



LEE COUNTY LEGISLATIVE DELEGATION MEETING PACKET
REPRESENTATIVE ESPOSITO, CHAIR

Thursday, January 9th, 2025
9:00AM - 1:00PM, or Upon Completion of Agenda
Room AA-177 (Nursing Building), Florida Southwestern State College

Table of Contents

- Local Bills (Pg. 3)
 - Special Act Relating to San Carlos Estates Water Control District (Pg. 3)
 - Special Act Relating to Fort Myers Beach Mosquito Control District (Pg. 5)
 - Special Act Creating Duke Farm Stewardship District (Pg. 9)
 - Special Act Relating to Lee County (Pg. 52)
- Presentations by Local Officials and Members of the Public (Pg. 55)
 - Lee Board of County Commissioners (Pg. 55)
 - Children’s Network of Southwest Florida (Pg. 70)
 - PACE Center for Girls (Pg. 78)
 - Sanibel-Captiva Conservation Foundation (Pg. 80)
 - Ann Salamone (Pg. 82)
 - Jeff Russell (Pg. 83)
 - Joy Alexakis (Pg. 84)

V. Local Bills

1. Special Act relating to San Carlos Estates Water Control District

A bill to be entitled

An act relating to San Carlos Estates Water Control District, Lee County; providing that the San Carlos Estates Water Control District, an independent special district, shall become a dependent district of the City of Bonita Springs; providing for transition; providing that members of the city council shall assume the offices of the board of supervisors of said district; providing boundaries; requiring a referendum; providing effective dates.

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

Section 1. San Carlos Estates Water Control District continuation and transfer.— The San Carlos Estates Water Control District, an independent special district created by circuit court decree, shall become a dependent district of the City of Bonita Springs on the effective date of this act.

(1) Decree 69-105 entered by the circuit court in and for the Twelfth Circuit Court of the State of Florida creating and incorporating the San Carlos Estates Water Control District is reenacted, amended, and repealed as provided herein. The provisions of chapter 298, Florida Statutes, so far as not inconsistent with this act, are applicable to the district.

(2) The assets, liabilities, financial allocations, and written contracts of the San Carlos Estates Water Control District, including all rights, obligations, duties, and relationships now existing by law, easement, permit, or agreement, shall be unaffected and remain in full force and effect and shall be those of the district as a dependent district of the City of Bonita Springs. All rights, claims, actions, orders, and all contracts of the special district and all legal or administrative proceedings involving the district shall continue in full force and effect under the jurisdiction of the district as a dependent district of the City of Bonita Springs.

(3) The terms of office of the current members of the Board of Supervisors of the San Carlos Estates Water Control District shall continue until the members of the City Council of the City of Bonita Springs assume the offices of the Board of Supervisors of the San Carlos Estates Water Control District.

(4) The jurisdictional boundaries of the district are as follows:

[insert boundaries]

(5) To the extent not inconsistent with city ordinances, all resolutions and policies of the San Carlos Estates Water Control District shall remain in effect until amended, revised, or repealed by the board of supervisors.

(6) Additional provisions which are necessary to effect this transition and to provide for the operation of the San Carlos Estates Water Control District as a dependent district of the city shall be adopted by ordinance.

Section 2. Referendum.—

(1) The referendum election called for by this act shall be conducted in accordance with the Florida Election Code and shall be held:

(a) On or before October 1, 2025, for landowners of the San Carlos Estates Water Control District.

(b) On August 18, 2026, concurrent with the 2026 primary election, for qualified electors of the City of Bonita Springs.

(2) The ballot title for the referendum question shall be in substantially the following form:

CONVERSION OF SAN CARLOS ESTATES WATER CONTROL DISTRICT TO A DEPENDENT DISTRICT

(3) The referendum question shall be placed on the ballot in substantially the following form:

Shall Chapter 2025- , Laws of Florida, making the San Carlos Estates Water Control District a dependent district of the City of Bonita Springs and providing that the city council of the City of Bonita Springs shall serve as the board of the district, become effective?

() YES.

() NO.

(4) In the event this question is answered affirmatively by a majority of landowners of the San Carlos Estates Water Control District and a majority of qualified electors of the City of Bonita Springs, this act shall take effect.

Section 3. This act shall take effect only if a majority of those landowners of the San Carlos Estates Water Control District voting in the same manner by which the district’s governing body is elected in a referendum held pursuant to this act and a majority of qualified electors of the City of Bonita Springs voting in a referendum held pursuant to this act approve the referendum question in section 2, except that this section and section 2 shall take effect upon becoming a law.

2. Special Act relating to Fort Myers Beach Mosquito Control District

A bill to be entitled

An act relating to Lee County; amending chapter 98461, Laws of Florida; revising the boundaries of the Lee County Mosquito Control District; repealing chapter 2001-335, Laws of Florida, relating to the Fort Myers Beach Mosquito Control District; providing for merger of the districts; transferring assets and liabilities; requiring a referendum; providing effective dates.

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

Section 1. Section 1 of chapter 98-461, Laws of Florida, is amended to read:

Section 1. Continuation of a mosquito control district.— There is hereby provided for the continuation of the Lee County Mosquito Control District, an independent special district, the boundaries of which shall include all territory of Lee County, ~~except the following described area:~~

DESCRIPTION

~~A tract or parcel of land lying in parts of Township 46 South, Range 24 East and Township 46 South, Range 24 East and part of Township 47 South, Range 24 East, Lee County, Florida, which tract or parcel, containing 14,615 acres more or less, is described as follows:~~

~~BEGINNING at the southeast corner of Section 24, Township 46 South, Range 24 East, running westerly~~

~~along the south line of said section for 2,700 feet more or less to the waters of Estero Bay;~~

~~THENCE run southwesterly along a northwesterly line across the waters of Estero Bay for 8,300 feet to a point of intersection;~~

~~THENCE run southerly along a westerly line across said Bay and Starvation Flats for 4,200 feet more or less to a point of intersection;~~

~~THENCE run southeasterly, southerly and southwesterly along a westerly line of said area running across said Bay and Big Carlos Pass for 10,000 feet more or less;~~

~~THENCE run northwesterly across Big Carlos Pass and along the shoreline of Estero Island for 6,100 feet more or less to a point of intersection;~~

~~THENCE continue northwesterly along said shoreline for 3,200 feet more or less to a point of intersection;~~

~~THENCE continue along said shoreline northwesterly for 22,800 feet more or less to a point of intersection;~~

~~THENCE run northwesterly along said shoreline for 3,900 feet more or less to a point of intersection;~~

~~THENCE run northwesterly along said shoreline and across San Carlos Bay for 8,000 feet more or less to the intersection of a westerly prolongation of the north line of Section 13, Township 46 South, Range 23~~

~~East and the waters of San Carlos Bay;~~

~~THENCE run easterly along said prolongation and said north line and the north line of Sections 18, 17, 16, 15, 14, and 13 to the northeast corner of said Section 13, Township 46 South, Range 24 East;~~

~~THENCE run southerly along the easterly line of said Section 13 and Section 24, Township 46 South, Range 24 East, for 10,600 feet more or less to the Point of Beginning.~~

Section 2. Chapter 2001-335, Laws of Florida, is repealed.

Section 3. As of the effective date of this act, the Fort Myers Beach Mosquito Control District is merged into the Lee County Mosquito Control District. All assets and liabilities of the Fort Myers Beach Mosquito Control District as of that date shall be transferred to the Lee County Mosquito Control District.

Section 4. Referendum.—

(1) The referendum election called for by this act shall be held on November 5, 2024, concurrent with the 2024 general election.

(2) The ballot title for the referendum question shall be in substantially the following form:

REVISING BOUNDARIES OF LEE COUNTY MOSQUITO CONTROL DISTRICT TO INCLUDE ALL OF LEE COUNTY

(3) The referendum question shall be placed on the ballot in substantially the following form:

Shall Chapter 2024- , Laws of Florida, amending the boundaries of the Lee County Mosquito Control District to include all of Lee County, abolishing the Fort Myers

Beach Mosquito Control District, and transferring the assets and liabilities of the Fort Myers Beach Mosquito Control District to the Lee County Mosquito Control District, become effective?

