

October 2, 2015

Members of the Lee County Legislative Delegation
T. Wayne Miller Jr. Building A
15191 Homestead Road
Lehigh Acres, FL 33971

RE: Proposed Local Bill – Expansion of Babcock Ranch Community Independent Special District

Dear Senator Richter, Senator Benacquisto, Representative Rodrigues, Representative Eagle, and Representative Fitzenhagen;

Please accept the following proposed local bill for consideration at the upcoming meeting of the Lee County Legislative Delegation on October 14, 2015. The proposal would expand the boundary of Babcock Ranch Community Independent Special District into Lee County. In 2007, the Legislature created the District, which currently includes 13,600 acres in southeast Charlotte County. The proposed local bill would add 4,200 acres of contiguous lands located in northeast Lee County to the District. These lands are located north of the Caloosahatchee River.

The proposed local bill would also update statutory references contained in the Babcock Ranch Community Independent Special District Act, because the Legislature significantly renumbered Chapter 189, Fla. Stat. in 2014.

Attached for your reference are:

- the current draft of the local bill;
- Lee County Resolution No. 15-09-18, which is the County's official statement that the County has no objection to the expansion of the District and the expansion is consistent with approved local government plans;
- the 2016 Local Bill Certification Form to be completed and submitted to the House Local Government Affairs Subcommittee after approval by the Delegation; and
- a copy of the Economic Impact Statement initially completed for the 2006 legislation.

Thank you for your time and consideration of this proposal. If you have any questions, please let me know.

Sincerely,



Representative Matt Caldwell
District 79

**House of Representatives
2006 Economic Impact Statement**

Bill #: _____

Sponsor(s): _____

Relating to: Babcock Ranch Community Independent Special District Act
Affecting Charlotte and Lee Counties

I. Estimated Cost of Administration

	<u>FY 06-07</u>	<u>FY 07-08</u>
Expenditures	\$0	\$0

There are no State or local expenditures involved with the proposed bill. The bill would establish a special district to serve a portion of the Babcock Ranch planned for development comprising +/- 17,800 acres in Charlotte and Lee Counties. The proposed district would be a self-funding entity needing no funding from other units of government.

II. Anticipated Source(s) of Funding

	<u>FY 06-07</u>	<u>FY 07-08</u>
Federal	\$0	\$0
State	\$0	\$0
Local	\$0	\$0

All funding will be from assessments imposed on lands within the district, which may take the form of user charges and fees; non-ad valorem maintenance taxes as authorized by general law; maintenance special assessments; benefit special assessments; and ad-valorem taxes when authorized upon voter approval at referendum when conducted after the entire governing board is elected by qualified electors of the district. No federal, state or local funding is expected, planned, or needed. To the contrary, one of the purposes of forming the district is to provide a mechanism whereby the district can fund its own requirements for infrastructure and for the operations and maintenance of its public facilities.

III. Anticipated New, Increased, or Decreased Revenues

	<u>FY 06-07</u>	<u>FY 07-08</u>
Revenues	\$0	\$0

The district does expect to develop a capital improvement program and to provide for its operations and maintenance. However, there are no revenues projected for FY 06-07 or for FY 07-08.

IV. Estimated Economic Impact on Individuals, Business, or Governments

Advantages: The special district creates a mechanism whereby the development planned for the area can be master-planned, and the State and local governments can be assured that the necessary infrastructure will be in place and will be paid for by those who live in the community.

Currently, the development program for the +/-17,800 acres comprises 19,500 dwelling units, 2,925,943 square feet of retail space, 1,900,000 square feet of office space, 664,057 square feet of industrial space, 150,000 square feet of civic use space and 600 hotel rooms. Of this total program 17,870 dwelling units, 664,057 square feet of industrial space, 2,855,943 square feet of retail space, 1,890,000 square feet of offices, 150,000 square feet of civic use space and the 600 hotel rooms are planned for Charlotte County with the balance in Lee County. A program of this scale and magnitude will have substantial economic and fiscal impacts on individuals, businesses, and the local governments.

The magnitude of these prospective impacts was estimated using the Fiscal Impact Analysis Model ("FIAM"). FIAM was developed by Fishkind and Associates under contract to the Florida Department of Community Affairs ("DCA"). FIAM was adopted by DCA to assist local governments in estimating the costs, revenues and economic impacts flowing from their land use decisions. FIAM was calibrated for Charlotte and Lee Counties using their latest budget data and the most updated economic and demographic information available.

Table 1 below summarizes the estimated fiscal and economic impacts of the proposed development program on Charlotte Countyⁱ. The special tax district is designed to facilitate this development and to assure that the development will pay for its own complement of infrastructure. The capital costs shown in Table 1 are for non district capital facilities and services provided by Charlotte County. The project will more than cover its capital and operating costs, and it will generate a very substantial net fiscal surplus for Charlotte County. Furthermore, the project will support close to 30,000 jobs at build outⁱⁱⁱ.

The project therefore has the ability to make a very positive contribution to the area's economy. This supports both individuals and businesses in Charlotte County and in the region.

Table 1. Summary of Fiscal and Economic Impacts on Charlotte County

	<u>Total</u>	<u>Present Value*</u>	
Total Operating Revenue	\$1,952,276,721	\$426,237,910	23-year cumulative total and present value
Total Operating Cost	\$1,756,541,085	\$400,509,038	23-year cumulative total and present value
	=====	=====	
Net Operating Impact	\$195,735,636	\$25,728,872	23-year cumulative total and present value
Net Operating Impact (Revenues @ 95%)	\$111,399,916	\$10,495,963	23-year cumulative total and present value
Total Capital Revenue	\$82,427,820	\$29,249,306	23-year cumulative total and present value
Total Capital Cost	\$27,243,774	\$9,783,249	23-year cumulative total and present value
	=====	=====	
Net Capital Impact	\$55,184,047	\$19,466,057	23-year cumulative total and present value
Net Total Impact (Revenues @ 95%)	\$166,583,962	\$29,962,020	23-year cumulative total and present value
(23 years @ 10% discount rate)			

Table 2 summarizes the economic and fiscal impacts of the project, and the special district that supports it, on Lee Countyⁱ. The project will have a large and positive economic impact on Lee County. The project will support over 1,500 jobs at build outⁱⁱ. This is a very significant contribution to individuals and businesses. Furthermore, the project will more than pay for the services it will require from Lee County. In fact, it is estimated that the project, as served by the special district, will generate substantial fiscal surpluses for Lee County.

