1 A bill to be entitled 2 An act relating to Collier County; creating the 3 Corkscrew Grove Stewardship District; providing a short title; providing legislative findings and 4 5 intent; providing definitions; stating legislative 6 policy regarding creation of the district; 7 establishing compliance with minimum requirements for 8 creation of an independent special district; providing 9 for creation and establishment of the district; 10 establishing the legal boundaries of the district; 11 providing for the jurisdiction and charter of the 12 district; providing for a board of supervisors; providing for election, membership, terms, meetings, 13 14 and duties of board members; providing a method for transition of the board from landowner control to 15 16 control by the resident electors of the district; providing for a district manager and district 17 personnel; providing for a district treasurer, 18 selection of a public depository, and district budgets 19 and financial reports; providing the general and 20 21 special powers of the district; providing for bonds; providing for borrowing; providing for future ad 22 23 valorem taxation; providing for special assessments; providing for issuance of certificates of 24 25 indebtedness; providing for tax liens; providing for

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26 competitive procurement; providing for fees and 27 charges; providing for termination, contraction, 28 expansion, or merger of the district; providing for required notices to purchasers of residential units 29 30 within the district; specifying district public 31 property; providing severability; providing for a 32 referendum; providing effective dates. 33 34 Be It Enacted by the Legislature of the State of Florida: 35 36 Section 1. This act may be cited as the "Corkscrew Grove 37 Stewardship District Act." 38 Section 2. Legislative findings and intent; definitions; 39 policy.-(1) LEGISLATIVE INTENT AND PURPOSE OF THE DISTRICT.-40 41 (a) The extensive lands located wholly within Collier 42 County and covered by this act contain many opportunities for 43 thoughtful, comprehensive, responsible, and consistent 44 development over a long period. 45 There is a need to use a single special and limited (b) 46 purpose independent special district unit of local government 47 for the Corkscrew Grove Stewardship District lands located 48 within Collier County and covered by this act to provide for a 49 more comprehensive community development approach, which will 50 facilitate an integral relationship between regional

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51	transportation, land use, and urban design to provide for a
52	diverse mix of housing and regional employment and economic
53	development opportunities, rather than fragmented development
54	with underutilized infrastructure generally associated with
55	urban sprawl.
56	(c) There is a considerably long period of time during
57	which there is a significant burden on the initial landowners of
58	the district lands to provide various systems, facilities, and
59	services, such that there is a need for flexible management,
60	sequencing, timing, and financing of the various systems,
61	facilities, and services to be provided to these lands, taking
62	into consideration absorption rates, commercial viability, and
63	related factors.
64	(d) While chapter 190, Florida Statutes, provides an
65	opportunity for previous community development services and
66	facilities to be provided by the continued use of community
67	development districts in a manner that furthers the public
68	interest, given the size of the Corkscrew Grove Stewardship
69	District lands and the duration of development, continuing to
70	utilize multiple community development districts over these
71	lands would result in an inefficient, duplicative, and needless
72	proliferation of local special purpose governments, contrary to
73	the public interest and the Legislature's findings in chapter
74	190, Florida Statutes. Instead, it is in the public interest
75	- that the long-range provision for, and management, financing,
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76	and long-term maintenance, upkeep, and operation of, services
77	and facilities to be provided for ultimate development and
78	conservation of the lands covered by this act be under one
79	coordinated entity. The creation of a single district will
80	assist in integrating the management of state resources and
81	allow for greater and more coordinated stewardship of natural
82	resources.
83	(e) Longer involvement of the initial landowner with
84	regard to the provision of systems, facilities, and services for
85	the Corkscrew Grove Stewardship District lands, coupled with the
86	special and limited purpose of the district, is in the public
87	interest.
88	(f) The existence and use of such a special and limited
89	purpose local government for the Corkscrew Grove Stewardship
90	District lands, subject to the Collier County comprehensive
91	plan, will provide for a comprehensive and complete community
92	development approach to promote a sustainable and efficient land
93	use pattern for the Corkscrew Grove Stewardship District lands
94	with long-term planning for conservation and development;
95	provide opportunities for the mitigation of impacts and
96	development of infrastructure in an orderly and timely manner;
97	prevent the overburdening of the local general purpose
98	government and the taxpayers; and provide an enhanced tax base
99	and regional employment and economic development opportunities.

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100	(g) The creation and establishment of the special district
101	will encourage local government financial self-sufficiency in
102	providing public facilities and in identifying and implementing
103	physically sound, innovative, and cost-effective techniques to
104	provide and finance public facilities while encouraging
105	development, use, and coordination of capital improvement plans
106	by all levels of government, in accordance with the goals of
107	chapter 187, Florida Statutes.
108	(h) The creation and establishment of the special district
109	is a legitimate supplemental and alternative method available to
110	manage, own, operate, construct, and finance capital
111	infrastructure systems, facilities, and services.
112	(i) In order to be responsive to the critical timing
113	required through the exercise of its special management
114	functions, an independent special district requires financing of
115	those functions, including bondable lienable and nonlienable
116	revenue, with full and continuing public disclosure and
117	accountability, funded by landowners, both present and future,
118	and funded also by users of the systems, facilities, and
119	services provided to the land area by the special district,
120	without unduly burdening the taxpayers, citizens, and ratepayers
121	of the state or Collier County.
122	(j) The special district created and established by this
123	act shall not have or exercise any comprehensive planning,
124	zoning, or development permitting power; the establishment of

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125	the special district shall not be considered a development order
126	within the meaning of chapter 380, Florida Statutes; and all
127	applicable planning and permitting laws, rules, regulations, and
128	policies of Collier County control the development of the land
129	to be serviced by the special district.
130	(k) The creation by this act of the Corkscrew Grove
131	Stewardship District is not inconsistent with the Collier County
132	comprehensive plan.
133	(1) It is the legislative intent and purpose that no debt
134	or obligation of the special district constitute a burden on
135	Collier County.
136	(2) DEFINITIONSAs used in this act:
137	(a) "Ad valorem bonds" means bonds that are payable from
138	the proceeds of ad valorem taxes levied on real and tangible
139	personal property and that are generally referred to as general
140	obligation bonds.
141	(b) "Assessable improvements" means, without limitation,
142	any and all public improvements and community facilities that
143	the district is empowered to provide in accordance with this act
144	that provide a special benefit to property within the district.
145	(c) "Assessment bonds" means special obligations of the
146	district which are payable solely from proceeds of the special
147	assessments or benefit special assessments levied for assessable
148	improvements, provided that, in lieu of issuing assessment bonds

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149	to fund the costs of assessable improvements, the district may
150	issue revenue bonds for such purposes payable from assessments.
151	(d) "Assessments" means those nonmillage district
152	assessments which include special assessments, benefit special
153	assessments, and maintenance special assessments and a
154	nonmillage, non-ad valorem maintenance tax if authorized by
155	general law.
156	(e) "Benefit special assessments" means district
157	assessments imposed, levied, and collected pursuant to section
158	<u>6(12)(b)</u> .
159	(g) "Board of supervisors" or "board" means the governing
160	body of the district or, if such board has been abolished, the
161	board, body, or commission assuming the principal functions
162	thereof or to whom the powers given to the board by this act
163	have been given by law.
164	(h) "Bond" includes "certificate," and the provisions that
165	are applicable to bonds are equally applicable to certificates.
166	The term also includes any general obligation bond, assessment
167	bond, refunding bond, revenue bond, bond anticipation note, and
168	other such obligation in the nature of a bond as is provided for
169	in this act.
170	(i) "Cost" or "costs," when used in reference to any
171	project, includes, but is not limited to:
172	1. The expenses of determining the feasibility or
173	practicability of acquisition, construction, or reconstruction.
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174	2. The cost of surveys, estimates, plans, and
175	specifications.
176	3. The cost of improvements.
177	4. Engineering, architectural, fiscal, and legal expenses
178	and charges.
179	5. The cost of all labor, materials, machinery, and
180	equipment.
181	6. The cost of all lands, properties, rights, easements,
182	and franchises acquired.
183	7. Financing charges.
184	8. The creation of initial reserve and debt service funds.
185	9. Working capital.
186	10. Interest charges incurred or estimated to be incurred
187	on money borrowed prior to and during construction and
188	acquisition and for such reasonable period of time after
189	completion of construction or acquisition as the board may
190	determine.
191	11. The cost of issuance of bonds pursuant to this act,
192	including advertisements and printing.
193	12. The cost of any bond or tax referendum held pursuant
194	to this act and all other expenses of issuance of bonds.
195	13. The discount, if any, on the sale or exchange of
196	bonds.
197	14. Administrative expenses.

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198 15. Such other expenses as may be necessary or incidental 199 to the acquisition, construction, or reconstruction of any 200 project, or to the financing thereof, or to the development of 201 any lands within the district. 16. Payments, contributions, dedications, and any other 202 exactions required as a condition of receiving any governmental 203 204 approval or permit necessary to accomplish any district purpose. 205 17. Any other expense or payment permitted by this act or 206 allowable by law. 207 (j) "District" means the Corkscrew Grove Stewardship 208 District. (k) "District manager" means the manager of the district. 209 210 (1) "District roads" means highways, streets, roads, 211 alleys, intersection improvements, sidewalks, crossings, 212 landscaping, irrigation, signage, signalization, storm drains, 213 bridges, multiuse trails, lighting, and thoroughfares of all 214 kinds. 215 "General obligation bonds" means bonds which are (m) 216 secured by, or provide for their payment by, the pledge of the 217 full faith and credit and taxing power of the district. 218 (n) "General-purpose local government" means a city, 219 municipality, or consolidated city-county government. 220 (o) "Governing board member" means any member of the board 221 of supervisors.

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222	(p) "Land development regulations" means those regulations
223	of the general-purpose local government, adopted under the
224	Community Planning Act, codified as part II of chapter 163,
225	Florida Statutes, to which the district is subject and as to
226	which the district may not do anything that is inconsistent
227	therewith. The term "land development regulations" does not
228	include specific management, engineering, operations, or capital
229	improvement planning, needed in the daily management,
230	implementation, and supplying by the district of systems,
231	facilities, services, works, improvements, projects, or
232	infrastructure, so long as they remain subject to and are not
233	inconsistent with the applicable county codes.
234	(q) "Landowner" means the owner of a freehold estate as it
235	appears on the deed record, including a trustee, a private
236	corporation, and an owner of a condominium unit. The term
237	"landowner" does not include a reversioner, remainderman,
238	mortgagee, or any governmental entity which shall not be counted
239	and need not be notified of proceedings under this act. The term
240	"landowner" also means the owner of a ground lease from a
241	governmental entity, which leasehold interest has a remaining
242	term, excluding all renewal options, in excess of 50 years.
243	(r) "Maintenance special assessments" are assessments
244	imposed, levied, and collected pursuant to section 6(12)(d).
245	(s) "Non-ad valorem assessment" means only those
246	assessments which are not based upon millage and which can

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247	become a lien against a homestead as permitted in s. 4, Article
248	X of the State Constitution.
249	(t) "Powers" means powers used and exercised by the board
250	of supervisors to accomplish the special and limited purposes of
251	the district, including:
252	1. "General powers," which means those organizational and
253	administrative powers of the district as provided in its charter
254	in order to carry out its special and limited purpose as a local
255	government public corporate body politic.
256	2. "Special powers," which means those powers enumerated
257	by the district charter to implement its specialized systems,
258	facilities, services, projects, improvements, and infrastructure
259	and related functions in order to carry out its special and
260	limited purposes.
261	3. Any other powers, authority, or functions set forth in
262	this act.
263	(u) "Project" means any development, improvement,
264	property, power, utility, facility, enterprise, service, system,
265	works, or infrastructure now existing or hereafter undertaken or
266	established under this act.
267	(v) "Qualified elector" means any person at least 18 years
268	of age who is a citizen of the United States and a legal
269	resident of the state and of the district, who registers to vote
270	with the Supervisor of Elections of Collier County and who
271	resides in Collier County.
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272 "Reclaimed water" means water, including from wells or (w) 273 stormwater management facilities, that has received at least 274 secondary treatment and basic disinfection and is reused after 275 flowing out of a domestic wastewater treatment facility, or otherwise as an approved use of surface water or groundwater by 276 277 the water management district. 278 (X) "Reclaimed water system" means any plant, well, 279 system, facility, or property, and any addition, extension, or 280 improvement thereto at any future time constructed or acquired 281 as part thereof, useful, necessary, or having the present 282 capacity for future use in connection with the development of 283 sources, treatment, purification, or distribution of reclaimed 284 water. The term includes franchises of any nature relating to 285 any such system and necessary or convenient for the operation 286 thereof including for the district's own use or resale. 287 (y) "Refunding bonds" means bonds issued to refinance 288 outstanding bonds of any type and the interest and redemption 289 premium thereon. Refunding bonds may be issuable and payable in 290 the same manner as refinanced bonds, except that no approval by 291 the electorate shall be required unless required by the State 292 Constitution. 293 (z) "Revenue bonds" means obligations of the district that are payable from revenues, including, but not limited to, 294 295 special assessments and benefit special assessments, derived 296 from sources other than ad valorem taxes on real or tangible

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297	personal property and that do not pledge the property, credit,
298	or general tax revenue of the district.
299	(aa) "Sewer system" means any plant, system, facility, or
300	property, and additions, extensions, and improvements thereto at
301	any future time constructed or acquired as part thereof, useful
302	or necessary or having the present capacity for future use in
303	connection with the collection, treatment, purification, or
304	disposal of sewage, including, but not limited to, industrial
305	wastes resulting from any process of industry, manufacture,
306	trade, or business or from the development of any natural
307	resource. The term also includes treatment plants, pumping
308	stations, lift stations, valves, force mains, intercepting
309	sewers, laterals, pressure lines, mains, and all necessary
310	appurtenances and equipment; all sewer mains, laterals, and
311	other devices for the reception and collection of sewage from
312	premises connected therewith; all real and personal property and
313	any interest therein; and rights, easements, and franchises of
314	any nature relating to any such system and necessary or
315	convenient for operation thereof.
316	(bb) "Special assessments" means assessments as imposed,
317	levied, and collected by the district for the costs of
318	assessable improvements pursuant to this act; chapter 170,
319	Florida Statutes; and the additional authority under s.
320	197.3631, Florida Statutes, or other provisions of general law,
321	now or hereinafter enacted, which provide or authorize a
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322 supplemental means to impose, levy, or collect special 323 assessments. 324 "Corkscrew Grove Stewardship District" means the unit (CC) 325 of special and limited purpose local government and political 326 subdivision created and chartered by this act, and limited to 327 the performance of those general and special powers authorized 328 by its charter under this act, the boundaries of which are set 329 forth by the act, the governing board of which is created and 330 authorized to operate with legal existence by this act, and the 331 purpose of which is as set forth in this act. 332 "Tax" or "taxes" means those levies and impositions (dd) 333 of the board of supervisors that support and pay for government 334 and the administration of law and that may be: 335 1. Ad valorem or property taxes based upon both the appraised value of property and millage, at a rate uniform 336 337 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 (ee) "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

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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) POLICYBased 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, industrial, office, hotel, health care, and other
359	similar community uses, projects, or functions in the included
360	portion of Collier County consistent with the effective
361	comprehensive plan, and designed to serve a lawful public
362	purpose.
363	(b) The district, which is a local government and a
364	political subdivision, is limited to its special purpose as
365	expressed in this act, with the power to provide, plan,
366	implement, construct, maintain, and finance as a local
367	government management entity systems, facilities, services,
368	improvements, infrastructure, and projects, and possessing
369	financing powers to fund its management power over the long term
370	and with sustained levels of high quality.

