

**A RESOLUTION OF THE COLLIER COUNTY BOARD OF  
COUNTY COMMISSIONERS FINDING NO OBJECTION TO THE  
CREATION OF THE BIG CYPRESS STEWARDSHIP DISTRICT.**

WHEREAS, the Collier County Board of County Commissioners (Board) has been presented with a proposal relating to the creation of the Big Cypress Stewardship District (District), an independent special district, within the Rural Lands Stewardship Area (RLSA) by Special Act; and

WHEREAS, the Board previously appointed the Eastern Lands Area Oversight Committee (ELAC) to conduct a Rural and Agricultural Area Assessment (Immokalee Area Study) of lands which would, in part, comprise the District; and

WHEREAS, the ELAC's Immokalee Area Study recommended the adoption of a Rural Lands Stewardship Area Overlay Amendment (Amendment) to the Collier County Growth Management Plan (GMP); and that Amendment has been adopted by the Board and found in compliance by the Department of Community Affairs; and

WHEREAS, the Board more recently adopted the RLSA Zoning Overlay District (Overlay) and corresponding land development regulations in Section 2.2.27 of its Land Development code (LDC) which implement the Amendment by establishing a long-range stewardship land use program for approximately 300 square miles of Collier County's rural eastern lands so as to promote agriculture, protect wetland flowways and upland habitat, and directs growth to suitable locations through an innovative system of Stewardship Credits; and

WHEREAS, the GMP and LDC allow for development in the RLSA and Overlay that can be serviced utilizing a single integrated plan of public infrastructure construction, maintenance, and operation; and

WHEREAS, the creation of the District by the Special Act will provide for a public financing mechanism for public infrastructure and services without competing with other County providers in a portion of the currently undeveloped RLSA and Overlay; and

WHEREAS, the creation of an independent special district under Florida Statutes Chapter 189 (2003), is a method of providing public infrastructure and services within the RLSA and Overlay for the development of anticipated rural villages, towns, and hamlets; and

WHEREAS, the District's creation will also provide a mechanism for the preservation and management of those lands entered into the system of Stewardship Credits, as well as any lands set aside for mitigation purposes; and

WHEREAS, the Special Act creating the District will require the District and the Board to enter into an Interlocal Service Delivery Agreement providing for a fee simple donation of road right-of-way by and a fair share capital construction funding contribution for the long-range traffic

capacity improvements of county arterial and collector roads within and proximate to the District within 90 days of the Act taking effect; and

WHEREAS, Section 189.404(2)(e), Florida Statutes (2003), requires a resolution or official statement from the Collier County Board of County Commissioners or County Manager stating that the District's creation is consistent with the County's adopted comprehensive plan and that the County has no objection to the Districts' creation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

1. The creation and establishment of the Big Cypress Stewardship District pursuant to the proposed Special Act, in the form attached hereto as Attachment A, is consistent with the Collier County Growth Management Plan and Land Development Code.
2. The Board has no objection to the creation and establishment of the District.
3. The Board's adoption of this Resolution is conditioned on the continuing existence of the following provisions in the finally adopted text of the Special Act:
  - (a) Any proposed amendment of this Act which deals expressly with the requirements that the District is subject to and may not conduct itself in any manner that is inconsistent with the County's comprehensive plans and land development regulations shall not be considered by the legislature unless such amendment is accompanied with a resolution of support from and by the Board of County Commissioners of Collier County.
  - (b) The District and Collier County shall enter into an Interlocal Service Delivery Agreement providing for a fair share capital construction funding contribution for the long-range traffic capacity improvements of county arterial and collector roads within and proximate to the District within 90 days of the Act taking effect.
4. The adoption of the Resolution is also conditioned on Collier Enterprises, Inc. entering into an agreement with the County for the fee simple donation of road-right-of-way, to supplement County owned right-of-way, sufficient to accommodate a six lane cross section on Immokalee Road and Oil Well Road, and acceptance of storm water retention along Immokalee Road and Oil well Road, within 30 days of enactment of the bill establishing the District. Road impact fee credits will not be granted by the County in exchange for donated right-of-way. The agreement shall only take effect upon the proposed legislation becoming law.

