manager may hire or otherwise employ and terminate the
1120 employment of such other persons, including, without limitation,
1121 professional, supervisory, and clerical employees, as may be
1122 necessary and authorized by the board. The compensation and
1123 other conditions of employment of the officers and employees of
1124 the district shall be as provided by the board.

1125 (2) TREASURER.—The board shall designate a person who is a

1126 resident of the state as treasurer of the district, who shall
1127 have charge of the funds of the district. Such funds shall be
1128 disbursed only upon the order of or pursuant to a resolution of
1129 the board by warrant or check countersigned by the treasurer and
1130 by such other person as may be authorized by the board. The
1131 board may give the treasurer such other or additional powers and
1132 duties as the board may deem appropriate and may fix his or her
1133 compensation. The board may require the treasurer to give a bond
1134 in such amount, on such terms, and with such sureties as may be
1135 deemed satisfactory to the board to secure the performance by
1136 the treasurer of his or her powers and duties. The financial
1137 records of the board shall be audited by an independent
1138 certified public accountant in accordance with the requirements
1139 of general law.

1140 (3) PUBLIC DEPOSITORY.—The board is authorized to select
1141 as a depository for its funds any qualified public depository as
1142 defined in s. 280.02, Florida Statutes, which meets all the
1143 requirements of chapter 280, Florida Statutes, and has been
1144 designated by the treasurer as a qualified public depository
1145 upon such terms and conditions as to the payment of interest by
1146 such depository upon the funds so deposited as the board may
1147 deem just and reasonable.

1148 (4) BUDGET; REPORTS AND REVIEWS.—

1149 (a) The district shall provide financial reports in such
1150 form and such manner as prescribed pursuant to this act and

1151 chapter 218, Florida Statutes.

1152 (b) On or before July 15 of each year, the district

1153 manager shall prepare a proposed budget for the ensuing fiscal

1154 year to be submitted to the board for board approval. The

1155 proposed budget shall include at the direction of the board an

1156 estimate of all necessary expenditures of the district for the

1157 ensuing fiscal year and an estimate of income to the district

1158 from the taxes and assessments provided in this act. The board

1159 shall consider the proposed budget item by item and may either

1160 approve the budget as proposed by the district manager or modify

1161 the same in part or in whole. The board shall indicate its

1162 approval of the budget by resolution, which resolution shall

1163 provide for a hearing on the budget as approved. Notice of the

1164 hearing on the budget shall be published in a newspaper of

1165 general circulation in the general area of the district once a

1166 week for 2 consecutive weeks, except that the first publication

1167 shall be no fewer than 15 days before the date of the hearing.

1168 The notice shall further contain a designation of the day, time,

1169 and place of the public hearing. At the day, time, and place

1170 designated in the notice, the board shall hear all objections to

1171 the budget as proposed and may make such changes as the board

1172 deems necessary. At the conclusion of the budget hearing, the

1173 board shall, by resolution, adopt the budget as finally approved

1174 by the board. The budget shall be adopted before October 1 of

1175 each year.

1176 (c) At least 60 days before adoption, the board of
1177 supervisors of the district shall submit to the Board of County
1178 Commissioners of Lee County, for purposes of disclosure and
1179 information only, the proposed annual budget for the ensuing
1180 fiscal year, and the board of county commissioners may submit
1181 written comments to the board of supervisors solely for the
1182 assistance and information of the board of supervisors in
1183 adopting its annual district budget.

1184 (d) The board of supervisors shall submit annually a
1185 public facilities report to the Board of County Commissioners of
1186 Lee County pursuant to s. 189.08, Florida Statutes. The board of
1187 county commissioners may use and rely on the district's public
1188 facilities report in the preparation or revision of the Lee
1189 County comprehensive plan.

1190 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC
1191 ACCESS.—The district shall take affirmative steps to provide for
1192 the full disclosure of information relating to the public
1193 financing and maintenance of improvements to real property
1194 undertaken by the district. Such information shall be made
1195 available to all existing and prospective residents of the
1196 district. The district shall furnish each developer of a
1197 residential development within the district with sufficient
1198 copies of that information to provide each prospective initial
1199 purchaser of property in that development with a copy; and any
1200 developer of a residential development within the district, when

1201 required by general law to provide a public offering statement,
1202 shall include a copy of such information relating to the public
1203 financing and maintenance of improvements in the public offering
1204 statement. The district shall file the disclosure documents
1205 required by this subsection and any amendments thereto in the
1206 property records of each county in which the district is
1207 located. By the end of the first full fiscal year of the
1208 district's creation, the district shall maintain an official
1209 Internet website in accordance with s. 189.069, Florida
1210 Statutes.

1211 (6) GENERAL POWERS.—The district shall have, and the board
1212 may exercise, the following general powers:

1213 (a) To sue and be sued in the name of the district; to
1214 adopt and use a seal and authorize the use of a facsimile
1215 thereof; to acquire, by purchase, gift, devise, or otherwise,
1216 and to dispose of, real and personal property, or any estate
1217 therein; and to make and execute contracts and other instruments
1218 necessary or convenient to the exercise of its powers.

1219 (b) To apply for coverage of its employees under the
1220 Florida Retirement System in the same manner as if such
1221 employees were state employees.

1222 (c) To contract for the services of consultants to perform
1223 planning, engineering, legal, or other appropriate services of a
1224 professional nature. Such contracts shall be subject to public
1225 bidding or competitive negotiation requirements as set forth in

1226 general law applicable to independent special districts.

1227 (d) To borrow money and accept gifts; to apply for and use
1228 grants or loans of money or other property from the United
1229 States, the state, a unit of local government, or any person for
1230 any district purposes and enter into agreements required in
1231 connection therewith; and to hold, use, and dispose of such
1232 moneys or property for any district purposes in accordance with
1233 the terms of the gift, grant, loan, or agreement relating
1234 thereto.

1235 (e) To adopt and enforce rules and orders pursuant to
1236 chapter 120, Florida Statutes, prescribing the powers, duties,
1237 and functions of the officers of the district; the conduct of
1238 the business of the district; the maintenance of the records of
1239 the district; and the form of certificates evidencing tax liens
1240 of the district and all other documents and records of the
1241 district. The board may also adopt and enforce administrative
1242 rules with respect to any of the projects of the district and
1243 define the area to be included therein. The board may also adopt
1244 resolutions which may be necessary for the conduct of district
1245 business.

1246 (f) To maintain an office at such place or places as the
1247 board of supervisors designates in Lee County and within the
1248 district when facilities are available.

1249 (g) To hold, control, and acquire by donation, purchase,
1250 or condemnation, or dispose of, any public easements,

1251 dedications to public use, platted reservations for public
1252 purposes, or any reservations for those purposes authorized by
1253 this act and to make use of such easements, dedications, or
1254 reservations for the purposes authorized by this act.

1255 (h) To lease as lessor or lessee to or from any person,
1256 firm, corporation, association, or body, public or private, any
1257 projects of the type that the district is authorized to
1258 undertake and facilities or property of any nature for the use
1259 of the district to carry out the purposes authorized by this
1260 act.

1261 (i) To borrow money and issue bonds, certificates,
1262 warrants, notes, or other evidence of indebtedness as provided
1263 herein; to levy such taxes and assessments as may be authorized;
1264 and to charge, collect, and enforce fees and other user charges.

1265 (j) To raise, by user charges or fees authorized by
1266 resolution of the board, amounts of money which are necessary
1267 for the conduct of district activities and services and to
1268 enforce their receipt and collection in the manner prescribed by
1269 resolution not inconsistent with general law.

1270 (k) To exercise all powers of eminent domain now or
1271 hereafter conferred on counties in this state; provided,
1272 however, that such power of eminent domain may not be exercised
1273 outside the territorial limits of the district unless the
1274 district receives prior approval by vote of a resolution of the
1275 governing body of the county if the taking will occur in an

1276 unincorporated area in that county, or the governing body of the
 1277 city if the taking will occur in an incorporated area. The
 1278 district does not have the power to exercise eminent domain over
 1279 municipal, county, state, or federal property. The powers
 1280 hereinabove granted to the district shall be so construed to
 1281 enable the district to fulfill the objects and purposes of the
 1282 district as set forth in this act.

1283 (l) To cooperate with, or contract with, other
 1284 governmental agencies as may be necessary, convenient,
 1285 incidental, or proper in connection with any of the powers,
 1286 duties, or purposes authorized by this act.

1287 (m) To assess and to impose upon lands in the district ad
 1288 valorem taxes as provided by this act.

1289 (n) If and when authorized by general law, to determine,
 1290 order, levy, impose, collect, and enforce maintenance taxes.

1291 (o) To determine, order, levy, impose, collect, and
 1292 enforce assessments pursuant to this act and chapter 170,
 1293 Florida Statutes, pursuant to authority granted in s. 197.3631,
 1294 Florida Statutes, or pursuant to other provisions of general law
 1295 now or hereinafter enacted which provide or authorize a
 1296 supplemental means to order, levy, impose, or collect special
 1297 assessments. Such special assessments, at the discretion of the
 1298 district, may be collected and enforced pursuant to ss. 197.3632
 1299 and 197.3635, Florida Statutes, and chapters 170 and 173,
 1300 Florida Statutes, as they may be amended from time to time, or

1301 as provided by this act, or by other means authorized by general
 1302 law now or hereinafter enacted. The district may levy such
 1303 special assessments for the purposes provided in this act and to
 1304 pay special assessments imposed by Lee County on lands within
 1305 the district.

1306 (p) To exercise such special powers and other express
 1307 powers as may be authorized and granted by this act in the
 1308 charter of the district, including powers as provided in any
 1309 interlocal agreement entered into pursuant to chapter 163,
 1310 Florida Statutes, or which shall be required or permitted to be
 1311 undertaken by the district pursuant to any development order,
 1312 including any detailed specific area plan development order, or
 1313 any interlocal service agreement with Lee County for fair-share
 1314 capital construction funding for any certain capital facilities
 1315 or systems required of a developer pursuant to any applicable
 1316 development order or agreement.

