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An act relating to Lee County; creating the Duke Farm Stewardship District; providing a short title, legislative findings and intent, and definitions; establishing compliance with minimum requirements in s. 189.031(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a governing board; providing for membership, election, and terms of office; providing for meetings; providing administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community

23 infrastructure and services within the district;  
24 providing for bonds; providing for borrowing;  
25 providing for future ad valorem taxation; providing  
26 for special assessments; providing for issuance of  
27 certificates of indebtedness; providing for tax  
28 liens; providing for competitive procurement;  
29 providing for fees and charges; providing for  
30 amending the charter; providing for required notices  
31 to purchasers of residential units within the  
32 district; defining the term "district public  
33 property"; providing for merger; providing for  
34 construction; providing severability; providing for  
35 a referendum; providing an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. The charter for the Duke Farm Stewardship  
40 District is created to read:

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

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

45 (1) LEGISLATIVE INTENT; PURPOSE OF THE DISTRICT.—

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

50 (b) There is a need to use a single special and limited  
51 purpose independent special district unit of local government  
52 for the Duke Farm Stewardship District lands located within  
53 Lee County for a more comprehensive community development  
54 approach, which will facilitate an integral relationship among  
55 regional transportation, land use, and urban design to provide  
56 for a diverse mix of housing and regional employment and  
57 economic development opportunities, rather than fragmented  
58 development with underutilized infrastructure which is  
59 generally associated with urban sprawl.

60 (c) There is a considerably long period of time during  
61 which there is a significant burden to provide various  
62 systems, facilities, and services to the initial landowners of  
63 the Duke Farm Stewardship District lands, such that there is a  
64 need for flexible management, sequencing, timing, and  
65 financing of the various systems, facilities, and services to  
66 be provided to these lands, taking into consideration

67 absorption rates, commercial viability, and related factors.  
68 Therefore, extended control by the initial landowner with  
69 regard to the provision of systems, facilities, and services  
70 for the Duke Farm Stewardship District lands, coupled with the  
71 special and single purpose of such district, is in the public  
72 interest.

73 (d) While chapter 190, Florida Statutes, provides an  
74 opportunity for previous community development services and  
75 facilities to be provided by the continued use of community  
76 development districts in a manner that furthers the public  
77 interest, given the size of the Duke Farm Stewardship District  
78 lands and the duration of development continuing to utilize  
79 multiple community development districts over these lands  
80 which would result in an inefficient, duplicative, and  
81 needless proliferation of local special purpose governments,  
82 contrary to the public interest and the Legislature's findings  
83 in chapter 190, Florida Statutes, it is in the public interest  
84 that the long-range provision for, and management, financing,  
85 and long-term maintenance, upkeep, and operation of, services  
86 and facilities to be provided for ultimate development and  
87 conservation of the lands covered by this act be under one  
88 coordinated entity. The creation of an independent special

89 district will assist in integrating the management of state  
90 resources and allow for greater and more coordinated  
91 stewardship of natural resources.

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

105 (f) The creation and establishment of the special  
106 district will encourage local government financial self-  
107 sufficiency in providing public facilities and in identifying  
108 and implementing fiscally sound, innovative, and cost-  
109 effective techniques to provide and finance public facilities  
110 while encouraging coordinated development of capital

111 improvement plans by all levels of government, in accordance  
112 with the goals of chapter 187, Florida Statutes.

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

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

128 (i) The special district created and established by this  
129 act shall not have or exercise any comprehensive planning,  
130 zoning, or development permitting power; the establishment of  
131 the special district is not considered a development order  
132 within the meaning of part I of chapter 380, Florida Statutes;

133 and all applicable planning and permitting laws, rules,  
134 regulations, and policies of Lee County control the  
135 development of the land to be serviced by the special  
136 district.

137 (j) The creation by this act of the Duke Farm  
138 Stewardship District is not inconsistent with the Lee County  
139 comprehensive plan.

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

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

144 (a) "Ad valorem bonds" means bonds that are payable from  
145 the proceeds of ad valorem taxes levied on real and tangible  
146 personal property and that are generally referred to as  
147 general obligation bonds.

148 (b) "Assessable improvements" means, without limitation,  
149 any and all public improvements and community facilities that  
150 the district is empowered to provide in accordance with this  
151 act that provide a special benefit to property within the  
152 district.

153 (c) "Assessment bonds" means special obligations of the  
154 district which are payable solely from proceeds of the special

155 assessments or benefit special assessments levied for  
156 assessable improvements, provided that, in lieu of issuing  
157 assessment bonds to fund the costs of assessable improvements,  
158 the district may issue revenue bonds for such purposes payable  
159 from assessments.

160 (d) "Assessments" means nonmillage district assessments  
161 including special assessments, benefit special assessments,  
162 and maintenance special assessments, and a nonmillage, non-ad  
163 valorem maintenance tax if authorized by general law.

164 (e) "Benefit special assessments" are district  
165 assessments imposed, levied, and collected pursuant to section  
166 6.

167 (f) "Board of supervisors" or "board" means the  
168 governing body of the district or, if such board has been  
169 abolished, the board, body, or commission assuming the  
170 principal functions thereof or to whom the powers given to the  
171 board by this act have been given by general law.

172 (g) "Bond" includes "certificate," and the provisions  
173 that are applicable to bonds are equally applicable to  
174 certificates. The term also includes any general obligation  
175 bond, assessment bond, refunding bond, revenue bond, bond



176 anticipation note, and other such obligation in the nature of  
177 a bond as is provided for in this act.

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

180 1. The expenses of determining the feasibility or  
181 practicability of acquisition, construction, or  
182 reconstruction.

183 2. The cost of surveys, estimates, plans, and  
184 specifications.

185 3. The cost of improvements.

186 4. Engineering, architectural, fiscal, and legal  
187 expenses and charges.

188 5. The cost of all labor, materials, machinery, and  
189 equipment.

190 6. The cost of all lands, properties, rights, easements,  
191 and franchises acquired.

192 7. Financing charges.

193 8. The creation of initial reserve and debt service  
194 funds.

195 9. Working capital.

196 10. Interest charges incurred or estimated to be  
197 incurred on money borrowed before and during construction and

198 acquisition and for such reasonable period of time after  
199 completion of construction or acquisition as the board may  
200 determine.

201 11. The cost of issuance of bonds pursuant to this act,  
202 including advertisements and printing.

203 12. The cost of any bond or tax referendum held pursuant  
204 to this act and all other expenses of the issuance of bonds.

205 13. The discount, if any, on the sale or exchange of  
206 bonds.

207 14. Administrative expenses.

208 15. Such other expenses as may be necessary or  
209 incidental to the acquisition, construction, or reconstruction  
210 of any project, or to the financing thereof, or to the  
211 development of any lands within the district.

212 16. Payments, contributions, dedications, and any other  
213 exactions required as a condition of receiving any  
214 governmental approval or permit necessary to accomplish any  
215 district purpose.

216 17. Any other expense or payment permitted by this act  
217 or allowable by general law.

218 (i) "District" means the Duke Farm Stewardship District.

219 (j) "District manager" means the manager of the  
220 district.

221 (k) "District roads" means highways, streets, roads,  
222 alleys, intersection improvements, sidewalks, crossings,  
223 landscaping, irrigation, signage, signalization, storm drains,  
224 bridges, multi-use trails, lighting, and thoroughfares of all  
225 kinds.

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

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

231 (n) "Governing board member" means any member of the  
232 board of supervisors.

233 (o) "Land development regulations" means those  
234 regulations of the general purpose local government, adopted  
235 under the Community Planning Act, codified as part II of  
236 chapter 163, Florida Statutes, to which the district is  
237 subject and as to which the district may not do anything that  
238 is inconsistent therewith. Land development regulations are  
239 not considered specific management, engineering, operations,  
240 or capital improvement planning, needed in the daily

241 management, implementation, and supplying by the district of  
242 systems, facilities, services, works, improvements, projects,  
243 or infrastructure, so long as they remain subject to and are  
244 not inconsistent with the applicable county codes.

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

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

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

260 (s) "Duke Farm Stewardship District" means the special  
261 and single-purpose independent special district unit of local  
262 government and political subdivision created and chartered by

263 this act, and limited to the performance of those general and  
264 special powers authorized by its charter under this act, the  
265 boundaries of which are set forth by the act, the governing  
266 board of which is created and authorized to operate with legal  
267 existence by this act, and the purpose of which is as set  
268 forth in this act.

269 (t) "Powers" means powers used and exercised by the  
270 board of supervisors to accomplish the special and limited  
271 purpose of the district, including:

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

276 2. "Special powers," which means those powers provided  
277 by the district charter to implement its specialized systems,  
278 facilities, services, projects, improvements, and  
279 infrastructure and related functions in order to carry out its  
280 special and limited purposes.

281 3. Any other powers, authority, or functions set forth  
282 in this act.

283 (u) "Project" means any development, improvement,

284 property, power, utility, facility, enterprise, service,  
285 system, works, or infrastructure now existing or hereafter  
286 undertaken or established under this act.

287 (v) "Qualified elector" means any person at least 18  
288 years of age who is a citizen of the United States and a legal  
289 resident of the state and of the district and who registers to  
290 vote with the Supervisor of Elections in Lee County and  
291 resides in Lee County.

292 (w) "Reclaimed water" means water, including from wells  
293 or stormwater management facilities, that has received at  
294 least secondary treatment and basic disinfection and is reused  
295 after flowing out of a domestic wastewater treatment facility  
296 or otherwise reused as an approved use of surface water or  
297 groundwater by the water management district.

298 (x) "Reclaimed water system" means any plant, well,  
299 system, facility, or property, and any addition, extension, or  
300 improvement thereto at any future time constructed or acquired  
301 as part thereof, useful, necessary, or having the present  
302 capacity for future use in connection with the development of  
303 sources, treatment, purification, or distribution of reclaimed  
304 water. The term includes franchises of any nature relating to

305 any such system and necessary or convenient for the operation  
306 thereof including for the district's own use or resale.

307 (y) "Refunding bonds" means bonds issued to refinance  
308 outstanding bonds of any type and the interest and redemption  
309 premium thereon. Refunding bonds may be issuable and payable  
310 in the same manner as refinanced bonds, except that no  
311 approval by the electorate shall be required unless required  
312 by the State Constitution.

313 (z) "Revenue bonds" means obligations of the district  
314 that are payable from revenues, including, but not limited to,  
315 special assessments and benefit special assessments, derived  
316 from sources other than ad valorem taxes on real or tangible  
317 personal property and that do not pledge the property, credit,  
318 or general tax revenue of the district.

319 (aa) "Sewer system" means any plant, system, facility,  
320 or property, and additions, extensions, and improvements  
321 thereto at any future time constructed or acquired as part  
322 thereof, useful or necessary or having the present capacity  
323 for future use in connection with the collection, treatment,  
324 purification, or disposal of sewage, including, but not  
325 limited to, industrial wastes resulting from any process of  
326 industry, manufacture, trade, or business or from the

327 development of any natural resource. The term also includes  
328 treatment plants, pumping stations, lift stations, valves,  
329 force mains, intercepting sewers, laterals, pressure lines,  
330 mains, and all necessary appurtenances and equipment; all  
331 sewer mains, laterals, and other devices for the reception and  
332 collection of sewage from premises connected therewith; and  
333 all real and personal property and any interest therein, and  
334 rights, easements, and franchises of any nature relating to  
335 any such system and necessary or convenient for operation  
336 thereof.

337 (bb) "Special assessments" means assessments as imposed,  
338 levied, and collected by the district for the costs of  
339 assessable improvements pursuant to this act, chapter 170,  
340 Florida Statutes, and the additional authority under s.  
341 197.3631, Florida Statutes, or any other provision of general  
342 law, now or hereinafter enacted, which provide or authorize a  
343 supplemental means to impose, levy, or collect special  
344 assessments.

345 (cc) "Taxes" or "tax" means those levies and impositions  
346 of the board of supervisors that support and pay for  
347 government and the administration of general law and that may  
348 be:



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

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

355           (dd) "Water system" means any plant, system, facility,  
356 or property, and any addition, extension, or improvement  
357 thereto at any future time constructed or acquired as a part  
358 thereof, useful, necessary, or having the present capacity for  
359 future use in connection with the development of sources,  
360 treatment, purification, or distribution of water. The term  
361 also includes dams, reservoirs, storage tanks, mains, lines,  
362 valves, pumping stations, laterals, and pipes for the purpose  
363 of carrying water to the premises connected with such system,  
364 and all rights, easements, and franchises of any nature  
365 relating to any such system and necessary or convenient for  
366 the operation thereof.

367           (3) POLICY.—Based upon its findings, ascertainments,  
368 determinations, intent, purpose, and definitions, the  
369 Legislature states its policy expressly:

370           (a) The district and the district charter, with its

371 general and special powers, as created in this act, are  
372 essential and the best alternative for the residential,  
373 commercial, office, hotel, health care, and other similar  
374 community uses, projects, or functions in the included portion  
375 of Lee County consistent with the effective comprehensive  
376 plan, and designed to serve a lawful public purpose.

377 (b) The district, which is a local government and a  
378 political subdivision, is limited to its special purpose as  
379 expressed in this act, with the power to provide, plan,  
380 implement, construct, maintain, and finance as a local  
381 government management entity systems, facilities, services,  
382 improvements, infrastructure, and projects, and possessing  
383 financing powers to fund its management power over the long  
384 term and with sustained levels of high quality.

385 (c) The creation of the Duke Farm Stewardship District  
386 by and pursuant to this act, and its exercise of its  
387 management and related financing powers to implement its  
388 limited, single, and special purpose, is not a development  
389 order and does not trigger or invoke any provision within the  
390 meaning of chapter 380, Florida Statutes, and all applicable  
391 governmental planning, environmental, and land development  
392 laws, regulations, rules, policies, and ordinances apply to

393 all development of the land within the jurisdiction of the  
394 district as created by this act.

395 (d) The district shall operate and function subject to,  
396 and not inconsistent with, the applicable comprehensive plan  
397 of Lee County and any applicable development orders (e.g.  
398 detailed site plan development orders), zoning regulations,  
399 and other land development regulations.

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

405 (f) This act may be amended, in whole or in part, only  
406 by special act of the Legislature. The board of supervisors of  
407 the district may not ask the Legislature to amend this act  
408 without first obtaining a resolution or official statement  
409 from the district and Lee County as provided in s.  
410 189.031(2)(e)4., Florida Statutes, for the creation of an  
411 independent special district.

412 Section 3. Minimum charter requirements; creation and  
413 establishment; jurisdiction; construction; charter.—

414           (1) Pursuant to s. 189.031(3), Florida Statutes, the  
415 Legislature sets forth that the minimum requirements in  
416 paragraphs (a) through (o) have been met in the identified  
417 provisions of this act as follows:

418           (a) The purpose of the district is provided in  
419 subsection (4) and this section.

420           (b) The powers, functions, and duties of the district  
421 regarding ad valorem taxation, bond issuance, other revenue-  
422 raising capabilities, budget preparation and approval, liens  
423 and foreclosure of liens, use of tax deeds and tax  
424 certificates as appropriate for non-ad valorem assessments,  
425 and contractual agreements are provided in section 6.

426           (c) The methods for establishing the district are  
427 provided in this section.

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

430           (e) The membership and organization of the governing  
431 body and the establishment of a quorum are provided in section  
432 5.

433           (f) The maximum compensation of board members is  
434 provided in section 6.

435 (g) The administrative duties of the governing body are  
436 provided in section 6.

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

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

441 (j) The requirements for elections or referendums and  
442 qualifications of an elector of the district are provided in  
443 this section and section 6.

444 (k) The methods for financing the district are provided  
445 in section 6.

446 (l) Other than taxes levied for the payment of bonds and  
447 taxes levied for periods of up to 2 years when authorized by a  
448 vote of the electors of the district, the authority to levy ad  
449 valorem tax and the authorized millage rate are provided in  
450 section 6.

451 (m) The methods for collecting non-ad valorem  
452 assessments, fees, or service charges are provided in section  
453 6.

454 (n) The requirements for planning are provided in this  
455 section and section 6.

456 (o) The geographic boundary limitations of the district  
457 are provided in sections 5 and 6.