() YES.

() NO.

(4) In the event this question is answered affirmatively by a majority of the qualified voters voting in the referendum, this act shall take effect. The referendum election shall be conducted by the Supervisor of Elections of Lee County in accordance with the Florida Election Code.

Section 5. This act shall take effect only upon its approval by a majority vote of those qualified electors of Lee County voting in a referendum conducted in accordance with the provisions of law relating to elections currently in force, except that this section and section 4 shall take effect upon becoming a law.

3. Special Act creating Duke Farm Stewardship District

A bill to be entitled

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 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 employees; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for disclosure of public information; providing the general powers of the district; providing the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for bonds; providing for borrowing; providing for trust agreements; providing for future ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing requirements for termination, contraction, or expansion of the district; authorizing mergers; providing for required notices to purchasers of residential units within the district; specifying that certain district property is public; providing construction; providing severability; providing for a referendum; providing effective dates.

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

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

Section 2. Legislative findings and intent; definitions; policy.—

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

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

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

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

(d) While chapter 190, Florida Statutes, provides an opportunity for previous community development services and facilities to be provided by the continued use of community development districts in a manner that furthers the public interest, given the size of the Duke Farm Stewardship District lands and the duration of development continuing to utilize multiple community development districts over these lands which would result in an inefficient, duplicative, and needless proliferation of special-purpose local governments, contrary to the public interest and the Legislature's findings in chapter 190, Florida Statutes, it is in the public interest that the long-range provision for, and management, financing, and long-term maintenance, upkeep, and operation of, services and facilities to be provided for ultimate development and conservation of the lands covered by this act be under one coordinated entity. The creation of an independent special district will assist in integrating the management of state resources and allow for greater and more coordinated stewardship of natural resources.

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

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

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

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

(i) The special district created and established by this act shall not have or exercise any comprehensive planning, zoning, or development permitting power; the establishment of the special district is not considered a development order within the meaning of part I of chapter 380, Florida Statutes; and all applicable planning and permitting laws, rules, regulations, and policies of Lee County control the development of the land to be serviced by the special district.

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

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

(2) DEFINITIONS.—As used in this act:

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

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

(c) "Assessment bonds" means special obligations of the district which are payable solely from proceeds of the special assessments or benefit special assessments levied for assessable improvements, provided that, in lieu of issuing assessment bonds to fund the costs of assessable improvements, the district may issue revenue bonds for such purposes payable from assessments.

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

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

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

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

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

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

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

3. The cost of improvements.

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

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

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

7. Financing charges.

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

9. Working capital.

10. Interest charges incurred or estimated to be incurred on money borrowed before and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.

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

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

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

14. Administrative expenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) "Reclaimed water" means water, including from wells or stormwater management facilities, that has received at least secondary treatment and basic disinfection and is reused after flowing out of a

domestic wastewater treatment facility or otherwise reused as an approved use of surface water or groundwater by the water management district.

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

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

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

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

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

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

1. Ad valorem or property taxes based upon both the appraised value of property and millage, at a rate uniform within the jurisdiction; or
2. If and when authorized by general law, non-ad valorem maintenance taxes not based on millage that are used to maintain district systems, facilities, and services.

(cc) "Water system" means any plant, system, facility, or property, and any addition, extension, or improvement thereto at any future time constructed or acquired as a part thereof, useful, necessary,

or having the present capacity for future use in connection with the development of sources, treatment, purification, or distribution of water. The term also includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation thereof.

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

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

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

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

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

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

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

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

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

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

(b) 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 are provided in section 6.

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

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

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

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

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

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

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

(j) The requirements for elections or referendums and qualifications of an elector of the district are provided in section 5.

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

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

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

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

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

(2) The Duke Farm Stewardship District is created and incorporated as a public body corporate and politic, an independent special and limited purpose local government, an independent special district, under s. 189.031, Florida Statutes, and as defined in this act and in s. 189.012(3), Florida Statutes, in and for portions of Lee County. Any amendments to chapter 190, Florida Statutes, after January 1, 2025, granting additional general powers, special powers, authorities, or projects to a community development district by amendment to its uniform charter contained in ss. 190.006-190.041, Florida Statutes, which are not inconsistent with this act, shall constitute a general power, special power, authority, or function of the Duke Farm Stewardship District. All notices for the enactment by the Legislature of this special act have been provided pursuant to the State Constitution, the Laws of Florida, and the rules of the House of Representatives and of the Senate. A referendum subsequent to the effective date of this act is not required as a condition of establishing the district. Therefore, the district, as created by this act, is established on the property described in this act.

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

(4) The jurisdiction of the district, in the exercise of its general and special powers, and in the carrying out of its special and limited purposes, is both within the external boundaries of the legal description of this district and extraterritorially when limited to, and as authorized expressly elsewhere in, the charter of the district as created in this act or applicable general law. This special and limited purpose district is created as a public body corporate and politic, and local government authority and power is limited by its charter, this act, and subject to other general laws, including chapter 189, Florida Statutes, except that an inconsistent provision in this act shall control and the district has jurisdiction to perform such acts and exercise such authorities, functions, and powers as shall be necessary, convenient, incidental, proper, or reasonable for the implementation of its special and limited purpose regarding the sound planning, provision, acquisition, development, operation, maintenance, and related financing of those public systems, facilities, services, improvements, projects, and infrastructure works as authorized herein, including those necessary and incidental thereto. The district shall only exercise any of its powers extraterritorially within Lee County after execution of an interlocal agreement between the district and Lee County consenting to the district's exercise of any of such powers within Lee County or an applicable development order or as part of other land development regulations issued by Lee County.

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

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

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 16, 17, 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOW 4 COURSES, COURSE (1) SOUTH 88°52'22" EAST, 2,392.11 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (2) EASTERLY, 359.37 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 01°47'20" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 89°43'14" EAST, 359.35 FEET; COURSE (3) NORTH 89°19'50" EAST, 2,372.18 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (4) EASTERLY, 114.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL

ANGLE OF 00°34'27" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°50'15" EAST, 114.31 FEET TO THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 00°27'59" WEST ALONG THE SAID EASTERLY LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 1,294.97 FEET TO THE NORTHWEST CORNER OF P. JOHN HART'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY LINE OF SAID P. JOHN HART'S FOR THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°42'51" EAST, 1,335.96 FEET; COURSE (2) SOUTH 00°26'09" WEST, 1,340.52 FEET TO THE SOUTHEAST CORNER OF SAID P. JOHN HART'S AND BEING THE SOUTHWEST CORNER OF NORTH RIVER OAKS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGES 102 AND 103 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY LINE OF SAID NORTH RIVER OAKS FOR THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°57'13" EAST, 1,336.67 FEET; COURSE (2) NORTH 00°24'21" EAST, A DISTANCE OF 2,620.55 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY OF NORTH RIVER ROAD; THENCE ALONG THE SAID SOUTH RIGHT OF WAY LINE OF NORTH RIVER ROAD FOR THE FOLLOWING 11 COURSES, COURSE (1) SOUTH 89°54'13" EAST, 3,853.85 FEET; COURSE (2) SOUTH 00°05'41" WEST, 25.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHEASTERLY, 2,144.24 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,357.40 FEET, THROUGH A CENTRAL ANGLE OF 90°30'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 44°39'04" EAST, 1,928.15 FEET; COURSE (4) SOUTH 89°23'49" EAST, 25.00 FEET; COURSE (5) SOUTH 00°36'11" WEST, 451.22 FEET TO A POINT OF CURVATURE; COURSE (6) SOUTHERLY, 291.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A CENTRAL ANGLE OF 11°16'39" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°02'09" EAST, 291.31 FEET; COURSE (7) SOUTH 00°30'35" WEST, 269.95 FEET; COURSE (8) NORTH 89°29'25" WEST, 6.10 FEET; COURSE (9) SOUTH 00°31'50" WEST, 163.49 FEET; COURSE (10) SOUTH 89°29'25" EAST, 6.16 FEET; COURSE (11) SOUTH 00°30'35" WEST, 40.31 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89°58'44" WEST ALONG THE SAID SOUTH LINE OF NORTHEAST QUARTER SAID SECTION 16, A DISTANCE OF 3,534.32 FEET; THENCE SOUTH 11°37'59" EAST LEAVING THE SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 129.40 FEET; THENCE SOUTH 38°55'40" EAST, A DISTANCE OF 171.91 FEET; THENCE SOUTH 01°24'18" EAST, A DISTANCE OF 210.70 FEET; THENCE SOUTH 04°12'34" EAST, A DISTANCE OF 885.91 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 744.14 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET, THROUGH A CENTRAL ANGLE OF 58°00'23" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 63°44'29" EAST, 712.76 FEET; THENCE SOUTH 00°31'19" WEST, A DISTANCE OF 323.16 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF DUKE HIGHWAY, RIGHT OF WAY MPA DUKE HIGHWAY ACCORDING TO THE PLAT OR MAP RECORDED IN MAP BOOK 2 PAGES 1 THROUGH 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY FOR THE FOLLOW 5