1317 (q) To exercise all of the powers necessary, convenient,
 1318 incidental, or proper in connection with any other powers or
 1319 duties or the special and limited purpose of the district
 1320 authorized by this act.

1321
 1322 This subsection shall be construed liberally in order to
 1323 effectively carry out the special and limited purpose of this
 1324 act.

1325 (7) SPECIAL POWERS.—The district shall have, and the board

1326 may exercise, the following special powers to implement its
1327 lawful and special purpose and to provide, pursuant to that
1328 purpose, systems, facilities, services, improvements, projects,
1329 works, and infrastructure, each of which constitutes a lawful
1330 public purpose when exercised pursuant to this charter, subject
1331 to, and not inconsistent with, general law regarding utility
1332 providers' territorial and service agreements; the regulatory
1333 jurisdiction and permitting authority of all other applicable
1334 governmental bodies, agencies, and any special districts having
1335 authority with respect to any area included therein; and to
1336 plan, establish, acquire, construct or reconstruct, enlarge or
1337 extend, equip, operate, finance, fund, and maintain
1338 improvements, systems, facilities, services, works, projects,
1339 and infrastructure. Any or all of the following special powers
1340 are granted by this act in order to implement the special and
1341 limited purpose of the district but do not constitute
1342 obligations to undertake such improvements, systems, facilities,
1343 services, works, projects, or infrastructure:

1344 (a) To provide water management and control for the lands
1345 within the district, including irrigation systems and
1346 facilities, and to connect some or any of such facilities with
1347 roads and bridges. In the event that the board assumes the
1348 responsibility for providing water management and control for
1349 the district which is to be financed by benefit special
1350 assessments, the board shall adopt plans and assessments

1351 pursuant to general law or may proceed to adopt water management
1352 and control plans, assess for benefits, and apportion and levy
1353 special assessments as follows:

1354 1. The board shall cause to be made by the district's
1355 engineer, or such other engineer or engineers as the board may
1356 employ for that purpose, complete and comprehensive water
1357 management and control plans for the lands located within the
1358 district that will be improved in any part or in whole by any
1359 system of facilities that may be outlined and adopted, and the
1360 engineer shall make a report in writing to the board with maps
1361 and profiles of said surveys and an estimate of the cost of
1362 carrying out and completing the plans.

1363 2. Upon the completion of such plans, the board shall hold
1364 a hearing thereon to hear objections thereto, shall give notice
1365 of the time and place fixed for such hearing by publication in a
1366 newspaper of general circulation in the general area of the
1367 district once a week for 2 consecutive weeks, and shall permit
1368 the inspection of the plan at the office of the district by all
1369 persons interested. All objections to the plan shall be filed at
1370 or before the time fixed in the notice for the hearing and shall
1371 be in writing.

1372 3. After the hearing, the board shall consider the
1373 proposed plan and any objections thereto and may modify, reject,
1374 or adopt the plan or continue the hearing until a day certain
1375 for further consideration of the proposed plan or modifications

1376 thereof.

1377 4. When the board approves a plan, a resolution shall be
1378 adopted and a certified copy thereof shall be filed in the
1379 office of the secretary and incorporated by him or her into the
1380 records of the district.

1381 5. The water management and control plan may be altered in
1382 detail from time to time until the engineer's report pursuant to
1383 s. 298.301, Florida Statutes, is filed, but not in such manner
1384 as to materially affect the conditions of its adoption. After
1385 the engineer's report has been filed, the plan may not be
1386 altered except as provided by this act.

1387 6. Within 20 days after the final adoption of the plan by
1388 the board, the board shall proceed pursuant to s. 298.301,
1389 Florida Statutes.

1390 (b) To provide water supply, sewer, wastewater, and
1391 reclaimed water management, reclamation, and reuse, or any
1392 combination thereof, and any irrigation systems, facilities, and
1393 services and to construct and operate water systems, sewer
1394 systems, irrigation systems, and reclaimed water systems such as
1395 connecting intercepting or outlet sewers and sewer mains and
1396 pipes and water mains, conduits, or pipelines in, along, and
1397 under any street, alley, highway, or other public place or way,
1398 and to dispose of any water, effluent, residue, or other
1399 byproduct of such water system, sewer system, irrigation system,
1400 or reclaimed water system and to enter into interlocal

1401 agreements and other agreements with public or private entities
1402 for the same.

1403 (c) To provide any necessary bridges, culverts, wildlife
1404 corridors, or road crossings across any drain, ditch, canal,
1405 floodway, holding basin, excavation, public highway, tract,
1406 grade, fill, or cut and roadways over levees and embankments,
1407 and to construct any and all of such works and improvements
1408 across, through, or over any public right-of way, highway,
1409 grade, fill, or cut.

1410 (d) To provide district or other roads equal to or
1411 exceeding the specifications of the county in which such
1412 district or other roads are located, and to provide street
1413 lighting. This special power includes, but is not limited to,
1414 roads, parkways, intersections, bridges, landscaping,
1415 hardscaping, irrigation, bicycle lanes, sidewalks, jogging
1416 paths, multiuse pathways and trails, street lighting, traffic
1417 signals, regulatory or informational signage, road striping,
1418 underground conduit, underground cable or fiber or wire
1419 installed pursuant to an agreement with or tariff of a retail
1420 provider of services, and all other customary elements of a
1421 functioning modern road system in general or as tied to the
1422 conditions of development approval for the area within and
1423 without the district, and parking facilities that are
1424 freestanding or that may be related to any innovative strategic
1425 intermodal system of transportation pursuant to applicable

1426 federal, state, and local laws and ordinances.

1427 (e) To provide buses, trolleys, rail access, mass transit
1428 facilities, transit shelters, ridesharing facilities and
1429 services, parking improvements, and related signage.

1430 (f) To provide investigation and remediation costs
1431 associated with the cleanup of actual or perceived environmental
1432 contamination within the district under the supervision or
1433 direction of a competent governmental authority unless the
1434 covered costs benefit any person who is a landowner within the
1435 district and who caused or contributed to the contamination.

1436 (g) To provide observation, mitigation, wetland creation,
1437 and wildlife habitat areas, including the maintenance of any
1438 plant or animal species, and any related interest in real or
1439 personal property.

1440 (h) Using its general and special powers as set forth in
1441 this act, to provide any other project within or without the
1442 boundaries of the district when the project is the subject of an
1443 agreement between the district and the Board of County
1444 Commissioners of Lee County or with any other applicable public
1445 or private entity and is not inconsistent with the effective
1446 local comprehensive plans.

1447 (i) To provide parks and facilities for indoor and outdoor
1448 recreational, cultural, and educational uses.

1449 (j) To provide school buildings and related structures,
1450 which may be leased, sold, or donated to the school district,

1451 for use in the educational system when authorized by the
1452 district school board.

1453 (k) To provide security, including electronic intrusion-
1454 detection systems and patrol cars, when authorized by proper
1455 governmental agencies, and to contract with the appropriate
1456 local general-purpose government agencies for an increased level
1457 of such services within the district boundaries.

1458 (l) To provide control and elimination of mosquitoes and
1459 other arthropods of public health importance.

1460 (m) To enter into impact fee, mobility fee, or other
1461 similar credit agreements with Lee County or other governmental
1462 bodies or a landowner developer and to sell or assign such
1463 credits on such terms as the district deems appropriate.

1464 (n) To provide buildings and structures for district
1465 offices, maintenance facilities, meeting facilities, town
1466 centers, or any other projects authorized or granted by this
1467 act.

1468 (o) To establish and create, at noticed meetings, such
1469 departments of the board of supervisors of the district, as well
1470 as committees, task forces, boards, or commissions, or other
1471 agencies under the supervision and control of the district, as
1472 from time to time the members of the board may deem necessary or
1473 desirable in the performance of the acts or other things
1474 necessary to exercise the board's general or special powers to
1475 implement an innovative project to carry out the special and

1476 limited purpose of the district as provided in this act and to
1477 delegate the exercise of its powers to such departments, boards,
1478 task forces, committees, or other agencies, and such
1479 administrative duties and other powers as the board may deem
1480 necessary or desirable, but only if there is a set of expressed
1481 limitations for accountability, notice, and periodic written
1482 reporting to the board that shall retain the powers of the
1483 board.

1484 (p) To adopt rules necessary for the district to enforce
1485 certain deed restrictions pertaining to the use and operation of
1486 real property within the district. For the purpose of this
1487 paragraph, the term "deed restrictions" means those covenants,
1488 conditions, restrictions, compliance mechanisms, and enforcement
1489 remedies contained in any applicable declarations of covenants
1490 and restrictions that govern the use and operation of real
1491 property and for which covenants, conditions, and restrictions
1492 there is no homeowners' association or property owner's
1493 association having respective enforcement powers unless, with
1494 respect to a homeowners' association whose board is under member
1495 control, the association and the district agree in writing to
1496 enforcement by the district. The district may adopt by rule all
1497 or certain portions of the deed restrictions that:

1498 1. Relate to limitations, prohibitions, compliance
1499 mechanisms, or enforcement remedies that apply only to external
1500 appearances or uses and are deemed by the district to be

1501 generally beneficial for the district's landowners and for which
1502 enforcement by the district is appropriate, as determined by the
1503 district's board of supervisors; or

1504 2. Are consistent with the requirements of a development
1505 order or regulatory agency permit.

1506 (q) To provide electrical, sustainable, or green
1507 infrastructure improvements, facilities, and services,
1508 including, but not limited to, recycling of natural resources,
1509 reduction of energy demands, development and generation of
1510 alternative or renewable energy sources and technologies,
1511 mitigation of urban heat islands, sequestration, capping or
1512 trading of carbon emissions or carbon emissions credits, LEED or
1513 Florida Green Building Coalition certification, and development
1514 of facilities and improvements for low-impact development; to
1515 enter into joint ventures, public-private partnerships, and
1516 other agreements; and to grant such easements as may be
1517 necessary to accomplish the foregoing. Nothing herein shall
1518 authorize the district to provide electric service to retail
1519 customers or otherwise act to impair electric utility franchise
1520 agreements.