Table 2. Summary of Fiscal and Economic Impacts on Lee County

	<u>Total</u>	<u>Present Value*</u>	
Total Operating Revenue	\$146,019,385	\$47,683,165	20-year cumulative total and present value
Total Operating Cost	\$94,590,531	\$31,759,914	20-year cumulative total and present value
	=====	=====	
Net Operating Impact	\$51,428,854	\$15,923,251	20-year cumulative total and present value
Net Operating Impact (Revenues @ 95%)	\$48,852,052	\$15,122,217	20-year cumulative total and present value
Total Capital Revenue	\$7,353,648	\$4,936,775	20-year cumulative total and present value
Total Capital Cost	\$7,619,614	\$5,114,347	20-year cumulative total and present value
	=====	=====	
Net Capital Impact	-\$265,966	-\$177,572	20-year cumulative total and present value
Net Total Impact (Revenues @ 95%)	\$48,586,086	\$14,944,645	20-year cumulative total and present value
(20 years @ 10% discount rate)			

V. Estimated Impact upon Competition and the Open Market for Employment

As documented above in Tables 1 and 2 the project that is supported by the special district will create very significant economic benefits on the regional economy. The district itself will assist in the development of the project, thereby contributing to employment growth, competition and an open and vibrant employment marketplace. As a unit of local government, the district itself contributes to competition and the open market for employment. Unlike a private corporation, the district will conform to governmental standards for contracting, bidding and government in the "sunshine".

VI. Data and Method Used in Making Estimates [Include Source(s) of Data]

The FIAM model was used for the quantitative analysis. Its documentation is extensive and can be found on DCA's website or at Fishkind.com. The model relies on standard economic and demographic information and on the budgets local governments provide to the Florida Department of Banking. Otherwise, standard economic theory was applied.

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Associates, Inc., email=hf@fishkind.com
Date: 2008.11.27 15:45:10 -0500

Title: President of Fishkind & Associates, Inc.

Representing: Babcock Property Holdings, LLC

Phone: 407-382-3256

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ⁱ Fishkind and Associates typically calculates the net present value of development projects for twenty years using the FIAM model. As the development program in Charlotte County spans twenty-one years (2010-2030), fiscal results are shown for a twenty-three year period so that the results reflect the full taxable value of the project. In Charlotte County the full taxable value is achieved in twenty-three years (twenty-one years of development plus two years for the project to be placed at full value by the property appraiser). In Lee County the development program spans ten years (2021-2030). Therefore, the typical twenty year analysis period is used.

ⁱⁱ Jobs at build out are calculated using RIMS II (Regional Industrial Multiplier System) multipliers available from the Bureau of Economic Analysis. Jobs include direct employment of the development, as well as, jobs supported by the spending of the workers and businesses of the district through the multiplier effect.

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1 A bill to be entitled

2 An Act relating to Charlotte and Lee Counties; amending
3 Chapter 2007-306, Laws of Florida; expanding the Babcock
4 Ranch Community Independent Special District to include
5 areas of Lee County; providing legislative intent;
6 amending definitions to include Lee County; stating
7 legislative policy regarding the district; amending the
8 legal boundaries of the district to include areas in Lee
9 County; providing the district governing board election
10 procedures will involve officials from each county;
11 providing for administrative duties of the board;
12 providing requirements for district budgets and financial
13 reports; updating statutory references; requiring
14 elections related to general obligation bonds to occur in
15 Lee and Charlotte Counties; providing that non-ad valorem
16 maintenance taxes will be provided to the property
17 appraisers in both counties; providing publication
18 requirements in both counties; providing for a
19 referendum; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraphs (a), (g), (j), (n), (o), (p), and
23 (q) of subsection (1) of section 2 of chapter 2007-306, Laws
24 of Florida are amended to read:

25 Legislative findings and intent; definitions; policy --

26 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

33 (g) There are two alternatives for the creation of
34 independent special districts for properties of this size: the
35 establishment by rule of the Governor and Cabinet of one or
36 more uniform community development districts over the
37 property; and the establishment by special act of the
38 Legislature of a single independent special district meeting
39 the minimum requirements of chapter 189, Florida Statutes, the
40 applicable district accountability general law. Use of this
41 special act, created under chapter 189, Florida Statutes, is
42 the better of the two alternatives in this case because it

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43 will allow for use of a single special district, with longer
44 involvement and responsibility on the part of the initial
45 landowner, which will result in better intergovernmental
46 coordination and lower administrative costs for Charlotte
47 County, Lee County, and the district, including its landowners
48 and residents. ~~Additionally, use of this special act will~~
49 ~~provide the flexibility to include within the district, at a~~
50 ~~later date, contiguous Babcock Ranch lands within Lee County,~~
51 ~~whereas chapter 190, Florida Statutes, would prevent a single~~
52 ~~uniform community development district from crossing county~~
53 ~~lines.~~ Additionally, use of this special act updates the
54 charter of a uniform community development district under
55 chapter 190, Florida Statutes, eliminates potential for its
56 abuse, clarifies and sets forth certain uniform procedures for
57 liens on property, and makes other substantial reforms to the
58 benefit of the people of Charlotte and Lee Counties ~~County~~ and
59 future landowners, residents, and visitors.

60 (j) The existence and use of such a limited,
61 specialized single-purpose local government for the Babcock
62 Ranch Community, subject to the respective county ~~Charlotte~~
63 ~~County~~ comprehensive plans ~~plan~~ and land development

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64 regulations, will result in a higher propensity to provide for
65 orderly development and prevent urban sprawl; protect and
66 preserve environmental and conservation uses and assets;
67 potentially enhance the market value for both present and
68 future landowners of the property consistent with the need to
69 protect private property; potentially enhance the net economic
70 benefit to Charlotte and Lee Counties ~~County~~, including an
71 enhanced tax base to the benefit of all present and future
72 taxpayers in Charlotte and Lee Counties ~~County~~; and result in
73 the sharing of costs of providing certain systems, facilities,
74 and services in an innovative, sequential, and flexible manner
75 within the area to be serviced by the district.