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371 The creation of the Corkscrew Grove Stewardship (C) 372 District by and pursuant to this act, and its exercise of its 373 management and related financing powers to implement its 374 limited, single, and special purpose, is not a development order 375 and does not trigger or invoke any provision within the meaning 376 of chapter 380, Florida Statutes, and all applicable governmental planning, environmental, and land development laws, 377 regulations, rules, policies, and ordinances apply to all 378 379 development of the land within the jurisdiction of the district 380 as created by this act. 381 The district shall operate and function subject to, (d) 382 and not inconsistent with, the applicable comprehensive plan of 383 Collier County and any applicable development orders (e.g., 384 detailed site plan development orders), zoning regulations, and 385 other land development regulations. 386 (e) The special and single purpose Corkscrew Grove 387 Stewardship District shall not have the power of a general-388 purpose local government to adopt a comprehensive plan or 389 related land development regulation as those terms are defined 390 in the Community Planning Act. 391 (f) This act may be amended, in whole or in part, only by 392 special act of the Legislature. The board of supervisors of the 393 district shall not ask the Legislature to amend this act without 394 first obtaining a resolution or official statement from the 395 district and Collier County as may be required by s.

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396	189.031(2)(e)4., Florida Statutes, for creation of an
397	independent special district, and if such an amendment is
398	related to the district's ability to provide services under
399	Section (7)(b), a resolution or official statement from the
400	Immokalee Water and Sewer District in the form and substance
401	described in s. 189.031(2)(2)4., Florida Statutes, provided
402	amendments to the District's boundaries as described in Section
403	4 shall not require a statement from the Immokalee Water and
404	Sewer District.
405	Section 3. Minimum charter requirements; creation and
406	establishment; jurisdiction; construction; charter
407	(1) Pursuant to s. 189.031(3), Florida Statutes, the
408	Legislature sets forth that the minimum requirements in
409	paragraphs (a) through (n) have been met in the identified
410	provisions of this act as follows:
411	(a) The purpose of the district is stated in the act in
412	section 2 and subsection (4) of this section.
413	(b) The powers, functions, and duties of the district
414	regarding ad valorem taxation, bond issuance, other revenue-
415	raising capabilities, budget preparation and approval, liens and
416	foreclosure of liens, use of tax deeds and tax certificates as
417	appropriate for non-ad valorem assessments, and contractual
418	agreements are set forth in section 6.
419	(c) The provisions for methods for establishing the
420	district are set forth in this section.
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421	(d) The methods for amending the charter of the district
422	are set forth in section 2.
423	(e) The provisions for the membership and organization of
424	the governing body and the establishment of a quorum are set
425	forth in section 5.
426	(f) The provisions regarding the administrative duties of
427	the governing body are set forth in sections 5 and 6.
428	(g) The provisions applicable to financial disclosure,
429	noticing, and reporting requirements generally are set forth in
430	sections 5 and 6.
431	(h) The provisions regarding procedures and requirements
432	for issuing bonds are set forth in section 6.
433	(i) The provisions regarding elections or referenda and
434	the qualifications of an elector of the district are set forth
435	in sections 2 and 5.
436	(j) The provisions regarding methods for financing the
437	district generally are set forth in section 6.
438	(k) Other than taxes levied for the payment of bonds and
439	taxes levied for periods not longer than 2 years when authorized
440	by vote of the electors of the district, the provisions for the
441	authority to levy ad valorem tax and the authorized millage rate
442	are set forth in section 6.
443	(1) The provisions for the method or methods of collecting
444	non-ad valorem assessments, fees, or service charges are set
445	forth in section 6.
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446 The provisions for planning requirements are in this (m) 447 section and section 6. 448 The provisions for geographic boundary limitations of (n) 449 the district are set forth in sections 4 and 6. 450 (2) The Corkscrew Grove Stewardship District is created 451 and incorporated as a public body corporate and politic, an 452 independent special and limited purpose local government, an independent special district, under s. 189.031, Florida 453 454 Statutes, as amended from time to time, and as defined in this 455 act and in s. 189.012(3), Florida Statutes, as amended from time to time, in and for portions of Collier County. Any amendments 456 457 to chapter 190, Florida Statutes, after January 1, 2025 granting 458 additional general powers, special powers, authorities, or projects to a community development district by amendment to its 459 460 uniform charter, ss. 190.006-190.041, Florida Statutes, which 461 are not inconsistent with this act, shall constitute a general 462 power, special power, authority, or function of the Corkscrew 463 Grove Stewardship District. All notices for the enactment by the 464 Legislature of this special act have been provided pursuant to 465 the State Constitution, the Laws of Florida, and the Rules of 466 the Florida House of Representatives and of the Florida Senate. 467 No referendum subsequent to the effective date of this act is 468 required as a condition of establishing the district. Therefore, the district, as created by this act, is established on the 469 470 property described in this act.

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471	(3) The territorial boundary of the district shall embrace
472	and include all of that certain real property described in
473	section 4.
474	(4) The jurisdiction of the district, in the exercise of
475	its general and special powers, and in the carrying out of its
476	special and limited purposes, is both within the external
477	boundaries of the legal description of this district and
478	extraterritorially when limited to, and as authorized expressly
479	elsewhere in, the charter of the district as created in this act
480	or applicable general law. This special and limited purpose
481	district is created as a public body corporate and politic, and
482	local government authority and power is limited by its charter,
483	this act, and subject to other general laws, including chapter
484	189, Florida Statutes, except that an inconsistent provision in
485	this act shall control and the district has jurisdiction to
486	perform such acts and exercise such authorities, functions, and
487	powers as shall be necessary, convenient, incidental, proper, or
488	reasonable for the implementation of its special and limited
489	purpose regarding the sound planning, provision, acquisition,
490	development, operation, maintenance, and related financing of
491	those public systems, facilities, services, improvements,
492	projects, and infrastructure works as authorized herein,
493	including those necessary and incidental thereto. The district
494	shall only exercise any of its powers extraterritorially within
495	Collier County after execution of an interlocal agreement
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496	between the district and Collier County consenting to the
497	district's exercise of any of such powers within Collier County
498	or an applicable development order or as part of other land
499	development regulations issued by Collier County.
500	(5) The exclusive charter of the Corkscrew Grove
501	Stewardship District is this act and, except as otherwise
502	provided in subsection (2), may be amended only by special act
503	of the Legislature.
504	Section 4. Legal description of the Corkscrew Grove
505	Stewardship DistrictThe metes and bounds legal description of
506	the district, within which there are no parcels of property
507	owned by those who do not wish their property to be included
508	within the district, is as follows:
509	A PARCEL OF LAND LOCATED IN SECTIONS 03, 04, 05, 06,
510	07, 08, 09, 10, 15 AND 18, TOWNSHIP 46 SOUTH, RANGE 28
511	EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY
512	DESCRIBED AS FOLLOWS:
513	AREA 1:
514	BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST
515	QUARTER OF SAID SECTION 04; THENCE RUN S.89°34'35"E.,
516	ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR A
517	DISTANCE OF 2,601.08 FEET TO THE NORTHWEST CORNER OF
518	THE NORTHEAST QUARTER OF SAID SECTION 04; THENCE RUN
519	N.89°49'18"E., ALONG THE NORTH LINE OF SAID NORTHEAST
520	QUARTER, FOR A DISTANCE OF 2,703.78 FEET TO THE
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521	NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID
522	SECTION 03; THENCE RUN S.89°29'58"E., ALONG THE NORTH
523	LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF
524	2,641.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST
525	QUARTER OF SAID SECTION 03; THENCE RUN S.89°29'58"E.,
526	ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, FOR A
527	DISTANCE OF 2,641.44 FEET TO THE NORTHEAST CORNER OF
528	SAID NORTHEAST QUARTER; THENCE RUN S.00°35'20"E.,
529	ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, FOR A
530	DISTANCE OF 2,629.09 FEET TO THE NORTHEAST CORNER OF
531	THE SOUTHEAST QUARTER OF SAID SECTION 03; THENCE RUN
532	S.00°35'45"E., ALONG THE EAST LINE OF SAID SOUTHEAST
533	QUARTER, FOR A DISTANCE OF 1,532.89 FEET TO THE
534	NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 82 (A 200
535	FOOT RIGHT OF WAY), SAID POINT HEREINAFTER REFERRED TO
536	AS POINT "A"; THENCE RUN N.73°57'58"W., ALONG SAID
537	NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF
538	4,219.38 FEET TO A POINT ON SAID NORTHERLY RIGHT OF
539	WAY LINE HEREINAFTER REFERRED TO AS POINT "B"; THENCE
540	CONTINUE N.73°57'58"W., ALONG SAID NORTHERLY RIGHT OF
541	WAY LINE, FOR A DISTANCE OF 5,305.11 FEET TO A POINT
542	ON SAID NORTHERLY RIGHT OF WAY LINE HEREINAFTER
543	REFERRED TO AS POINT "C"; THENCE CONTINUE
544	N.73°57'58"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE,
545	FOR A DISTANCE OF 1,511.79 TO THE WEST LINE OF SAID

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546	NORTHWEST QUARTER OF SAID SECTION 04; THENCE RUN
547	N.01°10'09"W., ALONG SAID WEST LINE, FOR A DISTANCE OF
548	1,123.48 FEET; TO THE POINT OF BEGINNING.
549	LESS AND EXCEPT:
550	COMMENCE AT THE AFOREMENTIONED POINT "B"; THENCE RUN
551	N.16°02'02"E., FOR A DISTANCE OF 62.00 FEET TO THE
552	POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN
553	DESCRIBED; THENCE CONTINUE, N.16°02'02"E., FOR A
554	DISTANCE OF 39.22 FEET TO THE BEGINNING OF A
555	TANGENTIAL CURVE TO THE LEFT, THENCE RUN NORTHERLY,
556	ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A
557	RADIUS OF 647.96 FEET, THROUGH A CENTRAL ANGLE OF
558	16°37'00", SUBTENDED BY A CHORD DISTANCE OF 187.26
559	FEET, AT A BEARING OF N.07°43'32"E., FOR A DISTANCE OF
560	187.92 FEET TO THE END OF SAID CURVE; THENCE RUN,
561	N.00°34'58"W., A DISTANCE OF 191.27 FEET; THENCE RUN
562	S.89°25'02"W., FOR A DISTANCE OF 70.55 FEET; THENCE
563	RUN N.00°34'58"W., FOR A DISTANCE OF 40.00 FEET;
564	THENCE RUN N.89°25'02"E., FOR A DISTANCE OF 70.55
565	FEET; THENCE RUN N.00°34'58"W., FOR A DISTANCE OF
566	199.86 FEET; THENCE RUN N.89°20'29"E., FOR A DISTANCE
567	OF 239.66 FEET; THENCE RUN S.38°31'20"E., FOR A
568	DISTANCE OF 143.21 FEET; THENCE RUN S.51°28'40"W., FOR
569	A DISTANCE OF 52.80 FEET; THENCE RUN S.00°39'31"E.,
570	FOR A DISTANCE OF 605.94 FEET; THENCE RUN
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N.73°58'04"W., FOR A DISTANCE OF 339.31 FEET TO THE
POINT OF BEGINNING.
ALSO LESS AND EXCEPT:
COMMENCE AT THE AFOREMENTIONED POINT "C", THENCE RUN
N.16°02'02"E., FOR A DISTANCE OF 73.00 FEET TO THE
POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN
DESCRIBED; THENCE CONTINUE N.16°02'02"E., FOR A
DISTANCE OF 60.91 FEET; THENCE RUN N.01°02'21"W., FOR
A DISTANCE OF 132.64 FEET; THENCE RUN N.88°57'41"E.,
FOR A DISTANCE OF 234.50 FEET; THENCE RUN
S.01°02'17"E., FOR A DISTANCE OF 268.38 FEET; THENCE
RUN N.73°57'54"W., FOR A DISTANCE OF 264.01 FEET TO
THE POINT OF BEGINNING.
AND AREA 2:
COMMENCE AT SAID NORTHWEST CORNER OF THE NORTHWEST
QUARTER OF SAID SECTION 04; THENCE RUN S.89°58'53"W.,
ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID
SECTION 05, FOR A DISTANCE OF 2,655.24 FEET TO THE
NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID
SECTION 05; THENCE RUN S.89°59'22"W., ALONG THE NORTH
LINE OF THE NORTHWEST QUARTER OF SAID SECTION 05, FOR
A DISTANCE OF 1,950.13 FEET TO A POINT ON THE
SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 82 (A
200 FOOT RIGHT OF WAY), AND THE POINT OF BEGINNING OF
THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN

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596	S.73°57'58"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE,
597	FOR A DISTANCE OF 5,567.97 FEET; THENCE LEAVING SAID
598	SOUTHERLY RIGHT OF WAY LINE, RUN S.36°17'02"W., FOR A
599	DISTANCE OF 85.80 FEET; THENCE RUN N.73°57'58"W., FOR
600	A DISTANCE OF 327.44 FEET; THENCE RUN N.78°05'08"W.,
601	FOR A DISTANCE OF 96.93 FEET; THENCE RUN
602	S.00°02'23"W., FOR A DISTANCE OF 322.02 FEET; THENCE
603	RUN S.73°57'58"E., FOR A DISTANCE OF 218.62 FEET;
604	THENCE RUN S.36°17'02"W., FOR A DISTANCE OF 265.76
605	FEET; THENCE RUN S.53°42'58"E., FOR A DISTANCE OF
606	60.00 FEET; THENCE RUN N.36°17'02"E., FOR A DISTANCE
607	OF 711.07 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE;
608	THENCE RUN S.73°57'57"E., ALONG SAID SOUTHERLY RIGHT
609	OF WAY LINE, FOR A DISTANCE OF 3,151.52 FEET; THENCE
610	RUN S.16°02'02"W., FOR A DISTANCE OF 25.00 FEET;
611	THENCE RUN S.73°57'58"E., FOR A DISTANCE OF 464.76
612	FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CORKSCREW
613	ROAD (A 100 FOOT RIGHT OF WAY); THENCE RUN
614	S.20°51'56"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE,
615	FOR A DISTANCE OF 1,727.40 FEET TO THE BEGINNING OF A
616	TANGENTIAL CURVE TO THE RIGHT, THENCE RUN
617	SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE
618	AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A
619	RADIUS OF 1,859.86 FEET, THROUGH A CENTRAL ANGLE OF
620	37°08'16", SUBTENDED BY A CHORD DISTANCE OF 1,184.52
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FEET, AT A BEARING OF S.39°26'04"W., FOR A DISTANCE OF 621 622 1,205.52 FEET TO THE END OF SAID CURVE; THENCE RUN 623 S.58°00'12"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, 624 FOR A DISTANCE OF 6,667.70 FEET TO THE BEGINNING OF A 625 TANGENTIAL CURVE TO THE LEFT, THENCE RUN 626 SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A 627 628 RADIUS OF 2,914.79 FEET, THROUGH A CENTRAL ANGLE OF 629 10°45'18", SUBTENDED BY A CHORD DISTANCE OF 546.33 FEET, AT A BEARING OF S.52°37'33"W., FOR A DISTANCE OF 630 631 547.14 FEET TO THE END OF SAID CURVE; THENCE RUN 632 S.47°14'54"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, 633 FOR A DISTANCE OF 5,800.34 FEET; THENCE RUN 634 S.49°36'55"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, 635 FOR A DISTANCE OF 484.30 FEET; THENCE RUN 636 S.47°14'54"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, 637 FOR A DISTANCE OF 1,526.83 FEET TO THE BEGINNING OF A 638 TANGENTIAL CURVE TO THE RIGHT, THENCE RUN WESTERLY, 639 ALONG SAID NORTHERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 640 641 904.93 FEET, THROUGH A CENTRAL ANGLE OF 42°19'05", 642 SUBTENDED BY A CHORD DISTANCE OF 653.28 FEET, AT A BEARING OF S.68°24'26"W., FOR A DISTANCE OF 668.37 643 644 FEET TO THE END OF SAID CURVE; THENCE RUN S.89°33'59"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, 645