1521 (r) To provide for any facilities or improvements that may
1522 otherwise be provided for by any county or municipality,
1523 including, but not limited to, libraries, annexes, substations,
1524 and other buildings to house public officials, staff, and
1525 employees.

1526 (s) To provide waste collection and disposal.

1527 (t) To provide for the construction and operation of
1528 communications systems and related infrastructure for the
1529 carriage and distribution of communications services; to enter
1530 into joint ventures, public-private partnerships, and other
1531 agreements; and to grant such easements as may be necessary to
1532 accomplish the foregoing. For purposes of this paragraph, the
1533 term "communications systems" means all facilities, buildings,
1534 equipment, items, and methods necessary or desirable in order to
1535 provide communications services, including, without limitation,
1536 wires, cables, conduits, wireless cell sites, computers, modems,
1537 satellite antennae sites, transmission facilities, network
1538 facilities, and appurtenant devices necessary and appropriate to
1539 support the provision of communications services. The term
1540 "communications services" includes, without limitation,
1541 Internet, voice telephone, or similar services provided by
1542 voice-over-Internet protocol, cable television, data
1543 transmission services, electronic security monitoring services,
1544 and multi-channel video programming distribution services.
1545 Nothing herein shall authorize the district to provide
1546 communications services to retail customers or otherwise act to
1547 impair existing service provider franchise agreements. However,
1548 the district may contract with such providers for resale
1549 purposes.

1550 (u) To provide health care facilities and to enter into

1551 public-private partnerships and agreements as may be necessary
1552 to accomplish the foregoing.

1553 (v) To coordinate, work with, and, as the board deems
1554 appropriate, enter into interlocal agreements with any public or
1555 private entity for the provision of an institution or
1556 institutions of higher education.

1557 (w) To coordinate, work with, and, as the board deems
1558 appropriate, enter into public-private partnerships and
1559 agreements as may be necessary or useful to effectuate the
1560 purposes of this act.

1561
1562 The special powers provided in this act may not be deemed
1563 exclusive or restrictive but shall be deemed to incorporate all
1564 powers express or implied necessary or incident to carrying out
1565 such special powers, including the general powers provided by
1566 this act to the district to implement its purposes. This
1567 subsection shall be construed liberally in order to effectively
1568 carry out the special and limited purpose of the district under
1569 this act.

1570 (8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to
1571 the other powers provided for in this act, and not in limitation
1572 thereof, the district shall have the power, at any time and from
1573 time to time after the issuance of any bonds of the district are
1574 authorized, to borrow money for the purposes for which such
1575 bonds are to be issued in anticipation of the receipt of the

1576 proceeds of the sale of such bonds and to issue bond
1577 anticipation notes in a principal sum not in excess of the
1578 authorized maximum amount of such bond issue. Such notes shall
1579 be in such denomination or denominations, bear interest at such
1580 rate, not to exceed the maximum rate allowed by general law,
1581 mature at such time or times not later than 5 years after the
1582 date of issuance, and be in such form and executed in such
1583 manner as the board shall prescribe. Such notes may be sold at
1584 either public or private sale or, if such notes shall be renewal
1585 notes, may be exchanged for notes then outstanding on such terms
1586 as the board shall determine. Such notes shall be paid from the
1587 proceeds of such bonds when issued. The board may, in its
1588 discretion, in lieu of retiring the notes by means of bonds,
1589 retire them by means of current revenues or from any taxes or
1590 assessments levied for the payment of such bonds, but, in such
1591 event, a like amount of the bonds authorized may not be issued.

1592 (9) BORROWING.—The district at any time may obtain loans,
1593 in such amount and on such terms and conditions as the board may
1594 approve, for the purpose of paying any of the expenses of the
1595 district or any costs incurred or that may be incurred in
1596 connection with any of the projects of the district, which loans
1597 shall bear such interest as the board determines, not to exceed
1598 the maximum rate allowed by general law, and may be payable from
1599 and secured by a pledge of such funds, revenues, taxes, and
1600 assessments as the board may determine; provided, however, that

1601 the provisions contained in any proceeding under which bonds
1602 were theretofore issued and are then outstanding. For the
1603 purpose of defraying such costs and expenses, the district may
1604 issue negotiable notes, warrants, or other evidences of debt to
1605 be payable at such time or times and to bear such interest as
1606 the board may determine, not to exceed the maximum rate allowed
1607 by general law, and to be sold or discounted at such price or
1608 prices not less than 95 percent of par value and on such terms
1609 as the board may deem advisable. The board shall have the right
1610 to provide for the payment thereof by pledging the whole or any
1611 part of the funds, revenues, taxes, and assessments of the
1612 district or by covenanting to budget and appropriate from such
1613 funds. The approval of the electors residing in the district is
1614 only necessary when required by the State Constitution.

1615 (10) BONDS.—

1616 (a) Sale of bonds.—Bonds may be sold in blocks or
1617 installments at different times, or an entire issue or series
1618 may be sold at one time. Bonds may be sold at public or private
1619 sale after such advertisement, if any, as the board may deem
1620 advisable, but not in any event at less than 90 percent of the
1621 par value thereof, together with accrued interest thereon. Bonds
1622 may be sold or exchanged for refunding bonds. Special assessment
1623 and revenue bonds may be delivered by the district as payment of
1624 the purchase price of any project or part thereof, or a
1625 combination of projects or parts thereof, or as the purchase

1626 price or exchange for any property, real, personal, or mixed,
1627 including franchises or services rendered by any contractor,
1628 engineer, or other person, all at one time or in blocks from
1629 time to time, in such manner and upon such terms as the board at
1630 its discretion shall determine. The price or prices for any
1631 bonds sold, exchanged, or delivered may be:

1632 1. The money paid for the bonds.

1633 2. The principal amount, plus accrued interest to the date
1634 of redemption or exchange, or outstanding obligations exchanged
1635 for refunding bonds.

1636 3. In the case of special assessment or revenue bonds, the
1637 amount of any indebtedness to contractors or other persons paid
1638 with such bonds, or the fair value of any properties exchanged
1639 for the bonds, as determined by the board.

1640 (b) Authorization and form of bonds.—Any general
1641 obligation bonds, special assessment bonds, or revenue bonds may
1642 be authorized by resolution or resolutions of the board which
1643 shall be adopted by a majority of all the members thereof then
1644 in office. Such resolution or resolutions may be adopted at the
1645 same meeting at which they are introduced and need not be
1646 published or posted. The board may, by resolution, authorize the
1647 issuance of bonds and fix the aggregate amount of bonds to be
1648 issued; the purpose or purposes for which the moneys derived
1649 therefrom shall be expended, including, but not limited to,
1650 payment of costs as defined in section 2; the rate or rates of

1651 interest, not to exceed the maximum rate allowed by general law;
1652 the denomination of the bonds; whether the bonds are to be
1653 issued in one or multiple series; the date or dates of maturity,
1654 which may not exceed 40 years after their respective dates of
1655 issuance; the medium of payment; the place or places within or
1656 without the state at which payment shall be made; registration
1657 privileges; redemption terms and privileges, whether with or
1658 without premium; the manner of execution; the form of the bonds,
1659 including any interest coupons to be attached thereto; the
1660 manner of execution of bonds and coupons; and any and all other
1661 terms, covenants, and conditions thereof and the establishment
1662 of revenue or other funds. Such authorizing resolution or
1663 resolutions may further provide for the contracts authorized by
1664 s. 159.825(1) (f) and (g), Florida Statutes, regardless of the
1665 tax treatment of such bonds being authorized, subject to the
1666 finding by the board of a net saving to the district resulting
1667 by reason thereof. Such authorizing resolution may further
1668 provide that such bonds may be executed in accordance with the
1669 Registered Public Obligations Act, except that bonds not issued
1670 in registered form shall be valid if manually countersigned by
1671 an officer designated by appropriate resolution of the board.
1672 The seal of the district may be affixed, lithographed, engraved,
1673 or otherwise reproduced in facsimile on such bonds. In case any
1674 officer whose signature shall appear on any bonds or coupons
1675 shall cease to be such officer before the delivery of such

1676 bonds, such signature or facsimile shall nevertheless be valid
1677 and sufficient for all purposes as if he or she had remained in
1678 office until such delivery.

1679 (c) Interim certificates; replacement certificates.—
1680 Pending the preparation of definitive bonds, the board may issue
1681 interim certificates or receipts or temporary bonds, in such
1682 form and with such provisions as the board may determine,
1683 exchangeable for definitive bonds when such bonds have been
1684 executed and are available for delivery. The board may also
1685 provide for the replacement of any bonds which become mutilated,
1686 lost, or destroyed.

1687 (d) Negotiability of bonds.—Any bond issued under this act
1688 or any temporary bond, in the absence of an express recital on
1689 the face thereof that it is nonnegotiable, shall be fully
1690 negotiable and shall be and constitute a negotiable instrument
1691 within the meaning and for all purposes of the law merchant and
1692 general law.

1693 (e) Defeasance.—The board may make such provision with
1694 respect to the defeasance of the right, title, and interest of
1695 the holders of any of the bonds and obligations of the district
1696 in any revenues, funds, or other properties by which such bonds
1697 are secured as the board deems appropriate and, without
1698 limitation on the foregoing, may provide that when such bonds or
1699 obligations become due and payable or shall have been called for
1700 redemption and the whole amount of the principal and interest

1701 and premium, if any, due and payable upon the bonds or
1702 obligations then outstanding shall be held in trust for such
1703 purpose, and provision shall also be made for paying all other
1704 sums payable in connection with such bonds or other obligations,
1705 and in such event the right, title, and interest of the holders
1706 of the bonds in any revenues, funds, or other properties by
1707 which such bonds are secured shall thereupon cease, terminate,
1708 and become void; and the board may apply any surplus in any
1709 sinking fund established in connection with such bonds or
1710 obligations and all balances remaining in all other funds or
1711 accounts other than moneys held for the redemption or payment of
1712 the bonds or other obligations to any lawful purpose of the
1713 district as the board shall determine.