458 (2) The Duke Farm Stewardship District is created and  
459 incorporated as a public body corporate and politic, an  
460 independent special and limited purpose local government, an  
461 independent special district, under s. 189.031, Florida  
462 Statutes, and as defined in this act and in s. 189.012(3),  
463 Florida Statutes, in and for portions of Lee County. Any  
464 amendments to chapter 190, Florida Statutes, after January 1,  
465 2024, granting additional general powers, special powers,  
466 authorities, or projects to a community development district  
467 by amendment to its uniform charter contained in ss. 190.006-  
468 190.041, Florida Statutes, which are not inconsistent with  
469 this act, shall constitute a general power, special power,  
470 authority, or function of the Duke Farm Stewardship District.  
471 All notices for the enactment by the Legislature of this  
472 special act have been provided pursuant to the State  
473 Constitution, the Laws of Florida, and the rules of the House  
474 of Representatives and of the Senate. A referendum subsequent  
475 to the effective date of this act is not required as a  
476 condition of establishing the district. Therefore, the

477 district, as created by this act, is established on the  
478 property described in this act.

479 (3) The territorial boundary of the district shall  
480 embrace and include all of that certain real property  
481 described in section 6.

482 (4) The jurisdiction of the district, in the exercise of  
483 its general and special powers, and in the carrying out of its  
484 special and limited purposes, is both within the external  
485 boundaries of the legal description of this district and  
486 extraterritorially when limited to, and as authorized  
487 expressly elsewhere in, the charter of the district as created  
488 in this act or applicable general law. This special and  
489 limited purpose district is created as a public body corporate  
490 and politic, and local government authority and power is  
491 limited by its charter, this act, and subject to other general  
492 laws, including chapter 189, Florida Statutes, except that an  
493 inconsistent provision in this act shall control and the  
494 district has jurisdiction to perform such acts and exercise  
495 such authorities, functions, and powers as shall be necessary,  
496 convenient, incidental, proper, or reasonable for the  
497 implementation of its special and limited purpose regarding  
498 the sound planning, provision, acquisition, development,

499 operation, maintenance, and related financing of those public  
500 systems, facilities, services, improvements, projects, and  
501 infrastructure works as authorized herein, including those  
502 necessary and incidental thereto. The district shall only  
503 exercise any of its powers extraterritorially within Lee  
504 County after execution of an interlocal agreement between the  
505 district and Lee County consenting to the district's exercise  
506 of any of such powers within Lee County or an applicable  
507 development order or as part of other land development  
508 regulations issued by Lee County.

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

513 Section 4. Formation; boundaries.—The Duke Farm  
514 Stewardship District, an independent special district, is  
515 created and incorporated in Lee County and shall embrace and  
516 include the territory described as:

517 LEGAL DESCRIPTION

518



519 BEING A PORTION OF SECTION 16, 17, 18 AND 19, TOWNSHIP 43  
520 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE  
521 PARTICULARLY DESCRIBED AS FOLLOWS:  
522 COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF  
523 SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY,  
524 FLORIDA; THENCE RUN S.00°16'39"W., ALONG THE WEST LINE OF SAID  
525 NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE  
526 SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD  
527 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE POINT OF  
528 BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE ALONG  
529 THE SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOW 4 COURSES,  
530 COURSE (1) SOUTH 88°52'22" EAST, 2,392.11 FEET TO A POINT ON A  
531 NON-TANGENTIAL CURVE; COURSE (2) EASTERLY, 359.37 FEET ALONG  
532 THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A  
533 RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 01°47'20"  
534 AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 89°43'14"  
535 EAST, 359.35 FEET; COURSE (3) NORTH 89°19'50" EAST, 2,372.18  
536 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (4)  
537 EASTERLY, 114.31 FEET ALONG THE ARC OF A CIRCULAR CURVE,  
538 CONCAVE NORTHERLY, HAVING A RADIUS OF 11,409.16 FEET, THROUGH  
539 A CENTRAL ANGLE OF 00°34'27" AND BEING SUBTENDED BY A CHORD  
540 THAT BEARS NORTH 89°50'15" EAST, 114.31 FEET TO THE EASTERLY

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

563 FEET, THROUGH A CENTRAL ANGLE OF  $90^{\circ}30'30''$  AND BEING SUBTENDED  
564 BY A CHORD THAT BEARS SOUTH  $44^{\circ}39'04''$  EAST, 1,928.15 FEET;  
565 COURSE (4) SOUTH  $89^{\circ}23'49''$  EAST, 25.00 FEET; COURSE (5) SOUTH  
566  $00^{\circ}36'11''$  WEST, 451.22 FEET TO A POINT OF CURVATURE; COURSE  
567 (6) SOUTHERLY, 291.78 FEET ALONG THE ARC OF A CIRCULAR CURVE,  
568 CONCAVE EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A  
569 CENTRAL ANGLE OF  $11^{\circ}16'39''$  AND BEING SUBTENDED BY A CHORD THAT  
570 BEARS SOUTH  $05^{\circ}02'09''$  EAST, 291.31 FEET; COURSE (7) SOUTH  
571  $00^{\circ}30'35''$  WEST, 269.95 FEET; COURSE (8) NORTH  $89^{\circ}29'25''$  WEST,  
572 6.10 FEET; COURSE (9) SOUTH  $00^{\circ}31'50''$  WEST, 163.49 FEET;  
573 COURSE (10) SOUTH  $89^{\circ}29'25''$  EAST, 6.16 FEET; COURSE (11) SOUTH  
574  $00^{\circ}30'35''$  WEST, 40.31 FEET TO THE SOUTH LINE OF THE NORTHEAST  
575 QUARTER OF SAID SECTION 16; THENCE SOUTH  $89^{\circ}58'44''$  WEST ALONG  
576 THE SAID SOUTH LINE OF NORTHEAST QUARTER SAID SECTION 16, A  
577 DISTANCE OF 3,534.32 FEET; THENCE SOUTH  $11^{\circ}37'59''$  EAST LEAVING  
578 THE SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION  
579 16, A DISTANCE OF 129.40 FEET; THENCE SOUTH  $38^{\circ}55'40''$  EAST, A  
580 DISTANCE OF 171.91 FEET; THENCE SOUTH  $01^{\circ}24'18''$  EAST, A  
581 DISTANCE OF 210.70 FEET; THENCE SOUTH  $04^{\circ}12'34''$  EAST, A  
582 DISTANCE OF 885.91 FEET TO A POINT ON A NON-TANGENTIAL CURVE;  
583 THENCE SOUTHEASTERLY, 744.14 FEET ALONG THE ARC OF A CIRCULAR  
584 CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET,

585 THROUGH A CENTRAL ANGLE OF  $58^{\circ}00'23''$  AND BEING SUBTENDED BY A  
586 CHORD THAT BEARS SOUTH  $63^{\circ}44'29''$  EAST, 712.76 FEET; THENCE  
587 SOUTH  $00^{\circ}31'19''$  WEST, A DISTANCE OF 323.16 FEET TO A POINT ON  
588 THE NORTHERLY RIGHT OF WAY OF DUKE HIGHWAY, RIGHT OF WAY MPA  
589 DUKE HIGHWAY ACCORDING TO THE PLAT OR MAP RECORDED IN MAP BOOK  
590 2 PAGES 1 THROUGH 9 OF THE PUBLIC RECORDS OF LEE COUNTY,  
591 FLORIDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG  
592 THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY FOR THE  
593 FOLLOW 5 COURSES, COURSE (1) SOUTHWESTERLY, 241.09 FEET ALONG  
594 THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A  
595 RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF  $37^{\circ}20'01''$   
596 AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH  $39^{\circ}14'38''$   
597 WEST, 236.85 FEET; COURSE (2) SOUTH  $20^{\circ}31'56''$  WEST, 313.99  
598 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3)  
599 SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR CURVE,  
600 CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 270.00 FEET, THROUGH  
601 A CENTRAL ANGLE OF  $69^{\circ}38'12''$  AND BEING SUBTENDED BY A CHORD  
602 THAT BEARS SOUTH  $55^{\circ}16'41''$  WEST, 308.33 FEET; COURSE (4) NORTH  
603  $89^{\circ}54'59''$  WEST, 2,080.14 FEET; COURSE (5) NORTH  $89^{\circ}36'26''$   
604 WEST, 2,006.30 FEET; THENCE NORTH  $00^{\circ}26'05''$  EAST LEAVING THE  
605 SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A DISTANCE  
606 OF 635.18 FEET; THENCE NORTH  $89^{\circ}44'35''$  WEST, A DISTANCE OF

607 669.02 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST  
608 QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST;  
609 THENCE NORTH 00°26'25" EAST ALONG THE SAID WESTERLY LINE OF  
610 SOUTHEAST QUARTER OF SECTION 17, A DISTANCE OF 1,992.85 FEET  
611 TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID  
612 SECTION 17; THENCE NORTH 89°54'31" WEST ALONG THE SOUTHERLY  
613 LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE  
614 OF 2,661.75 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST  
615 QUARTER OF SECTION 17; THENCE SOUTH 00°20'37" WEST ALONG THE  
616 EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP  
617 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, A DISTANCE OF  
618 1,447.33 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A",  
619 THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT  
620 CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF  
621 1988); THENCE RUN ALONG SAID MEAN HIGH WATER LINE FOR THE  
622 FOLLOWING # COURSES, COURSE (1) SOUTH 63°09'11" WEST, 68.12  
623 FEET; COURSE (2) SOUTH 66°53'17" WEST, 63.33 FEET; COURSE (3)  
624 SOUTH 70°27'15" WEST, 39.63 FEET; COURSE (4) SOUTH 64°37'58"  
625 WEST, 53.06 FEET; COURSE (5) SOUTH 77°10'24" WEST, 31.94 FEET;  
626 COURSE (6) SOUTH 67°19'24" WEST, 49.00 FEET; COURSE (7) SOUTH  
627 66°42'36" WEST, 31.31 FEET; COURSE (8) SOUTH 80°37'35" WEST,  
628 23.70 FEET; COURSE (9) SOUTH 49°00'39" WEST, 25.62 FEET;

629 COURSE (10) SOUTH 65°48'12" WEST, 63.16 FEET; COURSE (11)  
630 SOUTH 74°36'11" WEST, 79.06 FEET; COURSE (12) SOUTH 73°49'33"  
631 WEST, 76.39 FEET; COURSE (13) SOUTH 77°28'30" WEST, 81.85  
632 FEET; COURSE (14) SOUTH 82°44'45" WEST, 86.96 FEET; COURSE  
633 (15) SOUTH 69°49'00" WEST, 63.53 FEET; COURSE (16) SOUTH  
634 83°38'00" WEST, 84.05 FEET; COURSE (17) NORTH 64°43'19" WEST,  
635 10.65 FEET; COURSE (18) NORTH 10°04'22" WEST, 17.28 FEET;  
636 COURSE (19) NORTH 67°36'56" EAST, 63.76 FEET; COURSE (20)  
637 NORTH 75°31'42" EAST, 84.91 FEET; COURSE (21) NORTH 67°43'57"  
638 EAST, 42.46 FEET; COURSE (22) NORTH 48°46'12" EAST, 15.77  
639 FEET; COURSE (23) NORTH 22°03'58" EAST, 53.88 FEET; COURSE  
640 (24) NORTH 67°46'02" EAST, 56.48 FEET; COURSE (25) NORTH  
641 53°42'12" EAST, 56.78 FEET; COURSE (26) NORTH 09°10'30" EAST,  
642 71.37 FEET; COURSE (27) NORTH 18°38'24" WEST, 45.27 FEET;  
643 COURSE (28) NORTH 36°09'14" EAST, 54.90 FEET; COURSE (29)  
644 NORTH 35°53'09" EAST, 55.09 FEET; COURSE (30) NORTH 01°19'19"  
645 EAST, 23.41 FEET; COURSE (31) NORTH 32°33'04" WEST, 51.20  
646 FEET; COURSE (32) NORTH 07°39'06" EAST, 57.91 FEET; COURSE  
647 (33) NORTH 06°39'11" WEST, 79.50 FEET; COURSE (34) NORTH  
648 36°15'06" WEST, 133.80 FEET; COURSE (35) NORTH 13°17'04" EAST,  
649 69.67 FEET; COURSE (36) NORTH 51°38'20" EAST, 56.94 FEET;  
650 COURSE (37) NORTH 09°17'06" WEST, 57.33 FEET; COURSE (38)

651 SOUTH 47°33'50" WEST, 52.48 FEET; COURSE (39) SOUTH 52°35'15"  
652 WEST, 71.39 FEET; COURSE (40) SOUTH 26°00'04" WEST, 44.07  
653 FEET; COURSE (41) SOUTH 05°32'36" EAST, 123.25 FEET; COURSE  
654 (42) SOUTH 35°01'53" EAST, 91.33 FEET; COURSE (43) SOUTH  
655 50°35'34" EAST, 85.61 FEET; COURSE (44) SOUTH 10°34'53" WEST,  
656 33.93 FEET; COURSE (45) SOUTH 21°26'11" EAST, 36.72 FEET;  
657 COURSE (46) SOUTH 40°17'20" EAST, 33.23 FEET; COURSE (47)  
658 SOUTH 35°18'25" WEST, 42.17 FEET; COURSE (48) SOUTH 42°33'03"  
659 WEST, 45.18 FEET; COURSE (49) SOUTH 41°13'28" WEST, 30.71  
660 FEET; COURSE (50) SOUTH 18°57'53" EAST, 40.71 FEET; COURSE  
661 (51) SOUTH 02°39'27" EAST, 43.57 FEET; COURSE (52) SOUTH  
662 18°07'05" WEST, 39.46 FEET; COURSE (53) SOUTH 67°10'19" WEST,  
663 48.51 FEET; COURSE (54) SOUTH 75°56'36" WEST, 27.05 FEET;  
664 COURSE (55) SOUTH 56°00'26" WEST, 40.96 FEET; COURSE (56)  
665 SOUTH 04°07'53" WEST, 15.13 FEET; COURSE (57) SOUTH 02°20'53"  
666 WEST, 30.76 FEET; COURSE (58) SOUTH 83°41'22" WEST, 17.10  
667 FEET; COURSE (59) NORTH 81°54'26" WEST, 32.46 FEET; COURSE  
668 (60) SOUTH 72°46'26" WEST, 51.87 FEET; COURSE (61) NORTH  
669 79°37'03" WEST, 77.30 FEET; COURSE (62) SOUTH 43°53'28" WEST,  
670 29.96 FEET; COURSE (63) SOUTH 64°51'44" WEST, 33.22 FEET;  
671 COURSE (64) SOUTH 67°25'22" WEST, 27.97 FEET; COURSE (65)  
672 SOUTH 63°29'01" WEST, 21.10 FEET; COURSE (66) SOUTH 63°09'28"

673 WEST, 50.02 FEET; COURSE (67) SOUTH 55°16'21" WEST, 81.31  
674 FEET; COURSE (68) SOUTH 61°20'10" WEST, 66.81 FEET; COURSE  
675 (69) SOUTH 67°49'59" WEST, 48.47 FEET; COURSE (70) SOUTH  
676 72°10'03" WEST, 58.79 FEET; COURSE (71) SOUTH 78°14'00" WEST,  
677 49.72 FEET; COURSE (72) SOUTH 64°42'00" WEST, 53.28 FEET;  
678 COURSE (73) SOUTH 38°23'32" WEST, 10.59 FEET; COURSE (74)  
679 NORTH 89°16'27" WEST, 20.26 FEET; COURSE (75) NORTH 00°43'09"  
680 EAST, 121.86 FEET; COURSE (76) NORTH 07°03'43" EAST, 300.00  
681 FEET; COURSE (77) NORTH 02°16'53" EAST, 100.00 FEET; COURSE  
682 (78) NORTH 07°27'32" WEST, 299.99 FEET; COURSE (79) NORTH  
683 01°23'52" WEST, 100.00 FEET; COURSE (80) NORTH 13°23'08" EAST,  
684 100.00 FEET; COURSE (81) NORTH 23°42'08" EAST, 99.22 FEET;  
685 COURSE (82) NORTH 88°52'07" WEST, 00.00 FEET; COURSE (83)  
686 SOUTH 01°07'53" WEST, 1,252.34 FEET; COURSE (84) SOUTH  
687 59°33'49" WEST, 66.58 FEET; COURSE (85) SOUTH 19°55'43" WEST,  
688 17.96 FEET; COURSE (86) SOUTH 53°18'36" WEST, 53.47 FEET;  
689 COURSE (87) SOUTH 26°06'00" WEST, 82.56 FEET; COURSE (88)  
690 SOUTH 05°34'19" WEST, 68.70 FEET; COURSE (89) SOUTH 07°11'04"  
691 EAST, 29.90 FEET; COURSE (90) SOUTH 07°54'16" EAST, 11.85  
692 FEET; COURSE (91) SOUTH 12°21'57" WEST, 78.12 FEET; COURSE  
693 (92) SOUTH 10°40'48" WEST, 33.89 FEET; COURSE (93) SOUTH  
694 21°15'12" WEST, 20.19 FEET; COURSE (94) SOUTH 10°05'07" WEST,