COURSES, COURSE (1) SOUTHWESTERLY, 241.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 37°20'01" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 39°14'38" WEST, 236.85 FEET; COURSE (2) SOUTH 20°31'56" WEST, 313.99 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°38'12" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 55°16'41" WEST, 308.33 FEET; COURSE (4) NORTH 89°54'59" WEST, 2,080.14 FEET; COURSE (5) NORTH 89°36'26" WEST, 2,006.30 FEET; THENCE NORTH 00°26'05" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A DISTANCE OF 635.18 FEET; THENCE NORTH 89°44'35" WEST, A DISTANCE OF 669.02 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE NORTH 00°26'25" EAST ALONG THE SAID WESTERLY LINE OF SOUTHEAST QUARTER OF SECTION 17, A DISTANCE OF 1,992.85 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 89°54'31" WEST ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2,661.75 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 00°20'37" WEST ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, A DISTANCE OF 1,447.33 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A", THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING # COURSES, COURSE (1) SOUTH 63°09'11" WEST, 68.12 FEET; COURSE (2) SOUTH 66°53'17" WEST, 63.33 FEET; COURSE (3) SOUTH 70°27'15" WEST, 39.63 FEET; COURSE (4) SOUTH 64°37'58" WEST, 53.06 FEET; COURSE (5) SOUTH 77°10'24" WEST, 31.94 FEET; COURSE (6) SOUTH 67°19'24" WEST, 49.00 FEET; COURSE (7) SOUTH 66°42'36" WEST, 31.31 FEET; COURSE (8) SOUTH 80°37'35" WEST, 23.70 FEET; COURSE (9) SOUTH 49°00'39" WEST, 25.62 FEET; COURSE (10) SOUTH 65°48'12" WEST, 63.16 FEET; COURSE (11) SOUTH 74°36'11" WEST, 79.06 FEET; COURSE (12) SOUTH 73°49'33" WEST, 76.39 FEET; COURSE (13) SOUTH 77°28'30" WEST, 81.85 FEET; COURSE (14) SOUTH 82°44'45" WEST, 86.96 FEET; COURSE (15) SOUTH 69°49'00" WEST, 63.53 FEET; COURSE (16) SOUTH 83°38'00" WEST, 84.05 FEET; COURSE (17) NORTH 64°43'19" WEST, 10.65 FEET; COURSE (18) NORTH 10°04'22" WEST, 17.28 FEET; COURSE (19) NORTH 67°36'56" EAST, 63.76 FEET; COURSE (20) NORTH 75°31'42" EAST, 84.91 FEET; COURSE (21) NORTH 67°43'57" EAST, 42.46 FEET; COURSE (22) NORTH 48°46'12" EAST, 15.77 FEET; COURSE (23) NORTH 22°03'58" EAST, 53.88 FEET; COURSE (24) NORTH 67°46'02" EAST, 56.48 FEET; COURSE (25) NORTH 53°42'12" EAST, 56.78 FEET; COURSE (26) NORTH 09°10'30" EAST, 71.37 FEET; COURSE (27) NORTH 18°38'24" WEST, 45.27 FEET; COURSE (28) NORTH 36°09'14" EAST, 54.90 FEET; COURSE (29) NORTH 35°53'09" EAST, 55.09 FEET; COURSE (30) NORTH 01°19'19" EAST, 23.41 FEET; COURSE (31) NORTH 32°33'04" WEST, 51.20 FEET; COURSE (32) NORTH 07°39'06" EAST, 57.91 FEET; COURSE (33) NORTH 06°39'11" WEST, 79.50 FEET; COURSE (34) NORTH 36°15'06" WEST, 133.80 FEET; COURSE (35) NORTH

13°17'04" EAST, 69.67 FEET; COURSE (36) NORTH 51°38'20" EAST, 56.94 FEET; COURSE (37) NORTH 09°17'06" WEST, 57.33 FEET; COURSE (38) SOUTH 47°33'50" WEST, 52.48 FEET; COURSE (39) SOUTH 52°35'15" WEST, 71.39 FEET; COURSE (40) SOUTH 26°00'04" WEST, 44.07 FEET; COURSE (41) SOUTH 05°32'36" EAST, 123.25 FEET; COURSE (42) SOUTH 35°01'53" EAST, 91.33 FEET; COURSE (43) SOUTH 50°35'34" EAST, 85.61 FEET; COURSE (44) SOUTH 10°34'53" WEST, 33.93 FEET; COURSE (45) SOUTH 21°26'11" EAST, 36.72 FEET; COURSE (46) SOUTH 40°17'20" EAST, 33.23 FEET; COURSE (47) SOUTH 35°18'25" WEST, 42.17 FEET; COURSE (48) SOUTH 42°33'03" WEST, 45.18 FEET; COURSE (49) SOUTH 41°13'28" WEST, 30.71 FEET; COURSE (50) SOUTH 18°57'53" EAST, 40.71 FEET; COURSE (51) SOUTH 02°39'27" EAST, 43.57 FEET; COURSE (52) SOUTH 18°07'05" WEST, 39.46 FEET; COURSE (53) SOUTH 67°10'19" WEST, 48.51 FEET; COURSE (54) SOUTH 75°56'36" WEST, 27.05 FEET; COURSE (55) SOUTH 56°00'26" WEST, 40.96 FEET; COURSE (56) SOUTH 04°07'53" WEST, 15.13 FEET; COURSE (57) SOUTH 02°20'53" WEST, 30.76 FEET; COURSE (58) SOUTH 83°41'22" WEST, 17.10 FEET; COURSE (59) NORTH 81°54'26" WEST, 32.46 FEET; COURSE (60) SOUTH 72°46'26" WEST, 51.87 FEET; COURSE (61) NORTH 79°37'03" WEST, 77.30 FEET; COURSE (62) SOUTH 43°53'28" WEST, 29.96 FEET; COURSE (63) SOUTH 64°51'44" WEST, 33.22 FEET; COURSE (64) SOUTH 67°25'22" WEST, 27.97 FEET; COURSE (65) SOUTH 63°29'01" WEST, 21.10 FEET; COURSE (66) SOUTH 63°09'28" WEST, 50.02 FEET; COURSE (67) SOUTH 55°16'21" WEST, 81.31 FEET; COURSE (68) SOUTH 61°20'10" WEST, 66.81 FEET; COURSE (69) SOUTH 67°49'59" WEST, 48.47 FEET; COURSE (70) SOUTH 72°10'03" WEST, 58.79 FEET; COURSE (71) SOUTH 78°14'00" WEST, 49.72 FEET; COURSE (72) SOUTH 64°42'00" WEST, 53.28 FEET; COURSE (73) SOUTH 38°23'32" WEST, 10.59 FEET; COURSE (74) NORTH 89°16'27" WEST, 20.26 FEET; COURSE (75) NORTH 00°43'09" EAST, 121.86 FEET; COURSE (76) NORTH 07°03'43" EAST, 300.00 FEET; COURSE (77) NORTH 02°16'53" EAST, 100.00 FEET; COURSE (78) NORTH 07°27'32" WEST, 299.99 FEET; COURSE (79) NORTH 01°23'52" WEST, 100.00 FEET; COURSE (80) NORTH 13°23'08" EAST, 100.00 FEET; COURSE (81) NORTH 23°42'08" EAST, 99.22 FEET; COURSE (82) NORTH 88°52'07" WEST, 00.00 FEET; COURSE (83) SOUTH 01°07'53" WEST, 1,252.34 FEET; COURSE (84) SOUTH 59°33'49" WEST, 66.58 FEET; COURSE (85) SOUTH 19°55'43" WEST, 17.96 FEET; COURSE (86) SOUTH 53°18'36" WEST, 53.47 FEET; COURSE (87) SOUTH 26°06'00" WEST, 82.56 FEET; COURSE (88) SOUTH 05°34'19" WEST, 68.70 FEET; COURSE (89) SOUTH 07°11'04" EAST, 29.90 FEET; COURSE (90) SOUTH 07°54'16" EAST, 11.85 FEET; COURSE (91) SOUTH 12°21'57" WEST, 78.12 FEET; COURSE (92) SOUTH 10°40'48" WEST, 33.89 FEET; COURSE (93) SOUTH 21°15'12" WEST, 20.19 FEET; COURSE (94) SOUTH 10°05'07" WEST, 34.32 FEET; COURSE (95) SOUTH 16°26'09" WEST, 51.67 FEET; COURSE (96) SOUTH 20°15'30" WEST, 28.82 FEET; COURSE (97) SOUTH 18°57'28" WEST, 36.38 FEET; COURSE (98) SOUTH 15°47'44" WEST, 34.13 FEET; COURSE (99) SOUTH 16°28'26" WEST, 59.42 FEET; COURSE (100) SOUTH 12°32'34" WEST, 53.60 FEET; COURSE (101) SOUTH 23°08'17" WEST, 62.09 FEET; COURSE (102) SOUTH 15°16'02" WEST, 33.53 FEET; COURSE (103) SOUTH 18°12'29" WEST, 115.02 FEET; COURSE (104) SOUTH 03°19'16" EAST, 4.78 FEET; COURSE (105) NORTH 47°23'44" WEST, 78.47 FEET; COURSE (106) NORTH 24°12'11" WEST, 91.43 FEET; COURSE (107) NORTH 03°48'12" WEST, 29.62 FEET; COURSE (108) NORTH 06°50'11" WEST, 34.61 FEET; COURSE (109) NORTH 08°54'45" WEST, 28.95 FEET; COURSE (110)