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646	FOR A DISTANCE OF 996.61 FEET TO THE WEST LINE OF THE
647	NORTHWEST QUARTER OF SAID SECTION 18; THENCE RUN
648	N.00°39'16"W., ALONG SAID WEST LINE, FOR A DISTANCE OF
649	2,572.80 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST
650	QUARTER OF SAID SECTION 07; THENCE RUN N.00°25'09"W.,
651	ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, FOR A
652	DISTANCE OF 2,638.29 FEET TO THE SOUTHWEST CORNER OF
653	THE NORTHWEST QUARTER OF SAID SECTION 07; THENCE RUN
654	N.00°24'09"W., ALONG THE WEST LINE OF SAID NORTHWEST
655	QUARTER, FOR A DISTANCE OF 2,642.30 FEET TO THE
656	SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID
657	SECTION 06; THENCE RUN N.00°48'21"W., ALONG THE WEST
658	LINE OF SAID SECTION 06, FOR A DISTANCE OF 5,123.01
659	FEET; THENCE RUN S.84°55'35"E., FOR A DISTANCE OF
660	3,585.78 FEET; THENCE RUN N.01°07'40"W., FOR A
661	DISTANCE OF 1,837.49 FEET TO THE NORTH LINE OF THE
662	NORTHEAST QUARTER OF SAID SECTION 06; THENCE RUN
663	N.89°37'36"E., ALONG SAID NORTH LINE, FOR A DISTANCE
664	OF 1,831.47 FEET TO THE NORTHWEST CORNER OF THE
665	NORTHWEST QUARTER OF SAID SECTION 05; THENCE RUN
666	N.89°59'22"E., ALONG THE NORTH LINE OF SAID NORTHWEST
667	QUARTER, FOR A DISTANCE OF 700.61 FEET TO THE POINT OF
668	BEGINNING.
669	AND AREA 3:

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670 COMMENCE AT THE AFOREMENTIONED POINT "A", THENCE RUN S.00°35'45"E., ALONG THE EAST LINE OF SAID SOUTHEAST 671 672 QUARTER OF SECTION 03, FOR A DISTANCE OF 208.73 FEET 673 TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID 674 STATE ROAD 82 (A 200 FOOT RIGHT OF WAY), THE SAME 675 BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND 676 HEREIN DESCRIBED; THENCE CONTINUE S.00°35'45"E., ALONG 677 SAID EAST LINE, FOR A DISTANCE OF 887.38 FEET TO THE 678 NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE RUN S.00°28'02"E., ALONG THE EAST 679 680 LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 681 2,699.34 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 682 QUARTER OF SAID SECTION 10; THENCE RUN S.00°28'13"E., 683 ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR A 684 DISTANCE OF 2,699.02 FEET TO THE NORTHEAST CORNER OF 685 SAID SECTION 15; THENCE RUN S.00°08'16"E., ALONG THE 686 EAST LINE OF SAID SECTION 15, FOR A DISTANCE OF 4,277.12 FEET; THENCE RUN S.89°41'04"W., FOR A 687 688 DISTANCE OF 1,890.02 FEET; THENCE RUN N.00°08'15"W., 689 FOR A DISTANCE OF 4,276.95 FEET TO THE NORTH LINE OF 690 SAID NORTHEAST QUARTER OF SECTION 15; THENCE RUN N.55°11'37"W., FOR A DISTANCE OF 4,023.70 FEET; THENCE 691 RUN N.00°08'20"W., FOR A DISTANCE OF 707.83 FEET; 692 THENCE RUN S.79°20'37"W., FOR A DISTANCE OF 1,604.70 693 FEET; THENCE RUN N.41°31'31"W., FOR A DISTANCE OF 694

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1,675.17 FEET; THENCE RUN N.75°10'22"W., FOR A 695 DISTANCE OF 213.78 FEET; THENCE RUN S.14°49'38"W., FOR 696 697 A DISTANCE OF 726.00 FEET; THENCE RUN N.75°10'22"W., FOR A DISTANCE OF 758.28 FEET; THENCE RUN 698 699 N.55°37'02"W., FOR A DISTANCE OF 989.88 FEET; THENCE RUN N.31°34'44"W., FOR A DISTANCE OF 86.46 FEET TO THE 700 701 SOUTHERLY RIGHT OF WAY LINE OF CORKSCREW ROAD (A 100 702 FOOT RIGHT OF WAY); THENCE RUN N.58°00'12"E., ALONG 703 SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 704 2,531.39 FEET TO THE BEGINNING OF A TANGENTIAL CURVE 705 TO THE LEFT, THENCE RUN NORTHEASTERLY, ALONG SAID 706 SOUTHERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID 707 CURVE TO THE LEFT, HAVING A RADIUS OF 1,959.86 FEET, 708 THROUGH A CENTRAL ANGLE OF 37°08'16", SUBTENDED BY A 709 CHORD DISTANCE OF 1,248.21 FEET, AT A BEARING OF 710 N.39°26'04"E., FOR A DISTANCE OF 1,270.34 FEET TO THE 711 END OF SAID CURVE; THENCE RUN N.20°51'56"E., ALONG 712 SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 713 1,760.94 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF 714 SAID STATE ROAD 82 (A 200 FOOT RIGHT OF WAY); THENCE RUN S.73°57'58"E., ALONG SAID SOUTHERLY RIGHT OF WAY 715 716 LINE, FOR A DISTANCE OF 2,115.13 FEET TO A POINT 717 HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUE S.73°57'58"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 718

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719	FOR A DISTANCE OF 4,388.36 FEET TO THE POINT OF
720	BEGINNING.
721	LESS AND EXCEPT:
722	COMMENCE AT THE AFOREMENTIONED POINT "D", THENCE RUN
723	S.16°02'02"W., FOR A DISTANCE OF 11.88 FEET TO THE
724	POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN
725	DESCRIBED; THENCE RUN S.31°00'02"W., FOR A DISTANCE OF
726	266.13 FEET; THENCE RUN S.58°59'58"E., FOR A DISTANCE
727	OF 15.00 FEET; THENCE RUN S.31°00'02"W., FOR A
728	DISTANCE OF 30.00 FEET; THENCE RUN N.58°59'58"W., FOR
729	A DISTANCE OF 15.00 FEET; THENCE RUN S.31°00'02"W.,
730	FOR A DISTANCE OF 52.82 FEET; THENCE RUN
731	N.73°57'58"W., FOR A DISTANCE OF 134.39 FEET; THENCE
732	RUN N.00°35'44"W., FOR A DISTANCE OF 327.71 FEET
733	THENCE RUN S.79°16'41"E., FOR A DISTANCE OF 74.78
734	FEET; THENCE RUN S.80°31'35"E., FOR A DISTANCE OF
735	61.84 FEET; THENCE RUN S.76°49'43"E., FOR A DISTANCE
736	OF 182.63 FEET TO THE POINT OF BEGINNING.
737	CONTAINING A TOTAL AREA OF 4,662.710 ACRES, MORE OR
738	LESS.
739	BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE
740	NORTHEAST QUARTER OF SECTION 03, TOWNSHIP 46 SOUTH,
741	RANGE 28 EAST, COLLIER COUNTY, FLORIDA, HAVING A
742	BEARING OF S.89°29'58"E. SOUTH 89° 23' 32.
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743 Being subject to any rights-of-way, restrictions and easements 744 of record. 745 Section 5. Board of supervisors; members and meetings; 746 organization; powers; duties; terms of office; related election 747 requirements.-748 The board of the district shall exercise the powers (1) 749 granted to the district pursuant to this act. The board shall 750 consist of five members, each of whom shall hold office for a 751 term of 4 years, as provided in this section, except as 752 otherwise provided herein for initial board members, and until a 753 successor is chosen and qualified. The members of the board must 754 be residents of the state and citizens of the United States. 755 Within 90 days after the effective date of this (2)(a) 756 act, there shall be held a meeting of the landowners of the 757 district for the purpose of electing five supervisors for the 758 district. Notice of the landowners' meeting shall be published 759 once a week for 2 consecutive weeks in a newspaper that is in 760 general circulation in the area of the district, the last day of 761 such publication to be not fewer than 14 days or more than 28 762 days before the date of the election. The landowners, when 763 assembled at such meeting, shall organize by electing a chair, 764 who shall conduct the meeting. The chair may be any person 765 present at the meeting. If the chair is a landowner or proxy 766 holder of a landowner, he or she may nominate candidates and

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767	make and second motions. The landowners present at the meeting,
768	in person or by proxy, shall constitute a quorum. At any
769	landowners' meeting, 50 percent of the district acreage shall
770	not be required to constitute a quorum, and each governing board
771	member elected by landowners shall be elected by a majority of
772	the acreage represented either by owner or proxy present and
773	voting at said meeting.
774	(b) At such meeting, each landowner shall be entitled to
775	cast one vote per acre of land owned by him or her and located
776	within the district for each person to be elected. A landowner
777	may vote in person or by proxy in writing. Each proxy must be
778	signed by one of the legal owners of the property for which the
779	vote is cast and must contain the typed or printed name of the
780	individual who signed the proxy; the street address, legal
781	description of the property, or tax parcel identification
782	number; and the number of authorized votes. If the proxy
783	authorizes more than one vote, each property must be listed and
784	the number of acres of each property must be included. The
785	signature on a proxy need not be notarized. A fraction of an
786	acre shall be treated as 1 acre, entitling the landowner to one
787	vote with respect thereto. The three candidates receiving the
788	highest number of votes shall each be elected for terms expiring
789	November 28, 2028, and the two candidates receiving the next
790	highest number of votes shall each be elected for terms expiring
791	November 24, 2026 with the term of office for each successful

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792	candidate commencing upon election. The members of the first
793	board elected by landowners shall serve their respective terms;
794	however, the next election of board members shall be held on the
795	first Tuesday after the first Monday in November 2026.
796	Thereafter, there shall be an election by landowners for the
797	district every 2 years on the first Tuesday after the first
798	Monday in November, which shall be noticed pursuant to paragraph
799	(a). The second and subsequent landowners' election shall be
800	announced at a public meeting of the board at least 90 days
801	before the date of the landowners' meeting and shall also be
802	noticed pursuant to paragraph (a). Instructions on how all
803	landowners may participate in the election, along with sample
804	proxies, shall be provided during the board meeting that
805	announces the landowners' meeting. Each supervisor elected in or
806	after November 2026 shall serve a 4-year term.
807	(3)(a)1. The board may not exercise the ad valorem taxing
808	power authorized by this act until such time as all members of
809	the board are qualified electors who are elected by qualified
810	electors of the district.
811	2.a. Regardless of whether the district has proposed to
812	levy ad valorem taxes, board members shall begin being elected
813	by qualified electors of the district as the district becomes
814	populated with qualified electors. The transition shall occur
815	such that the composition of the board, after the first general

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816	election following a trigger of the qualified elector population
817	thresholds set forth below, shall be as follows:
818	(I) Once 3,600 qualified electors reside within the
819	district, one governing board member shall be a person who is a
820	qualified elector of the district and who was elected by the
821	qualified electors, and four governing board members shall be
822	persons who were elected by the landowners.
823	(II) Once 6,600 qualified electors reside within the
824	district, two governing board members shall be persons who are
825	qualified electors of the district and who were elected by the
826	qualified electors, and three governing board members shall be
827	persons elected who were by the landowners.
828	(III) Once 9,600 qualified electors reside within the
829	district, three governing board members shall be persons who are
829 830	district, three governing board members shall be persons who are qualified electors of the district and who were elected by the
830	qualified electors of the district and who were elected by the
830 831	qualified electors of the district and who were elected by the qualified electors and two governing board members shall be
830 831 832	qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners.
830 831 832 833	<pre>qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners. (IV) Once 10,600 qualified electors reside within the</pre>
830 831 832 833 834	<pre>qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners.</pre>
830 831 832 833 834 835	<pre>qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners. (IV) Once 10,600 qualified electors reside within the district, four governing board members shall be persons who are qualified electors of the district and who were elected by the</pre>
830 831 832 833 834 835 836	<pre>qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners. (IV) Once 10,600 qualified electors reside within the district, four governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors, and one governing board member shall be a</pre>
830 831 832 833 834 835 836 836	<pre>qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners. (IV) Once 10,600 qualified electors reside within the district, four governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors, and one governing board member shall be a person who was elected by the landowners.</pre>
830 831 832 833 834 835 836 837 838	<pre>qualified electors of the district and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners. (IV) Once 10,600 qualified electors reside within the district, four governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors, and one governing board member shall be a person who was elected by the landowners. (V) Once 12,000 qualified electors reside within the</pre>

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840	are qualified electors of the district and who were elected by
841	the qualified electors.
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843	Nothing in this sub-subparagraph is intended to require an
844	election prior to the expiration of an existing board member's
845	term.
846	b. On or before June 1 of each election year, the board
847	shall determine the number of qualified electors in the district
848	as of the immediately preceding April 15. The board shall use
849	and rely upon the official records maintained by the supervisor
850	of elections and property appraiser or tax collector in Collier
851	County in making this determination. Such determination shall be
852	made at a properly noticed meeting of the board and shall become
853	a part of the official minutes of the district.
854	c. All governing board members elected by qualified
855	electors shall be elected at large at an election occurring as
856	provided in subsection (2) and this subsection.
857	d. All governing board members elected by qualified
858	electors shall reside in the district.
859	e. Once the district qualifies to have any of its board
860	members elected by the qualified electors of the district, the
861	initial and all subsequent elections by the qualified electors
862	of the district shall be held at the general election in
863	November. The board shall adopt a resolution, if necessary, to
864	implement this requirement. The transition process described

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herein is intended to be in lieu of the process set forth in s. 189.041, Florida Statutes. (b) Elections of board members by qualified electors held pursuant to this subsection shall be nonpartisan and shall be conducted in the manner prescribed by law for holding general elections. Board members shall assume the office on the second Tuesday following their election. (c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with chapter 106, Florida Statutes, and shall file qualifying papers and qualify for individual seats in accordance with s. 99.061, Florida Statutes. The supervisor of elections shall appoint the (d) inspectors and clerks of elections, prepare and furnish the ballots, designate polling places, and canvass the returns of the election of board members by qualified electors. The county canvassing board shall declare and certify the results of the election.