695 34.32 FEET; COURSE (95) SOUTH 16°26'09" WEST, 51.67 FEET;  
696 COURSE (96) SOUTH 20°15'30" WEST, 28.82 FEET; COURSE (97)  
697 SOUTH 18°57'28" WEST, 36.38 FEET; COURSE (98) SOUTH 15°47'44"  
698 WEST, 34.13 FEET; COURSE (99) SOUTH 16°28'26" WEST, 59.42  
699 FEET; COURSE (100) SOUTH 12°32'34" WEST, 53.60 FEET; COURSE  
700 (101) SOUTH 23°08'17" WEST, 62.09 FEET; COURSE (102) SOUTH  
701 15°16'02" WEST, 33.53 FEET; COURSE (103) SOUTH 18°12'29" WEST,  
702 115.02 FEET; COURSE (104) SOUTH 03°19'16" EAST, 4.78 FEET;  
703 COURSE (105) NORTH 47°23'44" WEST, 78.47 FEET; COURSE (106)  
704 NORTH 24°12'11" WEST, 91.43 FEET; COURSE (107) NORTH 03°48'12"  
705 WEST, 29.62 FEET; COURSE (108) NORTH 06°50'11" WEST, 34.61  
706 FEET; COURSE (109) NORTH 08°54'45" WEST, 28.95 FEET; COURSE  
707 (110) NORTH 12°43'52" WEST, 39.18 FEET; COURSE (111) NORTH  
708 28°20'46" WEST, 39.90 FEET; COURSE (112) NORTH 32°06'08" WEST,  
709 30.67 FEET; COURSE (113) NORTH 45°59'51" WEST, 43.84 FEET;  
710 COURSE (114) NORTH 40°53'39" WEST, 33.01 FEET; COURSE (115)  
711 NORTH 53°48'26" WEST, 60.20 FEET; COURSE (116) NORTH 75°05'44"  
712 WEST, 54.64 FEET; COURSE (117) NORTH 71°07'07" WEST, 40.46  
713 FEET; COURSE (118) NORTH 62°42'59" WEST, 34.22 FEET; COURSE  
714 (119) NORTH 66°57'30" WEST, 51.84 FEET TO THE WESTERLY LINE OF  
715 THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH  
716 00°16'39" EAST ALONG THE WESTERLY LINE AND THE WESTERLY LINE

717 OF THE NORTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF  
718 5,052.72 FEET TO THE POINT OF BEGINNING.  
719 CONTAINING 45,517,418 SQUARE FEET OR 1,044.936 ACRES, MORE OR  
720 LESS.  
721 AND COMMENCE AT THE AFOREMENTIONED POINT "A"; THENCE RUN  
722 S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF  
723 SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE POINT OF  
724 BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME  
725 BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK  
726 (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988);  
727 THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W.,  
728 FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE  
729 NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN  
730 S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF  
731 SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE  
732 NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
733 CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY);  
734 THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A  
735 DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE  
736 CALOOSAHATCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN  
737 VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID  
738 MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN

739 N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
740 OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH  
741 WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN  
742 N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
743 OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH  
744 WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN  
745 N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
746 OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH  
747 WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN  
748 N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
749 OF 60.65 FEET; THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH  
750 WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN  
751 N.49°55'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
752 OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH  
753 WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN  
754 N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
755 OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH  
756 WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN  
757 S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
758 OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH  
759 WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN  
760 N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

761 OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH  
762 WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN  
763 S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
764 OF 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH  
765 WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE RUN  
766 N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE  
767 OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN HIGH  
768 WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN  
769 N.48°12'13"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
770 OF 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN HIGH  
771 WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN  
772 N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
773 OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH  
774 WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN  
775 N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
776 OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH  
777 WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN  
778 N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
779 OF 30.93 FEET; THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH  
780 WATER LINE, FOR A DISTANCE OF 39.03 FEET; THENCE RUN  
781 N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
782 OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH

783 WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE RUN  
784 N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
785 OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID MEAN HIGH  
786 WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN  
787 N.62°41'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
788 OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN HIGH  
789 WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN  
790 S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
791 OF 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH  
792 WATER LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN  
793 N.68°13'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
794 OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN HIGH  
795 WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN  
796 N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
797 OF 42.82 FEET; THENCE RUN N.86°37'33"W., ALONG SAID MEAN HIGH  
798 WATER LINE, FOR A DISTANCE OF 23.07 FEET; THENCE RUN  
799 N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
800 OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH  
801 WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN  
802 N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
803 OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH  
804 WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN

805 N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
806 OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH  
807 WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN  
808 N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
809 OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH  
810 WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN  
811 N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
812 OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH  
813 WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN  
814 N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
815 OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH  
816 WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN  
817 N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
818 OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN  
819 N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN  
820 N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN  
821 N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN  
822 N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN  
823 N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN  
824 N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN  
825 N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN  
826 N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN

827 S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN  
828 N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN  
829 N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN  
830 N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN  
831 N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN  
832 N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH  
833 WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET- NORTH AMERICAN  
834 VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID  
835 MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE  
836 RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A  
837 DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID  
838 MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN  
839 N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
840 OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH  
841 WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN  
842 N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
843 OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH  
844 WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN  
845 N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
846 OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH  
847 WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN  
848 N.76°16'15"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

849 OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH  
850 WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN  
851 N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
852 OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH  
853 WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN  
854 N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
855 OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH  
856 WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN  
857 N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
858 OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH  
859 WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN  
860 N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
861 OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH  
862 WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN  
863 N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
864 OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH  
865 WATER LINE, FOR A DISTANCE OF 80.97 FEET TO THE POINT OF  
866 BEGINNING.

867 CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE OR  
868 LESS.

869 TOTAL AREA OR PROPERTY DESCRIBED HEREIN IS 49,289,621 SQUARE  
870 FEET OR 1,131.53 ACRES, MORE OR LESS.



871 Being subject to any rights-of-way, restrictions, and  
872 easements of record.

873 Section 5. Board of supervisors; members and meetings;  
874 organization; powers; duties; terms of office; related  
875 election requirements.—

876 (1) The board of the district shall exercise the powers  
877 granted to the district pursuant to this act. The board shall  
878 consist of five members, each of whom shall hold office for a  
879 term of 4 years, as provided in this section, except as  
880 otherwise provided herein for initial board members, and until  
881 a successor is chosen and qualified. The members of the board  
882 must be residents of the state and citizens of the United  
883 States.

884 (2) (a) Within 90 days after the effective date of this  
885 act, there shall be held a meeting of the landowners of the  
886 district for the purpose of electing five supervisors for the  
887 district. Notice of the landowners' meeting shall be published  
888 in a newspaper of general circulation in the general area of  
889 the district once a week for 2 consecutive weeks, the last day  
890 of such publication to be not fewer than 14 days nor more than  
891 28 days before the date of the election. The landowners, when  
892 assembled at such meeting, shall organize by electing a chair,

893 who shall conduct the meeting. The chair may be any person  
894 present at the meeting. If the chair is a landowner or proxy  
895 holder of a landowner, he or she may nominate candidates and  
896 make and second motions. The landowners present at the  
897 meeting, in person or by proxy, shall constitute a quorum. At  
898 any landowners' meeting, 50 percent of the district acreage is  
899 not required to constitute a quorum, and each governing board  
900 member elected by landowners shall be elected by a majority of  
901 the acreage represented either by owner or proxy present and  
902 voting at said meeting.

903 (b) At such meeting, each landowner shall be entitled to  
904 cast one vote per acre of land owned by him or her and located  
905 within the district for each person to be elected. A landowner  
906 may vote in person or by proxy in writing. Each proxy must be  
907 signed by one of the legal owners of the property for which  
908 the vote is cast and must contain the typed or printed name of  
909 the individual who signed the proxy; the street address, legal  
910 description of the property, or tax parcel identification  
911 number; and the number of authorized votes. If the proxy  
912 authorizes more than one vote, each property must be listed  
913 and the number of acres of each property must be included. The  
914 signature on a proxy need not be notarized. A fraction of an

915 acre shall be treated as 1 acre, entitling the landowner to  
916 one vote with respect thereto. The three candidates receiving  
917 the highest number of votes shall each be elected for terms  
918 expiring November 28, 2028, and the two candidates receiving  
919 the next largest number of votes shall each be elected for  
920 terms expiring November 24, 2026, with the term of office for  
921 each successful candidate commencing upon election. The  
922 members of the first board elected by landowners shall serve  
923 their respective terms; however, the next election of board  
924 members shall be held on the first Tuesday after the first  
925 Monday in November 2026. Thereafter, there shall be an  
926 election by landowners for the district every 2 years on the  
927 first Tuesday after the first Monday in November, which shall  
928 be noticed pursuant to paragraph (a). The second and  
929 subsequent landowners' election shall be announced at a public  
930 meeting of the board at least 90 days before the date of the  
931 landowners' meeting and shall also be noticed pursuant to  
932 paragraph (a). Instructions on how all landowners may  
933 participate in the election, along with sample proxies, shall  
934 be provided during the board meeting that announces the  
935 landowners' meeting. Each supervisor elected in or after  
936 November 2026 shall serve a 4-year term.

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

941           2.a. Regardless of whether the district has proposed to  
942 levy ad valorem taxes, board members shall be elected by  
943 qualified electors of the district as the district becomes  
944 populated with qualified electors. The transition shall occur  
945 such that the composition of the board, after the first  
946 general election following a trigger of the qualified elector  
947 population thresholds set forth below, shall be as follows:

948           (I) Once 1500 qualified electors reside within the  
949 district, one governing board member shall be a person who is  
950 a qualified elector of the district and who was elected by the  
951 qualified electors, and four governing board members shall be  
952 persons who were elected by the landowners.

953           (II) Once 2000 qualified electors reside within the  
954 district, two governing board members shall be persons who are  
955 qualified electors of the district and who were elected by the  
956 qualified electors, and three governing board members shall be  
957 persons elected by the landowners.

958 (III) Once 3000 qualified electors reside within the  
959 district, three governing board members shall be persons who  
960 are qualified electors of the district and who were elected by  
961 the qualified electors and two governing board members shall  
962 be persons who were elected by the landowners.

963 (IV) Once 3500 qualified electors reside within the  
964 district, four governing board members shall be persons who  
965 are qualified electors of the district and who were elected by  
966 the qualified electors and one governing board member shall be  
967 a person who was elected by the landowners.

968 (V) Once 4000 qualified electors reside within the  
969 district, all five governing board members shall be persons  
970 who are qualified electors of the district and who were  
971 elected by the qualified electors.

972

973 Nothing in this sub-subparagraph is intended to require an  
974 election before the expiration of an existing board member's  
975 term.

976 b. On or before June 1 of each election year, the board  
977 shall determine the number of qualified electors in the  
978 district as of the immediately preceding April 15. The board  
979 shall use and rely upon the official records maintained by the

980 supervisor of elections and property appraiser or tax  
981 collector in Lee County in making this determination. Such  
982 determination shall be made at a properly noticed meeting of  
983 the board and shall become a part of the official minutes of  
984 the district.

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

988 d. All governing board members elected by qualified  
989 electors shall reside in the district.

990 e. Once the district qualifies to have any of its board  
991 members elected by the qualified electors of the district, the  
992 initial and all subsequent elections by the qualified electors  
993 of the district shall be held at the general election in  
994 November. The board shall adopt a resolution, if necessary, to  
995 implement this requirement. The transition process described  
996 herein is intended to be in lieu of the process set forth in  
997 s. 189.041, Florida Statutes.

998 (b) Elections of board members by qualified electors  
999 held pursuant to this subsection shall be nonpartisan and  
1000 shall be conducted in the manner prescribed by general law for

1001 holding general elections. Board members shall assume the  
1002 office on the second Tuesday following their election.

1003 (c) Candidates seeking election to office by qualified  
1004 electors under this subsection shall conduct their campaigns  
1005 in accordance with chapter 106, Florida Statutes, and shall  
1006 file qualifying papers and qualify for individual seats in  
1007 accordance with s. 99.061, Florida Statutes.

1008 (d) The supervisor of elections shall appoint the  
1009 inspectors and clerks of elections, prepare and furnish the  
1010 ballots, designate polling places, and canvass the returns of  
1011 the election of board members by qualified electors. The  
1012 county canvassing board shall declare and certify the results  
1013 of the election.

1014 (4) Members of the board, regardless of how elected,  
1015 shall be public officers, shall be known as supervisors, and,  
1016 upon entering into office, shall take and subscribe to the  
1017 oath of office as prescribed by s. 876.05, Florida Statutes.  
1018 Members of the board shall be subject to ethics and conflict  
1019 of interest laws of the state that apply to all local public  
1020 officers. They shall hold office for the terms for which they  
1021 were elected or appointed and until their successors are  
1022 chosen and qualified. If, during the term of office, a vacancy

1023 occurs, the remaining members of the board shall fill each  
1024 vacancy by an appointment for the remainder of the unexpired  
1025 term.

1026 (5) Any elected member of the board of supervisors may  
1027 be removed by the Governor for malfeasance, misfeasance,  
1028 dishonesty, incompetency, or failure to perform the duties  
1029 imposed upon him or her by this act, and any vacancies that  
1030 may occur in such office for such reasons shall be filled by  
1031 the Governor as soon as practicable.

1032 (6) A majority of the members of the board constitutes a  
1033 quorum for the purposes of conducting its business and  
1034 exercising its powers and for all other purposes. Action taken  
1035 by the district shall be upon a vote of a majority of the  
1036 members present unless general law or a rule of the district  
1037 requires a greater number.

1038 (7) As soon as practicable after each election or  
1039 appointment, the board shall organize by electing one of its  
1040 members as chair and by electing a secretary, who need not be  
1041 a member of the board, and such other officers as the board  
1042 may deem necessary.

1043 (8) The board shall keep a permanent record book  
1044 entitled "Record of Proceedings of Duke Farm Stewardship



1045 District," in which shall be recorded minutes of all meetings,  
1046 resolutions, proceedings, certificates, bonds given by all  
1047 employees, and any and all corporate acts. The record book and  
1048 all other district records shall at reasonable times be opened  
1049 to inspection in the same manner as state, county, and  
1050 municipal records pursuant to chapter 119, Florida Statutes.  
1051 The record book shall be kept at the office or other regular  
1052 place of business maintained by the board in a designated  
1053 location in Lee County.

1054 (9) Each supervisor may not be entitled to receive  
1055 compensation for his or her services in excess of the limits  
1056 established in s. 190.006(8), Florida Statutes, or any other  
1057 provision of general law; however, each supervisor shall  
1058 receive travel and per diem expenses as set forth in s.  
1059 112.061, Florida Statutes.

1060 (10) All meetings of the board shall be open to the  
1061 public and governed by chapter 286, Florida Statutes.

1062 Section 6. Board of supervisors; general duties.-

1063 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall  
1064 employ and fix the compensation of a district manager, who  
1065 shall have charge and supervision of the works of the district  
1066 and shall be responsible for preserving and maintaining any

1067 improvement or facility constructed or erected pursuant to  
1068 this act, for maintaining and operating the equipment owned by  
1069 the district, and for performing such other duties as may be  
1070 prescribed by the board. It is not a conflict of interest or  
1071 an abuse of public position under chapter 112, Florida  
1072 Statutes, for a board member, the district manager, or another  
1073 employee of the district to be a stockholder, officer, or  
1074 employee of a landowner or an entity affiliated with a  
1075 landowner. The district manager may hire or otherwise employ  
1076 and terminate the employment of such other persons, including,  
1077 without limitation, professional, supervisory, and clerical  
1078 employees, as may be necessary and authorized by the board.  
1079 The compensation and other conditions of employment of the  
1080 officers and employees of the district shall be as provided by  
1081 the board.

1082 (2) TREASURER.—The board shall designate a person who is  
1083 a resident of the state as treasurer of the district, who  
1084 shall have charge of the funds of the district. Such funds  
1085 shall be disbursed only upon the order of or pursuant to a  
1086 resolution of the board by warrant or check countersigned by  
1087 the treasurer and by such other person as may be authorized by  
1088 the board. The board may give the treasurer such other or

1089 additional powers and duties as the board may deem appropriate  
1090 and may fix his or her compensation. The board may require the  
1091 treasurer to give a bond in such amount, on such terms, and  
1092 with such sureties as may be deemed satisfactory to the board  
1093 to secure the performance by the treasurer of his or her  
1094 powers and duties. The financial records of the board shall be  
1095 audited by an independent certified public accountant in  
1096 accordance with the requirements of general law.