76 (n) In order to be responsive to the critical timing
77 required through the exercise of its special management
78 functions, an independent district requires financing of those
79 functions, including bondable, lienable, and non-lienable
80 revenue, with full and continuing public disclosure and
81 accountability, funded by landowners, both present and future,
82 and funded also by users of the systems, facilities, and
83 services provided to the land area by the district, without

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84 | burdening the taxpayers and citizens of the state, Charlotte
85 | County, Lee County, or any municipality therein.

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

95 | (p) The creation of the Babcock Ranch Community
96 | Independent Special District by chapter 2007-306, Laws of
97 | Florida, and the amendments proposed by this act are by this
98 | act of the Babcock Ranch Community Independent Special
99 | District is not inconsistent with either the Charlotte County
100 | or Lee County comprehensive plans plan.

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

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103 Section 2. Paragraphs (f) and (w) of subsection (2) of
104 section 2 of chapter 2007-306, Laws of Florida are amended to
105 read:

106 Legislative findings and intent; definitions; policy.-

107 (2) DEFINITIONS.-As used in this act:

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

120 (w) "Qualified Elector" means any person at least 18
121 years of age or older, who is a citizen of the United States,
122 a legal resident of the state and the district, and who
123 registers to vote with the Supervisor of Elections in either

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124 Charlotte County or Lee County and resides in either Charlotte
125 County or Lee County.

126 Section 3. Paragraphs (a), (d), and (f) of subsection
127 (3) of section 2 of chapter 2007-306, Laws of Florida are
128 amended to read:

129 Legislative findings and intent; definitions; policy.-

130 (3) POLICY.-Based upon findings, ascertainments,
131 determinations, intent, purpose, and definitions, the
132 Legislature states its policy expressly:

133 (a) The district and the district charter, with its
134 general and special powers, as created in this act, are
135 essential and the best alternative for the residential,
136 commercial, and other community uses, projects, or functions
137 in the included portions ~~portion~~ of Charlotte County and Lee
138 County consistent with the effective comprehensive plans and
139 serve a lawful purpose.

140 (d) The district shall operate and function subject to,
141 and not inconsistent with, the applicable comprehensive plans
142 of either Charlotte County or Lee County ~~comprehensive plan~~
143 and any applicable development orders, zoning regulations, and
144 other land development regulations.

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145 (f) This act may be amended, in whole or in part, only
146 by subsequent special act of the Legislature. No amendment to
147 this act that alters the district boundaries or the general or
148 special powers of the district may be considered by the
149 Legislature unless it is accompanied by a resolution or
150 official statement as provided for in section 189.031(2)(e)4.
151 ~~189.404(2)(e)4.~~, Florida Statutes. However, if an amendment
152 alters the district boundaries in only one county, or affects
153 the district's special powers in only one county, it shall be
154 necessary to secure the resolution or statement from only the
155 affected county.

156 Section 4. Subsection (1) of section 3 of chapter 2007-
157 306, Laws of Florida, is amended to read:

158 Creation and establishment; jurisdiction; construction;
159 charter with legal description.-

160 (1) The Babcock Ranch Community Independent Special
161 District, which also may be referred to as the "district," is
162 created and incorporated as a public body corporate and
163 politic, an independent, limited, special purpose local
164 government, an independent special district under section
165 189.031 ~~189.404~~, Florida Statutes, and as defined in this act

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166 and section 189.012(3) ~~189.403(3)~~, Florida Statutes, in and
167 for a certain portions ~~portion~~ of Charlotte County and Lee
168 County. Any amendments to chapter 190, Florida Statutes, after
169 January 1, 2007, granting additional general powers, special
170 powers, authorities, or projects to a community development
171 district by amendment to its uniform charter, sections
172 190.006-190.041, Florida Statutes, shall constitute a general
173 power, special power, authority, or function of the Babcock
174 Ranch Community Independent Special District. All notices for
175 the enactment by the Legislature of this special act have been
176 provided pursuant to the State Constitution, laws of the
177 state, and the Rules of the Florida House of Representatives
178 and of the Florida Senate.

179 Section 5. Section 4 of chapter 2007-306, Laws of
180 Florida, is amended to read:

181 Legal description of the Babcock Ranch Community
182 Independent Special District.—

183 LEGAL DESCRIPTION. The metes and bounds legal description of
184 the district, within which there are no parcels of property
185 owned by those who do not wish their property to be included
186 within the district, is as follows:

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187 CHARLOTTE COUNTY PARCEL:

188 A parcel of land lying within Sections 29, 31 through 33,
189 Township 41 South, Range 26 East, AND, Sections 4 through 10,
190 Sections 15 through 17 and Sections 19 through 36, Township 42
191 South, Range 26 East, Charlotte County, Florida, being more
192 particularly described as follows:

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

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

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229 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet;
230 Thence N55°42'26"E a distance of 195.73 feet; Thence
231 N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a
232 distance of 867.75 feet; Thence N13°36'57"W a distance of
233 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet;
234 Thence N19°48'25"W a distance of 366.25 feet; Thence
235 N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a
236 distance of 687.22 feet; Thence N00°28'20"E a distance of
237 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet;
238 Thence N42°54'55"W a distance of 643.19 feet; Thence
239 N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a
240 distance of 201.96 feet; Thence N32°40'01"W a distance of
241 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet;
242 Thence N19°47'08"W a distance of 527.20 feet; Thence
243 N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a
244 distance of 475.20 feet; Thence N74°19'19"W a distance of
245 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet;
246 Thence N89°51'42"W a distance of 67.91 feet; Thence
247 N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a
248 distance of 190.86 feet; Thence N00°00'29"W a distance of
249 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet;

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250 Thence N00°00'00"E a distance of 1,967.22 feet; Thence
251 N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a
252 distance of 3,566.80 feet; Thence S00°00'03"E a distance of
253 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet
254 to a point lying 50.00 feet East of the East right-of-way line
255 for State Road No. 31; Thence along a line 50.00 feet East of,
256 and parallel with, the East right-of-way line for State Road
257 No. 31, the following courses and distances: S00°48'43"E a
258 distance of 2,976.13 feet and S00°34'01"W a distance of 786.25
259 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence
260 S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a
261 distance of 1,740.24 feet; Thence S09°11'59"W a distance of
262 1,325.85 feet; Thence S73°15'18"E a distance of 661.15 feet;
263 Thence N59°20'29"E a distance of 577.75 feet; Thence
264 S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a
265 distance of 385.80 feet; Thence S24°01'11"E a distance of
266 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet;
267 Thence S70°04'12"E a distance of 1,843.47 feet; Thence
268 N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a
269 distance of 2,565.56 feet; Thence S13°56'09"W a distance of
270 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet;