(4) Members of the board, regardless of how elected, shall
be public officers, shall be known as supervisors, and, upon
entering into office, shall take and subscribe to the oath of
office as prescribed by s. 876.05, Florida Statutes. Members of
the board shall be subject to ethics and conflict of interest
laws of the state that apply to all local public officers. They
shall hold office for the terms for which they were elected or

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890 appointed and until their successors are chosen and qualified. 891 If, during the term of office, a vacancy occurs, the remaining 892 members of the board shall fill each vacancy by an appointment 893 for the remainder of the unexpired term. (5) Any elected member of the board of supervisors may be 894 895 removed by the Governor for malfeasance, misfeasance, 896 dishonesty, incompetency, or failure to perform the duties 897 imposed upon him or her by this act, and any vacancies that may 898 occur in such office for such reasons shall be filled by the 899 Governor as soon as practicable. 900 (6) A majority of the members of the board constitutes a 901 quorum for the purposes of conducting its business and 902 exercising its powers and for all other purposes. Action taken 903 by the district shall be upon a vote of a majority of the 904 members present unless general law or a rule of the district 905 requires a greater number. 906 (7) As soon as practicable after each election or 907 appointment, the board shall organize by electing one of its 908 members as chair and by electing a secretary, who need not be a 909 member of the board, and such other officers as the board may 910 deem necessary. 911 The board shall keep a permanent record book entitled (8) 912 "Record of Proceedings of Corkscrew Grove Stewardship District," 913 in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any 914

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915 and all corporate acts. The record book and all other district 916 records shall at reasonable times be opened to inspection in the 917 same manner as state, county, and municipal records pursuant to chapter 119, Florida Statutes. The record book shall be kept at 918 919 the office or other regular place of business maintained by the 920 board in a designated location in Collier County. 921 (9) No supervisor shall be entitled to receive 922 compensation for his or her services in excess of the limits established in s. 190.006(8), Florida Statutes, or any successor 923 924 statute thereto; however, each supervisor shall receive travel 925 and per diem expenses as set forth in s. 112.061, Florida 926 Statutes. 927 (10) All meetings of the board shall be open to the public 928 and governed by chapter 286, Florida Statutes. 929 Section 6. Board of supervisors; general duties.-930 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ 931 and fix the compensation of a district manager, who shall have 932 charge and supervision of the works of the district and shall be 933 responsible for preserving and maintaining any improvement or 934 facility constructed or erected pursuant of this act, for 935 maintaining and operating the equipment owned by the district, 936 and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest or constitute an 937 938 abuse of public position under chapter 112, Florida Statutes, 939 for a board member, the district manager, or another employee of

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940	the district to be a stockholder, officer, or employee of a
941	landowner or an affiliate of a landowner. The district manager
942	may hire or otherwise employ and terminate the employment of
943	such other persons, including, without limitation, professional,
944	supervisory, and clerical employees, as may be necessary and
945	authorized by the board. The compensation and other conditions
946	of employment of the officers and employees of the district
947	shall be as provided by the board.
948	(2) TREASURER.—The board shall designate a person who is a
949	resident of the state as treasurer of the district, who shall
950	have charge of the funds of the district. Such funds shall be
951	disbursed only upon the order of or pursuant to a resolution of
952	the board by warrant or check countersigned by the treasurer and
953	by such other person as may be authorized by the board. The
954	board may give the treasurer such other or additional powers and
955	duties as the board may deem appropriate and may fix his or her
956	compensation. The board may require the treasurer to give a bond
957	in such amount, on such terms, and with such sureties as may be
958	deemed satisfactory to the board to secure the performance by
959	the treasurer of his or her powers and duties. The financial
960	records of the board shall be audited by an independent
961	certified public accountant in accordance with the requirements
962	of general law.
963	(3) PUBLIC DEPOSITORYThe board is authorized to select
964	as a depository for its funds any qualified public depository as
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965 defined in s. 280.02, Florida Statutes, which meets all the 966 requirements of chapter 280, Florida Statutes, and has been 967 designated by the treasurer as a qualified public depository 968 upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may 969 970 deem just and reasonable. 971 (4) BUDGET; REPORTS AND REVIEWS.-972 The district shall provide financial reports in such (a) 973 form and such manner as prescribed pursuant to this act and 974 chapter 218, Florida Statutes, as amended from time to time. 975 On or before July 15 of each year, the district (b) 976 manager shall prepare a proposed budget for the ensuing fiscal 977 year to be submitted to the board for board approval. The 978 proposed budget shall include at the direction of the board an 979 estimate of all necessary expenditures of the district for the 980 ensuing fiscal year and an estimate of income to the district 981 from the taxes and assessments provided in this act. The board 982 shall consider the proposed budget item by item and may either 983 approve the budget as proposed by the district manager or modify 984 the same in part or in whole. The board shall indicate its 985 approval of the budget by resolution, which resolution shall 986 provide for a hearing on the budget as approved. Notice of the 987 hearing on the budget shall be published in a newspaper of 988 general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be 989

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990 no less than 15 days prior to the date of the hearing. The 991 notice shall further contain a designation of the day, time, and 992 place of the public hearing. At the time and place designated in 993 the notice, the board shall hear all objections to the budget as 994 proposed and may make such changes as the board deems necessary. 995 At the conclusion of the budget hearing, the board shall, by 996 resolution, adopt the budget as finally approved by the board. 997 The budget shall be adopted prior to October 1 of each year. 998 (c) At least 60 days prior to adoption, the board of 999 supervisors of the district shall submit to the Board of County 1000 Commissioners of Collier County, for purposes of disclosure and 1001 information only, the proposed annual budget for the ensuing 1002 fiscal year, and the commission may submit written comments to 1003 the board of supervisors solely for the assistance and 1004 information of the board of supervisors of the district in 1005 adopting its annual district budget. 1006 The board of supervisors of the district shall submit (d) 1007 annually a public facilities report to the Board of County 1008 Commissioners of Collier County pursuant to Florida Statutes. 1009 The commission may use and rely on the district's public 1010 facilities report in the preparation or revision of the Collier 1011 County comprehensive plan. 1012 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC 1013 ACCESS.-The district shall take affirmative steps to provide for the full disclosure of information relating to the public 1014

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1015 financing and maintenance of improvements to real property 1016 undertaken by the district. Such information shall be made 1017 available to all existing residents and all prospective residents of the district. The district shall furnish each 1018 1019 developer of a residential development within the district with 1020 sufficient copies of that information to provide each 1021 prospective initial purchaser of property in that development 1022 with a copy; and any developer of a residential development 1023 within the district, when required by law to provide a public 1024 offering statement, shall include a copy of such information 1025 relating to the public financing and maintenance of improvements 1026 in the public offering statement. The district shall file the 1027 disclosure documents required by this subsection and any 1028 amendments thereto in the property records of each county in 1029 which the district is located. By the end of the first full 1030 fiscal year of the district's creation, the district shall 1031 maintain an official Internet website in accordance with s. 1032 189.069, Florida Statutes. 1033 (6) GENERAL POWERS.-The district shall have, and the board 1034 may exercise, the following general powers: 1035 To sue and be sued in the name of the district; to (a) 1036 adopt and use a seal and authorize the use of a facsimile 1037 thereof; to acquire, by purchase, gift, devise, or otherwise, 1038 and to dispose of, real and personal property, or any estate

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1039 therein; and to make and execute contracts and other instruments 1040 necessary or convenient to the exercise of its powers. 1041 To apply for coverage of its employees under the (b) 1042 Florida Retirement System in the same manner as if such 1043 employees were state employees. 1044 To contract for the services of consultants to perform (C) 1045 planning, engineering, legal, or other appropriate services of a 1046 professional nature. Such contracts shall be subject to public 1047 bidding or competitive negotiation requirements as set forth in 1048 general law applicable to independent special districts. To borrow money and accept gifts; to apply for and use 1049 (d) 1050 grants or loans of money or other property from the United 1051 States, the state, a unit of local government, or any person for 1052 any district purposes and enter into agreements required in 1053 connection therewith; and to hold, use, and dispose of such 1054 moneys or property for any district purposes in accordance with 1055 the terms of the gift, grant, loan, or agreement relating 1056 thereto. 1057 To adopt and enforce rules and orders pursuant to (e) 1058 chapter 120, Florida Statutes, prescribing the powers, duties, and functions of the officers of the district; the conduct of 1059 1060 the business of the district; the maintenance of records; and 1061 the form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt 1062 and enforce administrative rules with respect to any of the 1063

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1064 projects of the district and define the area to be included 1065 therein. The board may also adopt resolutions which may be 1066 necessary for the conduct of district business. 1067 To maintain an office at such place or places as the (f) 1068 board of supervisors designates in Collier County and within the 1069 district when facilities are available. 1070 (q) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, 1071 1072 dedications to public use, platted reservations for public 1073 purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or 1074 1075 reservations for the purposes authorized by this act. 1076 To lease as lessor or lessee to or from any person, (h) 1077 firm, corporation, association, or body, public or private, any 1078 projects of the type that the district is authorized to 1079 undertake and facilities or property of any nature for the use of the district to carry out the purposes authorized by this 1080 1081 act. 1082 (i) To borrow money and issue bonds, certificates, 1083 warrants, notes, or other evidence of indebtedness as provided 1084 herein; to levy such taxes and assessments as may be authorized; 1085 and to charge, collect, and enforce fees and other user charges. 1086 (j) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary 1087 for the conduct of district activities and services and to 1088

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1089	enforce their receipt and collection in the manner prescribed by
1090	resolution not inconsistent with law.
1091	(k) To exercise all powers of eminent domain now or
1092	hereafter conferred on counties in this state provided, however,
1093	that such power of eminent domain may not be exercised outside
1094	the territorial limits of the district unless the district
1095	receives prior approval by vote of a resolution of the governing
1096	body of the county if the taking will occur in an unincorporated
1097	area in that county, or the governing body of the city if the
1098	taking will occur in an incorporated area. The district shall
1099	not have the power to exercise eminent domain over municipal,
1100	county, state, or federal property. The powers hereinabove
1101	granted to the district shall be so construed to enable the
1102	district to fulfill the objects and purposes of the district as
1103	set forth in this act.
1104	(1) To cooperate with, or contract with, other
1105	governmental agencies as may be necessary, convenient,
1106	incidental, or proper in connection with any of the powers,
1107	duties, or purposes authorized by this act.
1108	(m) To assess and to impose upon lands in the district ad
1109	valorem taxes as provided by this act.
1110	(n) If and when authorized by general law, to determine,
1111	order, levy, impose, collect, and enforce maintenance taxes.
1112	(o) To determine, order, levy, impose, collect, and
1113	enforce assessments pursuant to this act and chapter 170,
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1114	Florida Statutes, as amended from time to time, pursuant to
1115	authority granted in s. 197.3631, Florida Statutes, or pursuant
1116	to other provisions of general law now or hereinafter enacted
1117	which provide or authorize a supplemental means to order, levy,
1118	impose, or collect special assessments. Such special
1119	assessments, in the discretion of the district, may be collected
1120	and enforced pursuant to ss. 197.3632 and 197.3635, Florida
1121	Statutes, and chapters 170 and 173, Florida Statutes, as they
1122	may be amended from time to time, or as provided by this act, or
1123	by other means authorized by general law now or hereinafter
1124	enacted. The district may levy such special assessments for the
1125	purposes enumerated in this act and to pay special assessments
1126	imposed by Collier County on lands within the district.
1127	(p) To exercise such special powers and other express
1128	powers as may be authorized and granted by this act in the
1129	charter of the district, including powers as provided in any
1130	interlocal agreement entered into pursuant to chapter 163,
1131	Florida Statutes, or which shall be required or permitted to be
1132	undertaken by the district pursuant to any development order,
1133	including any detailed specific area plan development order, or
1134	any interlocal service agreement with Collier County or other
1135	unit of government for fair-share capital construction funding
1136	for any certain capital facilities or systems required of a
1137	developer pursuant to any applicable development order or
1138	agreement.

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To exercise all of the powers necessary, convenient, 1139 (q) 1140 incidental, or proper in connection with any other powers or 1141 duties or the special and limited purpose of the district 1142 authorized by this act. 1143 1144 This subsection shall be construed liberally in order to carry 1145 out effectively the special and limited purpose of this act. 1146 (7) SPECIAL POWERS.-The district shall have, and the board 1147 may exercise, the following special powers to implement its 1148 lawful and special purpose and to provide, pursuant to that purpose, systems, facilities, services, improvements, projects, 1149 works, and infrastructure, each of which constitutes a lawful 1150 1151 public purpose when exercised pursuant to this charter, subject 1152 to, and not inconsistent with, general law regarding utility 1153 providers' territorial and service agreements, the regulatory 1154 jurisdiction and permitting authority of all other applicable 1155 governmental bodies, agencies, and any special districts having 1156 authority with respect to any area included therein, and to 1157 plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, finance, fund, and maintain 1158 improvements, systems, facilities, services, works, projects, 1159 1160 and infrastructure. If the district's special powers in 1161 paragraph (b) and the Immokalee Water and Sewer District's 1162 powers will cause unnecessary duplication of services and facilities, the district and the Immokalee Water and Sewer 1163

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1164 District shall enter into an interlocal agreement to avoid 1165 inefficiencies and jointly exercise their common powers and 1166 authority. Nothing herein shall preempt the powers and authority 1167 of the Immokalee Water and Sewer District. Any or all of the 1168 following special powers are granted by this act in order to 1169 implement the special and limited purpose of the district but do 1170 not constitute obligations to undertake such improvements, systems, facilities, services, works, projects or 1171 1172 infrastructure: 1173 (a) To provide water management and control for the lands 1174 within the district, including irrigation systems and 1175 facilities, and to connect some or any of such facilities with 1176 roads and bridges. In the event that the board assumes the 1177 responsibility for providing water management and control for 1178 the district which is to be financed by benefit special 1179 assessments, the board shall adopt plans and assessments 1180 pursuant to law or may proceed to adopt water management and 1181 control plans, assess for benefits, and apportion and levy 1182 special assessments, as follows: 1183 1. The board shall cause to be made by the district's 1184 engineer, or such other engineer or engineers as the board may 1185 employ for that purpose, complete and comprehensive water 1186 management and control plans for the lands located within the district that will be improved in any part or in whole by any 1187 1188 system of facilities that may be outlined and adopted, and the

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1189	engineer shall make a report in writing to the board with maps
1190	and profiles of said surveys and an estimate of the cost of
1191	carrying out and completing the plans.
1192	2. Upon the completion of such plans, the board shall hold
1193	a hearing thereon to hear objections thereto, shall give notice
1194	of the time and place fixed for such hearing by publication once
1195	each week for 2 consecutive weeks in a newspaper of general
1196	circulation in the general area of the district, and shall
1197	permit the inspection of the plan at the office of the district
1198	by all persons interested. All objections to the plan shall be
1199	filed at or before the time fixed in the notice for the hearing
1200	and shall be in writing.
1201	3. After the hearing, the board shall consider the
1202	proposed plan and any objections thereto and may modify, reject,
1203	or adopt the plan or continue the hearing until a day certain
1204	for further consideration of the proposed plan or modifications
1205	thereof.
1206	4. When the board approves a plan, a resolution shall be
1207	adopted and a certified copy thereof shall be filed in the
1208	office of the secretary and incorporated by him or her into the
1209	records of the district.
1210	5. The water management and control plan may be altered in
1211	detail from time to time until the engineer's report pursuant to
1212	s. 298.301, Florida Statutes, is filed but not in such manner as
1213	to affect materially the conditions of its adoption. After the
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1214 engineer's report has been filed, no alteration of the plan 1215 shall be made, except as provided by this act. 1216 6. Within 20 days after the final adoption of the plan by 1217 the board, the board shall proceed pursuant to s. 298.301, 1218 Florida Statutes. 1219 To provide, subject to the Immokalee Water and Sewer (b) 1220 District's utility systems, water supply, sewer, wastewater, and 1221 reclaimed water management, reclamation, and reuse, or any 1222 combination thereof, and any irrigation systems, facilities, and 1223 services and to construct and operate water systems, sewer 1224 systems, irrigation systems, and reclaimed water systems such as 1225 connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and 1226 under any street, alley, highway, or other public place or ways, 1227 1228 and to dispose of any water, effluent, residue, or other 1229 byproducts of such water system, sewer system, irrigation system or reclaimed water system and to enter into interlocal 1230 1231 agreements and other agreements with public or private entities 1232 for the same. Nothing herein shall permit the district to 1233 adversely impact the Immokalee Water and Sewer District's bond resolutions or covenants. The Immokalee Water and Sewer District 1234 1235 and the district will work in good faith to address any such 1236 adverse impacts through an interlocal agreement or other means. To provide bridges, culverts, wildlife corridors, or 1237 (C) 1238 road crossings that may be needed across any drain, ditch,

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1239 canal, floodway, holding basin, excavation, public highway, 1240 tract, grade, fill, or cut and roadways over levees and 1241 embankments, and to construct any and all of such works and 1242 improvements across, through, or over any public right-of-way, 1243 highway, grade, fill, or cut. 1244 To provide district or other roads equal to or (d) 1245 exceeding the specifications of the county in which such 1246 district or other roads are located, and to provide street 1247 lights. This special power includes, but is not limited to, 1248 roads, parkways, intersections, bridges, landscaping, 1249 hardscaping, irrigation, bicycle lanes, sidewalks, jogging 1250 paths, multiuse pathways and trails, street lighting, traffic 1251 signals, regulatory or informational signage, road striping, 1252 underground conduit, underground cable or fiber or wire installed pursuant to an agreement with or tariff of a retail 1253 1254 provider of services, and all other customary elements of a 1255 functioning modern road system in general or as tied to the 1256 conditions of development approval for the area within and 1257 without the district, and parking facilities that are 1258 freestanding or that may be related to any innovative strategic 1259 intermodal system of transportation pursuant to applicable 1260 federal, state, and local law and ordinance. (e) To provide buses, trolleys, rail access, mass transit 1261 facilities, transit shelters, ridesharing facilities and 1262 services, parking improvements, and related signage. 1263