1097 (3) PUBLIC DEPOSITORY.—The board is authorized to select  
1098 as a depository for its funds any qualified public depository  
1099 as defined in s. 280.02, Florida Statutes, which meets all the  
1100 requirements of chapter 280, Florida Statutes, and has been  
1101 designated by the treasurer as a qualified public depository  
1102 upon such terms and conditions as to the payment of interest  
1103 by such depository upon the funds so deposited as the board  
1104 may deem just and reasonable.

1105 (4) BUDGET; REPORTS AND REVIEWS.—

1106 (a) The district shall provide financial reports in such  
1107 form and such manner as prescribed pursuant to this act and  
1108 chapter 218, Florida Statutes.

1109 (b) On or before July 15 of each year, the district

1110 manager shall prepare a proposed budget for the ensuing fiscal  
1111 year to be submitted to the board for board approval. The  
1112 proposed budget shall include at the direction of the board an  
1113 estimate of all necessary expenditures of the district for the  
1114 ensuing fiscal year and an estimate of income to the district  
1115 from the taxes and assessments provided in this act. The board  
1116 shall consider the proposed budget item by item and may either  
1117 approve the budget as proposed by the district manager or  
1118 modify the same in part or in whole. The board shall indicate  
1119 its approval of the budget by resolution, which resolution  
1120 shall provide for a hearing on the budget as approved. Notice  
1121 of the hearing on the budget shall be published in a newspaper  
1122 of general circulation in the general area of the district  
1123 once a week for 2 consecutive weeks, except that the first  
1124 publication shall be no fewer than 15 days before the date of  
1125 the hearing. The notice shall further contain a designation of  
1126 the day, time, and place of the public hearing. At the day,  
1127 time, and place designated in the notice, the board shall hear  
1128 all objections to the budget as proposed and may make such  
1129 changes as the board deems necessary. At the conclusion of the  
1130 budget hearing, the board shall, by resolution, adopt the

1131 budget as finally approved by the board. The budget shall be  
1132 adopted before October 1 of each year.

1133 (c) At least 60 days before adoption, the board of  
1134 supervisors of the district shall submit to the Board of  
1135 County Commissioners of Lee County, for purposes of disclosure  
1136 and information only, the proposed annual budget for the  
1137 ensuing fiscal year, and the board of county commissioners may  
1138 submit written comments to the board of supervisors solely for  
1139 the assistance and information of the board of supervisors in  
1140 adopting its annual district budget.

1141 (d) The board of supervisors shall submit annually a  
1142 public facilities report to the Board of County Commissioners  
1143 of Lee County pursuant to s. 189.08, Florida Statutes. The  
1144 board of county commissioners may use and rely on the  
1145 district's public facilities report in the preparation or  
1146 revision of the Lee County comprehensive plan.

1147 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC  
1148 ACCESS.—The district shall take affirmative steps to provide  
1149 for the full disclosure of information relating to the public  
1150 financing and maintenance of improvements to real property  
1151 undertaken by the district. Such information shall be made  
1152 available to all existing and prospective residents of the

1153 district. The district shall furnish each developer of a  
1154 residential development within the district with sufficient  
1155 copies of that information to provide each prospective initial  
1156 purchaser of property in that development with a copy; and any  
1157 developer of a residential development within the district,  
1158 when required by general law to provide a public offering  
1159 statement, shall include a copy of such information relating  
1160 to the public financing and maintenance of improvements in the  
1161 public offering statement. The district shall file the  
1162 disclosure documents required by this subsection and any  
1163 amendments thereto in the property records of each county in  
1164 which the district is located. By the end of the first full  
1165 fiscal year of the district's creation, the district shall  
1166 maintain an official Internet website in accordance with s.  
1167 189.069, Florida Statutes.

1168 (6) GENERAL POWERS.—The district shall have, and the  
1169 board may exercise, the following general powers:

1170 (a) To sue and be sued in the name of the district; to  
1171 adopt and use a seal and authorize the use of a facsimile  
1172 thereof; to acquire, by purchase, gift, devise, or otherwise,  
1173 and to dispose of, real and personal property, or any estate

1174 therein; and to make and execute contracts and other  
1175 instruments necessary or convenient to the exercise of its  
1176 powers.

1177 (b) To apply for coverage of its employees under the  
1178 Florida Retirement System in the same manner as if such  
1179 employees were state employees.

1180 (c) To contract for the services of consultants to  
1181 perform planning, engineering, legal, or other appropriate  
1182 services of a professional nature. Such contracts shall be  
1183 subject to public bidding or competitive negotiation  
1184 requirements as set forth in general law applicable to  
1185 independent special districts.

1186 (d) To borrow money and accept gifts; to apply for and  
1187 use grants or loans of money or other property from the United  
1188 States, the state, a unit of local government, or any person  
1189 for any district purposes and enter into agreements required  
1190 in connection therewith; and to hold, use, and dispose of such  
1191 moneys or property for any district purposes in accordance  
1192 with the terms of the gift, grant, loan, or agreement relating  
1193 thereto.

1194 (e) To adopt and enforce rules and orders pursuant to  
1195 chapter 120, Florida Statutes, prescribing the powers, duties,

1196 and functions of the officers of the district; the conduct of  
1197 the business of the district; the maintenance of the records  
1198 of the district; and the form of certificates evidencing tax  
1199 liens of the district and all other documents and records of  
1200 the district. The board may also adopt and enforce  
1201 administrative rules with respect to any of the projects of  
1202 the district and define the area to be included therein. The  
1203 board may also adopt resolutions which may be necessary for  
1204 the conduct of district business.

1205 (f) To maintain an office at such place or places as the  
1206 board of supervisors designates in Lee County and within the  
1207 district when facilities are available.

1208 (g) To hold, control, and acquire by donation, purchase,  
1209 or condemnation, or dispose of, any public easements,  
1210 dedications to public use, platted reservations for public  
1211 purposes, or any reservations for those purposes authorized by  
1212 this act and to make use of such easements, dedications, or  
1213 reservations for the purposes authorized by this act.

1214 (h) To lease as lessor or lessee to or from any person,  
1215 firm, corporation, association, or body, public or private,  
1216 any projects of the type that the district is authorized to  
1217 undertake and facilities or property of any nature for the use



1218 of the district to carry out the purposes authorized by this  
1219 act.

1220 (i) To borrow money and issue bonds, certificates,  
1221 warrants, notes, or other evidence of indebtedness as provided  
1222 herein; to levy such taxes and assessments as may be  
1223 authorized; and to charge, collect, and enforce fees and other  
1224 user charges.

1225 (j) To raise, by user charges or fees authorized by  
1226 resolution of the board, amounts of money which are necessary  
1227 for the conduct of district activities and services and to  
1228 enforce their receipt and collection in the manner prescribed  
1229 by resolution not inconsistent with general law.

1230 (k) To exercise all powers of eminent domain now or  
1231 hereafter conferred on counties in this state; provided,  
1232 however, that such power of eminent domain may not be  
1233 exercised outside the territorial limits of the district  
1234 unless the district receives prior approval by vote of a  
1235 resolution of the governing body of the county if the taking  
1236 will occur in an unincorporated area in that county, or the  
1237 governing body of the city if the taking will occur in an  
1238 incorporated area. The district does not have the power to  
1239 exercise eminent domain over municipal, county, state, or

1240 federal property. The powers hereinabove granted to the  
1241 district shall be so construed to enable the district to  
1242 fulfill the objects and purposes of the district as set forth  
1243 in this act.

1244 (l) To cooperate with, or contract with, other  
1245 governmental agencies as may be necessary, convenient,  
1246 incidental, or proper in connection with any of the powers,  
1247 duties, or purposes authorized by this act.

1248 (m) To assess and to impose upon lands in the district  
1249 ad valorem taxes as provided by this act.

1250 (n) If and when authorized by general law, to determine,  
1251 order, levy, impose, collect, and enforce maintenance taxes.

1252 (o) To determine, order, levy, impose, collect, and  
1253 enforce assessments pursuant to this act and chapter 170,  
1254 Florida Statutes, pursuant to authority granted in s.  
1255 197.3631, Florida Statutes, or pursuant to other provisions of  
1256 general law now or hereinafter enacted which provide or  
1257 authorize a supplemental means to order, levy, impose, or  
1258 collect special assessments. Such special assessments, at the  
1259 discretion of the district, may be collected and enforced  
1260 pursuant to ss. 197.3632 and 197.3635, Florida Statutes, and  
1261 chapters 170 and 173, Florida Statutes, as they may be amended

1262 from time to time, or as provided by this act, or by other  
1263 means authorized by general law now or hereinafter enacted.  
1264 The district may levy such special assessments for the  
1265 purposes provided in this act and to pay special assessments  
1266 imposed by Lee County on lands within the district.

1267 (p) To exercise such special powers and other express  
1268 powers as may be authorized and granted by this act in the  
1269 charter of the district, including powers as provided in any  
1270 interlocal agreement entered into pursuant to chapter 163,  
1271 Florida Statutes, or which shall be required or permitted to  
1272 be undertaken by the district pursuant to any development  
1273 order, including any detailed specific area plan development  
1274 order, or any interlocal service agreement with Lee County for  
1275 fair- share capital construction funding for any certain  
1276 capital facilities or systems required of a developer pursuant  
1277 to any applicable development order or agreement.

1278 (q) To exercise all of the powers necessary, convenient,  
1279 incidental, or proper in connection with any other powers or  
1280 duties or the special and limited purpose of the district  
1281 authorized by this act.

1282

1283 This subsection shall be construed liberally in order to  
1284 effectively carry out the special and limited purpose of this  
1285 act.

1286 (7) SPECIAL POWERS.—The district shall have, and the  
1287 board may exercise, the following special powers to implement  
1288 its lawful and special purpose and to provide, pursuant to  
1289 that purpose, systems, facilities, services, improvements,  
1290 projects, works, and infrastructure, each of which constitutes  
1291 a lawful public purpose when exercised pursuant to this  
1292 charter, subject to, and not inconsistent with, general law  
1293 regarding utility providers' territorial and service  
1294 agreements; the regulatory jurisdiction and permitting  
1295 authority of all other applicable governmental bodies,  
1296 agencies, and any special districts having authority with  
1297 respect to any area included therein; and to plan, establish,  
1298 acquire, construct or reconstruct, enlarge or extend, equip,  
1299 operate, finance, fund, and maintain improvements, systems,  
1300 facilities, services, works, projects, and infrastructure. Any  
1301 or all of the following special powers are granted by this act  
1302 in order to implement the special and limited purpose of the  
1303 district but do not constitute obligations to undertake such

1304 improvements, systems, facilities, services, works, projects,  
1305 or infrastructure:

1306 (a) To provide water management and control for the  
1307 lands within the district, including irrigation systems and  
1308 facilities, and to connect some or any of such facilities with  
1309 roads and bridges. In the event that the board assumes the  
1310 responsibility for providing water management and control for  
1311 the district which is to be financed by benefit special  
1312 assessments, the board shall adopt plans and assessments  
1313 pursuant to general law or may proceed to adopt water  
1314 management and control plans, assess for benefits, and  
1315 apportion and levy special assessments as follows:

1316 1. The board shall cause to be made by the district's  
1317 engineer, or such other engineer or engineers as the board may  
1318 employ for that purpose, complete and comprehensive water  
1319 management and control plans for the lands located within the  
1320 district that will be improved in any part or in whole by any  
1321 system of facilities that may be outlined and adopted, and the  
1322 engineer shall make a report in writing to the board with maps  
1323 and profiles of said surveys and an estimate of the cost of  
1324 carrying out and completing the plans.

1325           2. Upon the completion of such plans, the board shall  
1326 hold a hearing thereon to hear objections thereto, shall give  
1327 notice of the time and place fixed for such hearing by  
1328 publication in a newspaper of general circulation in the  
1329 general area of the district once a week for 2 consecutive  
1330 weeks, and shall permit the inspection of the plan at the  
1331 office of the district by all persons interested. All  
1332 objections to the plan shall be filed at or before the time  
1333 fixed in the notice for the hearing and shall be in writing.

1334           3. After the hearing, the board shall consider the  
1335 proposed plan and any objections thereto and may modify,  
1336 reject, or adopt the plan or continue the hearing until a day  
1337 certain for further consideration of the proposed plan or  
1338 modifications thereof.

1339           4. When the board approves a plan, a resolution shall be  
1340 adopted and a certified copy thereof shall be filed in the  
1341 office of the secretary and incorporated by him or her into  
1342 the records of the district.

1343           5. The water management and control plan may be altered  
1344 in detail from time to time until the engineer's report  
1345 pursuant to s. 298.301, Florida Statutes, is filed, but not in  
1346 such manner as to materially affect the conditions of its

1347 adoption. After the engineer's report has been filed, the plan  
1348 may not be altered except as provided by this act.

1349 6. Within 20 days after the final adoption of the plan  
1350 by the board, the board shall proceed pursuant to s. 298.301,  
1351 Florida Statutes.

1352 (b) To provide water supply, sewer, wastewater, and  
1353 reclaimed water management, reclamation, and reuse, or any  
1354 combination thereof, and any irrigation systems, facilities,  
1355 and services and to construct and operate water systems, sewer  
1356 systems, irrigation systems, and reclaimed water systems such  
1357 as connecting intercepting or outlet sewers and sewer mains  
1358 and pipes and water mains, conduits, or pipelines in, along,  
1359 and under any street, alley, highway, or other public place or  
1360 way, and to dispose of any water, effluent, residue, or other  
1361 byproduct of such water system, sewer system, irrigation  
1362 system or reclaimed water system and to enter into interlocal  
1363 agreements and other agreements with public or private  
1364 entities for the same.

1365 (c) To provide any necessary bridges, culverts, wildlife  
1366 corridors, or road crossings across any drain, ditch, canal,  
1367 floodway, holding basin, excavation, public highway, tract,  
1368 grade, fill, or cut and roadways over levees and embankments,

1369 and to construct any and all of such works and improvements  
1370 across, through, or over any public right-of way, highway,  
1371 grade, fill, or cut.

1372 (d) To provide district or other roads equal to or  
1373 exceeding the specifications of the county in which such  
1374 district or other roads are located, and to provide street  
1375 lighting. This special power includes, but is not limited to,  
1376 roads, parkways, intersections, bridges, landscaping,  
1377 hardscaping, irrigation, bicycle lanes, sidewalks, jogging  
1378 paths, multiuse pathways and trails, street lighting, traffic  
1379 signals, regulatory or informational signage, road striping,  
1380 underground conduit, underground cable or fiber or wire  
1381 installed pursuant to an agreement with or tariff of a retail  
1382 provider of services, and all other customary elements of a  
1383 functioning modern road system in general or as tied to the  
1384 conditions of development approval for the area within and  
1385 without the district, and parking facilities that are  
1386 freestanding or that may be related to any innovative  
1387 strategic intermodal system of transportation pursuant to  
1388 applicable federal, state, and local laws and ordinances.



1389           (e) To provide buses, trolleys, rail access, mass  
1390 transit facilities, transit shelters, ridesharing facilities  
1391 and services, parking improvements, and related signage.

1392           (f) To provide investigation and remediation costs  
1393 associated with the cleanup of actual or perceived  
1394 environmental contamination within the district under the  
1395 supervision or direction of a competent governmental authority  
1396 unless the covered costs benefit any person who is a landowner  
1397 within the district and who caused or contributed to the  
1398 contamination.

1399           (g) To provide observation, mitigation, wetland  
1400 creation, and wildlife habitat areas, including the  
1401 maintenance of any plant or animal species, and any related  
1402 interest in real or personal property.

1403           (h) Using its general and special powers as set forth in  
1404 this act, to provide any other project within or without the  
1405 boundaries of the district when the project is the subject of  
1406 an agreement between the district and the Board of County  
1407 Commissioners of Lee County or with any other applicable  
1408 public or private entity and is not inconsistent with the  
1409 effective local comprehensive plans.

1410 (i) To provide parks and facilities for indoor and  
1411 outdoor recreational, cultural, and educational uses.

1412 (j) To provide school buildings and related structures,  
1413 which may be leased, sold, or donated to the school district,  
1414 for use in the educational system when authorized by the  
1415 district school board.