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271 Thence $S71^{\circ}59'01''W$ a distance of 448.53 feet; Thence
272 $N45^{\circ}00'57''W$ a distance of 266.60 feet; Thence $S69^{\circ}50'23''W$ a
273 distance of 1,104.27 feet; Thence $S28^{\circ}10'55''E$ a distance of
274 1,272.60 feet; Thence $S62^{\circ}45'03''W$ a distance of 4,638.30 feet;
275 Thence $S82^{\circ}12'01''W$ a distance of 711.48 feet; Thence
276 $S81^{\circ}38'00''W$ a distance of 5,167.82 feet; Thence $N77^{\circ}54'41''W$ a
277 distance of 707.32 feet; Thence $N89^{\circ}28'15''W$ a distance of
278 299.98 feet to a point lying 50.00 feet East of the East
279 right-of-way line for State Road No. 31; Thence along a line
280 50.00 feet East of, and parallel with, the East right-of-way
281 line for State Road No. 31, the following courses and
282 distances: $S00^{\circ}31'45''W$ a distance of 4,197.71 feet,
283 $S00^{\circ}26'10''W$ a distance of 5,282.33 feet and $S00^{\circ}36'46''W$ a
284 distance of 5,337.00 feet to the Point of Beginning.
285 Containing 13,630.64 acres, more or less.
286 Bearings hereinabove mentioned are based on the North line of
287 Section 6, Township 43 South, Range 26 East to bear
288 $S89^{\circ}41'45''E$.
289 LEE COUNTY PARCEL:

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290 A parcel of land lying within Sections 1 through 7 and Section
291 9, Township 43 South, Range 26 East, Lee County, Florida,
292 being more particularly described as follows:
293 Commence at the Southwest corner of Section 31, Township 42
294 South, Range 26 East and run S89°41'45"E, along the South line
295 of said Section 31, a distance of 50.00 feet to a point on the
296 East right-of-way line of State Road No. 31, said point also
297 being the Point of Beginning of the parcel of land herein
298 described; Thence continue S89°41'45"E a distance of 5,189.75
299 feet to the Northeast corner of Section 6, Township 43 South,
300 Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet
301 to the Northeast corner of Section 5, Township 43 South, Range
302 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the
303 Northeast corner of Section 4, Township 43 South, Range 26
304 East; Thence S89°35'44"E a distance of 5,294.60 feet to the
305 Northeast corner of Section 3, Township 43 South, Range 26
306 East; Thence S89°35'44"E a distance of 5,294.60 feet to the
307 Northeast corner of Section 2, Township 43 South, Range 26
308 East; Thence S89°35'44"E, along the North line of Section 1,
309 Township 43 South, Range 26 East, a distance of 155.76 feet;
310 Thence S09°58'52"W a distance of 4,667.96 feet; Thence

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311 S04°10'14"W a distance of 283.52 feet; Thence S03°53'19"E a
312 distance of 515.32 feet to a point on the South line of
313 Section 2, Township 43 South, Range 26 East (said point being
314 558.41 feet West of the Southeast corner of said Section 2);
315 Thence N88°38'22"W a distance of 2,084.07 feet to the South
316 one-quarter corner of said Section 2; Thence N88°38'42"W a
317 distance of 2,642.06 feet to the Southwest corner of said
318 Section 2; Thence N89°51'49"W a distance of 5,300.09 feet to
319 the Southwest corner of Section 3, Township 43 South, Range 26
320 East; Thence N89°51'54"W a distance of 2,650.09 feet to the
321 South one-quarter corner of Section 4, Township 43 South,
322 Range 26 East; Thence S00°23'25"W a distance of 1,330.65 feet
323 to the Southwest corner of the North one-half of the Northeast
324 one-quarter of Section 9, Township 43 South, Range 26 East;
325 Thence S06°02'41"E a distance of 1,338.36 feet to a point on
326 the North line of the Southeast one-quarter of said Section 9
327 (said point being 150.00 feet East of the Northwest corner of
328 the Southeast one-quarter of said Section 9); Thence
329 S00°22'58"W, parallel with and 150.00 feet East of the West
330 line of the Southeast one-quarter of said Section 9, a
331 distance of 2,611.56 feet to a point on the North right-of-way

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332 line of County Road No. 78; Thence along said right-of-way
333 line the following courses and distances, N89°54'54"W a
334 distance of 150.26 feet and N89°54'44"W a distance of 2,648.95
335 feet to a point on the West line of said Section 9; Thence
336 N00°22'31"E a distance of 2,612.02 feet to the West one-
337 quarter corner of said Section 9; Thence N00°21'56"E a
338 distance of 2,663.13 feet to the Southeast corner of Section
339 5, Township 43 South, Range 26 East; Thence N89°52'00"W a
340 distance of 2,666.70 feet to the South one-quarter corner of
341 said Section 5; Thence N89°50'47"W a distance of 2,667.42 feet
342 to the Southwest corner of said Section 5; Thence S00°23'16"W,
343 along the East line of Section 7, Township 43 South, Range 26
344 East, a distance of 5,294.00 feet to a point on the North
345 right-of-way line of County Road No. 78; Thence Westerly along
346 the curved right-of-way line, (said curve being curved concave
347 to the North, having a delta angle of 00°53'52" and a radius
348 of 11,339.17 feet, with a chord bearing of N89°19'12"W and a
349 chord length of 177.69 feet) a distance of 177.69 feet to the
350 end of the curve; Thence N88°52'16"W, along said North right-
351 of-way line, a distance of 4,406.31 feet to the beginning of a
352 curve to the right; Thence along the arc of the curved right-

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353 of-way line, (said curve being curved concave to the
354 Northeast, having a delta angle of 89°12'05" and a radius of
355 522.94 feet, with a chord bearing of N44°16'14"W and a chord
356 length of 734.37 feet) a distance of 814.14 feet to a point on
357 the East right-of-way line of State Road No. 31; Thence along
358 the East right-of-way line for State Road No. 31, the
359 following courses and distances, N00°19'49"E a distance of
360 4,776.07 feet, N00°18'54"E a distance of 5,313.41 feet and
361 N00°36'46"E a distance of 0.14 feet to the Point of Beginning.
362 Containing 4,157.2 acres, more or less.