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1264 To provide investigation and remediation costs (f) 1265 associated with the cleanup of actual or perceived environmental 1266 contamination within the district under the supervision or 1267 direction of a competent governmental authority unless the 1268 covered costs benefit any person who is a landowner within the 1269 district and who caused or contributed to the contamination. 1270 To provide observation areas, mitigation areas, (g) 1271 wetland creation areas, and wildlife habitat, including the 1272 maintenance of any plant or animal species, and any related 1273 interest in real or personal property. (h) Using its general and special powers as set forth in 1274 1275 this act, to provide any other project within or without the 1276 boundaries of the district when the project is the subject of an 1277 agreement between the district and the Board of County 1278 Commissioners of Collier County or with any other applicable 1279 public or private entity, and is not inconsistent with the 1280 effective local comprehensive plans. 1281 To provide parks and facilities for indoor and outdoor (i) 1282 recreational, cultural, and educational uses. 1283 (j) To provide school buildings and related structures, which may be leased, sold, or donated to the school district, 1284 1285 for use in the educational system when authorized by the 1286 district school board. To provide security, including electronic intrusion-1287 (k) 1288 detection systems and patrol vehicles, when authorized by proper

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1289	governmental agencies, and to contract with the appropriate
1290	local general-purpose government agencies for an increased level
1291	of such services within the district boundaries. However, this
1292	paragraph does not prohibit the district from contracting with a
1293	towing operator to remove a vehicle or vessel from a district-
1294	owned facility or property if the district follows the
1295	authorization and notice and procedural requirements in s.
1296	715.07, Florida Statutes, for an owner or lessee of private
1297	property. The district's selection of a towing operator is not
1298	subject to public bidding if the towing operator is included in
1299	an approved list of tow operators maintained by the local
1300	government that has jurisdiction over the district's facility or
1301	property.
1302	(1) To provide control and elimination of mosquitoes and
1303	other arthropods of public health importance.
1304	(m) To enter into impact fee, mobility fee, or other
1305	similar credit agreements with Collier County or other
1306	governmental bodies or a landowner developer and to sell or
1307	assign such credits, on such terms as the district deems
1308	appropriate.
1309	(n) To provide buildings and structures for district
1310	offices, maintenance facilities, meeting facilities, town
1311	centers, stadiums or any other project authorized or granted by
1312	this act.

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1313 To establish and create, at noticed meetings, such (0) 1314 departments of the board of supervisors of the district, as well 1315 as committees, task forces, boards, or commissions, or other 1316 agencies under the supervision and control of the district, as 1317 from time to time the members of the board may deem necessary or 1318 desirable in the performance of the acts or other things 1319 necessary to exercise the board's general or special powers to 1320 implement an innovative project to carry out the special and 1321 limited purpose of the district as provided in this act and to 1322 delegate the exercise of its powers to such departments, boards, 1323 task forces, committees, or other agencies, and such 1324 administrative duties and other powers as the board may deem necessary or desirable, but only if there is a set of expressed 1325 1326 limitations for accountability, notice, and periodic written 1327 reporting to the board that shall retain the powers of the 1328 board. 1329 To provide electrical, sustainable, or green (p) 1330 infrastructure improvements, facilities, and services, 1331 including, but not limited to, recycling of natural resources, reduction of energy demands, development and generation of 1332 1333 alternative or renewable energy sources and technologies, 1334 mitigation of urban heat islands, sequestration, capping or 1335 trading of carbon emissions or carbon emissions credits, LEED or 1336 Florida Green Building Coalition certification, and development 1337 of facilities and improvements for low-impact development and to

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1338 enter into joint ventures, public-private partnerships, and 1339 other agreements and to grant such easements as may be necessary 1340 to accomplish the foregoing. Nothing herein shall authorize the 1341 district to provide electric service to retail customers or 1342 otherwise act to impair electric utility franchise agreements. 1343 To provide for any facilities or improvements that may (q) 1344 otherwise be provided for by any county or municipality, including, but not limited to, libraries, annexes, substations, 1345 1346 and other buildings to house public officials, staff, and 1347 employees. (r) To provide waste collection and disposal. 1348 1349 To provide for the construction and operation of (s) 1350 communications systems and related infrastructure for the 1351 carriage and distribution of communications services, and to 1352 enter into joint ventures, public-private partnerships, and 1353 other agreements and to grant such easements as may be necessary 1354 to accomplish the foregoing. The term "communications systems" 1355 means all facilities, buildings, equipment, items, and methods 1356 necessary or desirable in order to provide communications 1357 services, including, without limitation, wires, cables, conduits, wireless cell sites, computers, modems, satellite 1358 1359 antennae sites, transmission facilities, network facilities, and 1360 appurtenant devices necessary and appropriate to support the provision of communications services. The term "communications 1361 services" includes, without limitation, Internet, voice 1362

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<ul> <li>1371 (t) To provide health care facilities and to enter into</li> <li>1372 public-private partnerships and agreements as may be necessary</li> <li>1373 to accomplish the foregoing.</li> <li>1374 (u) To coordinate, work with, and, as the board deems</li> <li>1375 appropriate, enter into interlocal agreements with any public or</li> <li>1376 private entity for the provision of an institution or</li> <li>1377 institutions of higher education.</li> <li>1378 (v) To coordinate, work with, and as the board deems</li> <li>1379 appropriate, enter into public-private partnerships and</li> <li>1380 agreements as may be necessary or useful to effectuate the</li> <li>1381 purposes of this act.</li> </ul>
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<pre>1379 appropriate, enter into public-private partnerships and 1380 agreements as may be necessary or useful to effectuate the</pre>
1380 agreements as may be necessary or useful to effectuate the
1381 purposes of this act.
1382
1383 The enumeration of special powers herein shall not be deemed
1384 exclusive or restrictive but shall be deemed to incorporate all
1385 powers express or implied necessary or incidental to carrying
1386 out such enumerated special powers, including also the general
1386 <u>out such enumerated special powers, including also the general</u>
1386 <u>out such enumerated special powers, including also the general</u>

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1.388 implement its purposes. Further, this subsection shall be 1389 construed liberally in order to carry out effectively the 1390 special and limited purpose of this district under this act. 1391 ISSUANCE OF BOND ANTICIPATION NOTES.-In addition to (8) 1392 the other powers provided for in this act, and not in limitation 1393 thereof, the district shall have the power, at any time and from 1394 time to time after the issuance of any bonds of the district 1395 shall have been authorized, to borrow money for the purposes for 1396 which such bonds are to be issued in anticipation of the receipt 1397 of the proceeds of the sale of such bonds and to issue bond 1398 anticipation notes in a principal sum not in excess of the 1399 authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such 1400 1401 rate not to exceed the maximum rate allowed by general law, 1402 mature at such time or times not later than 5 years from the 1403 date of issuance, and be in such form and executed in such 1404 manner as the board shall prescribe. Such notes may be sold at 1405 either public or private sale or, if such notes shall be renewal 1406 notes, may be exchanged for notes then outstanding on such terms 1407 as the board shall determine. Such notes shall be paid from the 1408 proceeds of such bonds when issued. The board may, in its 1409 discretion, in lieu of retiring the notes by means of bonds, 1410 retire them by means of current revenues or from any taxes or 1411 assessments levied for the payment of such bonds, but, in such

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1412 event, a like amount of the bonds authorized shall not be 1413 issued. 1414 BORROWING.-The district at any time may obtain loans, (9) 1415 in such amount and on such terms and conditions as the board may 1416 approve, for the purpose of paying any of the expenses of the 1417 district or any costs incurred or that may be incurred in 1418 connection with any of the projects of the district, which loans 1419 shall bear interest as the board determines, not to exceed the 1420 maximum rate allowed by general law, and may be payable from and secured by a pledge of such funds, revenues, taxes, and 1421 1422 assessments as the board may determine, subject, however, to the 1423 provisions contained in any proceeding under which bonds were theretofore issued and are then outstanding. For the purpose of 1424 1425 defraying such costs and expenses, the district may issue 1426 negotiable notes, warrants, or other evidences of debt to be 1427 payable at such times and to bear such interest as the board may 1428 determine, not to exceed the maximum rate allowed by general 1429 law, and to be sold or discounted at such price or prices not 1430 less than 95 percent of par value and on such terms as the board 1431 may deem advisable. The board shall have the right to provide 1432 for the payment thereof by pledging the whole or any part of the 1433 funds, revenues, taxes, and assessments of the district or by 1434 covenanting to budget and appropriate from such funds. The 1435 approval of the electors residing in the district shall not be 1436 necessary except when required by the State Constitution.

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1437	(10) BONDS
1438	(a) Sale of bondsBonds may be sold in blocks or
1439	installments at different times, or an entire issue or series
1440	may be sold at one time. Bonds may be sold at public or private
1441	sale after such advertisement, if any, as the board may deem
1442	advisable, but not in any event at less than 90 percent of the
1443	par value thereof, together with accrued interest thereon. Bonds
1444	may be sold or exchanged for refunding bonds. Special assessment
1445	and revenue bonds may be delivered by the district as payment of
1446	the purchase price of any project or part thereof, or a
1447	combination of projects or parts thereof, or as the purchase
1448	price or exchange for any property, real, personal, or mixed,
1449	including franchises or services rendered by any contractor,
1450	engineer, or other person, all at one time or in blocks from
1451	time to time, in such manner and upon such terms as the board in
1452	its discretion shall determine. The price or prices for any
1453	bonds sold, exchanged, or delivered may be:
1454	1. The money paid for the bonds.
1455	2. The principal amount, plus accrued interest to the date
1456	of redemption or exchange, or outstanding obligations exchanged
1457	for refunding bonds.
1458	3. In the case of special assessment or revenue bonds, the
1459	amount of any indebtedness to contractors or other persons paid
1460	with such bonds, or the fair value of any properties exchanged
1461	for the bonds, as determined by the board.
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1462	(b) Authorization and form of bondsAny general
1463	obligation bonds, special assessment bonds, or revenue bonds may
1464	be authorized by resolution or resolutions of the board which
1465	shall be adopted by a majority of all the members thereof then
1466	in office. Such resolution or resolutions may be adopted at the
1467	same meeting at which they are introduced and need not be
1468	published or posted. The board may, by resolution, authorize the
1469	issuance of bonds and fix the aggregate amount of bonds to be
1470	issued; the purpose or purposes for which the moneys derived
1471	therefrom shall be expended, including, but not limited to,
1472	payment of costs as defined in section 2(2)(i); the rate or
1473	rates of interest, not to exceed the maximum rate allowed by
1474	general law; the denomination of the bonds; whether or not the
1475	bonds are to be issued in one or more series; the date or dates
1476	of maturity, which shall not exceed 40 years from their
1477	respective dates of issuance; the medium of payment; the place
1478	or places within or without the state at which payment shall be
1479	made; registration privileges; redemption terms and privileges,
1480	whether with or without premium; the manner of execution; the
1481	form of the bonds, including any interest coupons to be attached
1482	thereto; the manner of execution of bonds and coupons; and any
1483	and all other terms, covenants, and conditions thereof and the
1484	establishment of revenue or other funds. Such authorizing
1485	resolution or resolutions may further provide for the contracts
1486	authorized by s. 159.825(1)(f) and (g), Florida Statutes,

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1487	regardless of the tax treatment of such bonds being authorized,
1488	subject to the finding by the board of a net saving to the
1489	district resulting by reason thereof. Such authorizing
1490	resolution may further provide that such bonds may be executed
1491	in accordance with the Registered Public Obligations Act, except
1492	that bonds not issued in registered form shall be valid if
1493	manually countersigned by an officer designated by appropriate
1494	resolution of the board. The seal of the district may be
1495	affixed, lithographed, engraved, or otherwise reproduced in
1496	facsimile on such bonds. In case any officer whose signature
1497	shall appear on any bonds or coupons shall cease to be such
1498	officer before the delivery of such bonds, such signature or
1499	facsimile shall nevertheless be valid and sufficient for all
1500	purposes the same as if he or she had remained in office until
1501	such delivery.
1502	(c) Interim certificates; replacement certificates
1503	Pending the preparation of definitive bonds, the board may issue
1504	interim certificates or receipts or temporary bonds, in such
1505	form and with such provisions as the board may determine,
1506	exchangeable for definitive bonds when such bonds have been
1507	executed and are available for delivery. The board may also
1508	provide for the replacement of any bonds which become mutilated,
1509	lost, or destroyed.
1510	(d) Negotiability of bonds.—Any bond issued under this act
1511	or any temporary bond, in the absence of an express recital on

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1512	the face thereof that it is nonnegotiable, shall be fully
1513	negotiable and shall be and constitute a negotiable instrument
1514	within the meaning and for all purposes of the law merchant and
1515	the laws of the state.
1516	(e) DefeasanceThe board may make such provision with
1517	respect to the defeasance of the right, title, and interest of
1518	the holders of any of the bonds and obligations of the district
1519	in any revenues, funds, or other properties by which such bonds
1520	are secured as the board deems appropriate and, without
1521	limitation on the foregoing, may provide that when such bonds or
1522	obligations become due and payable or shall have been called for
1523	redemption and the whole amount of the principal and interest
1524	and premium, if any, due and payable upon the bonds or
1525	obligations then outstanding shall be held in trust for such
1526	purpose, and provision shall also be made for paying all other
1527	sums payable in connection with such bonds or other obligations,
1528	then and in such event the right, title, and interest of the
1529	holders of the bonds in any revenues, funds, or other properties
1530	by which such bonds are secured shall thereupon cease,
1531	terminate, and become void; and the board may apply any surplus
1532	in any sinking fund established in connection with such bonds or
1533	obligations and all balances remaining in all other funds or
1534	accounts other than moneys held for the redemption or payment of
1535	the bonds or other obligations to any lawful purpose of the
1536	district as the board shall determine.
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1537 Issuance of additional bonds.-If the proceeds of any (f) 1538 bonds are less than the cost of completing the project in 1539 connection with which such bonds were issued, the board may 1540 authorize the issuance of additional bonds, upon such terms and 1541 conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with 1542 1543 the resolution or other proceedings authorizing the issuance of 1544 the original bonds. 1545 (g) Refunding bonds.-The district shall have the power to 1546 issue bonds to provide for the retirement or refunding of any 1547 bonds or obligations of the district that at the time of such 1548 issuance are or subsequent thereto become due and payable, or 1549 that at the time of issuance have been called or are, or will 1550 be, subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders 1551 1552 thereof at prices satisfactory to the board. Refunding bonds may 1553 be issued at any time that in the judgment of the board such 1554 issuance will be advantageous to the district. No approval of 1555 the qualified electors residing in the district shall be 1556 required for the issuance of refunding bonds except in cases in 1557 which such approval is required by the State Constitution. The 1558 board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the 1559 1560 holders would be entitled if they continued to be the owners and 1561 had possession of the bonds for the refinancing of which such

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1562 refunding bonds are issued, including, but not limited to, the 1563 preservation of the lien of such bonds on the revenues of any 1564 project or on pledged funds, without extinguishment, impairment, 1565 or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise 1566 1567 requires, govern the issuance of refunding bonds, the form and 1568 other details thereof, the rights of the holders thereof, and 1569 the duties of the board with respect thereto.

1570

(h) Revenue bonds.-

1571 The district shall have the power to issue revenue 1. 1572 bonds from time to time without limitation as to amount. Such 1573 revenue bonds may be secured by, or payable from, the gross or 1574 net pledge of the revenues to be derived from any project or 1575 combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from 1576 1577 any revenue-producing undertaking or activity of the district; from special assessments; from benefit special assessments; or 1578 1579 from any other source or pledged security. Such bonds shall not 1580 constitute an indebtedness of the district, and the approval of 1581 the qualified electors shall not be required unless such bonds 1582 are additionally secured by the full faith and credit and taxing 1583 power of the district.