THIS RESOLUTION ADOPTED this 28 day of October after a motion, second and majority vote favoring same.

DATED:

ATTEST:

DWIGHT E. BROCK, Clerk

*Linda R. Houtz*  
Deputy Clerk

Attest as to Chairman's  
signature only.

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA

By: *Tom Henning*

TOM HENNING, Chairman

Approved as to form and  
legal sufficiency:

*Heidi F. Ashton*

Heidi F. Ashton  
Assistant County Attorney

A bill to be entitled

An act relating to the Big Cypress Stewardship District; creating and establishing an independent special district in Collier County to be known as the Big Cypress Stewardship District; creating a charter; providing for minimum charter requirements; describing the boundaries of the District; providing for Supervisor qualifications, terms of office, election procedures, and compensation; providing powers; providing for liberal construction; providing for severability; providing for a referendum; providing an effective date.

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

Section 1. The Big Cypress Stewardship District, an independent special district in Collier County, is created and established, pursuant to chapters 189 and 298, Florida Statutes, and the charter for such district is created to read:

Section 1. District establishment and boundaries.--For the purposes of providing public infrastructure, services, the assessment, levy, and collection of taxes, non-ad valorem assessments and fees, the operation of District facilities and services, and all other purposes stated in this act consistent with chapters 189 and 298, Florida Statutes, and other applicable general law, an independent stewardship district is hereby created and established in Collier County, Florida, to be known as the Big Cypress Stewardship District, the territorial boundaries of which shall be as follows, to-wit:

All Those Parts of Townships 47, 48 And 49 South, Range 28 East, Collier County, Florida, Being More Particularly Described As Follows:

All of Section 14, Township 47 South, Range 28 East, Collier County, Florida, Less 100 Acres Of Land More Or Less As Described In Official Records Book 2496, Page 660, Public Records Of Collier County, Florida; (540 Acres  $\pm$ )

And

All of Sections 23, 24, 25, 26 And 27, Township 47 South, Range 28 East, Collier County, Florida Less Right Of Way For C.R. 846, (Immokalee Road); (3165 Acres  $\pm$ )

And

All of Section 28, Township 47 South, Range 28 East, Collier County, Florida,  
Lying South Of C.R. 846 (Immokalee Road) And Lying North And East of Oil  
Well Grade Road; (132 Acres  $\pm$ )

And

All of Sections 34 And 35, Township 47 South, Range 28 East, Collier County,  
Florida; (1280 Acres  $\pm$ )

And

The Westerly 520 Acres of Sections 1 And 12, Township 48 South, Range 28  
East, Collier County, Florida; (1040 Acres  $\pm$ )

And

All of Sections 2, 3, 10, And 11 of Township 48 South, Range 28 East, Collier  
County, Florida; (2560 Acres  $\pm$ )

And

All of Section 13, Township 48 South Range 28 East, Collier County, Florida  
Less The Southeast One-Quarter (  $\frac{1}{4}$  ) of Said Section 13 And Less The South  
50.00 Feet of The Southwest One-Quarter of Said Section 13 For Road Right Of  
Way And Less The Easterly 60.00 Acres of The Northeasterly One-Quarter (  $\frac{1}{4}$  )  
of Said Section 13; (416.97 Acres  $\pm$ )

And

All of Sections 14 And 15, Township 48 South, Range 28 East, Collier County,  
Florida Less The Southerly 50.00 Feet For Road Right Of Way Purposes As  
Described In Official Records Book 154, Page 529; (1253.87 Acres  $\pm$ )

And

All of Section 22, Township 48 South, Range 28 East, Collier County, Florida,  
Less The Northerly 50.00 Feet For Right Of Way Purposes As Described In  
Official Records Book 154, Page 529 Public Records of Collier County, Florida;  
(633.94 Acres  $\pm$ )

And

All of Sections 23 And 24, Township 48 South, Range 28 East, Collier County,  
Florida Less Road Right Of Ways; (1256 Acres  $\pm$ )