NORTH 12°43'52" WEST, 39.18 FEET; COURSE (111) NORTH 28°20'46" WEST, 39.90 FEET; COURSE (112) NORTH 32°06'08" WEST, 30.67 FEET; COURSE (113) NORTH 45°59'51" WEST, 43.84 FEET; COURSE (114) NORTH 40°53'39" WEST, 33.01 FEET; COURSE (115) NORTH 53°48'26" WEST, 60.20 FEET; COURSE (116) NORTH 75°05'44" WEST, 54.64 FEET; COURSE (117) NORTH 71°07'07" WEST, 40.46 FEET; COURSE (118) NORTH 62°42'59" WEST, 34.22 FEET; COURSE (119) NORTH 66°57'30" WEST, 51.84 FEET TO THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH 00°16'39" EAST ALONG THE WESTERLY LINE AND THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 5,052.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 45,517,418 SQUARE FEET OR 1,044.936 ACRES, MORE OR LESS.

AND COMMENCE AT THE AFOREMENTIONED POINT "A"; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 60.65 FEET; THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.19 FEET; THENCE RUN

S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.07 FEET;
THENCE RUN S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER
LINE,, FOR A DISTANCE OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN
HIGH WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W.,
ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN
N.30°38'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET;
THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR
A DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W., ALONG SAID MEAN HIGH
WATER LINE, FOR A DISTANCE OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID
MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W.,
ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET; THENCE RUN
N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.03 FEET;
THENCE RUN N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR
A DISTANCE OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH
WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID
MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W.,
ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.07 FEET; THENCE RUN
N.57°22'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET;
THENCE RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF
24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A
DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG SAID MEAN HIGH
WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID
MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W.,
ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN
N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.07 FEET;
THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR
A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH
WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID
MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W.,
ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN
N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET;
THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE
OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR
A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH
WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID
MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W.,
ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN
N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET;
THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET- NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO THE POINT OF BEGINNING.

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

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

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

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

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

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

(b) At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. The three candidates receiving the highest number of votes shall each be elected for terms expiring November 27, 2029, and the two candidates receiving the next largest number of votes shall each be elected for terms expiring November 23, 2027, with the term of office for each successful candidate commencing upon election. The members of the first board elected by landowners shall serve their respective terms; however, the next election of board members shall be held on the first Tuesday after the first Monday in November 2027. Thereafter, there shall be an election by landowners for the district every 2 years on the first Tuesday after the first Monday in November, which shall be noticed pursuant to paragraph (a). The second and subsequent landowners' election shall be announced at a public meeting of the board at least 90 days before the date of the landowners' meeting and shall also be noticed pursuant to paragraph (a). Instructions on how all landowners may participate in the election, along with sample proxies, shall be provided during the board meeting that announces the landowners' meeting. Each supervisor elected in or after November 2027 shall serve a 4-year term.

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

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

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

(II) Once 1,600 qualified electors reside within the district, two governing board members shall be persons who are qualified electors of the district and who were elected by the qualified electors, and three governing board members shall be persons who were elected by the landowners.

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

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

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

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

b. On or before June 1 of each election year, the board shall determine the number of qualified electors in the district as of the immediately preceding April 15. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in Lee County in making this determination. Such determination shall be made at a properly noticed meeting of the board and shall become a part of the official minutes of the district.

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

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

e. Once the district qualifies to have any of its board members elected by the qualified electors of the district, the initial and all subsequent elections by the qualified electors of the district shall be held at the general election in November. The board shall adopt a resolution, if necessary, to implement

this requirement. The transition process described herein is intended to be in lieu of the process set forth in s. 189.041, Florida Statutes.

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

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

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

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

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

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

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

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

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

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

Section 6. Board of supervisors; general duties.—

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

(2) TREASURER.—The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of or pursuant to a resolution of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant in accordance with the requirements of general law.

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

(4) BUDGET; REPORTS AND REVIEWS.—

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

(b) On or before July 15 of each year, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the general area of the district once a week for 2 consecutive weeks, except that the first publication

shall be no fewer than 15 days before the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the day, time, and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted before October 1 of each year.

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

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

(5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC ACCESS.—The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing and prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy; and any developer of a residential development within the district, when required by general law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement. The district shall file the disclosure documents required by this subsection and any amendments thereto in the property records of each county in which the district is located. By the end of the first full fiscal year of the district's creation, the district shall maintain an official Internet website in accordance with s. 189.069, Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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

(k) To exercise all powers of eminent domain now or hereafter conferred on counties in this state; provided, however, that such power of eminent domain may not be exercised outside the territorial limits of the district unless the district receives prior approval by vote of a resolution of the governing body of the county if the taking will occur in an unincorporated area in that county, or the governing body of the city if the taking will occur in an incorporated area. The district does not have the power to exercise eminent domain over municipal, county, state, or federal property. The powers hereinabove granted to the district shall be so construed to enable the district to fulfill the objects and purposes of the district as set forth in this act.