15842. Any two or more projects may be combined and1585consolidated into a single project and may hereafter be operated1586and maintained as a single project. The revenue bonds authorized

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1587	herein may be issued to finance any one or more of such
1588	projects, regardless of whether such projects have been combined
1589	and consolidated into a single project. If the board deems it
1590	advisable, the proceedings authorizing such revenue bonds may
1591	provide that the district may thereafter combine the projects
1592	then being financed or theretofore financed with other projects
1593	to be subsequently financed by the district and that revenue
1594	bonds to be thereafter issued by the district shall be on parity
1595	with the revenue bonds then being issued, all on such terms,
1596	conditions, and limitations as shall have been provided in the
1597	proceeding which authorized the original bonds.
1598	(i) General obligation bonds
1599	1. Subject to the limitations of this charter, the
1600	district shall have the power from time to time to issue general
1601	obligation bonds to finance or refinance capital projects or to
1602	refund outstanding bonds in an aggregate principal amount of
1603	bonds outstanding at any one time not in excess of 35 percent of
1604	the assessed value of the taxable property within the district
1605	as shown on the pertinent tax records at the time of the
1606	authorization of the general obligation bonds for which the full
1607	faith and credit of the district is pledged. Except for
1608	refunding bonds, no general obligation bonds shall be issued
1609	unless the bonds are issued to finance or refinance a capital
1610	project and the issuance has been approved at an election held
1611	in accordance with the requirements for such election as

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1612	prescribed by the State Constitution. Such elections shall be
1613	called to be held in the district by the Collier County
1614	Supervisor of Elections upon the request of the board of the
1615	district. The expenses of calling and holding an election shall
1616	be at the expense of the district and the district shall
1617	reimburse the county for any expenses incurred in calling or
1618	holding such election.
1619	2. The district may pledge its full faith and credit for
1620	the payment of the principal and interest on such general
1621	obligation bonds and for any reserve funds provided therefor and
1622	may unconditionally and irrevocably pledge itself to levy ad
1623	valorem taxes on all taxable property in the district, to the
1624	extent necessary for the payment thereof, without limitation as
1625	to rate or amount.
1626	3. If the board determines to issue general obligation
1627	bonds for more than one capital project, the approval of the
1628	issuance of the bonds for each and all such projects may be
1629	submitted to the electors on one and the same ballot. The
1630	failure of the electors to approve the issuance of bonds for any
1631	one or more capital projects shall not defeat the approval of
1632	bonds for any capital project which has been approved by the
1633	electors.
1634	4. In arriving at the amount of general obligation bonds
1635	permitted to be outstanding at any one time pursuant to

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1636	subparagraph 1., there shall not be included any general
1637	obligation bonds that are additionally secured by the pledge of:
1638	a. Any assessments levied in an amount sufficient to pay
1639	the principal and interest on the general obligation bonds so
1640	additionally secured, which assessments have been equalized and
1641	confirmed by resolution of the board pursuant to this act or s.
1642	170.08, Florida Statutes.
1643	b. Water revenues, sewer revenues, or water and sewer
1644	revenues of the district to be derived from user fees in an
1645	amount sufficient to pay the principal and interest on the
1646	general obligation bonds so additionally secured.
1647	c. Any combination of assessments and revenues described
1648	in sub-subparagraphs a. and b.
1649	(j) Bonds as legal investment or security
1650	1. Notwithstanding any provisions of any other law to the
1651	contrary, all bonds issued under this act shall constitute legal
1652	investments for savings banks, banks, trust companies, insurance
1653	companies, executors, administrators, trustees, guardians, and
1654	other fiduciaries and for any board, body, agency,
1655	instrumentality, county, municipality, or other political
1656	subdivision of the state and shall be and constitute security
1657	which may be deposited by banks or trust companies as security
1658	for deposits of state, county, municipal, or other public funds
1659	or by insurance companies as required or voluntary statutory
1660	deposits.

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1661 2. Any bonds issued by the district shall be incontestable 1662 in the hands of bona fide purchasers or holders for value and 1663 shall not be invalid because of any irregularity or defect in 1664 the proceedings for the issue and sale thereof. 1665 (k) Covenants.-Any resolution authorizing the issuance of 1666 bonds may contain such covenants as the board may deem 1667 advisable, and all such covenants shall constitute valid and 1668 legally binding and enforceable contracts between the district 1669 and the bondholders, regardless of the time of issuance thereof. 1670 Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and 1671 1672 disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with 1673 1674 respect to the operation of the project and the maintenance of 1675 adequate project revenues; the issuance of additional bonds; the 1676 appointment, powers, and duties of trustees and receivers; the 1677 acquisition of outstanding bonds and obligations; restrictions 1678 on the establishing of competing projects or facilities; 1679 restrictions on the sale or disposal of the assets and property 1680 of the district; the priority of assessment liens; the priority 1681 of claims by bondholders on the taxing power of the district; 1682 the maintenance of deposits to ensure the payment of revenues by 1683 users of district facilities and services; the discontinuance of 1684 district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the 1685

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1686	procedure for amending or abrogating covenants with the
1687	bondholders; and such other covenants as may be deemed necessary
1688	or desirable for the security of the bondholders.
1689	(1) Validation proceedingsThe power of the district to
1690	issue bonds under this act may be determined, and any of the
1691	bonds of the district maturing over a period of more than 5
1692	years shall be validated and confirmed, by court decree, under
1693	chapter 75, Florida Statutes, and laws amendatory thereof or
1694	supplementary thereto.
1695	(m) Tax exemptionTo the extent allowed by general law,
1696	all bonds issued hereunder and interest paid thereon and all
1697	fees, charges, and other revenues derived by the district from
1698	the projects provided by this act are exempt from all taxes by
1699	the state or by any political subdivision, agency, or
1700	instrumentality thereof; however, any interest, income, or
1701	profits on debt obligations issued hereunder are not exempt from
1702	the tax imposed by chapter 220, Florida Statutes. Further, the
1703	district is not exempt from chapter 212, Florida Statutes.
1704	(n) Application of s. 189.051, Florida StatutesBonds
1705	issued by the district shall meet the criteria set forth in s.
1706	189.051, Florida Statutes.
1707	(o) Act furnishes full authority for issuance of bonds
1708	This act constitutes full and complete authority for the
1709	issuance of bonds and the exercise of the powers of the district
1710	provided herein. No procedures or proceedings, publications,
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1711	notices, consents, approvals, orders, acts, or things by the
1712	board, or any board, officer, commission, department, agency, or
1713	instrumentality of the district, other than those required by
1714	this act, shall be required to perform anything under this act,
1715	except that the issuance or sale of bonds pursuant to this act
1716	shall comply with the general law requirements applicable to the
1717	issuance or sale of bonds by the district. Nothing in this act
1718	shall be construed to authorize the district to utilize bond
1719	proceeds to fund the ongoing operations of the district.
1720	(p) Pledge by the state to the bondholders of the
1721	districtThe state pledges to the holders of any bonds issued
1722	under this act that it will not limit or alter the rights of the
1723	district to own, acquire, construct, reconstruct, improve,
1724	maintain, operate, or furnish the projects or to levy and
1725	collect the taxes, assessments, rentals, rates, fees, and other
1726	charges provided for herein and to fulfill the terms of any
1727	agreement made with the holders of such bonds or other
1728	obligations and that it will not in any way impair the rights or
1729	remedies of such holders.
1730	(q) Default.—A default on the bonds or obligations of the
1731	district shall not constitute a debt or obligation of the state
1732	or any general-purpose local government of the state. In the
1733	event of a default or dissolution of the district, no general-
1734	purpose local government shall be required to assume the
1735	property of the district, the debts of the district, or the
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1736 district's obligations to complete any infrastructure 1737 improvements or provide any services to the district. The 1738 provisions of s. 189.076(2), Florida Statutes, shall not apply to the district. 1739 1740 (11) TRUST AGREEMENTS.-Any issue of bonds shall be secured 1741 by a trust agreement or resolution by and between the district and a corporate trustee or trustees, which may be any trust 1742 1743 company or bank having the powers of a trust company within or 1744 without the state. The resolution authorizing the issuance of 1745 the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such 1746 1747 provisions for protecting and enforcing the rights and remedies 1748 of the bondholders as the board may approve, including, without 1749 limitation, covenants setting forth the duties of the district 1750 in relation to: the acquisition, construction, reconstruction, 1751 improvement, maintenance, repair, operation, and insurance of 1752 any projects; the fixing and revising of the rates, fees, and 1753 charges; and the custody, safeguarding, and application of all 1754 moneys and for the employment of consulting engineers in 1755 connection with such acquisition, construction, reconstruction, 1756 improvement, maintenance, repair, or operation. It shall be 1757 lawful for any bank or trust company within or without the state 1758 which may act as a depository of the proceeds of bonds or of 1759 revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution 1760

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1761	or trust agreement may set forth the rights and remedies of the
1762	bondholders and of the trustee, if any, and may restrict the
1763	individual right of action by bondholders. The board may provide
1764	for the payment of proceeds of the sale of the bonds and the
1765	revenues of any project to such officer, board, or depository as
1766	it may designate for the custody thereof and may provide for the
1767	method of disbursement thereof with such safeguards and
1768	restrictions as it may determine. All expenses incurred in
1769	carrying out the provisions of such resolution or trust
1770	agreement may be treated as part of the cost of operation of the
1771	project to which such resolution or trust agreement pertains.
1772	(12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
1773	ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
1774	ASSESSMENTS; MAINTENANCE TAXES.—
1775	(a) Ad valorem taxes.—At such time as all members of the
1776	board are qualified electors who are elected by qualified
1777	electors of the district, the board shall have the power to levy
1778	and assess an ad valorem tax on all the taxable property in the
1779	district to construct, operate, and maintain assessable
1780	improvements; to pay the principal of, and interest on, any
1781	general obligation bonds of the district; and to provide for any
1782	sinking or other funds established in connection with any such
1783	bonds. An ad valorem tax levied by the board for operating
1784	purposes, exclusive of debt service on bonds, shall not exceed 3
1785	mills. The ad valorem tax provided for herein shall be in
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1786 <u>addition to county and all other ad valorem taxes provided for</u> 1787 <u>by law. Such tax shall be assessed, levied, and collected in the</u> 1788 <u>same manner and at the same time as county taxes. The levy of ad</u> 1789 <u>valorem taxes must be approved by referendum as required by s.</u> 1790 9, Article VII of the State Constitution.

1791 Benefit special assessments.-The board annually shall (b) 1792 determine, order, and levy the annual installment of the total 1793 benefit special assessments for bonds issued and related 1794 expenses to finance assessable improvements. These assessments 1795 may be due and collected during each year county taxes are due 1796 and collected, in which case such annual installment and levy 1797 shall be evidenced to and certified to the property appraiser by 1798 the board not later than August 31 of each year. Such assessment 1799 shall be entered by the property appraiser on the county tax 1800 rolls and shall be collected and enforced by the tax collector 1801 in the same manner and at the same time as county taxes, and the 1802 proceeds thereof shall be paid to the district. However, this 1803 paragraph shall not prohibit the district in its discretion from 1804 using the method prescribed in s. 197.3632, Florida Statutes, or 1805 chapter 173, Florida Statutes, as each may be amended from time 1806 to time, for collecting and enforcing these assessments. Each 1807 annual installment of benefit special assessments shall be a 1808 lien on the property against which assessed until paid and shall 1809 be enforceable in like manner as county taxes. The amount of the 1810 assessment for the exercise of the district's powers under

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1811	subsections (6) and (7) shall be determined by the board based
1812	upon a report of the district's engineer and assessed by the
1813	board upon such lands, which may be part or all of the lands
1814	within the district benefited by the improvement, apportioned
1815	between benefited lands in proportion to the benefits received
1816	by each tract of land. The board may, if it determines it is in
1817	the best interests of the district, set forth in the proceedings
1818	initially levying such benefit special assessments or in
1819	subsequent proceedings a formula for the determination of an
1820	amount, which when paid by a taxpayer with respect to any tax
1821	parcel, shall constitute a prepayment of all future annual
1822	installments of such benefit special assessments and that the
1823	payment of which amount with respect to such tax parcel shall
1824	relieve and discharge such tax parcel of the lien of such
1825	benefit special assessments and any subsequent annual
1826	installment thereof. The board may provide further that upon
1827	delinquency in the payment of any annual installment of benefit
1828	special assessments, the prepayment amount of all future annual
1829	installments of benefit special assessments as determined in the
1830	preceding sentence shall be and become immediately due and
1831	payable together with such delinquent annual installment.
1832	(c) Non-ad valorem maintenance taxesIf and when
1833	authorized by general law, to maintain and to preserve the
1834	physical facilities and services constituting the works,
1835	improvements, or infrastructure owned by the district pursuant
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1836	to this act, to repair and restore any one or more of them, when
1837	needed, and to defray the current expenses of the district,
1838	including any sum which may be required to pay state and county
1839	ad valorem taxes on any lands which may have been purchased and
1840	which are held by the district under this act, the board of
1841	supervisors may, upon the completion of said systems,
1842	facilities, services, works, improvements, or infrastructure, in
1843	whole or in part, as may be certified to the board by the
1844	engineer of the board, levy annually a non-ad valorem and
1845	nonmillage tax upon each tract or parcel of land within the
1846	district, to be known as a "maintenance tax." This non-ad
1847	valorem maintenance tax shall be apportioned upon the basis of
1848	the net assessments of benefits assessed as accruing from the
1849	original construction and shall be evidenced to and certified by
1850	the board of supervisors of the district not later than June 1
1851	of each year to the Collier County tax collector and shall be
1852	extended on the tax rolls and collected by the tax collector on
1853	the merged collection roll of the tax collector in the same
1854	manner and at the same time as county ad valorem taxes, and the
1855	proceeds therefrom shall be paid to the district. This non-ad
1856	valorem maintenance tax shall be a lien until paid on the
1857	property against which assessed and enforceable in like manner
1858	and of the same dignity as county ad valorem taxes.
1859	(d) Maintenance special assessmentsTo maintain and
1860	preserve the facilities and projects of the district, the board
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1861	may levy a maintenance special assessment. This assessment may
1862	be evidenced to and certified to the tax collector by the board
1863	of supervisors not later than August 31 of each year and shall
1864	be entered by the property appraiser on the county tax rolls and
1865	shall be collected and enforced by the tax collector in the same
1866	manner and at the same time as county taxes, and the proceeds
1867	therefrom shall be paid to the district. However, this paragraph
1868	shall not prohibit the district in its discretion from using the
1869	method prescribed in s. 197.363, s. 197.3631, or s. 197.3632,
1870	Florida Statutes, for collecting and enforcing these
1871	assessments. These maintenance special assessments shall be a
1872	lien on the property against which assessed until paid and shall
1873	be enforceable in like manner as county taxes. The amount of the
1874	maintenance special assessment for the exercise of the
1875	district's powers under this section shall be determined by the
1876	board based upon a report of the district's engineer and
1877	assessed by the board upon such lands, which may be all of the
1878	lands within the district benefited by the maintenance thereof,
1879	apportioned between the benefited lands in proportion to the
1880	benefits received by each tract of land.
1881	(e) Special assessmentsThe board may levy and impose any
1882	special assessments pursuant to this subsection.
1883	(f) Enforcement of taxesThe collection and enforcement
1884	of all taxes levied by the district shall be at the same time
1885	and in like manner as county taxes, and the provisions of the
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laws of Florida relating to the sale of lands for unpaid and