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

366 CONTAINING A TOTAL AREA OF 17,787.84 ACRES, PLUS OR MINUS.

367 Section 6. Paragraphs (a) and (d) of subsection (3) of
368 section 5 of chapter 2007-306, Laws of Florida, are amended to
369 read:

370 Governing board; members and meetings; organization;
371 powers; duties; terms of office; related election
372 requirements.-

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

378 2.a. Regardless of whether the district has proposed to
379 levy ad valorem taxes or issue general obligation bonds, board
380 members initially elected by landowners shall be elected by
381 qualified electors of the district as the district becomes
382 populated with qualified electors. The transition shall occur
383 such that the composition of the board, after the first
384 general election following a trigger of the qualified elector
385 population thresholds set forth below, shall be as follows:

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

390 (II) Once 8,900 qualified electors reside within the
391 district, two voting board members shall be persons who were
392 elected by the qualified electors, and three voting board
393 members shall be persons elected by the landowners.

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394 (III) Once 22,000 qualified electors reside within the
395 district, three voting board members shall be persons who were
396 elected by the qualified electors and two voting board members
397 shall be persons who were elected by the landowners.

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

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

405 Nothing in this sub-subparagraph is intended to require an
406 election prior to the expiration of an existing board member's
407 term.

408 b. On or before June 1 of each year, the board shall
409 determine the number of qualified electors in the district as
410 of the immediately preceding April 15. The board shall use and
411 rely upon the official records maintained by the supervisor of
412 elections and property appraiser or tax collector in and for
413 each county ~~Charlotte County~~ in making this determination.

414 Such determination shall be made at a properly noticed meeting

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415 of the board and shall become a part of the official minutes
416 of the district.

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

420 d. Once the district qualifies to have any of its board
421 members elected by the qualified electors of the district, the
422 initial and all subsequent elections by the qualified electors
423 of the district shall be held at the general election in
424 November. The board shall adopt a resolution if necessary to
425 implement this requirement. The transition process described
426 herein is intended to be in lieu of the process set forth in
427 section 189.041 ~~189.4051~~, Florida Statutes.

428 (d) The supervisors ~~supervisor~~ of elections shall
429 appoint the inspectors and clerks of elections, prepare and
430 furnish the ballots, designate polling places, and canvass the
431 returns of the election of board members by qualified
432 electors. The county canvassing boards ~~board~~ shall declare and
433 certify the results of the election.

434 Section 7. Subsection (8) of section 5 of chapter 2007-
435 306, Laws of Florida, is amended to read:

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436 Governing board; members and meetings; organization;
437 powers; duties; terms of office; related election
438 requirements.-

439 (8) The board shall keep a permanent record book
440 entitled "Record of Proceedings of Babcock Ranch Community
441 Independent Special District," in which shall be recorded
442 minutes of all meetings, resolutions, proceedings,
443 certificates, bonds given by all employees, and any and all
444 corporate acts. The record book and all other district records
445 shall at reasonable times be opened to inspection in the same
446 manner as state, county, and municipal records pursuant to
447 chapter 119, Florida Statutes. The record book shall be kept
448 at the office or other regular place of business maintained by
449 the board in a designated location in either Charlotte County
450 or Lee County.

451 Section 8. Paragraphs (c) and (d) of subsection (4) of
452 section 6 of chapter 2007-306, Laws of Florida, are amended to
453 read:

454 Governing board; general duties.-

455 (4) BUDGET; REPORTS AND REVIEWS.-

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456 (c) At least 60 days prior to adoption, the board of
457 the district shall submit to the Charlotte County and Lee
458 County Boards ~~Board~~ of County Commissioners, for purposes of
459 disclosure and information only, the proposed annual budget
460 for the ensuing fiscal year, and each ~~the~~ board of county
461 commissioners may submit written comments to the board of the
462 district solely for the assistance and information of the
463 board of the district in adopting its annual district budget.

464 (d) The board of the district shall submit annually to
465 the Charlotte County and Lee County Boards ~~Board~~ of County
466 Commissioners its district public facilities report under
467 section 189.08(2) ~~189.415(2)~~, Florida Statutes, which report
468 each ~~the~~ board of county commissioners may ~~shall~~ use and rely
469 on in the preparation or revision of its respective
470 comprehensive plans ~~plan~~, specifically under section 189.08(6)
471 ~~189.415(6)~~, Florida Statutes.

472 Section 9. Paragraphs (f) and (g) of subsection (6) of
473 section 6 of chapter 2007-306, Laws of Florida, are amended to
474 read:

475 Governing board; general duties.-

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476 (6) GENERAL POWERS.-- The district shall have, and the
477 board may exercise, the following general powers:

478 (f) To maintain an office at such place or places as
479 the board designates in either Charlotte County or Lee County.

480 (g) To exercise such special powers and other express
481 powers as may be authorized and granted by this act in the
482 charter of the district, including powers as provided in any
483 interlocal agreement entered into pursuant to chapter 163,
484 Florida Statutes, or that shall be required or permitted to be
485 undertaken by the district pursuant to any development order
486 or development of regional impact, or any other agreement with
487 Charlotte County, Lee County, or other governmental entities,
488 including, without limitation, any school district, sheriff,
489 fire district, drainage district, and health care district for
490 proportionate, fair-share, or pipelining capital construction
491 funding for any certain capital facilities or systems required
492 from the development pursuant to any applicable development
493 order or agreement.

494 Section 10. Paragraph (s) of subsection (7) of section
495 6 of chapter 2007-306, Laws of Florida, is amended to read:

496 Governing board; general duties.-

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497 (7) SPECIAL POWERS.—The district shall have, and the
498 board may exercise, the following special powers to implement
499 its lawful and special purpose and to provide, pursuant to
500 that purpose, systems, facilities, services, improvements,
501 projects, works, and infrastructure, each of which constitutes
502 a lawful public purpose when exercised pursuant to this
503 charter, subject to, and not inconsistent with, the regulatory
504 jurisdiction and permitting authority of all other applicable
505 governmental bodies, agencies, and any special districts
506 having authority with respect to any area included therein,
507 and to plan, establish, acquire, construct or reconstruct,
508 enlarge or extend, equip, operate, finance, fund, and
509 maintain improvements, systems, facilities, services, works,
510 projects, and infrastructure, including, without limitation,
511 any obligations pursuant to a development order or agreement.