1714 (f) Issuance of additional bonds.—If the proceeds of any
1715 bonds are less than the cost of completing the project in
1716 connection with which such bonds were issued, the board may
1717 authorize the issuance of additional bonds, upon such terms and
1718 conditions as the board may provide in the resolution
1719 authorizing the issuance thereof, but only in compliance with
1720 the resolution or other proceedings authorizing the issuance of
1721 the original bonds.

1722 (g) Refunding bonds.—The district is authorized to issue
1723 bonds to provide for the retirement or refunding of any bonds or
1724 obligations of the district that at the time of such issuance
1725 are or subsequent thereto become due and payable, or that at the

1726 time of issuance have been called or are, or will be, subject to
1727 call for redemption within 10 years thereafter, or the surrender
1728 of which can be procured from the holders thereof at prices
1729 satisfactory to the board. Refunding bonds may be issued at any
1730 time that in the judgment of the board such issuance will be
1731 advantageous to the district. Approval of the qualified electors
1732 residing in the district is not required for the issuance of
1733 refunding bonds except in cases in which such approval is
1734 required by the State Constitution. The board may by resolution
1735 confer upon the holders of such refunding bonds all rights,
1736 powers, and remedies to which the holders would be entitled if
1737 they continued to be the owners and had possession of the bonds
1738 for the refinancing of which such refunding bonds are issued,
1739 including, but not limited to, the preservation of the lien of
1740 such bonds on the revenues of any project or on pledged funds,
1741 without extinguishment, impairment, or diminution thereof. The
1742 provisions of this act relating to bonds of the district shall,
1743 unless the context otherwise requires, govern the issuance of
1744 refunding bonds, the form and other details thereof, the rights
1745 of the holders thereof, and the duties of the board with respect
1746 to such bonds.

1747 (h) Revenue bonds.—

1748 1. The district shall have the power to issue revenue
1749 bonds from time to time without limitation as to amount. Such
1750 revenue bonds may be secured by, or payable from, the gross or

1751 net pledge of the revenues to be derived from any project or
1752 combination of projects; from the rates, fees, or other charges
1753 to be collected from the users of any project or projects; from
1754 any revenue-producing undertaking or activity of the district;
1755 from special assessments; from benefit special assessments; or
1756 from any other source or pledged security. Such bonds do not
1757 constitute an indebtedness of the district and the approval of
1758 the qualified electors is not required unless such bonds are
1759 additionally secured by the full faith and credit and taxing
1760 power of the district.

1761 2. Any two or more projects may be combined and
1762 consolidated into a single project and may hereafter be operated
1763 and maintained as a single project. The revenue bonds authorized
1764 herein may be issued to finance any one or more of such
1765 projects, regardless of whether such projects have been combined
1766 and consolidated into a single project. If the board deems it
1767 advisable, the proceedings authorizing such revenue bonds may
1768 provide that the district may thereafter combine the projects
1769 then being financed or theretofore financed with other projects
1770 to be subsequently financed by the district and that revenue
1771 bonds to be thereafter issued by the district shall be on parity
1772 with the revenue bonds then being issued, all on such terms,
1773 conditions, and limitations as shall have been provided in the
1774 proceeding which authorized the original bonds.

1775 (i) General obligation bonds.—

1776 1. Subject to the limitations of this charter, the
 1777 district shall have the power to issue general obligation bonds
 1778 to finance or refinance capital projects or to refund
 1779 outstanding bonds in an aggregate principal amount of bonds
 1780 outstanding at any one time not in excess of 35 percent of the
 1781 assessed value of the taxable property within the district as
 1782 shown on the pertinent tax records at the time of the
 1783 authorization of the general obligation bonds for which the full
 1784 faith and credit of the district is pledged. Except for
 1785 refunding bonds, general obligation bonds may not be issued
 1786 unless the bonds are issued to finance or refinance a capital
 1787 project and the issuance has been approved at an election held
 1788 in accordance with the requirements for such election as
 1789 prescribed by the State Constitution. Such elections shall be
 1790 called to be held in the district by the Board of County
 1791 Commissioners of Lee County upon the request of the board of the
 1792 district. The expenses of calling and holding an election shall
 1793 be at the expense of the district, and the district shall
 1794 reimburse the county for any expenses incurred in calling or
 1795 holding such election.

1796 2. The district may pledge its full faith and credit for
 1797 the payment of the principal and interest on such general
 1798 obligation bonds and for any reserve funds provided therefor and
 1799 may unconditionally and irrevocably pledge itself to levy ad
 1800 valorem taxes on all taxable property in the district, to the

1801 extent necessary for the payment thereof, without limitation as
1802 to rate or amount.

1803 3. If the board determines to issue general obligation
1804 bonds for more than one capital project, the approval of the
1805 issuance of the bonds for each and all such projects may be
1806 submitted to the electors on one ballot. The failure of the
1807 electors to approve the issuance of bonds for any one or more
1808 capital projects does not defeat the approval of bonds for any
1809 capital project which has been approved by the electors.

1810 4. In arriving at the amount of general obligation bonds
1811 permitted to be outstanding at any one time pursuant to
1812 subparagraph 1., there may not be included any general
1813 obligation bonds that are additionally secured by the pledge of:

1814 a. Any assessments levied in an amount sufficient to pay
1815 the principal and interest on the general obligation bonds so
1816 additionally secured, which assessments have been equalized and
1817 confirmed by resolution of the board pursuant to this act or s.
1818 170.08, Florida Statutes.

1819 b. Water revenues, sewer revenues, or water and sewer
1820 revenues of the district to be derived from user fees in an
1821 amount sufficient to pay the principal and interest on the
1822 general obligation bonds so additionally secured.

1823 c. Any combination of assessments and revenues described
1824 in sub-subparagraphs a. and b.

1825 (j) Bonds as legal investment or security.-

1826 1. Notwithstanding any other provision of law to the
1827 contrary, all bonds issued under this act shall constitute legal
1828 investments for savings banks, banks, trust companies, insurance
1829 companies, executors, administrators, trustees, guardians, and
1830 other fiduciaries and for any board, body, agency,
1831 instrumentality, county, municipality, or other political
1832 subdivision of the state and shall be and constitute security
1833 which may be deposited by banks or trust companies as security
1834 for deposits of state, county, municipal, or other public funds
1835 or by insurance companies as required or voluntary statutory
1836 deposits.

1837 2. Any bonds issued by the district shall be incontestable
1838 in the hands of bona fide purchasers or holders for value and
1839 are not invalid because of any irregularity or defect in the
1840 proceedings for the issue and sale thereof.

1841 (k) Covenants.—Any resolution authorizing the issuance of
1842 bonds may contain such covenants as the board may deem
1843 advisable, and all such covenants shall constitute valid and
1844 legally binding and enforceable contracts between the district
1845 and the bondholders, regardless of the time of issuance thereof.
1846 Such covenants may include, without limitation, covenants
1847 concerning the disposition of the bond proceeds; the use and
1848 disposition of project revenues; the pledging of revenues,
1849 taxes, and assessments; the obligations of the district with
1850 respect to the operation of the project and the maintenance of

1851 adequate project revenues; the issuance of additional bonds; the
1852 appointment, powers, and duties of trustees and receivers; the
1853 acquisition of outstanding bonds and obligations; restrictions
1854 on the establishment of competing projects or facilities;
1855 restrictions on the sale or disposal of the assets and property
1856 of the district; the priority of assessment liens; the priority
1857 of claims by bondholders on the taxing power of the district;
1858 the maintenance of deposits to ensure the payment of revenues by
1859 users of district facilities and services; the discontinuance of
1860 district services by reason of delinquent payments; acceleration
1861 upon default; the execution of necessary instruments; the
1862 procedure for amending or abrogating covenants with the
1863 bondholders; and such other covenants as may be deemed necessary
1864 or desirable for the security of the bondholders.

1865 (1) Validation proceedings.—The power of the district to
1866 issue bonds under this act may be determined, and any of the
1867 bonds of the district maturing over a period of more than 5
1868 years shall be validated and confirmed, by court decree, under
1869 chapter 75, Florida Statutes, and laws amendatory thereof or
1870 supplementary thereto.

1871 (m) Tax exemption.—To the extent allowed by general law,
1872 all bonds issued hereunder and interest paid thereon and all
1873 fees, charges, and other revenues derived by the district from
1874 the projects provided by this act are exempt from all taxes by
1875 the state or by any political subdivision, agency, or

1876 instrumentality thereof; however, any interest, income, or
 1877 profits on debt obligations issued hereunder are not exempt from
 1878 the tax imposed by chapter 220, Florida Statutes. Further, the
 1879 district is not exempt from chapter 212, Florida Statutes.

1880 (n) Application of s. 189.051, Florida Statutes.—Bonds
 1881 issued by the district shall meet the criteria set forth in s.
 1882 189.051, Florida Statutes.

1883 (o) Act furnishes full authority for issuance of bonds.—
 1884 This act constitutes full and complete authority for the
 1885 issuance of bonds and the exercise of the powers of the district
 1886 provided herein. Procedures or proceedings, publications,
 1887 notices, consents, approvals, orders, acts, or things by the
 1888 board, or by any board, officer, commission, department, agency,
 1889 or instrumentality of the district, other than those required by
 1890 this act, are not required to perform anything under this act,
 1891 except that the issuance or sale of bonds pursuant to this act
 1892 shall comply with the general law requirements applicable to the
 1893 issuance or sale of bonds by the district. This act does not
 1894 authorize the district to utilize bond proceeds to fund the
 1895 ongoing operations of the district.

1896 (p) Pledge by the state to the bondholders of the
 1897 district.—The state pledges to the holders of any bonds issued
 1898 under this act that it will not limit or alter the rights of the
 1899 district to own, acquire, construct, reconstruct, improve,
 1900 maintain, operate, or furnish the projects or to levy and

1901 collect the taxes, assessments, rentals, rates, fees, and other
1902 charges provided for herein and to fulfill the terms of any
1903 agreement made with the holders of such bonds or other
1904 obligations and that it will not in any way impair the rights or
1905 remedies of such holders.