HB 4041

1886

1887 delinquent county taxes; the issuance, sale, and delivery of tax 1888 certificates for such unpaid and delinquent county taxes; the 1889 redemption thereof; the issuance to individuals of tax deeds 1890 based thereon; and all other procedures in connection therewith 1891 shall be applicable to the district to the same extent as if 1892 such statutory provisions were expressly set forth herein. All 1893 taxes shall be subject to the same discounts as county taxes. 1894 (q) When unpaid tax is delinquent; penalty.-All taxes 1895 provided for in this act shall become delinquent and bear 1896 penalties on the amount of such taxes in the same manner as 1897 county taxes. 1898 (h) Status of assessments.-Benefit special assessments, 1899 maintenance special assessments, and special assessments are 1900 hereby found and determined to be non-ad valorem assessments as 1901 defined by s. 197.3632, Florida Statutes. Maintenance taxes are non-ad valorem taxes and are not special assessments. 1902 1903 (i) Assessments constitute liens; collection.-Any and all 1904 assessments, including special assessments, benefit special 1905 assessments, and maintenance special assessments authorized by 1906 this section, and including special assessments as defined by 1907 section 2(2)(bb) and granted and authorized by this subsection, 1908 and including maintenance taxes if authorized by general law, 1909 shall constitute a lien on the property against which assessed

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from the date of levy and imposition thereof until paid, coequal

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1911 with the lien of state, county, municipal, and school board 1912 taxes. These assessments may be collected, at the district's 1913 discretion, under authority of s. 197.3631, Florida Statutes, as 1914 amended from time to time, by the tax collector pursuant to ss. 1915 197.3632 and 197.3635, Florida Statutes, as amended from time to 1916 time, or in accordance with other collection measures provided 1917 by law. In addition to, and not in limitation of, any powers 1918 otherwise set forth herein or in general law, these assessments 1919 may also be enforced pursuant to chapter 173, Florida Statutes, 1920 as amended from time to time. 1921 (j) Land owned by governmental entity.-Except as otherwise 1922 provided by law, no levy of ad valorem taxes or non-ad valorem 1923 assessments under this act or chapter 170 or chapter 197, 1924 Florida Statutes, as each may be amended from time to time, or 1925 otherwise, by a board of the district, on property of a 1926 governmental entity that is subject to a ground lease as 1927 described in s. 190.003(14), Florida Statutes, shall constitute 1928 a lien or encumbrance on the underlying fee interest of such 1929 governmental entity. 1930 (13) SPECIAL ASSESSMENTS.-1931 (a) As an alternative method to the levy and imposition of 1932 special assessments pursuant to chapter 170, Florida Statutes, pursuant to the authority of s. 197.3631, Florida Statutes, or 1933 1934 pursuant to other provisions of general law, now or hereafter enacted, which provide a supplemental means or authority to 1935

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1936 impose, levy, and collect special assessments as otherwise 1937 authorized under this act, the board may levy and impose special 1938 assessments to finance the exercise of any of its powers 1939 permitted under this act using the following uniform procedures: 1940 1. At a noticed meeting, the board of supervisors of the district may consider and review an engineer's report on the 1941 1942 costs of the systems, facilities, and services to be provided, a 1943 preliminary special assessment methodology, and a preliminary 1944 roll based on acreage or platted lands, depending upon whether 1945 platting has occurred. 1946 a. The special assessment methodology shall address and 1947 discuss and the board shall consider whether the systems, facilities, and services being contemplated will result in 1948 1949 special benefits peculiar to the property, different in kind and 1950 degree than general benefits, as a logical connection between 1951 the systems, facilities, and services themselves and the 1952 property, and whether the duty to pay the special assessments by 1953 the property owners is apportioned in a manner that is fair and 1954 equitable and not in excess of the special benefit received. It 1955 shall be fair and equitable to designate a fixed proportion of the annual debt service, together with interest thereon, on the 1956 1957 aggregate principal amount of bonds issued to finance such systems, facilities, and services which give rise to unique, 1958 1959 special, and peculiar benefits to property of the same or 1960 similar characteristics under the special assessment methodology

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1961 so long as such fixed proportion does not exceed the unique, 1962 special, and peculiar benefits enjoyed by such property from 1963 such systems, facilities, and services. 1964 The engineer's cost report shall identify the nature of b. 1965 the proposed systems, facilities, and services, their location, 1966 a cost breakdown plus a total estimated cost, including cost of 1967 construction or reconstruction, labor, and materials, lands, 1968 property, rights, easements, franchises, or systems, facilities, 1969 and services to be acquired, cost of plans and specifications, 1970 surveys of estimates of costs and revenues, costs of 1971 engineering, legal, and other professional consultation 1972 services, and other expenses or costs necessary or incidental to determining the feasibility or practicability of such 1973 1974 construction, reconstruction, or acquisition, administrative 1975 expenses, relationship to the authority and power of the 1976 district in its charter, and such other expenses or costs as may 1977 be necessary or incidental to the financing to be authorized by 1978 the board of supervisors. 1979 c. The preliminary special assessment roll will be in 1980 accordance with the assessment methodology as may be adopted by 1981 the board of supervisors; the special assessment roll shall be 1982 completed as promptly as possible and shall show the acreage, 1983 lots, lands, or plats assessed and the amount of the fairly and 1984 reasonably apportioned assessment based on special and peculiar benefit to the property, lot, parcel, or acreage of land; and, 1985

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1986 if the special assessment against such lot, parcel, acreage, or 1987 portion of land is to be paid in installments, the number of 1988 annual installments in which the special assessment is divided 1989 shall be entered into and shown upon the special assessment 1990 roll. 1991 2. The board of supervisors of the district may determine 1992 and declare by an initial special assessment resolution to levy 1993 and assess the special assessments with respect to assessable 1994 improvements stating the nature of the systems, facilities, and 1995 services, improvements, projects, or infrastructure constituting 1996 such assessable improvements, the information in the engineer's 1997 cost report, the information in the special assessment 1998 methodology as determined by the board at the noticed meeting 1999 and referencing and incorporating as part of the resolution the 2000 engineer's cost report, the preliminary special assessment 2001 methodology, and the preliminary special assessment roll as 2002 referenced exhibits to the resolution by reference. If the board 2003 determines to declare and levy the special assessments by the 2004 initial special assessment resolution, the board shall also 2005 adopt and declare a notice resolution which shall provide and 2006 cause the initial special assessment resolution to be published 2007 once a week for a period of 2 weeks in newspapers of general 2008 circulation published in Collier County and said board shall by 2009 the same resolution fix a time and place at which the owner or 2010 owners of the property to be assessed or any other persons

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2011	interested therein may appear before said board and be heard as
2012	to the propriety and advisability of making such improvements,
2013	as to the costs thereof, as to the manner of payment therefor,
2014	and as to the amount thereof to be assessed against each
2015	property so improved. Thirty days' notice in writing of such
2016	time and place shall be given to such property owners. The
2017	notice shall include the amount of the special assessment and
2018	shall be served by mailing a copy to each assessed property
2019	owner at his or her last known address, the names and addresses
2020	of such property owners to be obtained from the record of the
2021	property appraiser of the county political subdivision in which
2022	the land is located or from such other sources as the district
2023	manager or engineer deems reliable, and proof of such mailing
2024	shall be made by the affidavit of the district manager or by the
2025	engineer, said proof to be filed with the district manager,
2026	provided that failure to mail said notice or notices shall not
2027	invalidate any of the proceedings hereunder. It is provided
2028	further that the last publication shall be at least 1 week prior
2029	to the date of the hearing on the final special assessment
2030	resolution. Said notice shall describe the general areas to be
2031	improved and advise all persons interested that the description
2032	of each property to be assessed and the amount to be assessed to
2033	each piece, parcel, lot, or acre of property may be ascertained
2034	at the office of the district manager. Such service by
2035	publication shall be verified by the affidavit of the publisher
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2036	and filed with the district manager. Moreover, the initial
2037	special assessment resolution with its attached, referenced, and
2038	incorporated engineer's cost report, preliminary special
2039	assessment methodology, and preliminary special assessment roll,
2040	along with the notice resolution, shall be available for public
2041	inspection at the office of the district manager and the office
2042	of the engineer or any other office designated by the board of
2043	supervisors in the notice resolution. Notwithstanding the
2044	foregoing, the landowners of all of the property which is
2045	proposed to be assessed may give the district written notice of
2046	waiver of any notice and publication provided for in this
2047	subparagraph and such notice and publication shall not be
2048	required, provided, however, that any meeting of the board of
2049	supervisors to consider such resolution shall be a publicly
2050	noticed meeting.
2051	3. At the time and place named in the noticed resolution
2052	as provided for in subparagraph 2., the board of supervisors of
2053	the district shall meet and hear testimony from affected
2054	property owners as to the propriety and advisability of making
2055	the systems, facilities, services, projects, works,
2056	improvements, or infrastructure and funding them with
2057	assessments referenced in the initial special assessment
2058	resolution on the property. Following the testimony and
2059	questions from the members of the board or any professional
2060	advisors to the district of the preparers of the engineer's cost

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2061	report, the special assessment methodology, and the special
2062	assessment roll, the board of supervisors shall make a final
2063	decision on whether to levy and assess the particular special
2064	assessments. Thereafter, the board of supervisors shall meet as
2065	an equalizing board to hear and to consider any and all
2066	complaints as to the particular special assessments and shall
2067	adjust and equalize the special assessments to ensure proper
2068	assessment based on the benefit conferred on the property.
2069	4. When so equalized and approved by resolution or
2070	ordinance by the board of supervisors, to be called the final
2071	special assessment resolution, a final special assessment roll
2072	shall be filed with the clerk of the board and such special
2073	assessment shall stand confirmed and remain legal, valid, and
2074	binding first liens on the property against which such special
2075	assessments are made until paid, equal in dignity to the first
2076	liens of ad valorem taxation of county and municipal governments
2077	and school boards. However, upon completion of the systems,
2078	facilities, services, projects, improvements, works, or
2079	infrastructure, the district shall credit to each of the
2080	assessments the difference in the special assessment as
2081	originally made, approved, levied, assessed, and confirmed and
2082	the proportionate part of the actual cost of the improvement to
2083	be paid by the particular special assessments as finally
2084	determined upon the completion of the improvement; but in no
2085	event shall the final special assessment exceed the amount of
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2086 the special and peculiar benefits as apportioned fairly and 2087 reasonably to the property from the system, facility, or service 2088 being provided as originally assessed. Promptly after such 2089 confirmation, the special assessment shall be recorded by the 2090 clerk of the district in the minutes of the proceedings of the 2091 district, and the record of the lien in this set of minutes shall constitute prima facie evidence of its validity. The board 2092 2093 of supervisors, in its sole discretion, may by resolution grant 2094 a discount equal to all or a part of the payee's proportionate 2095 share of the cost of the project consisting of bond financing 2096 cost, such as capitalized interest, funded reserves, and bond 2097 discounts included in the estimated cost of the project, upon 2098 payment in full of any special assessments during such period 2099 prior to the time such financing costs are incurred as may be 2100 specified by the board of supervisors in such resolution. 2101 5. District special assessments may be made payable in 2102 installments over no more than 40 years from the date of the 2103 payment of the first installment thereof and may bear interest 2104 at fixed or variable rates. 2105 (b) Notwithstanding any provision of this act or chapter 170, Florida Statutes, that portion of s. 170.09, Florida 2106 Statutes, that provides that special assessments may be paid 2107 2108 without interest at any time within 30 days after the 2109 improvement is completed and a resolution accepting the same has been adopted by the governing authority shall not be applicable 2110

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2111 to any district special assessments, whether imposed, levied, 2112 and collected pursuant to this act or other provisions of 2113 Florida law, including, but not limited to, chapter 170, Florida 2114 Statutes. 2115 (c) In addition, the district is authorized expressly in 2116 the exercise of its rulemaking power to adopt a rule or rules which provide for notice, levy, imposition, equalization, and 2117 2118 collection of assessments. 2119 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON 2120 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.-2121 The board may, after any special assessments or (a) 2122 benefit special assessments for assessable improvements are 2123 made, determined, and confirmed as provided in this act, issue 2124 certificates of indebtedness for the amount so assessed against 2125 the abutting property or property otherwise benefited, as the 2126 case may be, and separate certificates shall be issued against 2127 each part or parcel of land or property assessed, which 2128 certificates shall state the general nature of the improvement 2129 for which the assessment is made. The certificates shall be 2130 payable in annual installments in accordance with the 2131 installments of the special assessment for which they are issued. The board may determine the interest to be borne by such 2132 2133 certificates, not to exceed the maximum rate allowed by general 2134 law, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other 2135

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2136	details of such certificates. The certificates shall recite that
2137	they are payable only from the special assessments levied and
2138	collected from the part or parcel of land or property against
2139	which they are issued. The proceeds of such certificates may be
2140	pledged for the payment of principal of and interest on any
2141	revenue bonds or general obligation bonds issued to finance in
2142	whole or in part such assessable improvement, or, if not so
2143	pledged, may be used to pay the cost or part of the cost of such
2144	assessable improvements.
2145	(b) The district may also issue assessment bonds, revenue
2146	bonds, or other obligations payable from a special fund into
2147	which such certificates of indebtedness referred to in paragraph
2148	(a) may be deposited or, if such certificates of indebtedness
2149	have not been issued, the district may assign to such special
2150	fund for the benefit of the holders of such assessment bonds or
2151	other obligations, or to a trustee for such bondholders, the
2152	assessment liens provided for in this act unless such
2153	certificates of indebtedness or assessment liens have been
2154	theretofore pledged for any bonds or other obligations
2155	authorized hereunder. In the event of the creation of such
2156	special fund and the issuance of such assessment bonds or other
2157	obligations, the proceeds of such certificates of indebtedness
2158	or assessment liens deposited therein shall be used only for the
2159	payment of the assessment bonds or other obligations issued as
2160	provided in this section. The district is authorized to covenant
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2161	with the holders of such assessment bonds, revenue bonds, or
2162	other obligations that it will diligently and faithfully enforce
2163	and collect all the special assessments, and interest and
2164	penalties thereon, for which such certificates of indebtedness
2165	or assessment liens have been deposited in or assigned to such
2166	fund; to foreclose such assessment liens so assigned to such
2167	special fund or represented by the certificates of indebtedness
2168	deposited in the special fund, after such assessment liens have
2169	become delinquent, and deposit the proceeds derived from such
2170	foreclosure, including interest and penalties, in such special
2171	fund; and to make any other covenants deemed necessary or
2172	advisable in order to properly secure the holders of such
2173	assessment bonds or other obligations.
2174	(c) The assessment bonds, revenue bonds, or other
2175	obligations issued pursuant to this section shall have such
2176	dates of issue and maturity as shall be deemed advisable by the
2177	board; however, the maturities of such assessment bonds or other
2178	obligations shall not be more than 2 years after the due date of
2179	the last installment which will be payable on any of the special
2180	assessments for which such assessment liens, or the certificates
2181	of indebtedness representing such assessment liens, are assigned
2182	to or deposited in such special fund.
2183	(d) Such assessment bonds, revenue bonds, or other
2184	obligations issued under this section shall bear such interest
2185	as the board may determine, not to exceed the maximum rate
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2186 allowed by general law, and shall be executed, shall have such 2187 provisions for redemption prior to maturity, shall be sold in 2188 the manner, and shall be subject to all of the applicable 2189 provisions contained in this act for revenue bonds, except as 2190 the same may be inconsistent with this section. 2191 (e) All assessment bonds, revenue bonds, or other 2192 obligations issued under this section shall be, shall 2193 constitute, and shall have all the qualities and incidents of 2194 negotiable instruments under the law merchant and the laws of 2195 the state. 2196 (15) TAX LIENS.-All taxes of the district provided for in 2197 this act, together with all penalties for default in the payment 2198 of the same and all costs in collecting the same, including a 2199 reasonable attorney fee fixed by the court and taxed as a cost 2200 in the action brought to enforce payment, shall, from January 1 2201 for each year the property is liable to assessment and until 2202 paid, constitute a lien of equal dignity with the liens for 2203 state and county taxes and other taxes of equal dignity with 2204 state and county taxes upon all the lands against which such 2205 taxes shall be levied. A sale of any of the real property within 2206 the district for state and county or other taxes shall not 2207 operate to relieve or release the property so sold from the lien 2208 for subsequent district taxes or installments of district taxes, 2209 which lien may be enforced against such property as though no such sale thereof had been made. In addition to, and not in 2210