And

All of Sections 25, 26, 27, 34, 35 And 36, Township 48 South, Range 28 East, Collier County, Florida; (3840 Acres  $\pm$ )

And

The West One-Half (  $\frac{1}{2}$  ) Of Section 1, Township 49 South, Range 28 East, Collier County, Florida; (493.66 Acres  $\pm$ )

And

All of Sections 2, 3, 10, 11 And 15, Township 49 South, Range 28 East, Collier County, Florida; (3878.23 Acres  $\pm$ )

And

All of Sections 22 And 27, Township 49 South, Range 28 East, Collier County, Florida, Less the Ford Test Track PUD; (1163.42 Acres  $\pm$ )

And

All Of Section 34, Township 49 South, Range 28 East, Collier County, Florida, Less The Ford Test Track PUD And Less Official Records Book 2239, Page 144; (47.70 Acres  $\pm$ )

Containing a Total Acreage of 21,700.79 Acres of Land More Or Less;

Section 2. Provisions of other laws made applicable.--The provisions of chapters 189 and 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted are hereby declared to be applicable to the Big Cypress Stewardship District. The Big Cypress Stewardship District shall have all of the powers and authorities mentioned in or conferred by chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

Section 3. Powers of the District; compliance with county plans and regulations.--

(1) The District shall have the following powers:

(a) To sue and be sued by its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal and to alter the same at pleasure;

(b) To acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act, and chapters 189 and 298, Florida Statutes. Provided however, initiation of condemnation proceedings outside the boundaries of the District shall require the prior approval by a supermajority of four votes of the Collier County Commission;

- (c) To construct, operate, and maintain canals, ditches, drains, levees, lakes, ponds, and other works for water management and control purposes;
- (d) To acquire, purchase, operate, and maintain pumps, plants, and pumping systems for water management and control purposes;
- (e) To construct, operate, and maintain irrigation works, machinery, and plants;
- (f) To construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of the District or the supervisors thereof; and to include as a component of roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system;
- (g) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for providing transportation throughout the District, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the District in activities conducted within the District;
- (h) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parking facilities within the District boundaries;
- (i) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses;
- (j) To acquire, construct, finance, operate, and maintain water plants and systems to produce, purify, and distribute water for consumption;
- (k) To acquire, construct, finance, operate, and maintain sewer systems for the collection, disposal, and reuse of waste and to prevent water pollution in the District;
- (l) To levy ad valorem taxes, non-ad valorem assessments, prescribe, fix, establish, and collect rates, fees, rentals, fares, or other charges, and to revise the same from time to time, for the facilities and services furnished or to be furnished by the District and to recover the cost of making connection to any District facility or system;
- (m) To provide for the discontinuance of service and reasonable penalties including attorney's fees, against any user or property for any such rates, fees, rentals, fares, or other charges that become delinquent and require collection. However, no charges or fees shall be established until after a public hearing of the board at the District at which all affected persons shall be given an opportunity to be heard;
- (n) To enter into agreements with any person, firm, or corporation for the furnishing by such person, firm, or corporation of any facilities and services of the type provided for in this act;

- (o) To enter into impact fee credit agreements with local general-purpose governments. In the event the District enters into an impact fee credit agreement with a local general purpose government where the District constructs or makes contributions for public facilities for which impact fee credits would be available, the agreement may provide that such impact fee credits shall inure to the landowners within the District in proportion to their relative assessments, and the District shall, from time to time, execute such instruments (such as assignments of impact fee credits) as may be necessary or desirable to accomplish or confirm the foregoing.
- (p) To construct and maintain facilities for and take measures to control mosquitoes and other arthropods of public health importance;
- (q) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for conservation areas, mitigation areas and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property;
- (r) To borrow money and issue negotiable or other bonds of the District as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of the district therefore, bearing interest at not exceeding the maximum interest allowable by law, in anticipation of the collection of taxes, and assessments or revenues of the district, and to pledge or hypothecate such taxes, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same;
- (s) To provide public safety, including, but not limited to, security, guardhouses, fences and gates, electronic intrusion detection systems and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such service within the District boundaries;
- (t) To provide systems and facilities for fire prevention and control and emergency medical services, including the construction or purchase of fire stations, water mains and plugs, fire trucks, and other vehicles and equipment consistent with any adopted Collier County ordinances, rules, or regulations;
- (u) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, and maintain additional systems and facilities for school buildings and related structures pursuant to this act and chapter 1013, Florida Statutes, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the District school board;
- (v) To establish and create such departments, committees, boards or other agencies, including a public relations committee, as from time to time the Board of Supervisors may deem necessary or desirable in the performance of the acts or other things necessary to the exercise of the powers provided in this act, and to delegate to such departments, boards, or other agencies such administrative duties and other powers as the Board of Supervisors may deem necessary or desirable; and