1906 (g) Default.—A default on the bonds or obligations of the
1907 district does not constitute a debt or obligation of the state
1908 or any general-purpose local government of the state. In the
1909 event of a default or dissolution of the district, a general-
1910 purpose local government is not required to assume the property
1911 of the district, the debts of the district, or the district's
1912 obligations to complete any infrastructure improvements or
1913 provide any services to the district. Section 189.076(2),
1914 Florida Statutes, does not apply to the district.

1915 (11) TRUST AGREEMENTS.—Any issue of bonds shall be secured
1916 by a trust agreement or resolution by and between the district
1917 and a corporate trustee or trustees, which may be any trust
1918 company or bank having the powers of a trust company within or
1919 without the state. The resolution authorizing the issuance of
1920 the bonds or such trust agreement may pledge the revenues to be
1921 received from any projects of the district and may contain such
1922 provisions for protecting and enforcing the rights and remedies
1923 of the bondholders as the board may approve, including, without
1924 limitation, covenants setting forth the duties of the district
1925 in relation to the acquisition, construction, reconstruction,

1926 improvement, maintenance, repair, operation, and insurance of
 1927 any projects; the fixing and revising of the rates, fees, and
 1928 charges; and the custody, safeguarding, and application of all
 1929 moneys and for the employment of consulting engineers in
 1930 connection with such acquisition, construction, reconstruction,
 1931 improvement, maintenance, repair, operation, or insurance. It
 1932 shall be lawful for any bank or trust company within or without
 1933 the state which may act as a depository of the proceeds of bonds
 1934 or of revenues to furnish such indemnifying bonds or to pledge
 1935 such securities as may be required by the district. Such
 1936 resolution or trust agreement may set forth the rights and
 1937 remedies of the bondholders and of the trustee, if any, and may
 1938 restrict the individual right of action by bondholders. The
 1939 board may provide for the payment of proceeds of the sale of the
 1940 bonds and the revenues of any project to such officer, board, or
 1941 depository as it may designate for the custody thereof and may
 1942 provide for the method of disbursement thereof with such
 1943 safeguards and restrictions as it may determine. All expenses
 1944 incurred in carrying out such resolution or trust agreement may
 1945 be treated as part of the cost of operation of the project to
 1946 which such trust agreement pertains.

1947 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 1948 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 1949 ASSESSMENTS; MAINTENANCE TAXES.-

1950 (a) Ad valorem taxes.-At such time as all members of the

1951 board are qualified electors who are elected by qualified
1952 electors of the district, the board shall have the power to levy
1953 and assess an ad valorem tax on all the taxable property in the
1954 district to construct, operate, and maintain assessable
1955 improvements; to pay the principal of, and interest on, any
1956 general obligation bonds of the district; and to provide for any
1957 sinking or other funds established in connection with any such
1958 bonds. An ad valorem tax levied by the board for operating
1959 purposes, exclusive of debt service on bonds, may not exceed 3
1960 mills. The ad valorem tax provided for herein shall be in
1961 addition to county and all other ad valorem taxes provided for
1962 by general law. Such tax shall be assessed, levied, and
1963 collected in the same manner and at the same time as county
1964 taxes. The levy of ad valorem taxes must be approved by
1965 referendum as required by s. 9, Art. VII of the State
1966 Constitution and held at a general election.

1967 (b) Benefit special assessments.—The board annually shall
1968 determine, order, and levy the annual installment of the total
1969 benefit special assessments for bonds issued and related
1970 expenses to finance assessable improvements. These assessments
1971 may be due and collected during each year county taxes are due
1972 and collected, in which case such annual installment and levy
1973 shall be evidenced to and certified to the property appraiser by
1974 the board not later than August 31 of each year. Such assessment
1975 shall be entered by the property appraiser on the county tax

1976 rolls and shall be collected and enforced by the tax collector
1977 in the same manner and at the same time as county taxes, and the
1978 proceeds thereof shall be paid to the district. However, this
1979 subsection does not prohibit the district in its discretion from
1980 using the method provided in s. 197.3632, Florida Statutes, or
1981 chapter 173, Florida Statutes, as each may be amended from time
1982 to time, for collecting and enforcing these assessments. Each
1983 annual installment of benefit special assessments shall be a
1984 lien on the property against which assessed until paid and shall
1985 be enforceable in like manner as county taxes. The amount of the
1986 assessment for the exercise of the district's powers under
1987 subsections (6) and (7) shall be determined by the board based
1988 upon a report of the district's engineer and assessed by the
1989 board upon such lands, which may be part or all of the lands
1990 within the district benefited by the improvement, apportioned
1991 between benefited lands in proportion to the benefits received
1992 by each tract of land. The board may, if it determines it is in
1993 the best interests of the district, set forth in the proceedings
1994 initially levying such benefit special assessments or in
1995 subsequent proceedings a formula for the determination of an
1996 amount which, when paid by a taxpayer with respect to any tax
1997 parcel, shall constitute a prepayment of all future annual
1998 installments of such benefit special assessments. The payment of
1999 such amount with respect to such tax parcel shall relieve and
2000 discharge such tax parcel of the lien of such benefit special

2001 assessments and any subsequent annual installment thereof. The
 2002 board may provide further that upon delinquency in the payment
 2003 of any annual installment of benefit special assessments, such
 2004 prepayment amount of all future annual installments of benefit
 2005 special assessments shall be and become immediately due and
 2006 payable together with such delinquent annual installment.

2007 (c) Non-ad valorem maintenance taxes.—If and when
 2008 authorized by general law, to maintain and to preserve the
 2009 physical facilities and services constituting the works,
 2010 improvements, or infrastructure owned by the district pursuant
 2011 to this act, to repair and restore any one or more of them, when
 2012 needed, and to defray the current expenses of the district,
 2013 including any sum which may be required to pay state and county
 2014 ad valorem taxes on any lands which may have been purchased and
 2015 which are held by the district under this act, the board of
 2016 supervisors may, upon the completion of said systems,
 2017 facilities, services, works, improvements, or infrastructure, in
 2018 whole or in part, as may be certified to the board by the
 2019 engineer of the board, levy annually a non-ad valorem and
 2020 nonmillage tax upon each tract or parcel of land within the
 2021 district, to be known as a "maintenance tax." A maintenance tax
 2022 shall be apportioned upon the basis of the net assessments of
 2023 benefits assessed as accruing from the original construction and
 2024 shall be evidenced to and certified by the board of supervisors
 2025 of the district not later than June 1 of each year to the Lee

2026 County tax collector and shall be extended on the tax rolls and
2027 collected by the tax collector on the merged collection roll of
2028 the tax collector in the same manner and at the same time as
2029 county ad valorem taxes, and the proceeds therefrom shall be
2030 paid to the district. The maintenance tax shall be a lien until
2031 paid on the property against which assessed and enforceable in
2032 like manner and of the same dignity as county ad valorem taxes.

2033 (d) Maintenance special assessments.—To maintain and
2034 preserve the facilities and projects of the district, the board
2035 may levy a maintenance special assessment. This assessment may
2036 be evidenced to and certified to the tax collector by the board
2037 of supervisors not later than August 31 of each year and shall
2038 be entered by the property appraiser on the county tax rolls and
2039 shall be collected and enforced by the tax collector in the same
2040 manner and at the same time as county taxes, and the proceeds
2041 therefrom shall be paid to the district. However, this
2042 subsection does not prohibit the district in its discretion from
2043 using the method prescribed in s. 197.363, s. 197.3631, or s.
2044 197.3632, Florida Statutes, for collecting and enforcing these
2045 assessments. These maintenance special assessments shall be a
2046 lien on the property against which assessed until paid and shall
2047 be enforceable in like manner as county taxes. The amount of the
2048 maintenance special assessment for the exercise of the
2049 district's powers under this section shall be determined by the
2050 board based upon a report of the district's engineer and

2051 assessed by the board upon such lands, which may be all of the
 2052 lands within the district benefited by the maintenance thereof,
 2053 apportioned between the benefited lands in proportion to the
 2054 benefits received by each tract of land.

2055 (e) Special assessments.—The board may levy and impose any
 2056 special assessments pursuant to this subsection.

2057 (f) Enforcement of taxes.—The collection and enforcement
 2058 of all taxes levied by the district shall be at the same time
 2059 and in like manner as county taxes and the provisions of general
 2060 law relating to the sale of lands for unpaid and delinquent
 2061 county taxes; the issuance, sale, and delivery of tax
 2062 certificates for such unpaid and delinquent county taxes; the
 2063 redemption thereof; the issuance to individuals of tax deeds
 2064 based thereon; and all other procedures in connection therewith
 2065 shall be applicable to the district to the same extent as if
 2066 such statutory provisions were expressly set forth in this act.
 2067 All taxes shall be subject to the same discounts as county
 2068 taxes.

2069 (g) When unpaid tax is delinquent; penalty.—All taxes
 2070 provided for in this act shall become delinquent and bear
 2071 penalties on the amount of such taxes in the same manner as
 2072 county taxes.

2073 (h) Status of assessments.—Benefit special assessments,
 2074 maintenance special assessments, and special assessments are
 2075 hereby found and determined to be non-ad valorem assessments as

2076 defined in s. 197.3632(1), Florida Statutes. Maintenance taxes
2077 are non-ad valorem taxes and are not special assessments.

2078 (i) Assessments constitute liens; collection.—Any and all
2079 assessments, including special assessments, benefit special
2080 assessments, and maintenance special assessments authorized and
2081 granted by this subsection and maintenance taxes if authorized
2082 by general law, shall constitute a lien on the property against
2083 which assessed from the date of levy and imposition thereof
2084 until paid, coequal with the lien of state, county, municipal,
2085 and school board taxes. These assessments may be collected, at
2086 the district's discretion, under authority of s. 197.3631,
2087 Florida Statutes, as amended from time to time, by the tax
2088 collector pursuant to ss. 197.3632 and 197.3635, Florida
2089 Statutes, as amended from time to time, or in accordance with
2090 other collection measures provided by general law. In addition
2091 to, and not in limitation of, any powers otherwise set forth
2092 herein or in general law, these assessments may also be enforced
2093 pursuant to chapter 173, Florida Statutes, as amended from time
2094 to time.