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2211 limitation of, the preceding sentence, for purposes of s. 2212 197.552, Florida Statutes, the lien of all special assessments 2213 levied by the district shall constitute a lien of record held by 2214 a municipal or county governmental unit. The provisions of ss. 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall 2215 2216 be applicable to district taxes with the same force and effect 2217 as if such provisions were expressly set forth in this act. 2218 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE 2219 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.-The district shall have the power and right to: 2220 (a) 2221 1. Pay any delinquent state, county, district, municipal, 2222 or other tax or assessment upon lands located wholly or 2223 partially within the boundaries of the district. 2224 2. Redeem or purchase any tax sales certificates issued or 2225 sold on account of any state, county, district, municipal, or 2226 other taxes or assessments upon lands located wholly or 2227 partially within the boundaries of the district. (b) 2228 Delinquent taxes paid, or tax sales certificates 2229 redeemed or purchased, by the district, together with all 2230 penalties for the default in payment of the same and all costs 2231 in collecting the same and a reasonable attorney fee, shall 2232 constitute a lien in favor of the district of equal dignity with 2233 the liens of state and county taxes and other taxes of equal 2234 dignity with state and county taxes upon all the real property

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2235	against which the taxes were levied. The lien of the district
2236	may be foreclosed in the manner provided in this act.
2237	(c) In any sale of land pursuant to s. 197.542, Florida
2238	Statutes, as may be amended from time to time, the district may
2239	certify to the clerk of the circuit court of the county holding
2240	such sale the amount of taxes due to the district upon the lands
2241	sought to be sold, and the district shall share in the
2242	disbursement of the sales proceeds in accordance with this act
2243	and under the laws of the state.
2244	(17) FORECLOSURE OF LIENS Any lien in favor of the
2245	district arising under this act may be foreclosed by the
2246	district by foreclosure proceedings in the name of the district
2247	in a court of competent jurisdiction as provided by general law
2248	in like manner as is provided in chapter 170 or chapter 173,
2249	Florida Statutes, and amendments thereto and the provisions of
2250	those chapters shall be applicable to such proceedings with the
2251	same force and effect as if those provisions were expressly set
2252	forth in this act. Any act required or authorized to be done by
2253	or on behalf of a municipality in foreclosure proceedings under
2254	chapter 170 or chapter 173, Florida Statutes, may be performed
2255	by such officer or agent of the district as the board of
2256	supervisors may designate. Such foreclosure proceedings may be
2257	brought at any time after the expiration of 1 year from the date
2258	any tax, or installment thereof, becomes delinquent; however, no
2259	lien shall be foreclosed against any political subdivision or

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2260 agency of the state. Other legal remedies shall remain 2261 available. 2262 (18) MANDATORY USE OF CERTAIN DISTRICT FACILITIES.-To the full extent permitted by law, the district shall require all 2263 2264 lands, buildings, premises, persons, firms, and corporations 2265 within the district to use the facilities of the district. 2266 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED 2267 PROVISIONS REQUIRED.-2268 (a) No contract shall be let by the board for any goods, 2269 supplies, or materials to be purchased when the amount thereof 2270 to be paid by the district shall exceed the amount provided in 2271 s. 287.017, Florida Statutes, as amended from time to time, for 2272 category four, unless notice of bids shall be advertised once in 2273 a newspaper in general circulation in Collier County. Any board 2274 seeking to construct or improve a public building, structure, or 2275 other public works shall comply with the bidding procedures of s. 255.20, Florida Statutes, as amended from time to time, and 2276 2277 other applicable general law. In each case, the bid of the 2278 lowest responsive and responsible bidder shall be accepted 2279 unless all bids are rejected because the bids are too high or 2280 the board determines it is in the best interests of the district 2281 to reject all bids. The board may require the bidders to furnish 2282 bond with a responsible surety to be approved by the board. 2283 Nothing in this subsection shall prevent the board from undertaking and performing the construction, operation, and 2284

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2285	maintenance of any project or facility authorized by this act by
2286	the employment of labor, material, and machinery.
2287	(b) The provisions of the Consultants' Competitive
2288	Negotiation Act, s. 287.055, Florida Statutes, apply to
2289	contracts for engineering, architecture, landscape architecture,
2290	or registered surveying and mapping services let by the board.
2291	(c) Contracts for maintenance services for any district
2292	facility or project shall be subject to competitive bidding
2293	requirements when the amount thereof to be paid by the district
2294	exceeds the amount provided in s. 287.017, Florida Statutes, as
2295	amended from time to time, for category four. The district shall
2296	adopt rules, policies, or procedures establishing competitive
2297	bidding procedures for maintenance services. Contracts for other
2298	services shall not be subject to competitive bidding unless the
2299	district adopts a rule, policy, or procedure applying
2300	competitive bidding procedures to said contracts. Nothing herein
2301	shall preclude the use of requests for proposal instead of
2302	invitations to bid as determined by the district to be in its
2303	best interest.
2304	(20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
2305	AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS
2306	(a) The district is authorized to prescribe, fix,
2307	establish, and collect rates, fees, rentals, or other charges,
2308	hereinafter sometimes referred to as "revenues," and to revise
2309	the same from time to time, for the systems, facilities, and

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2310	services furnished by the district, including, but not limited
2311	to, recreational facilities, water management and control
2312	facilities, and water and sewer systems; to recover the costs of
2313	making connection with any district service, facility, or
2314	system; and to provide for reasonable penalties against any user
2315	or property for any such rates, fees, rentals, or other charges
2316	that are delinquent.
2317	(b) No such rates, fees, rentals, or other charges for any
2318	of the facilities or services of the district shall be fixed
2319	until after a public hearing at which all the users of the
2320	proposed facility or services or owners, tenants, or occupants
2321	served or to be served thereby and all other interested persons
2322	shall have an opportunity to be heard concerning the proposed
2323	rates, fees, rentals, or other charges. Rates, fees, rentals,
2324	and other charges shall be adopted under the administrative
2325	rulemaking authority of the district, but shall not apply to
2326	district leases. Notice of such public hearing setting forth the
2327	proposed schedule or schedules of rates, fees, rentals, and
2328	other charges shall have been published in a newspaper of
2329	general circulation in Collier County at least once and at least
2330	10 days prior to such public hearing. The rulemaking hearing may
2331	be adjourned from time to time. After such hearing, such
2332	schedule or schedules, either as initially proposed or as
2333	modified or amended, may be finally adopted. A copy of the
2334	schedule or schedules of such rates, fees, rentals, or charges
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2335 as finally adopted shall be kept on file in an office designated 2336 by the board and shall be open at all reasonable times to public 2337 inspection. The rates, fees, rentals, or charges so fixed for 2338 any class of users or property served shall be extended to cover 2339 any additional users or properties thereafter served which shall 2340 fall in the same class, without the necessity of any notice or 2341 hearing. 2342 Such rates, fees, rentals, and other charges shall be (C) 2343 just and equitable and uniform for users of the same class, and 2344 when appropriate may be based or computed either upon the amount 2345 of service furnished, upon the average number of persons 2346 residing or working in or otherwise occupying the premises 2347 served, or upon any other factor affecting the use of the 2348 facilities furnished, or upon any combination of the foregoing 2349 factors, as may be determined by the board on an equitable 2350 basis. 2351 The rates, fees, rentals, or other charges prescribed (d) 2352 shall be such as will produce revenues, together with any other 2353 assessments, taxes, revenues, or funds available or pledged for 2354 such purpose, at least sufficient to provide for the items 2355 hereinafter listed, but not necessarily in the order stated: 2356 1. To provide for all expenses of operation and 2357 maintenance of such facility or service.

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2358 To pay when due all bonds and interest thereon for the 2. 2359 payment of which such revenues are, or shall have been, pledged 2360 or encumbered, including reserves for such purpose. 2361 3. To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of 2362 2363 bonds pursuant to this act. 2364 (e) The board shall have the power to enter into contracts 2365 for the use of the projects of the district and with respect to 2366 the services, systems, and facilities furnished or to be 2367 furnished by the district. 2368 (21) RECOVERY OF DELINQUENT CHARGES.-In the event that any 2369 rates, fees, rentals, charges, or delinquent penalties are not 2370 paid when due and are in default for 60 days or more, the unpaid 2371 balance thereof and all interest accrued thereon, together with 2372 reasonable attorney fees and costs, may be recovered by the 2373 district in a civil action. 2374 (22) DISCONTINUANCE OF SERVICE.-In the event the fees, 2375 rentals, or other charges for district services or facilities 2376 are not paid when due, the board shall have the power, under 2377 such reasonable rules and regulations as the board may adopt, to discontinue and shut off such services until such fees, rentals, 2378 2379 or other charges, including interest, penalties, and charges for 2380 the shutting off and discontinuance and the restoration of such services, are fully paid; and, for such purposes, the board may 2381 2382 enter on any lands, waters, or premises of any person, firm,

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2383 corporation, or body, public or private, within the district 2384 limits. Such delinquent fees, rentals, or other charges, 2385 together with interest, penalties, and charges for the shutting 2386 off and discontinuance and the restoration of such services and 2387 facilities and reasonable attorney fees and other expenses, may 2388 be recovered by the district, which may also enforce payment of 2389 such delinquent fees, rentals, or other charges by any other 2390 lawful method of enforcement. 2391 (23) ENFORCEMENT AND PENALTIES. - The board or any aggrieved 2392 person may have recourse to such remedies in law and at equity 2393 as may be necessary to ensure compliance with this act, 2394 including injunctive relief to enjoin or restrain any person violating this act or any bylaws, resolutions, regulations, 2395 2396 rules, codes, or orders adopted under this act. In case any 2397 building or structure is erected, constructed, reconstructed, 2398 altered, repaired, converted, or maintained, or any building, 2399 structure, land, or water is used, in violation of this act or 2400 of any code, order, resolution, or other regulation made under 2401 authority conferred by this act or under law, the board or any 2402 citizen residing in the district may institute any appropriate 2403 action or proceeding to prevent such unlawful erection, 2404 construction, reconstruction, alteration, repair, conversion, 2405 maintenance, or use; to restrain, correct, or avoid such 2406 violation; to prevent the occupancy of such building, structure,

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2407	land, or water; and to prevent any illegal act, conduct,
2408	business, or use in or about such premises, land, or water.
2409	(24) SUITS AGAINST THE DISTRICTAny suit or action
2410	brought or maintained against the district for damages arising
2411	out of tort, including, without limitation, any claim arising
2412	upon account of an act causing an injury or loss of property,
2413	personal injury, or death, shall be subject to the limitations
2414	provided in s. 768.28, Florida Statutes.
2415	(25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTIONAll
2416	district property shall be exempt from levy and sale by virtue
2417	of an execution, and no execution or other judicial process
2418	shall issue against such property, nor shall any judgment
2419	against the district be a charge or lien on its property or
2420	revenues; however, nothing contained herein shall apply to or
2421	limit the rights of bondholders to pursue any remedy for the
2422	enforcement of any lien or pledge given by the district in
2423	connection with any of the bonds or obligations of the district.
2424	(26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT
2425	(a) The board of supervisors of the district shall not ask
2426	the Legislature to repeal or amend this act to expand or to
2427	contract the boundaries of the district or otherwise cause the
2428	merger or termination of the district without first obtaining a
2429	resolution or official statement from Collier County as required
2430	by s. 189.031(2)(e)4., Florida Statutes, for creation of an
2431	independent special district. The district's consent may be

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2432 evidenced by a resolution or other official written statement of 2433 the district. 2434 The district shall remain in existence until: (b) 2435 1. The district is terminated and dissolved pursuant to 2436 amendment to this act by the Legislature. 2437 The district has become inactive pursuant to s. 2. 2438 189.062, Florida Statutes. 2439 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS. The 2440 district may merge with one or more community development 2441 districts situated wholly within its boundaries. The district 2442 shall be the surviving entity of the merger. Any mergers shall 2443 commence upon each such community development district filing a 2444 written request for merger with the district. A copy of the 2445 written request shall also be filed with Collier County. The 2446 district, subject to the direction of its board of supervisors, 2447 shall enter into a merger agreement which shall provide for the 2448 proper allocation of debt, the manner in which such debt shall 2449 be retired, the transition of the community development district 2450 board, and the transfer of all financial obligations and 2451 operating and maintenance responsibilities to the district. The 2452 execution of the merger agreement by the district and each 2453 community development district constitutes consent of the landowners within each district. The district and each community 2454 2455 development district requesting merger shall hold a public 2456 hearing within its boundaries to provide information about and

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

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2457	take public comment on the proposed merger in the merger
2458	agreement. The public hearing shall be held within 45 days of
2459	the initial consideration and approval of the merger agreement
2460	by all parties thereto. Notice of the public hearing shall be
2461	published at least 14 days before the hearing in a newspaper of
2462	general circulation in Collier County. At the conclusion of the
2463	public hearing each district shall consider a resolution either
2464	approving or disapproving the proposed merger. If the district
2465	and each community development district which is a party to the
2466	merger agreement adopt a resolution approving the proposed
2467	merger, the resolutions and the executed merger agreement shall
2468	be filed with Collier County. Upon receipt of the resolutions
2469	approving the merger and the merger agreement, Collier County
2470	shall adopt a non-emergency ordinance dissolving each community
2471	development district pursuant to s. 190.046(10), Florida
2472	Statutes.
2473	(28) INCLUSION OF TERRITORY. The inclusion of any or all
2474	territory of the district within a municipality does not change,
2475	alter, or affect the boundary, territory, existence, or
2476	jurisdiction of the district.
2477	(29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
2478	DISCLOSURE TO PURCHASERSubsequent to the creation of this
2479	district under this act, each contract for the initial sale of a
2480	parcel of real property and each contract for the initial sale
2481	of a residential unit within the district shall include,
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2482	immediately prior to the space reserved in the contract for the
2483	signature of the purchaser, the following disclosure statement
2484	in boldfaced and conspicuous type which is larger than the type
2485	in the remaining text of the contract: "THE CORKSCREW GROVE
2486	STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS,
2487	OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND
2488	ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE
2489	COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE
2490	DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE
2491	DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY
2492	AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER
2493	TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."
2494	(30) NOTICE OF CREATION AND ESTABLISHMENTWithin 30 days
2495	after the election of the first board of supervisors creating
2496	this district, the district shall cause to be recorded in the
2497	grantor-grantee index of the property records in Collier County
2498	a "Notice of Creation and Establishment of the Corkscrew Grove
2499	Stewardship District." The notice shall, at a minimum, include
2500	the legal description of the property covered by this act.
2501	(31) DISTRICT PROPERTY PUBLIC; FEESAny system, facility,
2502	service, works, improvement, project, or other infrastructure
2503	owned by the district, or funded by federal tax exempt bonding
2504	issued by the district, is public; and the district by rule may
2505	regulate, and may impose reasonable charges or fees for, the use
2506	thereof, but not to the extent that such regulation or

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2507	imposition of such charges or fees constitutes denial of
2508	reasonable access.
2509	Section 7. If any provision of this act is determined
2510	unconstitutional or otherwise determined invalid by a court of
2511	law, all the rest and remainder of the act shall remain in full
2512	force and effect as the law of this state.
2513	Section 8. This act shall take effect upon becoming a law,
2514	except that the provisions of this act which authorize the levy
2515	of ad valorem taxation shall take effect only upon express
2516	approval by a majority vote of those qualified electors of the
2517	Corkscrew Grove Stewardship District, as required by Section 9
2518	of Article VII of the State Constitution, voting in a referendum
2519	election held at such time as all members of the board are
2520	qualified electors who are elected by qualified electors of the
2521	district as provided in this act.
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