(w) To exercise all other powers necessary convenient or proper in connection with any of the powers or duties of the District stated in this act. The powers and duties of the District shall be exercised by and through the Board of Supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the Board of Supervisors may, from time to time, determine, and to fix their compensation and duties. However, in addition thereto, the District shall have all of the powers provided for in chapter 298, Florida Statutes, as amended from time to time. All powers and authority of the District shall extend and apply to the District as a whole and to each unit of development as, from time to time, may be designated by the Board of Supervisors.

(2) Notwithstanding any authority contained within this section, the development, operation, or maintenance of any District facilities or services shall comply with the adopted comprehensive plan for Collier County and any adopted land development regulations or specialized plans adopted which apply within the geographic boundaries of the District, including the Collier County Growth Management Plan and all plans of the Metropolitan Planning Organization as they may apply to the projects and activities authorized pursuant to Section 3 of this act.

**Section 4. Sale of real estate within the district; required disclosure to purchaser.--**

Subsequent to the establishment of the district under this act, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in bold-faced and conspicuous type which is larger than the type in the remaining text of the contract.: **"THE BIG CYPRESS STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."** Provided further, prior to the subdivision and sale or transfer of any assessable property within the District, the owner of land to be sold or transferred shall record the notice contained in this section in the official records of Collier County as a covenant to run with the transferred property.

**Section 5. Board of Supervisors, organization, powers, duties, and terms of office.--**

(1) There is hereby created a Board of Supervisors of Big Cypress Stewardship District, which shall be the governing body of the District. The Board of Supervisors shall consist of five (5) persons, who, except as herein otherwise provided, shall hold office for the term of three (3) years and until their successors shall be duly elected and qualified.

(2) Except as provided in Section 5.(3) herein, the election of the District's Board of Supervisors shall be on a one acre-one vote basis pursuant to section 298.11, Florida Statutes, as it may be amended from time to time. Each year during the month of June, a Supervisor or Supervisors shall be elected, as hereinafter provided, by the landowners of the District to fill the seat or seats of Supervisors whose terms have expired. All vacancies or expirations on the board shall be filled as required by this act and chapter 298, Florida Statutes. The Supervisors of the Big Cypress Stewardship District shall be residents of the State of Florida and citizens of the United States. In case of a vacancy in the office of any Supervisor, the remaining Supervisors may fill such vacancy until the next annual meeting of the landowners, when his or her successor shall be elected by the landowners for the unexpired term. As soon as practicable after their election, the Board of Supervisors of the District shall organize by choosing one of their number president of the Board of Supervisors and by electing some suitable person secretary, who may or may not be a member of the Board. The Board of Supervisors shall adopt a seal, which shall be the seal of the District. At each annual meeting of the landowners of the District, the Board of Supervisors shall report all work undertaken or completed during the preceding year, and the status of the finances of the District.