1416 (k) To provide security, including electronic intrusion-  
1417 detection systems and patrol cars, when authorized by proper  
1418 governmental agencies, and to contract with the appropriate  
1419 local general-purpose government agencies for an increased  
1420 level of such services within the district boundaries.

1421 (l) To provide control and elimination of mosquitoes and  
1422 other arthropods of public health importance.

1423 (m) To enter into impact fee, mobility fee, or other  
1424 similar credit agreements with Lee County or other  
1425 governmental bodies or a landowner developer and to sell or  
1426 assign such credits on such terms as the district deems  
1427 appropriate.

1428 (n) To provide buildings and structures for district  
1429 offices, maintenance facilities, meeting facilities, town  
1430 centers, or any other projects authorized or granted by this  
1431 act.

1432           (o) To establish and create, at noticed meetings, such  
1433 departments of the board of supervisors of the district, as  
1434 well as committees, task forces, boards, or commissions, or  
1435 other agencies under the supervision and control of the  
1436 district, as from time to time the members of the board may  
1437 deem necessary or desirable in the performance of the acts or  
1438 other things necessary to exercise the board's general or  
1439 special powers to implement an innovative project to carry out  
1440 the special and limited purpose of the district as provided in  
1441 this act and to delegate the exercise of its powers to such  
1442 departments, boards, task forces, committees, or other  
1443 agencies, and such administrative duties and other powers as  
1444 the board may deem necessary or desirable, but only if there  
1445 is a set of expressed limitations for accountability, notice,  
1446 and periodic written reporting to the board that shall retain  
1447 the powers of the board.

1448           (p) To adopt rules necessary for the District to enforce  
1449 certain deed restrictions pertaining to the use and operation  
1450 of real property within the district. For the purpose of this  
1451 subsection, the term "deed restrictions" means those  
1452 covenants, conditions, restrictions, compliance mechanisms,  
1453 and enforcement remedies contained in any applicable

1454 declarations of covenants and restrictions that govern the use  
1455 and operation of real property and, for which covenants,  
1456 conditions, and restrictions, there is no homeowners'  
1457 association or property owner's association having respective  
1458 enforcement powers unless, with respect to a homeowners'  
1459 association whose board is under member control, the  
1460 association and the district agree in writing to enforcement  
1461 by the district. The district may adopt by rule all or certain  
1462 portions of the deed restrictions that:

- 1463 1. Relate to limitations, prohibitions, compliance  
1464 mechanisms, or enforcement remedies that apply only to  
1465 external appearances or uses and are deemed by the district to  
1466 be generally beneficial for the district's landowners and for  
1467 which enforcement by the district is appropriate, as  
1468 determined by the district's board of supervisors; or
- 1469 2. Are consistent with the requirements of a development  
1470 order or regulatory agency permit.

1471 (q) To provide electrical, sustainable, or green  
1472 infrastructure improvements, facilities, and services,  
1473 including, but not limited to, recycling of natural resources,  
1474 reduction of energy demands, development and generation of  
1475 alternative or renewable energy sources and technologies,

1476 mitigation of urban heat islands, sequestration, capping or  
1477 trading of carbon emissions or carbon emissions credits, LEED  
1478 or Florida Green Building Coalition certification, and  
1479 development of facilities and improvements for low-impact  
1480 development; to enter into joint ventures, public-private  
1481 partnerships, and other agreements; and to grant such  
1482 easements as may be necessary to accomplish the foregoing.  
1483 Nothing herein shall authorize the district to provide  
1484 electric service to retail customers or otherwise act to  
1485 impair electric utility franchise agreements.

1486 (r) To provide for any facilities or improvements that  
1487 may otherwise be provided for by any county or municipality,  
1488 including, but not limited to, libraries, annexes,  
1489 substations, and other buildings to house public officials,  
1490 staff, and employees.

1491 (s) To provide waste collection and disposal.

1492 (t) To provide for the construction and operation of  
1493 communications systems and related infrastructure for the  
1494 carriage and distribution of communications services; to enter  
1495 into joint ventures, public-private partnerships, and other  
1496 agreements; and to grant such easements as may be necessary to  
1497 accomplish the foregoing. For purposes of this paragraph,

1498 | communications systems means all facilities, buildings,  
1499 | equipment, items, and methods necessary or desirable in order  
1500 | to provide communications services, including, without  
1501 | limitation, wires, cables, conduits, wireless cell sites,  
1502 | computers, modems, satellite antennae sites, transmission  
1503 | facilities, network facilities, and appurtenant devices  
1504 | necessary and appropriate to support the provision of  
1505 | communications services. Communications services includes,  
1506 | without limitation, Internet, voice telephone, or similar  
1507 | services provided by voice over Internet protocol, cable  
1508 | television, data transmission services, electronic security  
1509 | monitoring services, and multi-channel video programming  
1510 | distribution services. Nothing herein shall authorize the  
1511 | district to provide communications services to retail  
1512 | customers or otherwise act to impair existing service provider  
1513 | franchise agreements. However, the district may contract with  
1514 | such providers for resale purposes.

1515 |       (u) To provide health care facilities and to enter into  
1516 | public-private partnerships and agreements as may be necessary  
1517 | to accomplish the foregoing.

1518 |       (v) To coordinate, work with, and, as the board deems  
1519 | appropriate, enter into interlocal agreements with any public

1520 or private entity for the provision of an institution or  
1521 institutions of higher education.

1522 (w) To coordinate, work with, and, as the board deems  
1523 appropriate, enter into public-private partnerships and  
1524 agreements as may be necessary or useful to effectuate the  
1525 purposes of this act.

1526

1527 The special powers provided in this act may not be deemed  
1528 exclusive or restrictive but shall be deemed to incorporate  
1529 all powers express or implied necessary or incident to  
1530 carrying out such special powers, including the general powers  
1531 provided by this act to the district to implement its  
1532 purposes. This subsection shall be construed liberally in  
1533 order to effectively carry out the special and limited purpose  
1534 of the district under this act.

1535 (8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to  
1536 the other powers provided for in this act, and not in  
1537 limitation thereof, the district shall have the power, at any  
1538 time and from time to time after the issuance of any bonds of  
1539 the district are authorized, to borrow money for the purposes  
1540 for which such bonds are to be issued in anticipation of the  
1541 receipt of the proceeds of the sale of such bonds and to issue

1542 bond anticipation notes in a principal sum not in excess of  
1543 the authorized maximum amount of such bond issue. Such notes  
1544 shall be in such denomination or denominations, bear interest  
1545 at such rate as the board may determine, not to exceed the  
1546 maximum rate allowed by general law, mature at such time or  
1547 times not later than 5 years after the date of issuance, and  
1548 be in such form and executed in such manner as the board shall  
1549 prescribe. Such notes may be sold at either public or private  
1550 sale or, if such notes shall be renewal notes, may be  
1551 exchanged for notes then outstanding on such terms as the  
1552 board shall determine. Such notes shall be paid from the  
1553 proceeds of such bonds when issued. The board may, in its  
1554 discretion, in lieu of retiring the notes by means of bonds,  
1555 retire them by means of current revenues or from any taxes or  
1556 assessments levied for the payment of such bonds, but, in such  
1557 event, a like amount of the bonds authorized may not be  
1558 issued.

1559       (9) BORROWING.—The district at any time may obtain  
1560 loans, in such amount and on such terms and conditions as the  
1561 board may approve, for the purpose of paying any of the  
1562 expenses of the district or any costs incurred or that may be  
1563 incurred in connection with any of the projects of the



1564 district, which loans shall bear such interest as the board  
1565 determines, not to exceed the maximum rate allowed by general  
1566 law, and may be payable from and secured by a pledge of such  
1567 funds, revenues, taxes, and assessments as the board may  
1568 determine; provided, however, that the provisions contained in  
1569 any proceeding under which bonds were theretofore issued and  
1570 are then outstanding. For the purpose of defraying such costs  
1571 and expenses, the district may issue negotiable notes,  
1572 warrants, or other evidences of debt to be payable at such  
1573 times and to bear such interest as the board may determine,  
1574 not to exceed the maximum rate allowed by general law, and to  
1575 be sold or discounted at such price or prices not less than 95  
1576 percent of par value and on such terms as the board may deem  
1577 advisable. The board shall have the right to provide for the  
1578 payment thereof by pledging the whole or any part of the  
1579 funds, revenues, taxes, and assessments of the district or by  
1580 covenanting to budget and appropriate from such funds. The  
1581 approval of the electors residing in the district is only  
1582 necessary when required by the State Constitution.

1583 (10) BONDS.—

1584 (a) *Sale of bonds.*—Bonds may be sold in blocks or  
1585 installments at different times, or an entire issue or series

1586 may be sold at one time. Bonds may be sold at public or  
1587 private sale after such advertisement, if any, as the board  
1588 may deem advisable, but not in any event at less than 90  
1589 percent of the par value thereof, together with accrued  
1590 interest thereon. Bonds may be sold or exchanged for refunding  
1591 bonds. Special assessment and revenue bonds may be delivered  
1592 by the district as payment of the purchase price of any  
1593 project or part thereof, or a combination of projects or parts  
1594 thereof, or as the purchase price or exchange for any  
1595 property, real, personal, or mixed, including franchises or  
1596 services rendered by any contractor, engineer, or other  
1597 person, all at one time or in blocks from time to time, in  
1598 such manner and upon such terms as the board at its discretion  
1599 shall determine. The price or prices for any bonds sold,  
1600 exchanged, or delivered may be:

- 1601 1. The money paid for the bonds.
- 1602 2. The principal amount, plus accrued interest to the  
1603 date of redemption or exchange, or outstanding obligations  
1604 exchanged for refunding bonds.
- 1605 3. In the case of special assessment or revenue bonds,  
1606 the amount of any indebtedness to contractors or other persons

1607 paid with such bonds, or the fair value of any properties  
1608 exchanged for the bonds, as determined by the board.

1609       (b) *Authorization and form of bonds.*—Any general  
1610 obligation bonds, special assessment bonds, or revenue bonds  
1611 may be authorized by resolution or resolutions of the board  
1612 which shall be adopted by a majority of all the members  
1613 thereof then in office. Such resolution or resolutions may be  
1614 adopted at the same meeting at which they are introduced and  
1615 need not be published or posted. The board may, by resolution,  
1616 authorize the issuance of bonds and fix the aggregate amount  
1617 of bonds to be issued; the purpose or purposes for which the  
1618 moneys derived therefrom shall be expended, including, but not  
1619 limited to, payment of costs as defined in section 3; the rate  
1620 or rates of interest, not to exceed the maximum rate allowed  
1621 by general law; the denomination of the bonds; whether the  
1622 bonds are to be issued in one or multiple series; the date or  
1623 dates of maturity, which may not exceed 40 years after their  
1624 respective dates of issuance; the medium of payment; the place  
1625 or places within or without the state at which payment shall  
1626 be made; registration privileges; redemption terms and  
1627 privileges, whether with or without premium; the manner of  
1628 execution; the form of the bonds, including any interest

1629 coupons to be attached thereto; the manner of execution of  
1630 bonds and coupons; and any and all other terms, covenants, and  
1631 conditions thereof and the establishment of revenue or other  
1632 funds. Such authorizing resolution or resolutions may further  
1633 provide for the contracts authorized by s. 159.825(1)(f) and  
1634 (g), Florida Statutes, regardless of the tax treatment of such  
1635 bonds being authorized, subject to the finding by the board of  
1636 a net saving to the district resulting by reason thereof. Such  
1637 authorizing resolution may further provide that such bonds may  
1638 be executed in accordance with the Registered Public  
1639 Obligations Act, except that bonds not issued in registered  
1640 form shall be valid if manually countersigned by an officer  
1641 designated by appropriate resolution of the board. The seal of  
1642 the district may be affixed, lithographed, engraved, or  
1643 otherwise reproduced in facsimile on such bonds. In case any  
1644 officer whose signature shall appear on any bonds or coupons  
1645 shall cease to be such officer before the delivery of such  
1646 bonds, such signature or facsimile shall nevertheless be valid  
1647 and sufficient for all purposes as if he or she had remained  
1648 in office until such delivery.

1649 (c) *Interim certificates; replacement certificates.*—

1650 Pending the preparation of definitive bonds, the board may

1651 issue interim certificates or receipts or temporary bonds, in  
1652 such form and with such provisions as the board may determine,  
1653 exchangeable for definitive bonds when such bonds have been  
1654 executed and are available for delivery. The board may also  
1655 provide for the replacement of any bonds which become  
1656 mutilated, lost, or destroyed.

1657         (d) *Negotiability of bonds.*—Any bond issued under this  
1658 act or any temporary bond, in the absence of an express  
1659 recital on the face thereof that it is nonnegotiable, shall be  
1660 fully negotiable and shall be and constitute a negotiable  
1661 instrument within the meaning and for all purposes of the law  
1662 merchant and general law.

1663         (e) *Defeasance.*—The board may make such provision with  
1664 respect to the defeasance of the right, title, and interest of  
1665 the holders of any of the bonds and obligations of the  
1666 district in any revenues, funds, or other properties by which  
1667 such bonds are secured as the board deems appropriate and,  
1668 without limitation on the foregoing, may provide that when  
1669 such bonds or obligations become due and payable or shall have  
1670 been called for redemption and the whole amount of the  
1671 principal and interest and premium, if any, due and payable  
1672 upon the bonds or obligations then outstanding shall be held

1673 in trust for such purpose, and provision shall also be made  
1674 for paying all other sums payable in connection with such  
1675 bonds or other obligations, and in such event the right,  
1676 title, and interest of the holders of the bonds in any  
1677 revenues, funds, or other properties by which such bonds are  
1678 secured shall thereupon cease, terminate, and become void; and  
1679 the board may apply any surplus in any sinking fund  
1680 established in connection with such bonds or obligations and  
1681 all balances remaining in all other funds or accounts other  
1682 than moneys held for the redemption or payment of the bonds or  
1683 other obligations to any lawful purpose of the district as the  
1684 board shall determine.

1685       (f) *Issuance of additional bonds.*—If the proceeds of any  
1686 bonds are less than the cost of completing the project in  
1687 connection with which such bonds were issued, the board may  
1688 authorize the issuance of additional bonds, upon such terms  
1689 and conditions as the board may provide in the resolution  
1690 authorizing the issuance thereof, but only in compliance with  
1691 the resolution or other proceedings authorizing the issuance  
1692 of the original bonds.

1693       (g) *Refunding bonds.*—The district is authorized to issue  
1694 bonds to provide for the retirement or refunding of any bonds

1695 or obligations of the district that at the time of such  
1696 issuance are or subsequent thereto become due and payable, or  
1697 that at the time of issuance have been called or are, or will  
1698 be, subject to call for redemption within 10 years thereafter,  
1699 or the surrender of which can be procured from the holders  
1700 thereof at prices satisfactory to the board. Refunding bonds  
1701 may be issued at any time that in the judgment of the board  
1702 such issuance will be advantageous to the district. Approval  
1703 of the qualified electors residing in the district is not  
1704 required for the issuance of refunding bonds except in cases  
1705 in which such approval is required by the State Constitution.  
1706 The board may by resolution confer upon the holders of such  
1707 refunding bonds all rights, powers, and remedies to which the  
1708 holders would be entitled if they continued to be the owners  
1709 and had possession of the bonds for the refinancing of which  
1710 such refunding bonds are issued, including, but not limited  
1711 to, the preservation of the lien of such bonds on the revenues  
1712 of any project or on pledged funds, without extinguishment,  
1713 impairment, or diminution thereof. The provisions of this act  
1714 relating to bonds of the district shall, unless the context  
1715 otherwise requires, govern the issuance of refunding bonds,  
1716 the form and other details thereof, the rights of the holders

1717 thereof, and the duties of the board with respect to such  
1718 bonds.

1719 (h) *Revenue bonds.*—

1720 1. The district shall have the power to issue revenue  
1721 bonds from time to time without limitation as to amount. Such  
1722 revenue bonds may be secured by, or payable from, the gross or  
1723 net pledge of the revenues to be derived from any project or  
1724 combination of projects; from the rates, fees, or other  
1725 charges to be collected from the users of any project or  
1726 projects; from any revenue-producing undertaking or activity  
1727 of the district; from special assessments; from benefit  
1728 special assessments; or from any other source or pledged  
1729 security. Such bonds do not constitute an indebtedness of the  
1730 district and the approval of the qualified electors is not  
1731 required unless such bonds are additionally secured by the  
1732 full faith and credit and taxing power of the district.