512 Any or all of the following special powers are granted by this
513 act in order to implement the special purpose of the district:

514 (s) To provide for affordable housing and affordable
515 housing assistance in accordance with section 189.081(6)
516 ~~189.4155(6)~~, Florida Statutes, and other provisions of general
517 law.

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518 Section 11. Paragraphs (i) and (n) of subsection (10)
519 of section 6 of chapter 2007-306, Laws of Florida, is amended
520 to read:

521 Governing board; general duties.-

522 (10) BONDS.-

523 (i) General obligation bonds.-

524 (1) Subject to the limitations of this charter, the
525 district shall have the power from time to time to issue
526 general obligation bonds to finance or refinance capital
527 projects or to refund outstanding bonds in an aggregate
528 principal amount of bonds outstanding at any one time not in
529 excess of 35 percent of the assessed value of the taxable
530 property within the district as shown on the pertinent tax
531 records at the time of the authorization of the general
532 obligation bonds for which the full faith and credit of the
533 district is pledged. Except for refunding bonds, no general
534 obligation bonds shall be issued unless the bonds are issued
535 to finance or refinance a capital project and the issuance has
536 been approved at an election held in accordance with the
537 requirements for such election as prescribed by the State
538 Constitution. Such elections shall be called to be held in the

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539 district by the Board of County Commissioners of Charlotte and
540 Lee Counties ~~County~~ upon the request of the board of the
541 district. The expenses of calling and holding an election
542 shall be at the expense of the district, and the district
543 shall reimburse each ~~the~~ county for any expenses incurred in
544 calling or holding such election.

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

548 Section 12. Paragraph (c) of subsection (12) of section
549 6 of chapter 2007-306, Laws of Florida, is amended to read:

550 Governing board; general duties.—

551 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
552 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
553 ASSESSMENTS; MAINTENANCE TAXES.—

554 (c) Non-ad valorem maintenance taxes.—If and when
555 authorized by general law, to maintain and preserve the
556 physical facilities and services constituting the works,
557 improvements, or infrastructure provided by the district
558 pursuant to this act; to repair and restore any one or more of
559 them, when needed; and to defray the current expenses of the

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560 district, including any sum that may be required to pay state
561 and county ad valorem taxes on any lands that may have been
562 purchased and that are held by the district under the
563 provisions of this act, the governing board may, upon the
564 completion of said systems, facilities, services, works,
565 improvements, or infrastructure, in whole or in part, as may
566 be certified to the board by the engineer of the board, levy
567 annually a non-ad valorem and nonmillage tax upon each tract
568 or parcel of land within the district, to be known as a
569 "maintenance tax." This non-ad valorem maintenance tax shall
570 be apportioned upon the basis of the net assessments of
571 benefits assessed as accruing from the original construction
572 and shall be evidenced to and certified by the governing board
573 of the district not later than June 1 of each year to the
574 property appraisers ~~appraiser~~ of Charlotte and Lee Counties
575 ~~County~~ and shall be extended by the property appraiser on the
576 tax roll of the property appraiser, as certified by the
577 property appraiser to the tax collector, and collected by the
578 tax collector on the merged collection roll of the tax
579 collector in the same manner and at the same time as county ad
580 valorem taxes, and the proceeds therefrom shall be paid to the

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581 district. This non-ad valorem maintenance tax shall be a lien
582 until paid on the property against which assessed and
583 enforceable in like manner and of the same dignity as county
584 ad valorem taxes.

585 Section 13. Paragraph (a) of subsection (13) of section
586 6 of chapter 2007-306, Laws of Florida, is amended to read:

587 Governing board; general duties.-

588 (13) SPECIAL ASSESSMENTS.-

589 (a) As an alternative method to the levy and imposition
590 of special assessments pursuant to chapter 170, Florida
591 Statutes, pursuant to the authority of section 197.3631,
592 Florida Statutes, or pursuant to other provisions of general
593 law, now or hereafter enacted, which provide a supplemental
594 means or authority to impose, levy, and collect special
595 assessments as otherwise authorized under this act, the board
596 may levy and impose special assessments to finance the
597 exercise of any of its powers permitted under this act using
598 the following uniform procedures:

599 1. At a noticed meeting, the governing board of the
600 district may consider and review an engineer's report on the
601 costs of the systems, facilities, and services to be provided,

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

605 a. The assessment methodology shall address and discuss
606 and the board shall consider whether the systems, facilities,
607 and services being contemplated will result in special
608 benefits peculiar to the property, different in kind and
609 degree than general benefits, as a logical connection between
610 the systems, facilities, and services themselves and the
611 property, and whether the duty to pay the assessments by the
612 property owners is apportioned in a manner that is fair and
613 equitable and not in excess of the special benefit received.

614 It shall be fair and equitable to designate a fixed proportion
615 of the annual debt service, together with interest thereon, on
616 the aggregate principal amount of bonds issued to finance such
617 systems, facilities, and services that give rise to unique,
618 special, and peculiar benefits to property of the same or
619 similar characteristics under the assessment methodology so
620 long as such fixed proportion does not exceed the unique,
621 special, and peculiar benefits enjoyed by such property from
622 such systems, facilities, and services.

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623 b. The engineer's cost report shall identify the nature
624 of the proposed systems, facilities, and services, their
625 location, a cost breakdown plus a total estimated cost,
626 including cost of construction or reconstruction, labor, and
627 materials, lands, property, rights, easements, franchises, or
628 systems, facilities, and services to be acquired, cost of
629 plans and specifications, surveys of estimates of costs and
630 revenues, costs of engineering, legal, and other professional
631 consultation services, and other expenses or costs necessary
632 or incident to determining the feasibility or practicability
633 of such construction, reconstruction, or acquisition,
634 administrative expenses, relationship to the authority and
635 power of the district in its charter, and such other expenses
636 or costs as may be necessary or incident to the financing to
637 be authorized by the governing board.

638 c. The preliminary assessment roll to be prepared will
639 be in accordance with the method of assessment provided for in
640 the assessment methodology and as may be adopted by the
641 governing board; the assessment roll shall be completed as
642 promptly as possible and shall show the acreage, lots, lands,
643 or plats assessed and the amount of the fairly and reasonably

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644 apporportioned assessment based on special and peculiar benefit
645 to the property, lot, parcel, or acreage of land; and, if the
646 assessment against each such lot, parcel, acreage, or portion
647 of land is to be paid in installments, the number of annual
648 installments in which the assessment is divided shall be
649 entered into and shown upon the assessment roll.