(3) At the initial landowners meeting, the landowners shall, at such election, determine the length of the terms of office of each initial supervisor so elected by them. Respectively, there shall be one-one year term, two-two year terms, and two-three year terms. Thereafter, all terms of Supervisors shall be for three years. Provided, however, one three year Supervisor position shall not be elected by the landowners. Upon the election of four Supervisors and organization of the Board, the Board shall appoint the fifth Supervisor for a three year term. The appointed member shall be a representative of an environmental organization based in Collier County who shall not be a District landowner. An appointed Supervisor shall be reappointed every three years thereafter following the annual landowners' meeting as prescribed herein until qualified electors of the District have approved the election conversion provisions of Section 189.4051, F.S. Subsequent to elector approval, the appointed Supervisor shall be replaced at the end of his term by an elected Supervisor elected pursuant to Section 298.11, F.S., at an annual landowners' meeting, all Supervisors shall serve until their successors shall have been elected or appointed and qualified.

(4) All Supervisors shall hold office until their successors shall be elected and qualified. Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election shall not or cannot be held at such time or on such day, then in such event and in all and every such event, the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter as soon as practicable and consistent with this act.

(5) Prior to taking any District action, a quorum must be present. Quorum for District meetings is three Supervisors.

Section 6. Compensation of Board; Per Diem.—The Board of Supervisors may be compensated pursuant to section 298.14, Florida Statutes, as it may be amended from time to time. The Board of Supervisors may, by resolution, adopt a rate of reimbursement for travel, mileage and meals

for Board members and district employees and representatives on official District business pursuant to general applicable law.

**Section 7. Annual Landowners Meeting; Election of Supervisors.**—A landowners meeting shall be held each year during the month of June, beginning with June 2004. The purpose of this meeting is to hold an election pursuant to section 4 of this act and for the Board of Supervisors to make any District reports.

**Section 8. Taxes; non-ad valorem assessments.**--

(1) **AD VALOREM TAXES.**--The Board of Supervisors, subject to referendum approval pursuant to Art. VII, s. 9 of the State Constitution, shall have the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the District to pay the principal of and interest on any general obligation bonds of the District, to provide for any sinking or other funds established in connection with any such bonds, and to pay the costs for construction or maintenance of any of the projects or activities of the District authorized by the provisions of this act or applicable general law. The total amount of such ad valorem taxes levied in any year shall not be in excess of ten (10) mills on the dollar per annum on the assessed value of the taxable property within the District. The ad valorem tax provided for herein shall be in addition to county and municipal ad valorem taxes provided for by law.

(2) **NON-AD VALOREM ASSESSMENTS.**--Non-ad valorem assessments for the construction, operation, or maintenance of District facilities, services, and operations shall be assessed, levied, and collected pursuant to chapter 298, chapter 170, or chapter 197, Florida Statutes, as amended from time to time.

(3) **TAXES, ASSESSMENTS, AND COSTS, A LIEN ON LAND AGAINST WHICH ASSESSED, ETC.**--All taxes and assessments provided for in this act, together with all penalties for default in payment of the same, all costs in collecting the same, shall, from the date of assessment thereof until paid, constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which such taxes shall be levied as is provided in this chapter.

(4) **COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR AND CLERK OF THE CIRCUIT COURT.**--The Property Appraiser, Tax Collector and Clerk of the Circuit Court of Collier County shall be entitled to compensation for services performed in connection with taxes and assessments of the District as provided by general law.

(5) **LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN ONE (1) ACRE.**--In levying and assessing all assessments, each tract or parcel of land less than one (1) acre in area shall be assessed as a full acre, and each tract or parcel of land more than one (1) acre in area which contains a fraction of an acre shall be assessed at the nearest whole number of acres, a fraction of one half or more to be assessed as a full acre.

Section 9. When unpaid taxes and assessments delinquent; penalty.--All taxes and assessments provided for in this act shall be and become delinquent and bear penalties on the amount of the taxes in the same manner as county taxes.

Section 10. Enforcement of taxes and assessments.—The collection and enforcement of all taxes and assessments levied by the District shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to the District and the delinquent and unpaid taxes of the District to the same extent as if the statutory provisions were expressly set forth in this act. All taxes and assessments shall be subject to the same discounts as county taxes.

**Section 10. (1) ISSUANCE OF REVENUE BONDS, ASSESSMENT BONDS, AND BOND ANTICIPATION NOTES.--**

(a) In addition to the other powers provided the District, and not in limitation thereof, the District shall have the power, pursuant to this act, chapter 298, Florida Statutes, and applicable general law as amended from time to time, at any time, and, from time to time, after the issuance of any bonds of the District shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue.