1733 2. Any two or more projects may be combined and  
1734 consolidated into a single project and may hereafter be  
1735 operated and maintained as a single project. The revenue bonds  
1736 authorized herein may be issued to finance any one or more of  
1737 such projects, regardless of whether such projects have been  
1738 combined and consolidated into a single project. If the board



1739 deems it advisable, the proceedings authorizing such revenue  
1740 bonds may provide that the district may thereafter combine the  
1741 projects then being financed or theretofore financed with  
1742 other projects to be subsequently financed by the district and  
1743 that revenue bonds to be thereafter issued by the district  
1744 shall be on parity with the revenue bonds then being issued,  
1745 all on such terms, conditions, and limitations as shall have  
1746 been provided in the proceeding which authorized the original  
1747 bonds.

1748 (i) *General obligation bonds.*—

1749 1. Subject to the limitations of this charter, the  
1750 district shall have the power to issue general obligation  
1751 bonds to finance or refinance capital projects or to refund  
1752 outstanding bonds in an aggregate principal amount of bonds  
1753 outstanding at any one time not in excess of 35 percent of the  
1754 assessed value of the taxable property within the district as  
1755 shown on the pertinent tax records at the time of the  
1756 authorization of the general obligation bonds for which the  
1757 full faith and credit of the district is pledged. Except for  
1758 refunding bonds, general obligation bonds may not be issued  
1759 unless the bonds are issued to finance or refinance a capital  
1760 project and the issuance has been approved at an election held

1761 in accordance with the requirements for such election as  
1762 prescribed by the State Constitution. Such elections shall be  
1763 called to be held in the district by the Board of County  
1764 Commissioners of Lee County upon the request of the board of  
1765 the district. The expenses of calling and holding an election  
1766 shall be at the expense of the district and the district shall  
1767 reimburse the county for any expenses incurred in calling or  
1768 holding such election.

1769         2. The district may pledge its full faith and credit for  
1770 the payment of the principal and interest on such general  
1771 obligation bonds and for any reserve funds provided therefor  
1772 and may unconditionally and irrevocably pledge itself to levy  
1773 ad valorem taxes on all taxable property in the district, to  
1774 the extent necessary for the payment thereof, without  
1775 limitation as to rate or amount.

1776         3. If the board determines to issue general obligation  
1777 bonds for more than one capital project, the approval of the  
1778 issuance of the bonds for each and all such projects may be  
1779 submitted to the electors on one ballot. The failure of the  
1780 electors to approve the issuance of bonds for any one or more  
1781 capital projects does not defeat the approval of bonds for any  
1782 capital project which has been approved by the electors.

1783           4. In arriving at the amount of general obligation bonds  
1784 permitted to be outstanding at any one time pursuant to  
1785 subparagraph 1., there may not be included any general  
1786 obligation bonds that are additionally secured by the pledge  
1787 of:

1788           a. Any assessments levied in an amount sufficient to pay  
1789 the principal and interest on the general obligation bonds so  
1790 additionally secured, which assessments have been equalized  
1791 and confirmed by resolution of the board pursuant to this act  
1792 or s. 170.08, Florida Statutes.

1793           b. Water revenues, sewer revenues, or water and sewer  
1794 revenues of the district to be derived from user fees in an  
1795 amount sufficient to pay the principal and interest on the  
1796 general obligation bonds so additionally secured.

1797           c. Any combination of assessments and revenues described  
1798 in sub-subparagraphs a. and b.

1799           (j) *Bonds as legal investment or security.*—

1800           1. Notwithstanding any other provision of law to the  
1801 contrary, all bonds issued under this act shall constitute  
1802 legal investments for savings banks, banks, trust companies,  
1803 insurance companies, executors, administrators, trustees,  
1804 guardians, and other fiduciaries and for any board, body,

1805 agency, instrumentality, county, municipality, or other  
1806 political subdivision of the state and shall be and constitute  
1807 security which may be deposited by banks or trust companies as  
1808 security for deposits of state, county, municipal, or other  
1809 public funds or by insurance companies as required or  
1810 voluntary statutory deposits.

1811         2. Any bonds issued by the district shall be  
1812 incontestable in the hands of bona fide purchasers or holders  
1813 for value and are not invalid because of any irregularity or  
1814 defect in the proceedings for the issue and sale thereof.

1815         (k) *Covenants.*—Any resolution authorizing the issuance  
1816 of bonds may contain such covenants as the board may deem  
1817 advisable, and all such covenants shall constitute valid and  
1818 legally binding and enforceable contracts between the district  
1819 and the bondholders, regardless of the time of issuance  
1820 thereof.

1821 Such covenants may include, without limitation, covenants  
1822 concerning the disposition of the bond proceeds; the use and  
1823 disposition of project revenues; the pledging of revenues,  
1824 taxes, and assessments; the obligations of the district with  
1825 respect to the operation of the project and the maintenance of  
1826 adequate project revenues; the issuance of additional bonds;

1827 the appointment, powers, and duties of trustees and receivers;  
1828 the acquisition of outstanding bonds and obligations;  
1829 restrictions on the establishment of competing projects or  
1830 facilities; restrictions on the sale or disposal of the assets  
1831 and property of the district; the priority of assessment  
1832 liens; the priority of claims by bondholders on the taxing  
1833 power of the district; the maintenance of deposits to ensure  
1834 the payment of revenues by users of district facilities and  
1835 services; the discontinuance of district services by reason of  
1836 delinquent payments; acceleration upon default; the execution  
1837 of necessary instruments; the procedure for amending or  
1838 abrogating covenants with the bondholders; and such other  
1839 covenants as may be deemed necessary or desirable for the  
1840 security of the bondholders.

1841       (1) *Validation proceedings.*—The power of the district to  
1842 issue bonds under this act may be determined, and any of the  
1843 bonds of the district maturing over a period of more than 5  
1844 years shall be validated and confirmed, by court decree, under  
1845 chapter 75, Florida Statutes, and laws amendatory thereof or  
1846 supplementary thereto.

1847       (m) *Tax exemption.*—To the extent allowed by general law,  
1848 all bonds issued hereunder and interest paid thereon and all

1849 fees, charges, and other revenues derived by the district from  
1850 the projects provided by this act are exempt from all taxes by  
1851 the state or by any political subdivision, agency, or  
1852 instrumentality thereof; however, any interest, income, or  
1853 profits on debt obligations issued hereunder are not exempt  
1854 from the tax imposed by chapter 220, Florida Statutes.

1855 Further, the district is not exempt from chapter 212, Florida  
1856 Statutes.

1857       (n) *Application of s. 189.051, Florida Statutes.*—Bonds  
1858 issued by the district shall meet the criteria set forth in s.  
1859 189.051, Florida Statutes.

1860       (o) *Act furnishes full authority for issuance of bonds.*—  
1861 This act constitutes full and complete authority for the  
1862 issuance of bonds and the exercise of the powers of the  
1863 district provided herein. Procedures or proceedings,  
1864 publications, notices, consents, approvals, orders, acts, or  
1865 things by the board, or by any board, officer, commission,  
1866 department, agency, or instrumentality of the district, other  
1867 than those required by this act, are not required to perform  
1868 anything under this act, except that the issuance or sale of  
1869 bonds pursuant to this act shall comply with the general law  
1870 requirements applicable to the issuance or sale of bonds by

1871 the district. This act does not authorize the district to  
1872 utilize bond proceeds to fund the ongoing operations of the  
1873 district.

1874           (p) *Pledge by the state to the bondholders of the*  
1875 *district.*—The state pledges to the holders of any bonds issued  
1876 under this act that it will not limit or alter the rights of  
1877 the district to own, acquire, construct, reconstruct, improve,  
1878 maintain, operate, or furnish the projects or to levy and  
1879 collect the taxes, assessments, rentals, rates, fees, and  
1880 other charges provided for herein and to fulfill the terms of  
1881 any agreement made with the holders of such bonds or other  
1882 obligations and that it will not in any way impair the rights  
1883 or remedies of such holders.

1884           (q) *Default.*—A default on the bonds or obligations of  
1885 the district does not constitute a debt or obligation of the  
1886 state or any general-purpose local government of the state. In  
1887 the event of a default or dissolution of the district, a  
1888 general-purpose local government is not required to assume the  
1889 property of the district, the debts of the district, or the  
1890 district's obligations to complete any infrastructure  
1891 improvements or provide any services to the district. Section  
1892 189.076(2), Florida Statutes, does not apply to the district.

1893           (11) TRUST AGREEMENTS.—Any issue of bonds shall be  
1894 secured by a trust agreement or resolution by and between the  
1895 district and a corporate trustee or trustees, which may be any  
1896 trust company or bank having the powers of a trust company  
1897 within or without the state. The resolution authorizing the  
1898 issuance of the bonds or such trust agreement may pledge the  
1899 revenues to be received from any projects of the district and  
1900 may contain such provisions for protecting and enforcing the  
1901 rights and remedies of the bondholders as the board may  
1902 approve, including, without limitation, covenants setting  
1903 forth the duties of the district in relation to the  
1904 acquisition, construction, reconstruction, improvement,  
1905 maintenance, repair, operation, and insurance of any projects;  
1906 the fixing and revising of the rates, fees, and charges; and  
1907 the custody, safeguarding, and application of all moneys and  
1908 for the employment of consulting engineers in connection with  
1909 such acquisition, construction, reconstruction, improvement,  
1910 maintenance, repair, operation, or insurance. It shall be  
1911 lawful for any bank or trust company within or without the  
1912 state which may act as a depository of the proceeds of bonds  
1913 or of revenues to furnish such indemnifying bonds or to pledge  
1914 such securities as may be required by the district. Such



1915 resolution or trust agreement may set forth the rights and  
1916 remedies of the bondholders and of the trustee, if any, and  
1917 may restrict the individual right of action by bondholders.  
1918 The board may provide for the payment of proceeds of the sale  
1919 of the bonds and the revenues of any project to such officer,  
1920 board, or depository as it may designate for the custody  
1921 thereof and may provide for the method of disbursement thereof  
1922 with such safeguards and restrictions as it may determine. All  
1923 expenses incurred in carrying out such resolution or trust  
1924 agreement may be treated as part of the cost of operation of  
1925 the project to which such trust agreement pertains.

1926 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
1927 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
1928 ASSESSMENTS; MAINTENANCE TAXES.—

1929 (a) *Ad valorem taxes.*—At such time as all members of the  
1930 board are qualified electors who are elected by qualified  
1931 electors of the district, the board shall have the power to  
1932 levy and assess an ad valorem tax on all the taxable property  
1933 in the district to construct, operate, and maintain assessable  
1934 improvements; to pay the principal of, and interest on, any  
1935 general obligation bonds of the district; and to provide for  
1936 any sinking or other funds established in connection with any

1937 such bonds. An ad valorem tax levied by the board for  
1938 operating purposes, exclusive of debt service on bonds, may  
1939 not exceed 3 mills. The ad valorem tax provided for herein  
1940 shall be in addition to county and all other ad valorem taxes  
1941 provided for by general law. Such tax shall be assessed,  
1942 levied, and collected in the same manner and at the same time  
1943 as county taxes. The levy of ad valorem taxes must be approved  
1944 by referendum as required by Section 9, Article VII of the  
1945 State Constitution.

1946 (b) *Benefit special assessments.*—The board annually  
1947 shall determine, order, and levy the annual installment of the  
1948 total benefit special assessments for bonds issued and related  
1949 expenses to finance assessable improvements. These assessments  
1950 may be due and collected during each year county taxes are due  
1951 and collected, in which case such annual installment and levy  
1952 shall be evidenced to and certified to the property appraiser  
1953 by the board not later than August 31 of each year. Such  
1954 assessment shall be entered by the property appraiser on the  
1955 county tax rolls and shall be collected and enforced by the  
1956 tax collector in the same manner and at the same time as  
1957 county taxes, and the proceeds thereof shall be paid to the  
1958 district. However, this subsection does not prohibit the

1959 district in its discretion from using the method provided in  
1960 s. 197.3632, Florida Statutes, or chapter 173, Florida  
1961 Statutes, as each may be amended from time to time, for  
1962 collecting and enforcing these assessments. Each annual  
1963 installment of benefit special assessments shall be a lien on  
1964 the property against which assessed until paid and shall be  
1965 enforceable in like manner as county taxes. The amount of the  
1966 assessment for the exercise of the district's powers under  
1967 subsections (6) and (7) shall be determined by the board based  
1968 upon a report of the district's engineer and assessed by the  
1969 board upon such lands, which may be part or all of the lands  
1970 within the district benefited by the improvement, apportioned  
1971 between benefited lands in proportion to the benefits received  
1972 by each tract of land. The board may, if it determines it is  
1973 in the best interests of the district, set forth in the  
1974 proceedings initially levying such benefit special assessments  
1975 or in subsequent proceedings a formula for the determination  
1976 of an amount which, when paid by a taxpayer with respect to  
1977 any tax parcel, shall constitute a prepayment of all future  
1978 annual installments of such benefit special assessments. The  
1979 payment of which amount with respect to such tax parcel shall  
1980 relieve and discharge such tax parcel of the lien of such

1981 benefit special assessments and any subsequent annual  
1982 installment thereof. The board may provide further that upon  
1983 delinquency in the payment of any annual installment of  
1984 benefit special assessments, such prepayment amount of all  
1985 future annual installments of benefit special assessments  
1986 shall be and become immediately due and payable together with  
1987 such delinquent annual installment.

1988           (c) *Non-ad valorem maintenance taxes.*—If and when  
1989 authorized by general law, to maintain and to preserve the  
1990 physical facilities and services constituting the works,  
1991 improvements, or infrastructure owned by the district pursuant  
1992 to this act, to repair and restore any one or more of them,  
1993 when needed, and to defray the current expenses of the  
1994 district, including any sum which may be required to pay state  
1995 and county ad valorem taxes on any lands which may have been  
1996 purchased and which are held by the district under this act,  
1997 the board of supervisors may, upon the completion of said  
1998 systems, facilities, services, works, improvements, or  
1999 infrastructure, in whole or in part, as may be certified to  
2000 the board by the engineer of the board, levy annually a non-ad  
2001 valorem and nonmillage tax upon each tract or parcel of land  
2002 within the district, to be known as a "maintenance tax." A

2003 maintenance tax shall be apportioned upon the basis of the net  
2004 assessments of benefits assessed as accruing from the original  
2005 construction and shall be evidenced to and certified by the  
2006 board of supervisors of the district not later than June 1 of  
2007 each year to the Lee County tax collector and shall be  
2008 extended on the tax rolls and collected by the tax collector  
2009 on the merged collection roll of the tax collector in the same  
2010 manner and at the same time as county ad valorem taxes, and  
2011 the proceeds therefrom shall be paid to the district. The  
2012 maintenance tax shall be a lien until paid on the property  
2013 against which assessed and enforceable in like manner and of  
2014 the same dignity as county ad valorem taxes.

2015 (d) *Maintenance special assessments.*—To maintain and  
2016 preserve the facilities and projects of the district, the  
2017 board may levy a maintenance special assessment. This  
2018 assessment may be evidenced to and certified to the tax  
2019 collector by the board of supervisors not later than August 31  
2020 of each year and shall be entered by the property appraiser on  
2021 the county tax rolls and shall be collected and enforced by  
2022 the tax collector in the same manner and at the same time as  
2023 county taxes, and the proceeds therefrom shall be paid to the  
2024 district. However, this subsection does not prohibit the

2025 district in its discretion from using the method prescribed in  
2026 s. 197.363, s. 197.3631, or s. 197.3632, Florida Statutes, for  
2027 collecting and enforcing these assessments. These maintenance  
2028 special assessments shall be a lien on the property against  
2029 which assessed until paid and shall be enforceable in like  
2030 manner as county taxes. The amount of the maintenance special  
2031 assessment for the exercise of the district's powers under  
2032 this section shall be determined by the board based upon a  
2033 report of the district's engineer and assessed by the board  
2034 upon such lands, which may be all of the lands within the  
2035 district benefited by the maintenance thereof, apportioned  
2036 between the benefited lands in proportion to the benefits  
2037 received by each tract of land.

2038 (e) *Special assessments.*—The board may levy and impose  
2039 any special assessments pursuant to this subsection.