2095 (j) Land owned by governmental entity.—Except as otherwise
2096 provided by general law, a levy of ad valorem taxes or non-ad
2097 valorem assessments under this act or chapter 170 or chapter
2098 197, Florida Statutes, or otherwise by the board of the district
2099 on property of a governmental entity that is subject to a ground
2100 lease as described in s. 190.003(14), Florida Statutes, does not

2101 constitute a lien or encumbrance on the underlying fee interest
 2102 of such governmental entity.

2103 (13) SPECIAL ASSESSMENTS.—

2104 (a) As an alternative method to the levy and imposition of
 2105 special assessments pursuant to chapter 170, Florida Statutes,
 2106 pursuant to the authority under s. 197.3631, Florida Statutes,
 2107 or pursuant to other provisions of general law, now or hereafter
 2108 enacted, which provide a supplemental means or authority to
 2109 impose, levy, and collect special assessments as otherwise
 2110 authorized under this act, the board may levy and impose special
 2111 assessments to finance the exercise of any of its powers
 2112 permitted under this act using the following uniform procedures:

2113 1. At a noticed meeting, the board of supervisors of the
 2114 district may consider and review an engineer's report on the
 2115 costs of the systems, facilities, and services to be provided; a
 2116 preliminary special assessment methodology; and a preliminary
 2117 roll based on acreage or platted lands, depending upon whether
 2118 platting has occurred.

2119 a. The special assessment methodology shall address and
 2120 discuss and the board shall consider whether the systems,
 2121 facilities, and services being contemplated will result in
 2122 special benefits peculiar to the property, different in kind and
 2123 degree than general benefits, as a logical connection between
 2124 the systems, facilities, and services themselves and the
 2125 property, and whether the duty to pay the special assessments by

2126 the property owners is apportioned in a manner that is fair and
2127 equitable and not in excess of the special benefit received. It
2128 shall be fair and equitable to designate a fixed proportion of
2129 the annual debt service, together with interest thereon, on the
2130 aggregate principal amount of bonds issued to finance such
2131 systems, facilities, and services which give rise to unique,
2132 special, and peculiar benefits to property of the same or
2133 similar characteristics under the special assessment methodology
2134 so long as such fixed proportion does not exceed the unique,
2135 special, and peculiar benefits enjoyed by such property from
2136 such systems, facilities, and services.

2137 b. The engineer's cost report shall identify the nature of
2138 the proposed systems, facilities, and services, their location,
2139 a cost breakdown plus a total estimated cost, including cost of
2140 construction or reconstruction, labor, and materials, lands,
2141 property, rights, easements, franchises, or systems, facilities,
2142 and services to be acquired; cost of plans and specifications
2143 and surveys of estimates of costs and revenues; costs of
2144 engineering, legal, and other professional consultation
2145 services; and other expenses or costs necessary or incident to
2146 determining the feasibility or practicability of such
2147 construction, reconstruction, or acquisition, administrative
2148 expenses, relationship to the authority and power of the
2149 district in its charter, and such other expenses or costs as may

2150 be necessary or incident to the financing to be authorized by
2151 the board of supervisors.

2152 c. The preliminary special assessment roll shall be in
2153 accordance with the assessment methodology as may be adopted by
2154 the board of supervisors; the special assessment roll shall be
2155 completed as promptly as possible and shall show the acreage,
2156 lots, lands, or plats assessed and the amount of the fairly and
2157 reasonably apportioned assessment based on special and peculiar
2158 benefit to the property, lot, parcel, or acreage of land; and,
2159 if the special assessment against such lot, parcel, acreage, or
2160 portion of land is to be paid in installments, the number of
2161 annual installments in which the special assessment is divided
2162 shall be entered into and shown upon the special assessment
2163 roll.

2164 2. The board of supervisors of the district may determine
2165 and declare by an initial special assessment resolution to levy
2166 and assess the special assessments with respect to assessable
2167 improvements stating the nature of the systems, facilities, and
2168 services, improvements, projects, or infrastructure constituting
2169 such assessable improvements, the information in the engineer's
2170 cost report, the information in the special assessment
2171 methodology as determined by the board at the noticed meeting
2172 and referencing and incorporating as part of the resolution the
2173 engineer's cost report, the preliminary special assessment
2174 methodology, and the preliminary special assessment roll as

2175 referenced exhibits to the resolution by reference. If the board
2176 determines to declare and levy the special assessments by the
2177 initial special assessment resolution, the board shall also
2178 adopt and declare a notice resolution which shall provide and
2179 cause the initial special assessment resolution to be published
2180 in a newspaper of general circulation in Lee County once a week
2181 for 2 consecutive weeks, and said board shall by the same
2182 resolution fix a time and place at which the owner or owners of
2183 the property to be assessed or any other persons interested
2184 therein may appear before said board and be heard as to the
2185 propriety and advisability of making such improvements, as to
2186 the costs thereof, as to the manner of payment therefor, and as
2187 to the amount thereof to be assessed against each property so
2188 improved. Thirty days' notice in writing of such time and place
2189 shall be given to such property owners. The notice shall include
2190 the amount of the special assessment and shall be served by
2191 mailing a copy to each assessed property owner at his or her
2192 last known address, the names and addresses of such property
2193 owners to be obtained from the record of the property appraiser
2194 of the county political subdivision in which the land is located
2195 or from such other sources as the district manager or engineer
2196 deems reliable. Proof of such mailing shall be made by the
2197 affidavit of the manager of the district or by the engineer,
2198 said proof to be filed with the district manager. Failure to
2199 mail said notice or notices does not invalidate any of the

2200 proceedings hereunder. It is provided further that the last
2201 publication shall be at least 1 week before the date of the
2202 hearing on the final special assessment resolution. Said notice
2203 shall describe the general areas to be improved and advise all
2204 persons interested that the description of each property to be
2205 assessed and the amount to be assessed to each piece, parcel,
2206 lot, or acre of property may be ascertained at the office of the
2207 manager of the district. Such service by publication shall be
2208 verified by the affidavit of the publisher and filed with the
2209 manager of the district. Moreover, the initial special
2210 assessment resolution with its attached, referenced, and
2211 incorporated engineer's cost report, preliminary special
2212 assessment methodology, and preliminary special assessment roll,
2213 along with the notice resolution, shall be available for public
2214 inspection at the office of the manager and the office of the
2215 engineer or any other office designated by the board of
2216 supervisors in the notice resolution. Notwithstanding the
2217 foregoing, the landowners of all of the property which is
2218 proposed to be assessed may give the district written notice of
2219 waiver of any notice and publication provided for in this
2220 subparagraph. However, such notice and publication is not
2221 required, provided that any meeting of the board of supervisors
2222 to consider such resolution is a publicly noticed meeting.

2223 3. At the time and place named in the noticed resolution
2224 as provided for in subparagraph 2., the board of supervisors of

2225 the district shall meet and hear testimony from affected
 2226 property owners as to the propriety and advisability of making
 2227 the systems, facilities, services, projects, works,
 2228 improvements, or infrastructure and funding them with
 2229 assessments referenced in the initial special assessment
 2230 resolution on the property. Following the testimony and
 2231 questions from the members of the board or any professional
 2232 advisors to the district of the preparers of the engineer's cost
 2233 report, the special assessment methodology, and the special
 2234 assessment roll, the board of supervisors shall make a final
 2235 decision on whether to levy and assess the particular special
 2236 assessments. Thereafter, the board of supervisors shall meet as
 2237 an equalizing board to hear and to consider any and all
 2238 complaints as to the particular special assessments and shall
 2239 adjust and equalize the special assessments to ensure proper
 2240 assessment based on the benefit conferred on the property.

2241 4. When so equalized and approved by resolution or
 2242 ordinance by the board of supervisors, to be called the final
 2243 special assessment resolution, a final special assessment roll
 2244 shall be filed with the clerk of the board, and such special
 2245 assessment shall stand confirmed and remain legal, valid, and
 2246 binding first liens on the property against which such special
 2247 assessments are made until paid, equal in dignity to the first
 2248 liens of ad valorem taxation of county and municipal governments
 2249 and school boards. However, upon completion of the systems,

2250 facilities, services, projects, improvements, works, or
2251 infrastructure, the district shall credit to each of the
2252 assessments the difference in the special assessment as
2253 originally made, approved, levied, assessed, and confirmed and
2254 the proportionate part of the actual cost of the improvement to
2255 be paid by the particular special assessments as finally
2256 determined upon the completion of the improvement; but in no
2257 event shall the final special assessment exceed the amount of
2258 the special and peculiar benefits as apportioned fairly and
2259 reasonably to the property from the system, facility, or service
2260 being provided as originally assessed. Promptly after such
2261 confirmation, the special assessment shall be recorded by the
2262 clerk of the district in the minutes of the proceedings of the
2263 district, and the record of the lien in this set of minutes
2264 shall constitute prima facie evidence of its validity. The board
2265 of supervisors, in its sole discretion, may, by resolution,
2266 grant a discount equal to all or a part of the payee's
2267 proportionate share of the cost of the project consisting of
2268 bond financing cost, such as capitalized interest, funded
2269 reserves, and bond discounts included in the estimated cost of
2270 the project, upon payment in full of any special assessments
2271 during such period before the time such financing costs are
2272 incurred as may be specified by the board of supervisors in such
2273 resolution.

2274 5. District special assessments may be made payable in
 2275 installments over no more than 40 years after the date of the
 2276 payment of the first installment thereof and may bear interest
 2277 at fixed or variable rates.

2278 (b) Notwithstanding any provision of this act or chapter
 2279 170, Florida Statutes, that portion of s. 170.09, Florida
 2280 Statutes, which provides that special assessments may be paid
 2281 without interest at any time within 30 days after the
 2282 improvement is completed and a resolution accepting the same has
 2283 been adopted by the governing authority is not applicable to any
 2284 district special assessments, whether imposed, levied, and
 2285 collected pursuant to this act or any other provision of general
 2286 law, including, but not limited to, chapter 170, Florida
 2287 Statutes.

2288 (c) In addition, the district is authorized expressly in
 2289 the exercise of its rulemaking power to adopt rules that provide
 2290 for notice, levy, imposition, equalization, and collection of
 2291 assessments.