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

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

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

(o) To determine, order, levy, impose, collect, and enforce assessments pursuant to this act and chapter 170, Florida Statutes, pursuant to authority granted in s. 197.3631, Florida Statutes, or pursuant to other provisions of general law now or hereinafter enacted which provide or authorize a supplemental means to order, levy, impose, or collect special assessments. Such special assessments, at the discretion of the district, may be collected and enforced pursuant to ss. 197.3632 and 197.3635, Florida Statutes, and chapters 170 and 173, Florida Statutes, as they may be amended from time to time, or as provided by this act, or by other means authorized by general law now or hereinafter enacted. The district may levy such special assessments for the purposes provided in this act and to pay special assessments imposed by Lee County on lands within the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) To provide district or other roads equal to or exceeding the specifications of the county in which such district or other roads are located, and to provide street lighting. This special power includes, but is not limited to, roads, parkways, intersections, bridges, landscaping, hardscaping, irrigation, bicycle

lanes, sidewalks, jogging paths, multiuse pathways and trails, street lighting, traffic signals, regulatory or informational signage, road striping, underground conduit, underground cable or fiber or wire installed pursuant to an agreement with or tariff of a retail provider of services, and all other customary elements of a functioning modern road system in general or as tied to the conditions of development approval for the area within and without the district, and parking facilities that are freestanding or that may be related to any innovative strategic intermodal system of transportation pursuant to applicable federal, state, and local laws and ordinances.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Relate to limitations, prohibitions, compliance mechanisms, or enforcement remedies that apply only to external appearances or uses and are deemed by the district to be generally beneficial for the district's landowners and for which enforcement by the district is appropriate, as determined by the district's board of supervisors; or

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

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

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

(s) To provide waste collection and disposal.

(t) To provide for the construction and operation of communications systems and related infrastructure for the carriage and distribution of communications services; to enter into joint ventures, public-private partnerships, and other agreements; and to grant such easements as may be necessary to accomplish the foregoing. For purposes of this paragraph, the term "communications systems" means all facilities, buildings, equipment, items, and methods necessary or desirable in order to provide communications services, including, without limitation, wires, cables, conduits, wireless cell sites, computers, modems, satellite antennae sites, transmission facilities, network facilities, and appurtenant devices necessary and appropriate to support the provision of communications services. The term

"communications services" includes, without limitation, Internet, voice telephone, or similar services provided by voice-over-Internet protocol, cable television, data transmission services, electronic security monitoring services, and multi-channel video programming distribution services. Nothing herein shall authorize the district to provide communications services to retail customers or otherwise act to impair existing service provider franchise agreements. However, the district may contract with such providers for resale purposes.

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

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

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

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

(8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to the other powers provided for in this act, and not in limitation thereof, the district shall have the power, at any time and from time to time after the issuance of any bonds of the district are 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. Such notes shall be in such denomination or denominations, bear interest at such rate, not to exceed the maximum rate allowed by general law, mature at such time or times not later than 5 years after the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but, in such event, a like amount of the bonds authorized may not be issued.

(9) BORROWING.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear such interest as the board determines, not to exceed the maximum rate allowed by general law, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine; provided, however, that the provisions contained in any proceeding under which bonds were theretofore issued and are then outstanding. For the purpose of

defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such time or times and to bear such interest as the board may determine, not to exceed the maximum rate allowed by general law, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district or by covenanting to budget and appropriate from such funds. The approval of the electors residing in the district is only necessary when required by the State Constitution.

(10) BONDS.—

(a) Sale of bonds.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable, but not in any event at less than 90 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board at its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

1. The money paid for the bonds.
2. The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds.
3. In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

(b) Authorization and form of bonds.—Any general obligation bonds, special assessment bonds, or revenue bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs as defined in section 2; the rate or rates of interest, not to exceed the maximum rate allowed by general law; the denomination of the bonds; whether the bonds are to be issued in one or multiple series; the date or dates of maturity, which may not exceed 40 years after their respective dates of issuance; the medium of payment; the place or places within or without the state at which payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(1)(f) and (g), Florida Statutes, regardless of the tax treatment of such bonds being authorized, subject to the finding

by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery.

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

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

(e) Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than moneys held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

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

(g) Refunding bonds.—The district is authorized to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequent thereto become due and payable, or that at the time of issuance have been called or are, or will be, subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time that in the judgment of the board such issuance will be advantageous to the district. Approval of the qualified electors residing in the district is not required for the issuance of refunding bonds except in

cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act relating to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to such bonds.

(h) Revenue bonds.—

1. The district shall have the power to issue revenue bonds from time to time without limitation as to amount. 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 special assessments; from benefit special assessments; or from any other source or pledged security. Such bonds do not constitute an indebtedness of the district and the approval of the qualified electors is not required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

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

(i) General obligation bonds.—

1. Subject to the limitations of this charter, the district shall have the power 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 35 percent 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, general obligation bonds may not 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 County Commissioners of Lee County upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

2. 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 therefor and may unconditionally

and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitation as to rate or amount.

3. 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 electors on one ballot. The failure of the electors to approve the issuance of bonds for any one or more capital projects does not defeat the approval of bonds for any capital project which has been approved by the electors.

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

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

b. 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 bonds so additionally secured.

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

(j) Bonds as legal investment or security.—

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

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

(k) Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishment of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to ensure the payment of revenues by users of

district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

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

(m) Tax exemption.—To the extent allowed by general law, all bonds issued hereunder and interest paid thereon and all fees, charges, and other revenues derived by the district from the projects provided by this act are exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof; however, any interest, income, or profits on debt obligations issued hereunder are not exempt from the tax imposed by chapter 220, Florida Statutes. Further, the district is not exempt from chapter 212, Florida Statutes.

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

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

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

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

(11) TRUST AGREEMENTS.—Any issue of bonds shall be secured by a trust agreement or resolution 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, improvement, 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, improvement, maintenance, repair, operation, or insurance. It shall be lawful for any bank or trust company within or without the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

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

(a) Ad valorem taxes.—At such time as all members of the board are qualified electors who are elected by qualified electors of the district, the board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, may not exceed 3 mills. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by general law. Such tax shall be assessed, levied, and collected in the same manner and at the same time as county taxes. The levy of ad valorem taxes must be approved by referendum as required by Section 9, Article VII of the State Constitution.

(b) Benefit special assessments.—The board annually shall determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance assessable improvements. These assessments may be due and collected during each year county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year. Such assessment shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection does not prohibit the district in its discretion from using the method provided in s. 197.3632, Florida Statutes, or chapter 173, Florida Statutes, as each may be amended from time to time, for collecting and enforcing these assessments. Each annual installment of benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under subsections (6) and (7) shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to

the benefits received by each tract of land. The board may, if it determines it is in the best interests of the district, set forth in the proceedings initially levying such benefit special assessments or in subsequent proceedings a formula for the determination of an amount which, when paid by a taxpayer with respect to any tax parcel, shall constitute a prepayment of all future annual installments of such benefit special assessments. The payment of such amount with respect to such tax parcel shall relieve and discharge such tax parcel of the lien of such benefit special assessments and any subsequent annual installment thereof. The board may provide further that upon delinquency in the payment of any annual installment of benefit special assessments, such prepayment amount of all future annual installments of benefit special assessments shall be and become immediately due and payable together with such delinquent annual installment.

(c) Non-ad valorem maintenance taxes.—If and when authorized by general law, to maintain and to preserve the physical facilities and services constituting the works, improvements, or infrastructure owned by the district pursuant to this act, to repair and restore any one or more of them, when needed, and to defray the current expenses of the district, including any sum which may be required to pay state and county ad valorem taxes on any lands which may have been purchased and which are held by the district under this act, the board of supervisors may, upon the completion of said systems, facilities, services, works, improvements, or infrastructure, in whole or in part, as may be certified to the board by the engineer of the board, levy annually a non-ad valorem and nonmillage tax upon each tract or parcel of land within the district, to be known as a "maintenance tax." A maintenance tax shall be apportioned upon the basis of the net assessments of benefits assessed as accruing from the original construction and shall be evidenced to and certified by the board of supervisors of the district not later than June 1 of each year to the Lee County tax collector and shall be extended on the tax rolls and collected by the tax collector on the merged collection roll of the tax collector in the same manner and at the same time as county ad valorem taxes, and the proceeds therefrom shall be paid to the district. The maintenance tax shall be a lien until paid on the property against which assessed and enforceable in like manner and of the same dignity as county ad valorem taxes.