2040 (f) *Enforcement of taxes.*—The collection and enforcement  
2041 of all taxes levied by the district shall be at the same time  
2042 and in like manner as county taxes and the provisions of  
2043 general law relating to the sale of lands for unpaid and  
2044 delinquent county taxes; the issuance, sale, and delivery of  
2045 tax certificates for such unpaid and delinquent county taxes;  
2046 the redemption thereof; the issuance to individuals of tax

2047 deeds based thereon; and all other procedures in connection  
2048 therewith shall be applicable to the district to the same  
2049 extent as if such statutory provisions were expressly set  
2050 forth in this act. All taxes shall be subject to the same  
2051 discounts as county taxes.

2052 (g) *When unpaid tax is delinquent; penalty.*—All taxes  
2053 provided for in this act shall become delinquent and bear  
2054 penalties on the amount of such taxes in the same manner as  
2055 county taxes.

2056 (h) *Status of assessments.*—Benefit special assessments,  
2057 maintenance special assessments, and special assessments are  
2058 hereby found and determined to be non-ad valorem assessments  
2059 as defined in s. 197.3632(1), Florida Statutes. Maintenance  
2060 taxes are non-ad valorem taxes and are not special  
2061 assessments.

2062 (i) *Assessments constitute liens; collection.*—Any and  
2063 all assessments, including special assessments, benefit  
2064 special assessments, and maintenance special assessments  
2065 authorized and granted by this subsection and maintenance  
2066 taxes if authorized by general law, shall constitute a lien on  
2067 the property against which assessed from the date of levy and  
2068 imposition thereof until paid, coequal with the lien of state,

2069 county, municipal, and school board taxes. These assessments  
2070 may be collected, at the district's discretion, under  
2071 authority of s. 197.3631, Florida Statutes, as amended from  
2072 time to time, by the tax collector pursuant to ss. 197.3632  
2073 and 197.3635, Florida Statutes, as amended from time to time,  
2074 or in accordance with other collection measures provided by  
2075 general law. In addition to, and not in limitation of, any  
2076 powers otherwise set forth herein or in general law, these  
2077 assessments may also be enforced pursuant to chapter 173,  
2078 Florida Statutes, as amended from time to time.

2079       (j) *Land owned by governmental entity.*—Except as  
2080 otherwise provided by general law, a levy of ad valorem taxes  
2081 or non-ad valorem assessments under this act or chapter 170 or  
2082 chapter 197, Florida Statutes, or otherwise by the board of  
2083 the district on property of a governmental entity that is  
2084 subject to a ground lease as described in s. 190.003(14),  
2085 Florida Statutes, does not constitute a lien or encumbrance on  
2086 the underlying fee interest of such governmental entity.

2087       (13) SPECIAL ASSESSMENTS.—

2088       (a) As an alternative method to the levy and imposition  
2089 of special assessments pursuant to chapter 170, Florida  
2090 Statutes, pursuant to the authority under s. 197.3631, Florida



2091 Statutes, or pursuant to other provisions of general law, now  
2092 or hereafter enacted, which provide a supplemental means or  
2093 authority to impose, levy, and collect special assessments as  
2094 otherwise authorized under this act, the board may levy and  
2095 impose special assessments to finance the exercise of any of  
2096 its powers permitted under this act using the following  
2097 uniform procedures:

2098         1. At a noticed meeting, the board of supervisors of the  
2099 district may consider and review an engineer's report on the  
2100 costs of the systems, facilities, and services to be provided,  
2101 a preliminary special assessment methodology, and a  
2102 preliminary roll based on acreage or platted lands, depending  
2103 upon whether platting has occurred.

2104         a. The special assessment methodology shall address and  
2105 discuss and the board shall consider whether the systems,  
2106 facilities, and services being contemplated will result in  
2107 special benefits peculiar to the property, different in kind  
2108 and degree than general benefits, as a logical connection  
2109 between the systems, facilities, and services themselves and  
2110 the property, and whether the duty to pay the special  
2111 assessments by the property owners is apportioned in a manner  
2112 that is fair and equitable and not in excess of the special

2113 benefit received. It shall be fair and equitable to designate  
2114 a fixed proportion of the annual debt service, together with  
2115 interest thereon, on the aggregate principal amount of bonds  
2116 issued to finance such systems, facilities, and services which  
2117 give rise to unique, special, and peculiar benefits to  
2118 property of the same or similar characteristics under the  
2119 special assessment methodology so long as such fixed  
2120 proportion does not exceed the unique, special, and peculiar  
2121 benefits enjoyed by such property from such systems,  
2122 facilities, and services.

2123         b. The engineer's cost report shall identify the nature  
2124 of the proposed systems, facilities, and services, their  
2125 location, a cost breakdown plus a total estimated cost,  
2126 including cost of construction or reconstruction, labor, and  
2127 materials, lands, property, rights, easements, franchises, or  
2128 systems, facilities, and services to be acquired; cost of  
2129 plans and specifications and surveys of estimates of costs and  
2130 revenues; costs of engineering, legal, and other professional  
2131 consultation services; and other expenses or costs necessary  
2132 or incident to determining the feasibility or practicability  
2133 of such construction, reconstruction, or acquisition,  
2134 administrative expenses, relationship to the authority and

2135 power of the district in its charter, and such other expenses  
2136 or costs as may be necessary or incident to the financing to  
2137 be authorized by the board of supervisors.

2138 c. The preliminary special assessment roll shall be in  
2139 accordance with the assessment methodology as may be adopted  
2140 by the board of supervisors; the special assessment roll shall  
2141 be completed as promptly as possible and shall show the  
2142 acreage, lots, lands, or plats assessed and the amount of the  
2143 fairly and reasonably apportioned assessment based on special  
2144 and peculiar benefit to the property, lot, parcel, or acreage  
2145 of land; and, if the special assessment against such lot,  
2146 parcel, acreage, or portion of land is to be paid in  
2147 installments, the number of annual installments in which the  
2148 special assessment is divided shall be entered into and shown  
2149 upon the special assessment roll.

2150 2. The board of supervisors of the district may  
2151 determine and declare by an initial special assessment  
2152 resolution to levy and assess the special assessments with  
2153 respect to assessable improvements stating the nature of the  
2154 systems, facilities, and services, improvements, projects, or  
2155 infrastructure constituting such assessable improvements, the  
2156 information in the engineer's cost report, the information in

2157 | the special assessment methodology as determined by the board  
2158 | at the noticed meeting and referencing and incorporating as  
2159 | part of the resolution the engineer's cost report, the  
2160 | preliminary special assessment methodology, and the  
2161 | preliminary special assessment roll as referenced exhibits to  
2162 | the resolution by reference. If the board determines to  
2163 | declare and levy the special assessments by the initial  
2164 | special assessment resolution, the board shall also adopt and  
2165 | declare a notice resolution which shall provide and cause the  
2166 | initial special assessment resolution to be published in a  
2167 | newspaper of general circulation in Lee County once a week for  
2168 | 2 consecutive weeks and said board shall by the same  
2169 | resolution fix a time and place at which the owner or owners  
2170 | of the property to be assessed or any other persons interested  
2171 | therein may appear before said board and be heard as to the  
2172 | propriety and advisability of making such improvements, as to  
2173 | the costs thereof, as to the manner of payment therefor, and  
2174 | as to the amount thereof to be assessed against each property  
2175 | so improved. Thirty days' notice in writing of such time and  
2176 | place shall be given to such property owners. The notice shall  
2177 | include the amount of the special assessment and shall be  
2178 | served by mailing a copy to each assessed property owner at

2179 his or her last known address, the names and addresses of such  
2180 property owners to be obtained from the record of the property  
2181 appraiser of the county political subdivision in which the  
2182 land is located or from such other sources as the district  
2183 manager or engineer deems reliable. Proof of such mailing  
2184 shall be made by the affidavit of the manager of the district  
2185 or by the engineer, said proof to be filed with the district  
2186 manager. Failure to mail said notice or notices does not  
2187 invalidate any of the proceedings hereunder. It is provided  
2188 further that the last publication shall be at least 1 week  
2189 before the date of the hearing on the final special assessment  
2190 resolution. Said notice shall describe the general areas to be  
2191 improved and advise all persons interested that the  
2192 description of each property to be assessed and the amount to  
2193 be assessed to each piece, parcel, lot, or acre of property  
2194 may be ascertained at the office of the manager of the  
2195 district. Such service by publication shall be verified by the  
2196 affidavit of the publisher and filed with the manager of the  
2197 district. Moreover, the initial special assessment resolution  
2198 with its attached, referenced, and incorporated engineer's  
2199 cost report, preliminary special assessment methodology, and  
2200 preliminary special assessment roll, along with the notice

2201 resolution, shall be available for public inspection at the  
2202 office of the manager and the office of the engineer or any  
2203 other office designated by the board of supervisors in the  
2204 notice resolution. Notwithstanding the foregoing, the  
2205 landowners of all of the property which is proposed to be  
2206 assessed may give the district written notice of waiver of any  
2207 notice and publication provided for in this subparagraph.  
2208 However, such notice and publication is not required, provided  
2209 that any meeting of the board of supervisors to consider such  
2210 resolution is a publicly noticed meeting.

2211         3. At the time and place named in the noticed resolution  
2212 as provided for in subparagraph 2., the board of supervisors  
2213 of the district shall meet and hear testimony from affected  
2214 property owners as to the propriety and advisability of making  
2215 the systems, facilities, services, projects, works,  
2216 improvements, or infrastructure and funding them with  
2217 assessments referenced in the initial special assessment  
2218 resolution on the property. Following the testimony and  
2219 questions from the members of the board or any professional  
2220 advisors to the district of the preparers of the engineer's  
2221 cost report, the special assessment methodology, and the  
2222 special assessment roll, the board of supervisors shall make a

2223 final decision on whether to levy and assess the particular  
2224 special assessments. Thereafter, the board of supervisors  
2225 shall meet as an equalizing board to hear and to consider any  
2226 and all complaints as to the particular special assessments  
2227 and shall adjust and equalize the special assessments to  
2228 ensure proper assessment based on the benefit conferred on the  
2229 property.

2230         4. When so equalized and approved by resolution or  
2231 ordinance by the board of supervisors, to be called the final  
2232 special assessment resolution, a final special assessment roll  
2233 shall be filed with the clerk of the board and such special  
2234 assessment shall stand confirmed and remain legal, valid, and  
2235 binding first liens on the property against which such special  
2236 assessments are made until paid, equal in dignity to the first  
2237 liens of ad valorem taxation of county and municipal  
2238 governments and school boards. However, upon completion of the  
2239 systems, facilities, services, projects, improvements, works,  
2240 or infrastructure, the district shall credit to each of the  
2241 assessments the difference in the special assessment as  
2242 originally made, approved, levied, assessed, and confirmed and  
2243 the proportionate part of the actual cost of the improvement  
2244 to be paid by the particular special assessments as finally

2245 determined upon the completion of the improvement; but in no  
2246 event shall the final special assessment exceed the amount of  
2247 the special and peculiar benefits as apportioned fairly and  
2248 reasonably to the property from the system, facility, or  
2249 service being provided as originally assessed. Promptly after  
2250 such confirmation, the special assessment shall be recorded by  
2251 the clerk of the district in the minutes of the proceedings of  
2252 the district, and the record of the lien in this set of  
2253 minutes shall constitute prima facie evidence of its validity.  
2254 The board of supervisors, in its sole discretion, may, by  
2255 resolution, grant a discount equal to all or a part of the  
2256 payee's proportionate share of the cost of the project  
2257 consisting of bond financing cost, such as capitalized  
2258 interest, funded reserves, and bond discounts included in the  
2259 estimated cost of the project, upon payment in full of any  
2260 special assessments during such period before the time such  
2261 financing costs are incurred as may be specified by the board  
2262 of supervisors in such resolution.

2263         5. District special assessments may be made payable in  
2264 installments over no more than 40 years after the date of the  
2265 payment of the first installment thereof and may bear interest  
2266 at fixed or variable rates.



2267 (b) Notwithstanding any provision of this act or chapter  
2268 170, Florida Statutes, that portion of s. 170.09, Florida  
2269 Statutes, which provides that special assessments may be paid  
2270 without interest at any time within 30 days after the  
2271 improvement is completed and a resolution accepting the same  
2272 has been adopted by the governing authority is not applicable  
2273 to any district special assessments, whether imposed, levied,  
2274 and collected pursuant to this act or any other provision of  
2275 general law, including, but not limited to, chapter 170,  
2276 Florida Statutes.

2277 (c) In addition, the district is authorized expressly in  
2278 the exercise of its rulemaking power to adopt rules that  
2279 provide for notice, levy, imposition, equalization, and  
2280 collection of assessments.

2281 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON  
2282 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

2283 (a) The board may, after any special assessments or  
2284 benefit special assessments for assessable improvements are  
2285 made, determined, and confirmed as provided in this act, issue  
2286 certificates of indebtedness for the amount so assessed  
2287 against the abutting property or property otherwise benefited,  
2288 as the case may be, and separate certificates shall be issued

2289 against each part or parcel of land or property assessed,  
2290 which certificates shall state the general nature of the  
2291 improvement for which the assessment is made. The certificates  
2292 shall be payable in annual installments in accordance with the  
2293 installments of the special assessment for which they are  
2294 issued. The board may determine the interest to be borne by  
2295 such certificates, not to exceed the maximum rate allowed by  
2296 general law, and may sell such certificates at either private  
2297 or public sale and determine the form, manner of execution,  
2298 and other details of such certificates. The certificates shall  
2299 recite that they are payable only from the special assessments  
2300 levied and collected from the part or parcel of land or  
2301 property against which they are issued. The proceeds of such  
2302 certificates may be pledged for the payment of principal of  
2303 and interest on any revenue bonds or general obligation bonds  
2304 issued to finance in whole or in part such assessable  
2305 improvement or, if not so pledged, may be used to pay the cost  
2306 or part of the cost of such assessable improvements.

2307 (b) The district may also issue assessment bonds,  
2308 revenue bonds, or other obligations payable from a special  
2309 fund into which such certificates of indebtedness referred to  
2310 in paragraph (a) may be deposited or, if such certificates of

2311 indebtedness have not been issued, may assign to such special  
2312 fund for the benefit of the holders of such assessment bonds  
2313 or other obligations, or to a trustee for such bondholders,  
2314 the assessment liens provided for in this act unless such  
2315 certificates of indebtedness or assessment liens have been  
2316 theretofore pledged for any bonds or other obligations  
2317 authorized hereunder. In the event of the creation of such  
2318 special fund and the issuance of such assessment bonds or  
2319 other obligations, the proceeds of such certificates of  
2320 indebtedness or assessment liens deposited therein shall be  
2321 used only for the payment of the assessment bonds or other  
2322 obligations issued as provided in this section. The district  
2323 is authorized to covenant with the holders of such assessment  
2324 bonds, revenue bonds, or other obligations that it will  
2325 diligently and faithfully enforce and collect all the special  
2326 assessments, and interest and penalties thereon, for which  
2327 such certificates of indebtedness or assessment liens have  
2328 been deposited in or assigned to such fund; to foreclose such  
2329 assessment liens so assigned to such special fund or  
2330 represented by the certificates of indebtedness deposited in  
2331 the special fund, after such assessment liens have become  
2332 delinquent, and deposit the proceeds derived from such

2333 foreclosure, including interest and penalties, in such special  
2334 fund; and to make any other covenants deemed necessary or  
2335 advisable in order to properly secure the holders of such  
2336 assessment bonds or other obligations.

2337 (c) The assessment bonds, revenue bonds, or other  
2338 obligations issued pursuant to this subsection shall have such  
2339 dates of issuance and maturity as deemed advisable by the  
2340 board; however, the maturities of such assessment bonds or  
2341 other obligations may not be more than 2 years after the due  
2342 date of the last installment that will be payable on any of  
2343 the special assessments for which such assessment liens, or  
2344 the certificates of indebtedness representing such assessment  
2345 liens, are assigned to or deposited in such special fund.

2346 (d) Such assessment bonds, revenue bonds, or other  
2347 obligations issued under this subsection shall bear such  
2348 interest as the board may determine, not to exceed the maximum  
2349 rate allowed by general law, and shall be executed, shall have  
2350 such provisions for redemption before maturity, shall be sold  
2351 in such manner, and shall be subject to all of the applicable  
2352 provisions contained in this act for revenue bonds, except as  
2353 the same may be inconsistent with this subsection.

2354 (e) All assessment bonds, revenue bonds, or other  
2355 obligations issued under this subsection shall be, shall  
2356 constitute, and shall have all the qualities and incidents of  
2357 negotiable instruments under the law merchant and general  
2358 laws.