650 2. The governing board of the district may determine
651 and declare by an initial assessment resolution to levy and
652 assess the assessments with respect to assessable improvements
653 stating the nature of the systems, facilities, and services,
654 improvements, projects, or infrastructure constituting such
655 assessable improvements, the information in the engineer's
656 cost report, the information in the assessment methodology as
657 determined by the board at the noticed meeting and referencing
658 and incorporating as part of the resolution the engineer's
659 cost report, the preliminary assessment methodology, and the
660 preliminary assessment roll as referenced exhibits to the
661 resolution by reference. If the board determines to declare
662 and levy the special assessments by the initial assessment
663 resolution, the board shall also adopt and declare a notice
664 resolution that shall provide and cause the initial assessment

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665 resolution to be published once a week for a period of 2 weeks
666 in newspapers ~~a newspaper~~ of general circulation published in
667 Charlotte and Lee Counties ~~County~~ and said board shall by the
668 same resolution fix a time and place at which the owner or
669 owners of the property to be assessed or any other persons
670 interested therein may appear before said board and be heard
671 as to the propriety and advisability of making such
672 improvements, as to the costs thereof, as to the manner of
673 payment therefor, and as to the amount thereof to be assessed
674 against each property so improved. Thirty days' notice in
675 writing of such time and place shall be given to such property
676 owners. The notice shall include the amount of the assessment
677 and shall be served by mailing a copy to each assessed
678 property owner at his or her last known address, the names and
679 addresses of such property owners to be obtained from the
680 record of the property appraiser of the county political
681 subdivision in which the land is located or from such other
682 sources as the district manager or engineer deems reliable,
683 and proof of such mailing shall be made by the affidavit of
684 the manager of the district or by the engineer, said proof to
685 be filed with the district manager, provided that failure to

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686 mail said notice or notices shall not invalidate any of the
687 proceedings hereunder. It is provided further that the last
688 publication shall be at least 1 week prior to the date of the
689 hearing on the final assessment resolution. Said notice shall
690 describe the general areas to be improved and advise all
691 persons interested that the description of each property to be
692 assessed and the amount to be assessed to each piece, parcel,
693 lot, or acre of property may be ascertained at the office of
694 the manager of the district. Such service by publication shall
695 be verified by the affidavit of the publisher and filed with
696 the manager of the district. Moreover, the initial assessment
697 resolution with its attached, referenced, and incorporated
698 engineer's cost report, preliminary assessment methodology,
699 and preliminary assessment roll, along with the notice
700 resolution, shall be available for public inspection at the
701 office of the manager and the office of the engineer or any
702 other office designated by the governing board in the notice
703 resolution. Notwithstanding the foregoing, the landowners of
704 all of the property that is proposed to be assessed may give
705 the district written notice of waiver of any notice and
706 publication provided for in this subparagraph and such notice

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707 and publication shall not be required, provided, however, that
708 any meeting of the governing board to consider such resolution
709 shall be a publicly noticed meeting.

710 3. At the time and place named in the noticed
711 resolution as provided for in subparagraph 2., the governing
712 board of the district shall meet and hear testimony from
713 affected property owners as to the propriety and advisability
714 of making the systems, facilities, services, projects, works,
715 improvements, or infrastructure and funding them with
716 assessments referenced in the initial assessment resolution on
717 the property. Following the testimony and questions from the
718 members of the board or any professional advisors to the
719 district of the preparers of the engineer's cost report, the
720 assessment methodology, and the assessment roll, the governing
721 board shall make a final decision on whether to levy and
722 assess the particular assessments. Thereafter, the governing
723 board shall meet as an equalizing board to hear and to
724 consider any and all complaints as to the particular
725 assessments and shall adjust and equalize the assessments on
726 the basis of justice and right.

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727 4. When so equalized and approved by resolution or
728 ordinance by the governing board, to be called the final
729 assessment resolution, a final assessment roll shall be filed
730 with the clerk of the board and such assessment shall stand
731 confirmed and remain legal, valid, and binding first liens on
732 the property against which such assessments are made until
733 paid, equal in dignity to the first liens of ad valorem
734 taxation of county and municipal governments and school
735 boards. However, upon completion of the systems, facilities,
736 service, project, improvement, works, or infrastructure, the
737 district shall credit to each of the assessments the
738 difference in the assessment as originally made, approved,
739 levied, assessed, and confirmed and the proportionate part of
740 the actual cost of the improvement to be paid by the
741 particular special assessments as finally determined upon the
742 completion of the improvement; but in no event shall the final
743 assessment exceed the amount of the special and peculiar
744 benefits as apportioned fairly and reasonably to the property
745 from the system, facility, or service being provided as
746 originally assessed. Promptly after such confirmation, the
747 assessment shall be recorded by the clerk of the district in

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748 the minutes of the proceedings of the district, and the record
749 of the lien in this set of minutes shall constitute prima
750 facie evidence of its validity. The governing board, in its
751 sole discretion, may, by resolution, grant a discount equal to
752 all or a part of the payee's proportionate share of the cost
753 of the project consisting of bond financing cost, such as
754 capitalized interest, funded reserves, and bond discounts
755 included in the estimated cost of the project, upon payment in
756 full of any assessments during such period prior to the time
757 such financing costs are incurred as may be specified by the
758 governing board in such resolution.

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

763 Section 14. Paragraph (a) of subsection (19) of section
764 6 of chapter 2007-306, Laws of Florida, is amended to read:

765 Governing board; general duties.-

766 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS;
767 RELATED PROVISIONS REQUIRED. -

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768 (a) No contract shall be let by the board for any
769 goods, supplies, or materials to be purchased when the amount
770 thereof to be paid by the district shall exceed the amount
771 provided in section 287.017, Florida Statutes, for category
772 four, unless notice of bids shall be advertised once in
773 newspapers ~~a newspaper~~ in general circulation in Charlotte and
774 Lee Counties ~~County~~. Any board seeking to construct or improve
775 a public building, structure, or other public works shall
776 comply with the bidding procedures of section 255.20, Florida
777 Statutes, and other applicable general law. In each case, the
778 bid of the lowest responsive and responsible bidder shall be
779 accepted unless all bids are rejected because the bids are too
780 high or the board determines it is in the best interests of
781 the district to reject all bids. The board may require the
782 bidders to furnish bond with a responsible surety to be
783 approved by the board. Nothing in this section shall prevent
784 the board from undertaking and performing the construction,
785 operation, and maintenance of any project or facility
786 authorized by this act by the employment of labor, material,
787 and machinery.