(d) Maintenance special assessments.—To maintain and preserve the facilities and projects of the district, the board may levy a maintenance special assessment. This assessment may be evidenced to and certified to the tax collector by the board of supervisors not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds therefrom shall be paid to the district. However, this subsection does not prohibit the district in its discretion from using the method prescribed in s. 197.363, s. 197.3631, or s. 197.3632, Florida Statutes, for collecting and enforcing these assessments. These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under this section shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

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

(f) Enforcement of taxes.—The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes and the provisions of general law 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 procedures in connection therewith shall be applicable to the district to the same extent as if such statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes.

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

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

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

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

(13) SPECIAL ASSESSMENTS.—

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

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

a. The special assessment methodology shall address and discuss and the board shall consider whether the systems, facilities, and services being contemplated will result in special benefits peculiar to the property, different in kind and degree than general benefits, as a logical connection between the systems, facilities, and services themselves and the property, and whether the duty to pay the special assessments by the property owners is apportioned in a manner that is fair and equitable and not in excess of the special benefit received. It shall be fair and equitable to designate a fixed proportion of the annual debt service, together with interest thereon, on the aggregate principal amount of bonds issued to finance such systems, facilities, and services which give rise to unique, special, and peculiar benefits to property of the same or similar characteristics under the special assessment methodology so long as such fixed proportion does not exceed the unique, special, and peculiar benefits enjoyed by such property from such systems, facilities, and services.

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

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

2. The board of supervisors of the district may determine and declare by an initial special assessment resolution to levy and assess the special assessments with respect to assessable improvements stating the nature of the systems, facilities, and services, improvements, projects, or infrastructure constituting such assessable improvements, the information in the engineer's cost report, the information in the special assessment methodology as determined by the board at the noticed meeting and referencing and incorporating as part of the resolution the engineer's cost report, the preliminary special assessment methodology, and the preliminary special assessment roll as referenced exhibits to the resolution by reference. If the board determines to declare and levy the special assessments by the initial special assessment resolution, the board shall also adopt and declare a notice resolution which shall provide and cause the initial special assessment resolution to be published in a newspaper of general circulation in Lee County once a week for 2 consecutive weeks, and said board shall by the same resolution fix a time and place at which the owner or owners of the property to be assessed or any other persons interested therein may appear before said board and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Thirty days' notice in writing of such time and place shall be given to such property owners. The notice

shall include the amount of the special assessment and shall be served by mailing a copy to each assessed property owner at his or her last known address, the names and addresses of such property owners to be obtained from the record of the property appraiser of the county political subdivision in which the land is located or from such other sources as the district manager or engineer deems reliable. Proof of such mailing shall be made by the affidavit of the manager of the district or by the engineer, said proof to be filed with the district manager. Failure to mail said notice or notices does not invalidate any of the proceedings hereunder. It is provided further that the last publication shall be at least 1 week before the date of the hearing on the final special assessment resolution. Said notice shall describe the general areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece, parcel, lot, or acre of property may be ascertained at the office of the manager of the district. Such service by publication shall be verified by the affidavit of the publisher and filed with the manager of the district. Moreover, the initial special assessment resolution with its attached, referenced, and incorporated engineer's cost report, preliminary special assessment methodology, and preliminary special assessment roll, along with the notice resolution, shall be available for public inspection at the office of the manager and the office of the engineer or any other office designated by the board of supervisors in the notice resolution. Notwithstanding the foregoing, the landowners of all of the property which is proposed to be assessed may give the district written notice of waiver of any notice and publication provided for in this subparagraph. However, such notice and publication is not required, provided that any meeting of the board of supervisors to consider such resolution is a publicly noticed meeting.

3. At the time and place named in the noticed resolution as provided for in subparagraph 2., the board of supervisors of the district shall meet and hear testimony from affected property owners as to the propriety and advisability of making the systems, facilities, services, projects, works, improvements, or infrastructure and funding them with assessments referenced in the initial special assessment resolution on the property. Following the testimony and questions from the members of the board or any professional advisors to the district of the preparers of the engineer's cost report, the special assessment methodology, and the special assessment roll, the board of supervisors shall make a final decision on whether to levy and assess the particular special assessments. Thereafter, the board of supervisors shall meet as an equalizing board to hear and to consider any and all complaints as to the particular special assessments and shall adjust and equalize the special assessments to ensure proper assessment based on the benefit conferred on the property.

4. When so equalized and approved by resolution or ordinance by the board of supervisors, to be called the final special assessment resolution, a final special assessment roll shall be filed with the clerk of the board, and such special assessment shall stand confirmed and remain legal, valid, and binding first liens on the property against which such special assessments are made until paid, equal in dignity to the first liens of ad valorem taxation of county and municipal governments and school boards. However, upon completion of the systems, facilities, services, projects, improvements, works, or infrastructure, the district shall credit to each of the assessments the difference in the special assessment as originally made, approved, levied, assessed, and confirmed and the proportionate part of the actual cost of the improvement to be paid by the particular special assessments as finally determined upon the completion of the improvement; but in no event shall the final special assessment exceed the amount of the special and peculiar benefits as apportioned fairly and reasonably to the property from the system, facility, or service being provided as originally assessed. Promptly after such

confirmation, the special assessment shall be recorded by the clerk of the district in the minutes of the proceedings of the district, and the record of the lien in this set of minutes shall constitute prima facie evidence of its validity. The board of supervisors, in its sole discretion, may, by resolution, grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing cost, such as capitalized interest, funded reserves, and bond discounts included in the estimated cost of the project, upon payment in full of any special assessments during such period before the time such financing costs are incurred as may be specified by the board of supervisors in such resolution.

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

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

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

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

(a) The board may, after any special assessments or benefit special assessments for assessable improvements are made, determined, and confirmed as provided in this act, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the assessment is made. The certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, not to exceed the maximum rate allowed by general law, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. The certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(b) The district may also issue assessment bonds, revenue bonds, or other obligations payable from a special fund into which such certificates of indebtedness referred to in paragraph (a) may be deposited or, if such certificates of indebtedness have not been issued, may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or

assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is authorized to covenant with the holders of such assessment bonds, revenue bonds, or other obligations that it will diligently and faithfully enforce and collect all the special assessments, and interest and penalties thereon, for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

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

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

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

(15) TAX LIENS.—All taxes of the district provided for in this act, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 of each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes may not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. In addition, for purposes of s. 197.552, Florida Statutes, the lien of all special assessments levied by the district shall constitute a lien of record held by a municipal or county governmental unit. Sections 194.171, 197.122, 197.333, and 197.432, Florida Statutes, are applicable to district taxes with the same force and effect as if such sections were expressly provided in this act.

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

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

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

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

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

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

(17) FORECLOSURE OF LIENS.—Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 170 or chapter 173, Florida Statutes, and any amendments thereto, and those chapters shall be applicable to such proceedings with the same force and effect as if those chapters were expressly provided in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 170 or chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent; however, no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

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

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

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

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

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

(c) Contracts for maintenance services for any district facility or project shall be subject to competitive bidding requirements when the amount thereof to be paid by the district exceeds the amount provided in s. 287.017, Florida Statutes, as amended from time to time, for category four. The district shall adopt rules, policies, or procedures establishing competitive bidding procedures for maintenance services. Contracts for other services may not be subject to competitive bidding unless the district adopts a rule, policy, or procedure applying competitive bidding procedures to said contracts. Nothing herein shall preclude the use of requests for proposal instead of invitations to bid as determined by the district to be in its best interest.