2292 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 2293 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

2294 (a) The board may, after any special assessments or
 2295 benefit special assessments for assessable improvements are
 2296 made, determined, and confirmed as provided in this act, issue
 2297 certificates of indebtedness for the amount so assessed against
 2298 the abutting property or property otherwise benefited, as the

2299 case may be, and separate certificates shall be issued against
2300 each part or parcel of land or property assessed, which
2301 certificates shall state the general nature of the improvement
2302 for which the assessment is made. The certificates shall be
2303 payable in annual installments in accordance with the
2304 installments of the special assessment for which they are
2305 issued. The board may determine the interest to be borne by such
2306 certificates, not to exceed the maximum rate allowed by general
2307 law, and may sell such certificates at either private or public
2308 sale and determine the form, manner of execution, and other
2309 details of such certificates. The certificates shall recite that
2310 they are payable only from the special assessments levied and
2311 collected from the part or parcel of land or property against
2312 which they are issued. The proceeds of such certificates may be
2313 pledged for the payment of principal of and interest on any
2314 revenue bonds or general obligation bonds issued to finance in
2315 whole or in part such assessable improvement or, if not so
2316 pledged, may be used to pay the cost or part of the cost of such
2317 assessable improvements.

2318 (b) The district may also issue assessment bonds, revenue
2319 bonds, or other obligations payable from a special fund into
2320 which such certificates of indebtedness referred to in paragraph
2321 (a) may be deposited or, if such certificates of indebtedness
2322 have not been issued, may assign to such special fund for the
2323 benefit of the holders of such assessment bonds or other

2324 obligations, or to a trustee for such bondholders, the
2325 assessment liens provided for in this act unless such
2326 certificates of indebtedness or assessment liens have been
2327 theretofore pledged for any bonds or other obligations
2328 authorized hereunder. In the event of the creation of such
2329 special fund and the issuance of such assessment bonds or other
2330 obligations, the proceeds of such certificates of indebtedness
2331 or assessment liens deposited therein shall be used only for the
2332 payment of the assessment bonds or other obligations issued as
2333 provided in this section. The district is authorized to covenant
2334 with the holders of such assessment bonds, revenue bonds, or
2335 other obligations that it will diligently and faithfully enforce
2336 and collect all the special assessments, and interest and
2337 penalties thereon, for which such certificates of indebtedness
2338 or assessment liens have been deposited in or assigned to such
2339 fund; to foreclose such assessment liens so assigned to such
2340 special fund or represented by the certificates of indebtedness
2341 deposited in the special fund, after such assessment liens have
2342 become delinquent, and deposit the proceeds derived from such
2343 foreclosure, including interest and penalties, in such special
2344 fund; and to make any other covenants deemed necessary or
2345 advisable in order to properly secure the holders of such
2346 assessment bonds or other obligations.

2347 (c) The assessment bonds, revenue bonds, or other
2348 obligations issued pursuant to this subsection shall have such

2349 dates of issuance and maturity as deemed advisable by the board;
2350 however, the maturities of such assessment bonds or other
2351 obligations may not be more than 2 years after the due date of
2352 the last installment that will be payable on any of the special
2353 assessments for which such assessment liens, or the certificates
2354 of indebtedness representing such assessment liens, are assigned
2355 to or deposited in such special fund.

2356 (d) Such assessment bonds, revenue bonds, or other
2357 obligations issued under this subsection shall bear such
2358 interest as the board may determine, not to exceed the maximum
2359 rate allowed by general law, and shall be executed, shall have
2360 such provisions for redemption before maturity, shall be sold in
2361 such manner, and shall be subject to all of the applicable
2362 provisions contained in this act for revenue bonds, except as
2363 the same may be inconsistent with this subsection.

2364 (e) All assessment bonds, revenue bonds, or other
2365 obligations issued under this subsection shall be, shall
2366 constitute, and shall have all the qualities and incidents of
2367 negotiable instruments under the law merchant and general laws.

2368 (15) TAX LIENS.—All taxes of the district provided for in
2369 this act, together with all penalties for default in the payment
2370 of the same and all costs in collecting the same, including a
2371 reasonable attorney fee fixed by the court and taxed as a cost
2372 in the action brought to enforce payment, shall, from January 1
2373 of each year the property is liable to assessment and until

2374 paid, constitute a lien of equal dignity with the liens for
 2375 state and county taxes and other taxes of equal dignity with
 2376 state and county taxes upon all the lands against which such
 2377 taxes shall be levied. A sale of any of the real property within
 2378 the district for state and county or other taxes may not operate
 2379 to relieve or release the property so sold from the lien for
 2380 subsequent district taxes or installments of district taxes,
 2381 which lien may be enforced against such property as though no
 2382 such sale thereof had been made. In addition, for purposes of s.
 2383 197.552, Florida Statutes, the lien of all special assessments
 2384 levied by the district shall constitute a lien of record held by
 2385 a municipal or county governmental unit. Sections 194.171,
 2386 197.122, 197.333, and 197.432, Florida Statutes, are applicable
 2387 to district taxes with the same force and effect as if such
 2388 sections were expressly provided in this act.

2389 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2390 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

2391 (a) The district shall have the power and right to:

2392 1. Pay any delinquent state, county, district, municipal,
 2393 or other tax or assessment upon lands located wholly or
 2394 partially within the boundaries of the district.

2395 2. Redeem or purchase any tax sales certificates issued or
 2396 sold on account of any state, county, district, municipal, or
 2397 other taxes or assessments upon lands located wholly or
 2398 partially within the boundaries of the district.

2399 (b) Delinquent taxes paid, or tax sales certificates
2400 redeemed or purchased, by the district, together with all
2401 penalties for the default in payment of the same and all costs
2402 in collecting the same and a reasonable attorney fee, shall
2403 constitute a lien in favor of the district of equal dignity with
2404 the liens of state and county taxes and other taxes of equal
2405 dignity with state and county taxes upon all the real property
2406 against which the taxes were levied. The lien of the district
2407 may be foreclosed in the manner provided in this act.

2408 (c) In any sale of land pursuant to s. 197.542, Florida
2409 Statutes, as may be amended from time to time, the district may
2410 certify to the clerk of the circuit court of the county holding
2411 such sale the amount of taxes due to the district upon the lands
2412 sought to be sold, and the district shall share in the
2413 disbursement of the sales proceeds in accordance with this act
2414 and under general law.

2415 (17) FORECLOSURE OF LIENS.—Any lien in favor of the
2416 district arising under this act may be foreclosed by the
2417 district by foreclosure proceedings in the name of the district
2418 in a court of competent jurisdiction as provided by general law
2419 in like manner as is provided in chapter 170 or chapter 173,
2420 Florida Statutes, and any amendments thereto, and those chapters
2421 shall be applicable to such proceedings with the same force and
2422 effect as if those chapters were expressly provided in this act.
2423 Any act required or authorized to be done by or on behalf of a

2424 municipality in foreclosure proceedings under chapter 170 or
2425 chapter 173, Florida Statutes, may be performed by such officer
2426 or agent of the district as the board of supervisors may
2427 designate. Such foreclosure proceedings may be brought at any
2428 time after the expiration of 1 year from the date any tax, or
2429 installment thereof, becomes delinquent; however, no lien shall
2430 be foreclosed against any political subdivision or agency of the
2431 state. Other legal remedies shall remain available.

2432 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
2433 FACILITIES, AND SERVICES.—To the full extent permitted by
2434 general law, the district shall require all lands, buildings,
2435 premises, persons, firms, and corporations within the district
2436 to use the facilities of the district.

2437 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
2438 PROVISIONS REQUIRED.—

2439 (a) A contract may not be let by the board for any goods,
2440 supplies, or materials to be purchased when the amount thereof
2441 to be paid by the district shall exceed the amount provided in
2442 s. 287.017, Florida Statutes, for category four, unless notice
2443 of bids shall be published in a newspaper of general circulation
2444 in Lee County at least once. Any board seeking to construct or
2445 improve a public building, structure, or other public works
2446 shall comply with the bidding procedures of s. 255.20, Florida
2447 Statutes, as amended from time to time, and other applicable
2448 general law. In each case, the bid of the lowest responsive and

2449 responsible bidder shall be accepted unless all bids are
2450 rejected because the bids are too high or the board determines
2451 it is in the best interests of the district to reject all bids.
2452 The board may require the bidders to furnish bond with a
2453 responsible surety to be approved by the board. Nothing in this
2454 subsection shall prevent the board from undertaking and
2455 performing the construction, operation, and maintenance of any
2456 project or facility authorized by this act by the employment of
2457 labor, material, and machinery.

2458 (b) The Consultants' Competitive Negotiation Act, s.
2459 287.055, Florida Statutes, applies to contracts for engineering,
2460 architecture, landscape architecture, or registered surveying
2461 and mapping services let by the board.

2462 (c) Contracts for maintenance services for any district
2463 facility or project shall be subject to competitive bidding
2464 requirements when the amount thereof to be paid by the district
2465 exceeds the amount provided in s. 287.017, Florida Statutes, as
2466 amended from time to time, for category four. The district shall
2467 adopt rules, policies, or procedures establishing competitive
2468 bidding procedures for maintenance services. Contracts for other
2469 services may not be subject to competitive bidding unless the
2470 district adopts a rule, policy, or procedure applying
2471 competitive bidding procedures to said contracts. Nothing herein
2472 shall preclude the use of requests for proposal instead of

2473 invitations to bid as determined by the district to be in its
2474 best interest.

2475 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
2476 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

2477 (a) The district is authorized to prescribe, fix,
2478 establish, and collect rates, fees, rentals, or other charges,
2479 hereinafter sometimes referred to as "revenues," and to revise
2480 the same from time to time, for the systems, facilities, and
2481 services furnished by the district, including, but not limited
2482 to, recreational facilities, water management and control
2483 facilities, and water and sewer systems; to recover the costs of
2484 making connection with any district service, facility, or
2485 system; and to provide for reasonable penalties against any user
2486 or property for any such rates, fees, rentals, or other charges
2487 that are delinquent.