(b) Pursuant to chapter 298, Florida Statutes, and applicable general law as amended from time to time, the District shall have the power to issue assessment bonds and revenue bonds, from time to time, without limitation as to amount for the purpose of financing those systems and facilities provided for in section 3 of this charter. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the District; from non-ad valorem assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the District, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

(c) Any issue of bonds may be secured by a trust agreement by and between the District and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the District and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the District in relation to: the acquisition, construction, reconstruction, Stewardship, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges, and the custody, safeguarding, and application of all moneys and for the

employment of consulting engineers in connection with such acquisition, construction, reconstruction, Stewardship, maintenance, repair, or operation.

(d) Bonds of each issue shall be dated; shall bear interest at such rate or rates, including variable rates, which interest may be tax exempt or taxable for federal income tax purposes; shall mature at such time or times from their date or dates; and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be determined by the board.

(e) The District shall have the power to issue bonds for the purpose of refunding any outstanding bonds of the District.

**(2) GENERAL OBLIGATION BONDS.--**

(a) Pursuant to this act, the District shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of thirty-five percent (35%) of the assessed value of the taxable property within the District as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the District is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the District by the Board of Supervisors.

(b) The District may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefore and met unconditionally and irrevocably pledge itself to ad valorem taxes on all taxable property within the District, to the extent necessary for the payment thereof, without limitations as to greater amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the elector on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more of the capital projects shall not defeat the approval of bonds for any capital project that has been approved by the electors.

(d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in the amount sufficient to pay the principal and interest on a general obligation bond so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to section 170.08, Florida Statutes.

2. Water revenues, sewer revenues, or water and sewer revenues of the District to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bond so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1 and 2.

**Section 12. Minimum charter requirements.--**

(1) The District is organized and exists for all purposes set forth in this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(2) The powers, functions, and duties of the District regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 170, 189, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The District is created by special act of the Florida Legislature, in accordance with chapters 189 and 298, Florida Statutes.

(4) The District's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 189, Florida Statutes, this act, and section 298.11, Florida Statutes, the District is governed by a five-member board, elected on a one-acre, one-vote basis by the landowners in the District. The membership and organization of the board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The compensation of board members shall be governed by this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(7) The administrative duties of the Board of Supervisors shall be as set forth in this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per-diem expenses for officers and employees shall be as set forth in this act, chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in this act and chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting District elections and for qualification of electors shall be pursuant to this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

- (11) The District may be financed by any method established in this act, chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.
- (12) The methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, and other applicable general laws as they may be amended from time to time.
- (13) The District's planning requirements shall be as set forth in this act.
- (14) The District's geographic boundary limitations shall be as set forth in this act.
- (15) The district and Collier County shall, within 90 days of referendum approval of this act as provided in Section 14, enter into an interlocal agreement with Collier County providing for a fair share capital construction funding contribution for the long-range traffic capacity improvements of County arterial and collector roads within and proximate to the District. The agreement may be amended by mutual consent of the parties.
- (16) Any subsequent amendment to this act exempting or otherwise relieving the district of any requirements of Section 189.4155(1), F.S. shall require a resolution or official statement from Collier County pursuant to Section 189.404(2)(e)4., F.S., confirming compliance with the adopted comprehensive plan and no objection to the amendment.
- (17) Any application for federal, state or local government grant monies for which Collier County is also eligible pursuant to applicable rules and regulations shall require a resolution by the County Commission or written statement of no objection from the County's chief executive officer prior to filing the application.

Section 13. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situations, circumstances, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 14. This section shall take effect upon this Act becoming a law, and the remaining sections shall take effect upon approval by a majority vote of the owners of land within the District not exempt from ad valorem taxes or non-ad valorem assessments present at a landowners meeting to be held within 20 days of this section becoming a law. In such election, each assessable acre or fraction thereof present in person or by proxy shall be counted as one vote.