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788 Section 15. Paragraph (b) of subsection (20) of section
789 6 of chapter 2007-306, Laws of Florida, is amended to read:

790 Governing board; general duties.-

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

793 (b) No such rates, fees, rentals or other charges for
794 any of the facilities or services of the district shall be
795 fixed until after a public hearing at which all the users of
796 the proposed facility or services or owners, tenants, or
797 occupants served or to be served thereby and all other
798 interested persons shall have an opportunity to be heard
799 concerning the proposed rates, fees, rentals, or other
800 charges. Rates, fees, rentals, and other charges shall be
801 adopted under the administrative rulemaking authority of the
802 district, but shall not apply to district leases. Notice of
803 such public hearing setting forth the proposed schedule or
804 schedules of rates, fees, rentals, and other charges shall
805 have been published in newspapers ~~a newspaper~~ of general
806 circulation in Charlotte and Lee Counties ~~County~~ at least once
807 and at least 10 days prior to such public hearing. The
808 rulemaking hearing may be adjourned from time to time. After

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809 such hearing, such schedule or schedules, either as initially
810 proposed or as modified or amended, may be finally adopted. A
811 copy of the schedule or schedules of such rates, fees,
812 rentals, or charges as finally adopted shall be kept on file
813 in an office designated by the board and shall be open at all
814 reasonable times to public inspection. The rates, fees,
815 rentals, or charges so fixed for any class of users or
816 property served shall be extended to cover any additional
817 users or properties thereafter served that shall fall in the
818 same class, without the necessity of any notice or hearing.

819 Section 16. Subsection (26) of section 6 of chapter
820 2007-306, Laws of Florida, is amended to read:

821 Governing board; general duties.-

822 (26) TERMINATION, CONTRACTION, OR EXPANSION OF
823 DISTRICT. -

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

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

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

831 2. The district has become inactive pursuant to section
832 189.062 ~~189.4044~~, Florida Statutes.

833 Section 17. In the election provided for in section 18,
834 each landowner present in person or by proxy shall be entitled
835 to cast one vote for each assessable acre or fraction of an
836 acre of land owned by him or her and located within the
837 district.

838 Section 18. This section and section 17 shall take
839 effect upon this act becoming law, and the remaining sections
840 shall take effect upon approval by a majority vote of the
841 owners of land within the district, including land in both
842 Charlotte and Lee Counties, who are not exempt from ad valorem
843 taxes or non-ad valorem assessments and who are present in
844 person or by proxy at a landowners' meeting to be held within
845 90 days after the effective date of this act. Such landowners'
846 meeting shall be noticed in the same manner as provided in
847 section 5 of chapter 2007-306, Laws of Florida. However, the
848 provisions of this act that authorize the levy of ad valorem
849 taxation and issuance of general obligation bonds shall take

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850 effect only upon express approval by a majority vote of those
851 qualified electors of the Babcock Ranch Community Independent
852 Special District voting in a referendum election held at such
853 time as all members of the board are qualified electors who
854 are elected by qualified electors of the district as provided
855 in this act.

LEE COUNTY RESOLUTION NO. 15-09-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA REGARDING THE EXPANSION OF THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Babcock Ranch Community Independent Special District ("District") is a local unit of special-purpose government created and existing pursuant to Chapter 2007-306, Laws of Florida ("Act"), being situated entirely within Charlotte County, Florida; and,

WHEREAS, pursuant to the Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services; and,

WHEREAS, the District is seeking to amend its boundaries to include certain lands owned by Babcock Property Holdings, LLC, located within Lee County as more particularly described in the attached Exhibit A ("Lee County Lands") pursuant to Chapter 2007-306, Laws of Florida, and Section 189.031(2)(e)4, Florida Statutes; and,

WHEREAS, Section 189.031(2)(e)4, Florida Statutes, requires the District to acquire A resolution or official statement from the County stating that the creation of the proposed district is consistent with the County's approved local government plans and that the County has no objection to the creation or expansion of the proposed district within its boundaries; and,

WHEREAS, the District presently consists of approximately 13,630.64 acres, more or less, entirely within Charlotte County as more fully described in the Act; and,

WHEREAS, upon amendment of the District boundary, the District will encompass approximately 17,787.84 acres; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida:

SECTION ONE

The Board of County Commissioners hereby states that it has no objection to the expansion of the District within the County's boundaries.

The Board of County Commissioners further states the expansion of the District's boundaries is consistent with Lee County's approved local government plans.

The Board of County Commissioners hereby clarifies that this Resolution is not intended to find any proposed development within the District consistent with the Lee County Comprehensive Plan. Future approvals for development of District property within Lee County must demonstrate consistency with the Lee County Comprehensive Plan and other County land development regulations.

SECTION TWO

This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

DULY PASSED AND ADOPTED this 15th day of September, 2015.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Jorge Townsend
DEPUTY CLERK

By: [Signature]
Chair

Approved as to Form for Reliance by the
County

[Signature]
County Attorney's Office



BABCOCK RANCH COMMUNITY Independent Special District Expansion

Legend

- Expansion Area
- County Line
- Major Roads
- Minor Roads
- City Limits

LEE COUNTY
SOUTHWEST FLORIDA
COUNTY OF PALM BEACH



Map Generated August 2015
City Limits current to date of map generation



**HOUSE OF REPRESENTATIVES
2016 LOCAL BILL CERTIFICATION FORM**

BILL #: _____
SPONSOR(S): Representative Caldwell and Representative Roberson
RELATING TO: Charlotte and Lee Counties - Babcock Ranch Independent Special District
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Lee County
CONTACT PERSON: Charlotte Codie
PHONE NO.: (239) 694-0161 **E-Mail:** Charlotte.Codie@myfloridahouse.gov

I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;*
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and*
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.*
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.*

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: _____

Location: _____

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES NO DATE _____

Where? _____ County _____

Referendum in lieu of publication: YES NO

Date of Referendum _____

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.

Delegation Chair (Original Signature)

Date

Printed Name of Delegation Chair