2488 (b) No such rates, fees, rentals, or other charges for any
2489 of the facilities or services of the district shall be fixed
2490 until after a public hearing at which all the users of the
2491 proposed facility or services or owners, tenants, or occupants
2492 served or to be served thereby and all other interested persons
2493 shall have an opportunity to be heard concerning the proposed
2494 rates, fees, rentals, or other charges. Rates, fees, rentals,
2495 and other charges shall be adopted under the administrative
2496 rulemaking authority of the district but do not apply to
2497 district leases. Notice of such public hearing setting forth the

2498 proposed schedule or schedules of rates, fees, rentals, and
2499 other charges shall have been published in a newspaper of
2500 general circulation in Lee County at least once and at least 10
2501 days before such public hearing. The rulemaking hearing may be
2502 adjourned from time to time. After such hearing, such schedule
2503 or schedules, either as initially proposed or as modified or
2504 amended, may be finally adopted. A copy of the schedule or
2505 schedules of such rates, fees, rentals, or charges as finally
2506 adopted shall be kept on file in an office designated by the
2507 board and shall be open at all reasonable times to public
2508 inspection. The rates, fees, rentals, or charges so fixed for
2509 any class of users or property served shall be extended to cover
2510 any additional users or properties thereafter served which shall
2511 fall in the same class, without the necessity of any notice or
2512 hearing.

2513 (c) Such rates, fees, rentals, and charges shall be just
2514 and equitable and uniform for users of the same class and, when
2515 appropriate, may be based or computed either upon the amount of
2516 service furnished, upon the average number of persons residing
2517 or working in or otherwise occupying the premises served, or
2518 upon any other factor affecting the use of the facilities
2519 furnished, or upon any combination of the foregoing factors, as
2520 may be determined by the board on an equitable basis.

2521 (d) The rates, fees, rentals, or other charges prescribed
2522 shall be such as will produce revenues, together with any other

2523 assessments, taxes, revenues, or funds available or pledged for
2524 such purpose, at least sufficient to provide for the following
2525 items, but not necessarily in the order stated:

2526 1. To provide for all expenses of operation and
2527 maintenance of such facility or service.

2528 2. To pay when due all bonds and interest thereon for the
2529 payment of which such revenues are, or shall have been, pledged
2530 or encumbered, including reserves for such purpose.

2531 3. To provide for any other funds which may be required
2532 under the resolution or resolutions authorizing the issuance of
2533 bonds pursuant to this act.

2534 (e) The board shall have the power to enter into contracts
2535 for the use of the projects of the district and with respect to
2536 the services, systems, and facilities furnished or to be
2537 furnished by the district.

2538 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that any
2539 rates, fees, rentals, charges, or delinquent penalties are not
2540 paid as and when due and are in default for 60 days or more, the
2541 unpaid balance thereof and all interest accrued thereon,
2542 together with reasonable attorney fees and costs, may be
2543 recovered by the district in a civil action.

2544 (22) DISCONTINUANCE OF SERVICES OR FACILITIES.—In the
2545 event the fees, rentals, or other charges for district services
2546 or facilities are not paid when due, the board shall have the
2547 power, under such reasonable rules and regulations as the board

2548 may adopt, to discontinue and shut off such services or
2549 facilities until such fees, rentals, or other charges, including
2550 interest, penalties, and charges for the shutting off and
2551 discontinuance and the restoration of such services or
2552 facilities, are fully paid; and, for such purposes, the board
2553 may enter on any lands, waters, or premises of any person, firm,
2554 corporation, or body, public or private, within the district
2555 limits. Such delinquent fees, rentals, or other charges,
2556 together with interest, penalties, and charges for the shutting
2557 off and discontinuance and the restoration of such services or
2558 facilities and reasonable attorney fees and other expenses, may
2559 be recovered by the district, which may also enforce payment of
2560 such delinquent fees, rentals, or other charges by any other
2561 lawful method of enforcement.

2562 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved
2563 person may have recourse to such remedies in general law and at
2564 equity as may be necessary to ensure compliance with this act,
2565 including injunctive relief to enjoin or restrain any person
2566 violating this act or any bylaws, resolutions, regulations,
2567 rules, codes, or orders adopted under this act. In case any
2568 building or structure is erected, constructed, reconstructed,
2569 altered, repaired, converted, or maintained, or any building,
2570 structure, land, or water is used, in violation of this act or
2571 of any code, order, resolution, or other regulation made under
2572 authority conferred by this act or under general law, the board

2573 or any citizen residing in the district may institute any
2574 appropriate action or proceeding to prevent such unlawful
2575 erection, construction, reconstruction, alteration, repair,
2576 conversion, maintenance, or use; to restrain, correct, or avoid
2577 such violation; to prevent the occupancy of such building,
2578 structure, land, or water; and to prevent any illegal act,
2579 conduct, business, or use in or about such premises, land, or
2580 water.

2581 (24) SUITS AGAINST THE DISTRICT.—Any suit or action
2582 brought or maintained against the district for damages arising
2583 out of tort, including, without limitation, any claim arising
2584 upon account of an act causing an injury or loss of property,
2585 personal injury, or death, shall be subject to the limitations
2586 provided in s. 768.28, Florida Statutes.

2587 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All
2588 district property shall be exempt from levy and sale by virtue
2589 of an execution, and no execution or other judicial process
2590 shall issue against such property, nor shall any judgment
2591 against the district be a charge or lien on its property or
2592 revenues; however, nothing contained herein shall apply to or
2593 limit the rights of bondholders to pursue any remedy for the
2594 enforcement of any lien or pledge given by the district in
2595 connection with any of the bonds or obligations of the district.

2596 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—

2597 (a) The board of supervisors of the district may not ask
2598 the Legislature to repeal or amend this act to expand or to
2599 contract the boundaries of the district or otherwise cause the
2600 merger or termination of the district without first obtaining a
2601 resolution or official statement from Lee County as required by
2602 s. 189.031(2)(e)4., Florida Statutes, for creation of an
2603 independent special district. The district's consent may be
2604 evidenced by a resolution or other official written statement of
2605 the district.

2606 (b) The district shall remain in existence until:
2607 1. The district is terminated and dissolved pursuant to
2608 amendment to this act by the Legislature.
2609 2. The district has become inactive pursuant to s.
2610 189.062, Florida Statutes.

2611 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—The
2612 district may merge with one or more community development
2613 districts situated wholly within its boundaries. The district
2614 shall be the surviving entity of the merger. Any mergers shall
2615 commence upon each such community development district filing a
2616 written request for merger with the district. A copy of the
2617 written request shall also be filed with Lee County. The
2618 district, subject to the direction of its board of supervisors,
2619 shall enter into a merger agreement which shall provide for the
2620 proper allocation of debt, the manner in which such debt shall
2621 be retired, the transition of the community development district

2622 board, and the transfer of all financial obligations and
2623 operating and maintenance responsibilities to the district. The
2624 execution of the merger agreement by the district and each
2625 community development district constitutes consent of the
2626 landowners within each district. The district and each community
2627 development district requesting merger shall hold a public
2628 hearing within its boundaries to provide information about and
2629 take public comment on the proposed merger in the merger
2630 agreement. The public hearing shall be held within 45 days after
2631 the execution of the merger agreement by all parties thereto.
2632 Notice of the public hearing shall be published in a newspaper
2633 of general circulation in Lee County at least 14 days before the
2634 hearing. At the conclusion of the public hearing, each district
2635 shall consider a resolution approving or disapproving the
2636 proposed merger. If the district and each community development
2637 district which is a party to the merger agreement adopt a
2638 resolution approving the proposed merger, the resolutions and
2639 the merger agreement shall be filed with Lee County. Upon
2640 receipt of the resolutions approving the merger and the merger
2641 agreement, Lee County shall adopt a nonemergency ordinance
2642 dissolving each community development district pursuant to s.
2643 190.046(10), Florida Statutes.

2644 (28) INCLUSION OF TERRITORY.—The inclusion of any or all
2645 territory of the district within a municipality does not change,

2646 alter, or affect the boundary, territory, existence, or
 2647 jurisdiction of the district.

2648 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
 2649 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this
 2650 district under this act, each contract for the initial sale of a
 2651 parcel of real property and each contract for the initial sale
 2652 of a residential unit within the district shall include,
 2653 immediately before the space reserved in the contract for the
 2654 signature of the purchaser, the following disclosure statement
 2655 in boldfaced and conspicuous type which is larger than the type
 2656 in the remaining text of the contract: "THE DUKE FARM
 2657 STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS,
 2658 OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND
 2659 ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE
 2660 COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE
 2661 DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE
 2662 DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY
 2663 AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER
 2664 TAXES AND ASSESSMENTS PROVIDED FOR BY GENERAL LAW."

2665 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days
 2666 after the election of the first board of supervisors creating
 2667 the district, the district shall cause to be recorded in the
 2668 grantor-grantee index of the property records in Lee County a
 2669 "Notice of Creation and Establishment of the Duke Farm

2670 Stewardship District." The notice shall, at a minimum, include
2671 the legal description of the territory described in this act.

2672 (31) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility,
2673 service, works, improvement, project, or other infrastructure
2674 owned by the district, or funded by federal tax-exempt bonding
2675 issued by the district, is public; and the district by rule may
2676 regulate, and may impose reasonable charges or fees for, the use
2677 thereof, but not to the extent that such regulation or
2678 imposition of such charges or fees constitutes denial of
2679 reasonable access.

2680 **Section 7.** If any provision of this act or its application
2681 to any person or circumstance is held invalid, the invalidity
2682 does not affect the remaining provisions or applications of the
2683 act which can be given effect without the invalid provision or
2684 application, and to this end the provisions of this act are
2685 severable.

2686 **Section 8.** This act shall take effect upon becoming a law,
2687 except that the provisions of this act which authorize the levy
2688 of ad valorem taxation shall take effect only upon express
2689 approval by a majority vote of those qualified electors of the
2690 Duke Farm Stewardship District, as required by s. 9, Art. VII of
2691 the State Constitution, voting in a referendum election held
2692 during a general election at such time as all members of the
2693 board are qualified electors who are elected by qualified
2694 electors of the district as provided in this act.