2359 (15) TAX LIENS.—All taxes of the district provided for  
2360 in this act, together with all penalties for default in the  
2361 payment of the same and all costs in collecting the same,  
2362 including a reasonable attorney fee fixed by the court and  
2363 taxed as a cost in the action brought to enforce payment,  
2364 shall, from January 1 of each year the property is liable to  
2365 assessment and until paid, constitute a lien of equal dignity  
2366 with the liens for state and county taxes and other taxes of  
2367 equal dignity with state and county taxes upon all the lands  
2368 against which such taxes shall be levied. A sale of any of the  
2369 real property within the district for state and county or  
2370 other taxes may not operate to relieve or release the property  
2371 so sold from the lien for subsequent district taxes or  
2372 installments of district taxes, which lien may be enforced  
2373 against such property as though no such sale thereof had been  
2374 made. In addition, for purposes of s. 197.552, Florida  
2375 Statutes, the lien of all special assessments levied by the

2376 district shall constitute a lien of record held by a municipal  
2377 or county governmental unit. Sections 194.171, 197.122,  
2378 197.333, and 197.432, Florida Statutes, are applicable to  
2379 district taxes with the same force and effect as if such  
2380 sections were expressly provided in this act.

2381 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE  
2382 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

2383 (a) The district shall have the power and right to:

2384 1. Pay any delinquent state, county, district,  
2385 municipal, or other tax or assessment upon lands located  
2386 wholly or partially within the boundaries of the district.

2387 2. Redeem or purchase any tax sales certificates issued  
2388 or sold on account of any state, county, district, municipal,  
2389 or other taxes or assessments upon lands located wholly or  
2390 partially within the boundaries of the district.

2391 (b) Delinquent taxes paid, or tax sales certificates  
2392 redeemed or purchased, by the district, together with all  
2393 penalties for the default in payment of the same and all costs  
2394 in collecting the same and a reasonable attorney fee, shall  
2395 constitute a lien in favor of the district of equal dignity  
2396 with the liens of state and county taxes and other taxes of  
2397 equal dignity with state and county taxes upon all the real

2398 property against which the taxes were levied. The lien of the  
2399 district may be foreclosed in the manner provided in this act.

2400 (c) In any sale of land pursuant to s. 197.542, Florida  
2401 Statutes, as may be amended from time to time, the district  
2402 may certify to the clerk of the circuit court of the county  
2403 holding such sale the amount of taxes due to the district upon  
2404 the lands sought to be sold, and the district shall share in  
2405 the disbursement of the sales proceeds in accordance with this  
2406 act and under general law.

2407 (17) FORECLOSURE OF LIENS.—Any lien in favor of the  
2408 district arising under this act may be foreclosed by the  
2409 district by foreclosure proceedings in the name of the  
2410 district in a court of competent jurisdiction as provided by  
2411 general law in like manner as is provided in chapter 170 or  
2412 chapter 173, Florida Statutes, and any amendments thereto, and  
2413 those chapters shall be applicable to such proceedings with  
2414 the same force and effect as if those chapters were expressly  
2415 provided in this act. Any act required or authorized to be  
2416 done by or on behalf of a municipality in foreclosure  
2417 proceedings under chapter 170 or chapter 173, Florida  
2418 Statutes, may be performed by such officer or agent of the  
2419 district as the board of supervisors may designate. Such

2420 foreclosure proceedings may be brought at any time after the  
2421 expiration of 1 year from the date any tax, or installment  
2422 thereof, becomes delinquent; however, no lien shall be  
2423 foreclosed against any political subdivision or agency of the  
2424 state. Other legal remedies shall remain available.

2425 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,  
2426 FACILITIES, AND SERVICES.—To the full extent permitted by  
2427 general law, the district shall require all lands, buildings,  
2428 premises, persons, firms, and corporations within the district  
2429 to use the facilities of the district.

2430 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS;  
2431 RELATED PROVISIONS REQUIRED.—

2432 (a) A contract may not be let by the board for any  
2433 goods, supplies, or materials to be purchased when the amount  
2434 thereof to be paid by the district shall exceed the amount  
2435 provided in s. 287.017, Florida Statutes, for category four,  
2436 unless notice of bids shall be published in a newspaper of  
2437 general circulation in Lee County at least once. Any board  
2438 seeking to construct or improve a public building, structure,  
2439 or other public works shall comply with the bidding procedures  
2440 of s. 255.20, Florida Statutes, as amended from time to time,  
2441 and other applicable general law. In each case, the bid of the



2442 lowest responsive and responsible bidder shall be accepted  
2443 unless all bids are rejected because the bids are too high or  
2444 the board determines it is in the best interests of the  
2445 district to reject all bids. The board may require the bidders  
2446 to furnish bond with a responsible surety to be approved by  
2447 the board. Nothing in this subsection shall prevent the board  
2448 from undertaking and performing the construction, operation,  
2449 and maintenance of any project or facility authorized by this  
2450 act by the employment of labor, material, and machinery.

2451 (b) The Consultants' Competitive Negotiation Act, s.  
2452 287.055, Florida Statutes, applies to contracts for  
2453 engineering, architecture, landscape architecture, or  
2454 registered surveying and mapping services let by the board.

2455 (c) Contracts for maintenance services for any district  
2456 facility or project shall be subject to competitive bidding  
2457 requirements when the amount thereof to be paid by the  
2458 district exceeds the amount provided in s. 287.017, Florida  
2459 Statutes, as amended from time to time, for category four. The  
2460 district shall adopt rules, policies, or procedures  
2461 establishing competitive bidding procedures for maintenance  
2462 services. Contracts for other services may not be subject to  
2463 competitive bidding unless the district adopts a rule, policy,

2464 or procedure applying competitive bidding procedures to said  
2465 contracts. Nothing herein shall preclude the use of requests  
2466 for proposal instead of invitations to bid as determined by  
2467 the district to be in its best interest.

2468 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION  
2469 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

2470 (a) The district is authorized to prescribe, fix,  
2471 establish, and collect rates, fees, rentals, or other charges,  
2472 hereinafter sometimes referred to as "revenues," and to revise  
2473 the same from time to time, for the systems, facilities, and  
2474 services furnished by the district including, but not limited  
2475 to, recreational facilities, water management and control  
2476 facilities, and water and sewer systems; to recover the costs  
2477 of making connection with any district service, facility, or  
2478 system; and to provide for reasonable penalties against any  
2479 user or property for any such rates, fees, rentals, or other  
2480 charges that are delinquent.

2481 (b) No such rates, fees, rentals, or other charges for  
2482 any of the facilities or services of the district shall be  
2483 fixed until after a public hearing at which all the users of  
2484 the proposed facility or services or owners, tenants, or  
2485 occupants served or to be served thereby and all other

2486 interested persons shall have an opportunity to be heard  
2487 concerning the proposed rates, fees, rentals, or other  
2488 charges. Rates, fees, rentals, and other charges shall be  
2489 adopted under the administrative rulemaking authority of the  
2490 district, but do not apply to district leases. Notice of such  
2491 public hearing setting forth the proposed schedule or  
2492 schedules of rates, fees, rentals, and other charges shall  
2493 have been published in a newspaper of general circulation in  
2494 Lee County at least once and at least 10 days before such  
2495 public hearing. The rulemaking hearing may be adjourned from  
2496 time to time. After such hearing, such schedule or schedules,  
2497 either as initially proposed or as modified or amended, may be  
2498 finally adopted. A copy of the schedule or schedules of such  
2499 rates, fees, rentals, or charges as finally adopted shall be  
2500 kept on file in an office designated by the board and shall be  
2501 open at all reasonable times to public inspection. The rates,  
2502 fees, rentals, or charges so fixed for any class of users or  
2503 property served shall be extended to cover any additional  
2504 users or properties thereafter served which shall fall in the  
2505 same class, without the necessity of any notice or hearing.

2506 (c) Such rates, fees, rentals, and charges shall be just  
2507 and equitable and uniform for users of the same class, and

2508 when appropriate may be based or computed either upon the  
2509 amount of service furnished, upon the average number of  
2510 persons residing or working in or otherwise occupying the  
2511 premises served, or upon any other factor affecting the use of  
2512 the facilities furnished, or upon any combination of the  
2513 foregoing factors, as may be determined by the board on an  
2514 equitable basis.

2515 (d) The rates, fees, rentals, or other charges  
2516 prescribed shall be such as will produce revenues, together  
2517 with any other assessments, taxes, revenues, or funds  
2518 available or pledged for such purpose, at least sufficient to  
2519 provide for the following items, but not necessarily in the  
2520 order stated:

2521 1. To provide for all expenses of operation and  
2522 maintenance of such facility or service.

2523 2. To pay when due all bonds and interest thereon for  
2524 the payment of which such revenues are, or shall have been,  
2525 pledged or encumbered, including reserves for such purpose.

2526 3. To provide for any other funds which may be required  
2527 under the resolution or resolutions authorizing the issuance  
2528 of bonds pursuant to this act.

2529 (e) The board shall have the power to enter into  
2530 contracts for the use of the projects of the district and with  
2531 respect to the services, systems, and facilities furnished or  
2532 to be furnished by the district.

2533 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that  
2534 any rates, fees, rentals, charges, or delinquent penalties are  
2535 not paid as and when due and are in default for 60 days or  
2536 more, the unpaid balance thereof and all interest accrued  
2537 thereon, together with reasonable attorney fees and costs, may  
2538 be recovered by the district in a civil action.

2539 (22) DISCONTINUANCE OF SERVICES OR FACILITIES.—In the  
2540 event the fees, rentals, or other charges for district  
2541 services or facilities are not paid when due, the board shall  
2542 have the power, under such reasonable rules and regulations as  
2543 the board may adopt, to discontinue and shut off such services  
2544 or facilities until such fees, rentals, or other charges,  
2545 including interest, penalties, and charges for the shutting  
2546 off and discontinuance and the restoration of such services or  
2547 facilities, are fully paid; and, for such purposes, the board  
2548 may enter on any lands, waters, or premises of any person,  
2549 firm, corporation, or body, public or private, within the  
2550 district limits. Such delinquent fees, rentals, or other

2551 charges, together with interest, penalties, and charges for  
2552 the shutting off and discontinuance and the restoration of  
2553 such services or facilities and reasonable attorney fees and  
2554 other expenses, may be recovered by the district, which may  
2555 also enforce payment of such delinquent fees, rentals, or  
2556 other charges by any other lawful method of enforcement.

2557 (23) ENFORCEMENT AND PENALTIES.—The board or any  
2558 aggrieved person may have recourse to such remedies in general  
2559 law and at equity as may be necessary to ensure compliance  
2560 with this act, including injunctive relief to enjoin or  
2561 restrain any person violating this act or any bylaws,  
2562 resolutions, regulations, rules, codes, or orders adopted  
2563 under this act. In case any building or structure is erected,  
2564 constructed, reconstructed, altered, repaired, converted, or  
2565 maintained, or any building, structure, land, or water is  
2566 used, in violation of this act or of any code, order,  
2567 resolution, or other regulation made under authority conferred  
2568 by this act or under general law, the board or any citizen  
2569 residing in the district may institute any appropriate action  
2570 or proceeding to prevent such unlawful erection, construction,  
2571 reconstruction, alteration, repair, conversion, maintenance,  
2572 or use; to restrain, correct, or avoid such violation; to

2573 prevent the occupancy of such building, structure, land, or  
2574 water; and to prevent any illegal act, conduct, business, or  
2575 use in or about such premises, land, or water.

2576 (24) SUITS AGAINST THE DISTRICT.—Any suit or action  
2577 brought or maintained against the district for damages arising  
2578 out of tort, including, without limitation, any claim arising  
2579 upon account of an act causing an injury or loss of property,  
2580 personal injury, or death, shall be subject to the limitations  
2581 provided in s. 768.28, Florida Statutes.

2582 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All  
2583 district property shall be exempt from levy and sale by virtue  
2584 of an execution, and no execution or other judicial process  
2585 shall issue against such property, nor shall any judgment  
2586 against the district be a charge or lien on its property or  
2587 revenues; however, nothing contained herein shall apply to or  
2588 limit the rights of bondholders to pursue any remedy for the  
2589 enforcement of any lien or pledge given by the district in  
2590 connection with any of the bonds or obligations of the  
2591 district.

2592 (26) TERMINATION, CONTRACTION, OR EXPANSION OF  
2593 DISTRICT.—

2594 (a) The board of supervisors of the district may not ask  
2595 the Legislature to repeal or amend this act to expand or to  
2596 contract the boundaries of the district or otherwise cause the  
2597 merger or termination of the district without first obtaining  
2598 a resolution or official statement from Lee County as required  
2599 by s. 189.031(2)(e)4., Florida Statutes, for creation of an  
2600 independent special district. The district's consent may be  
2601 evidenced by a resolution or other official written statement  
2602 of the district.

2603 (b) The district shall remain in existence until:

2604 1. The district is terminated and dissolved pursuant to  
2605 amendment to this act by the Legislature.

2606 2. The district has become inactive pursuant to s.  
2607 189.062, Florida Statutes.

2608 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—The  
2609 district may merge with one or more community development  
2610 districts situated wholly within its boundaries. The district  
2611 shall be the surviving entity of the merger. Any mergers shall  
2612 commence upon each such community development district filing  
2613 a written request for merger with the district. A copy of the  
2614 written request shall also be filed with Lee County. The  
2615 district, subject to the direction of its board of



2616 supervisors, shall enter into a merger agreement which shall  
2617 provide for the proper allocation of debt, the manner in which  
2618 such debt shall be retired, the transition of the community  
2619 development district board, and the transfer of all financial  
2620 obligations and operating and maintenance responsibilities to  
2621 the district. The execution of the merger agreement by the  
2622 district and each community development district constitutes  
2623 consent of the landowners within each district. The district  
2624 and each community development district requesting merger  
2625 shall hold a public hearing within its boundaries to provide  
2626 information about and take public comment on the proposed  
2627 merger in the merger agreement. The public hearing shall be  
2628 held within 45 days after the execution of the merger  
2629 agreement by all parties thereto. Notice of the public hearing  
2630 shall be published in a newspaper of general circulation in  
2631 Lee County at least 14 days before the hearing. At the  
2632 conclusion of the public hearing, each district shall consider  
2633 a resolution approving or disapproving the proposed merger. If  
2634 the district and each community development district which is  
2635 a party to the merger agreement adopt a resolution approving  
2636 the proposed merger, the resolutions and the merger agreement  
2637 shall be filed with Lee County. Upon receipt of the

2638 resolutions approving the merger and the merger agreement, Lee  
2639 County shall adopt a nonemergency ordinance dissolving each  
2640 community development district pursuant to s. 190.046(10),  
2641 Florida Statutes.

2642 (28) INCLUSION OF TERRITORY.—The inclusion of any or all  
2643 territory of the district within a municipality does not  
2644 change, alter, or affect the boundary, territory, existence,  
2645 or jurisdiction of the district.

2646 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
2647 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this  
2648 district under this act, each contract for the initial sale of  
2649 a parcel of real property and each contract for the initial  
2650 sale of a residential unit within the district shall include,  
2651 immediately before the space reserved in the contract for the  
2652 signature of the purchaser, the following disclosure statement  
2653 in boldfaced and conspicuous type which is larger than the  
2654 type in the remaining text of the contract: "THE DUKE FARM  
2655 STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS,  
2656 OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES  
2657 AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND  
2658 MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND  
2659 SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING

2660 BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN  
2661 ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND  
2662 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR  
2663 BY GENERAL LAW."

2664 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30  
2665 days after the election of the first board of supervisors  
2666 creating the district, the district shall cause to be recorded  
2667 in the grantor-grantee index of the property records in Lee  
2668 County a "Notice of Creation and Establishment of the Duke  
2669 Farm Stewardship District." The notice shall, at a minimum,  
2670 include the legal description of the territory described in  
2671 this act.

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

2680 Section 3. If any provision of this act or its application to  
2681 any person or circumstance is held invalid, the invalidity

2682 does not affect the remaining provisions or applications of  
2683 the act which can be given effect without the invalid  
2684 provision or application, and to this end the provisions of  
2685 this act are severable.

2686 Section 4. This act shall take effect upon becoming a law  
2687 except that the provisions of this act which authorize the  
2688 levy of ad valorem taxation shall take effect only upon  
2689 express approval by a majority vote of those qualified  
2690 electors of the Duke Farm Stewardship District, as required by  
2691 Section 9, Article VII of the State Constitution, voting in a  
2692 referendum election held at such time as all members of the  
2693 board are qualified electors who are elected by qualified  
2694 electors of the district as provided in this act.

2695 Section 5. This act shall take effect upon becoming a law.