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

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

(b) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district but do not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper of general circulation in Lee County at least once and at least 10 days before such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

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

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

1. To provide for all expenses of operation and maintenance of such facility or service.
2. To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose.
3. To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

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

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

(22) DISCONTINUANCE OF SERVICES OR FACILITIES.—In the event the fees, rentals, or other charges for district services or facilities are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off such services or facilities until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services or facilities, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services or facilities and reasonable attorney fees and other expenses, may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

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

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

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

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

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

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

(b) The district shall remain in existence until:

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

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

(27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—The district may merge with one or more community development districts situated wholly within its boundaries. The district shall be the surviving entity of the merger. Any mergers shall commence upon each such community development district filing a written request for merger with the district. A copy of the written request shall also be filed with Lee County. The district, subject to the direction of its board of supervisors, shall enter into a merger agreement which shall provide for the proper allocation of debt, the manner in which such debt shall be retired, the transition of the community development district board, and the transfer of all financial obligations and operating and maintenance responsibilities to the district. The execution of the merger agreement by the district and each community development district constitutes consent of the landowners within each district. The district and each community development district requesting merger shall hold a public hearing within its boundaries to provide information about and take public comment on the proposed merger in the merger agreement. The public hearing shall be held within 45 days after the execution of the merger agreement by all parties thereto. Notice of the public hearing shall be published in a newspaper of general circulation in Lee County at least 14 days before the hearing. At the conclusion of the public hearing, each district shall consider a resolution approving or disapproving the proposed merger. If the district and each community development district which is a party to the merger agreement adopt a resolution approving the proposed merger, the resolutions and the merger agreement shall be filed with Lee County. Upon receipt of the resolutions approving the

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

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

(29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED DISCLOSURE TO PURCHASER.— Subsequent to the creation of this 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 before the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: "THE DUKE FARM STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, 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 GENERAL LAW."

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

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

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

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

4. An Act Relating to Lee County

A bill to be entitled

An act relating to Lee County; amending the Lee County Home Rule Charter to require additional members for the board of county commissioners under certain circumstances; providing district requirements for the chairman and vice chairman; revising circumstances under which district boundaries are changed; providing requirements for redistricting plans and districts; requiring a referendum; providing effective dates.

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

Section 1. Subsections A. and B. of section 2.2 of Article II of the Lee County Home Rule Charter are amended to read:

Section 2.2: Legislative Branch

A. The County Commission Composition, Election and Terms of Members

(1) Composition and Election

(a) ~~The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one Commissioner for each of the five (5) County Commission districts established pursuant to general law and they shall be elected in a partisan election on a county-wide basis by the electors of the County. Each County Commissioner during the term of office shall reside in the district from which such County Commissioner ran for office, provided that any County Commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.~~

(b) ~~Beginning with the 2028 general election:~~ _____

1. ~~The Board of County Commissioners shall be composed of at least five (5) members elected in a single-member district and two (2) members elected on a county-wide basis, each category of members serving staggered terms of four (4) years.~~ _____

2. ~~Upon the county exceeding a population of 1 million in a decennial census, the Board of County Commissioners shall have an additional member elected in a single-member district such that no district shall be composed of fewer than 100,000 nor more than 200,000 persons. Upon the creation of nine (9) singlemember districts, and every multiple of three (3) beyond nine (9), there shall be the addition of one (1) member elected on a county-wide basis.~~ _____

3. The chair of the Board of County Commissioners must be a Commissioner elected on a county-wide basis. The vice chair of the Board of County Commissioners must be a Commissioner elected in a single-member district.

~~(2) Terms of County Commissioners~~

No Commissioner shall serve more than three (3) consecutive terms on the Board. No previous term in office which is in progress as of November 2014 shall be considered a term of service for purposes of the limitations contained herein.

B. Redistricting

(1) County Commission district boundaries shall be changed only after the completion of a decennial census and a notice and a public hearing as provided by general law.

(2) No redistricting plan or district boundaries shall be drawn with the intent to favor or disfavor a political party or an incumbent. Districts shall not be drawn with the intent to diminish the ability of the electors to elect representatives of their choice, and, where feasible, districts shall consist of contiguous and compact territories, nearly equal in population as is practicable, and shall use existing political and geographical boundaries.

~~Section 2. Referendum election.~~

(1) A referendum on the adoption of section 1 of this act shall be held on November 3, 2026, the 2026 general election.

(2) The ballot title for the referendum question shall be in substantially the following form:
"REFERENDUM PROVIDING FOR
THE STRUCTURE OF THE COUNTY LEGISLATIVE BRANCH."

(3) The referendum question shall be placed on the ballot in substantially the following form:

"Shall Chapter 2025- , Laws of Florida, which amends the Lee County Home Rule Charter to provide standards of redistricting and to provide that, beginning with the 2028 general election, the Board of County Commissioners shall be composed of a minimum of five members elected in single-member districts, one of whom serves as the board's vice chair, and two members elected on a county-wide basis, one of whom serves as the board's chair, become effective?"

() Yes

() No

(4) The referendum shall be conducted by the Supervisor of
Elections of Lee County in accordance with the Florida Election Code.

Section 3. This act shall take effect only upon its approval by a majority vote of those qualified electors of Lee County voting in a referendum to be held in conjunction with the 2026 general election, except that this section and section 2 shall take effect upon becoming a law.

VI. Presentation by Local Officials and Members of the Public

1. Lee Board of County Commissioners



2 | LEE BOARD OF COUNTY COMMISSIONERS | December 3, 2024

4 | 2025 STATE LEGISLATIVE AGENDA INTRODUCTION

This document represents the 2025 Florida Legislative Session Agenda of the Lee County Board of County Commissioners. While these priorities guide the County's advocacy efforts in Tallahassee, they are not exhaustive and new issues may arise or evolve that will require Board attention.

Issues are not ranked in order of priority. Commissioners, staff, and contract lobbyists will pursue all legislative policies approved by the Board and place appropriate priority on the issues according to opportunities that arise during the legislative process. As usual, Lee County Commissioners emphasize maintaining home rule authority and opposing cost shifts or unfunded mandates.

The state legislative session will begin March 4, 2025, and conclude May 2, 2025.

CONTENTS

- SUMMARY OF LEGISLATIVE PRIORITIES
- SUPPORT AND TRACKING ISSUES

- BACKUP MATERIAL

Lee Board of County Commissioners



Kevin Ruane
District 1



Cecil L. Pendergrass
District 2



David Mulicka
District 3



Brian Hamman
District 4



Mike Greenwell
District 5



5 2025 STATE LEGISLATIVE AGENDA

PRIORITIES

1) Hurricane Recovery and Resilience –

- a. **SUPPORT** continuing State financial assistance to help Lee County recover from multiple hurricanes in recent years. While still rebuilding from the catastrophic devastation wreaked by Hurricane Ian, the County has suffered impacts from hurricanes Debby, Helene and Milton. Lee County appreciates its vital partnership with the State of Florida and seeks to further strengthen joint hurricane response and recovery efforts.
- b. **SUPPORT** appropriating \$2.5 million for the Lee County Utilities Fort Myers Beach Water Reclamation Facility restoration and capacity enhancement project. These funds will be used to help rehabilitate the facility's aging infrastructure in conjunction with repairing damages sustained during Hurricane Ian.
- c. **SUPPORT** appropriating \$5 million to design and construct hardened traffic signal poles that were damaged by Hurricane Ian but not funded by Federal Highway Administration.
- d. **SUPPORT** appropriating \$5.75 million to further harden the primary mass shelter and interagency staging area for emergency response resources in Lee County. Hertz Arena has been activated for ten disasters since 2004 and provides easy access to residents throughout Southwest Florida and beyond.

2) SUPPORT Appropriations for Lee County Local Support Projects –

- a. **Sunshine Boulevard from 75th Street to State Road 80 - \$5 million**
Conduct alignment study and Project Development and Environment Study for the Sunshine Boulevard extension from 75th Street to SR 80 in Lehigh Acres.
- b. **Alico Road Extension - \$5 million**
Construct Phase 1 from Airport Haul Road to Alico Road/Green Meadows Road intersection. Entire project is estimated to cost \$290 million.
- c. **Medical Examiner and Natural Resources Laboratory - \$3.5 million**
Design and permit expansion of the District 21 Medical Examiner Office facilities which serve Lee, Hendry and Glades counties. The rapidly expanding caseloads for both routine and emergency services exceed the capacity of the current facility. (Glades and Hendry are “fiscally constrained” counties).
- d. **Ten Mile Canal at Page Field – \$1.3 million**
Replace the decades-old cement fabricform weir with a concrete structure featuring operable gates as outlined in the Flood Mitigation Plan.

6 2025 STATE LEGISLATIVE AGENDA

The Lee County Board of Commissioners advocates for the preservation of local home rule and opposes any legislation, policies or regulations that would impose unfunded responsibilities upon the County.

SUPPORT ISSUES

911 Systems – SUPPORT maintaining oversight of 911 systems and networks at the County level, including approval of expenditures. **SUPPORT** legislation and funding to further regionalize Next Generation 911 systems to improve redundancy and resiliency in the face of disasters.

Affordable Housing SHIP Flexibility – SUPPORT reducing the Very Low Income (VIL) set-aside percentages, remove the 75% construction set-aside requirement, and to increase or eliminate the caps on rental and manufactured housing to allow for flexibility in administering the SHIP program.

Alum Treatments on Sovereign Submerged Lands – SUPPORT action by the Legislature and Florida Department of Environmental Protection to allow sediment inactivation, such as Alum treatments, as a safe and effective method of reducing phosphorus loading in Florida water bodies, including Sovereignty Submerged Lands.

Beach Nourishment – SUPPORT full funding of the program for annual ranking of beach projects for state cost-sharing and continued use of the current ranking criteria.

Biosolids – SUPPORT exploratory state programs for funding new state-of-the-art wastewater technologies while maintaining ability to use properly treated biosolids as a fertilizer supplement or soil amendment, subject to regulatory requirements that have been established to protect public health and the environment. Lee County has invested more than \$15 million to create Class AA infrastructure—the state’s highest quality specifications—to better manage human wastewater.

Building Inspection Funds Carryforward – SUPPORT legislation amending Section 553.80(7)(a), Florida Statutes, regarding building inspection funds in order to ensure a local government’s ability to carry forward enough funds to cover pending inspections.

Caloosahatchee River and Estuary Protection – SUPPORT continued, dedicated state funding.

Code Enforcement Anonymous Complaints – SUPPORT amending Florida law relating to county and municipal code enforcement to restore the authority allowing a code inspector to act on a complaint submitted anonymously as was the law before the passage of Chapter 2021-167, Laws of Florida.

Continuing Contract Thresholds – SUPPORT modifications to the Competitive Consultant’s Negotiation Act (CCNA) by reducing the restrictions and expanding continuing contract study cap thresholds.

Emergency Briefings Public Meeting Exemption – SUPPORT legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

Emergency Management – SUPPORT additional funding for statewide emergency management systems and initiatives, including emergency notification systems, coordination platforms, and communications infrastructure.

EMS Balance Billing – **OPPOSE** limitations on the ability of county EMS providers to seek reimbursement for out-of-network transports. **SUPPORT** requirements for private insurers to pay local governments for

5

the actual cost of emergency service delivery based on audits of expenditures by the Agency for Health Care Administration.

EMS Regulation – **SUPPORT** maintaining a countywide regulatory system for EMS transport through the current Certificate of Public Convenience and Necessity (COPCN) process.

Financial Accountability of PACE Providers – **SUPPORT** amending s. 163.08, F.S., relating to the Property Assessed Clean Energy (PACE) program, to provide full financial disclosure of PACE providers to aid local governments in the selection process and limit excessive expenditures.

Harmful Algal Blooms – **SUPPORT** state initiatives that address the proliferation of harmful algal blooms such as blue-green algae and red tide.

PFAS Testing – **SUPPORT** dedicated funding for PFAS testing to empower local governments to identify contamination hotspots, protect public health, and develop targeted remediation plans.

Regional Planning Councils – **SUPPORT** legislation to allow counties to opt out of mandatory membership.

Resiliency/Flood Mitigation – **SUPPORT** state and federal resiliency efforts to identify and address vulnerabilities to public infrastructure and public safety through continued funding of planning and capital improvements.

Shade Meeting Expanded Staff Participation – **SUPPORT** legislation amending s. 286.011(8), F.S., to allow senior staff to participate in closed sessions (“shade meetings”) as subject matter experts to provide board members with the technical knowledge necessary to make informed decisions.

Short-Term Rental Tax Collection – **SUPPORT** legislation that codifies full collection and remittance of the Tourist Development Taxes by short-term rentals and requires a Department of Revenue number, or similar unique property identification number, be included in the short-term rental advertisements.

Small Wireless Facilities (5G) Appeal – **REPEAL** state law preemption of local government regulation of small wireless facilities, also referred to as a 5G equipment, and restore local authority to regulate 5G towers.

State Aid to Public Libraries Grant – **SUPPORT** adequately funding State Aid for public libraries through the Division of Library and Information Services in the Florida Department of State.

Upskilling and Workforce Diploma Special Project (Libraries) – **SUPPORT** funding this program that provides educational access (at no charge) to adult students seeking to improve their quality of life and job opportunities through completing their accredited private high school education at their local branch library.

VISIT FLORIDA – **SUPPORT** continued funding for Visit Florida to strengthen Florida’s tourism industry, which plays a crucial role in job creation, economic growth and maintaining a low tax base for residents, while also generating sales tax revenue.

Waste-to-Energy Program – **SUPPORT** funding the Municipal Solid Waste-to-Energy Program to provide financial assistance grants and incentive grants to counties that operate municipal solid waste-to-energy facilities. Created in 2022, the \$100 million/year program has not yet been funded.

Water Management Basin Boundaries – **SUPPORT** updating boundaries of water basin districts according to hydrological conditions to ensure that taxpayers are contributing to the sub-district that best serves them and that water management districts are providing equitable service to all basins. **SUPPORT** implementing the study commissioned by the legislature to scientifically determine the boundaries of Big Cypress Basin.

Water Resources & Planning – **SUPPORT** creating of recurring five-year water-related work plan and statewide strategic plan. **SUPPORT** increased funding for local water infrastructure projects with direction for coordination of the various state/regional entities funding water issues toward local priorities.

Water Wells and Septic-to-Sewer Conversion – **SUPPORT** recurring funding for conversion programs designed to move private wells to potable drinking water and private septic tanks to public wastewater collection systems. **SUPPORT** greater flexibility for programs that address the costs incurred by residents connecting to sewer and the proper abandonment of septic systems.



Background

The Fort Myers Beach Water Reclamation Facility is a crucial component in Lee County's water quality and environmental health. Prior to Hurricane Ian, Lee County completed a master plan to outline a schedule of recommended plant improvements to increase treatment capacity to handle the anticipated future flow conditions through the year 2050. However, the facility sustained damage in September 2022 due to flooding during the hurricane, causing saltwater intrusion and submersion to many of the facility's buildings.

Proposal

The purpose of this project is to rehabilitate the FMB WRF due to loss of treatment capacity, aging infrastructure and damages sustained during Hurricane Ian. The funding requested will support the installation of anaerobic trains, which remove pollutants from wastewater without using oxygen. Key components of the anaerobic trains include foundations, concrete structures, grating, valves, piping, and fittings. This investment will initiate the project's broader objectives, including hazard mitigation and floodproofing measures, to establish a climate-stable facility capable of uninterrupted domestic wastewater treatment.

Benefits

The proposed renovation will accommodate anticipated future population growth, implement advanced technology used for wastewater treatment, and ensure that it can support the region well into the future.

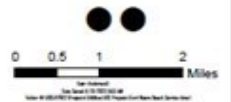
Funding

State funding requested:	\$2.5 million for FY 2025-2026
Lee County match:	Balance of project costs
Future requests:	None anticipated
Total project cost:	\$209 million

[see map on following page]



FORT MYERS BEACH WRF SERVICE AREA LEE COUNTY UTILITIES







elg

Background

Lee County proposes to further harden Hertz Arena to enhance its role as the primary mass shelter and interagency staging area for emergency response resources in the area. Hertz Arena has been activated for ten disasters since 2004 and provides easy access to residents throughout Southwest Florida and beyond. While Hertz Arena already serves as a general population shelter during disasters, some of its infrastructure was not built to withstand severe weather conditions.

Proposal

Strengthen the facility and enhance its ability to serve as a reliable shelter. Some proposed structural hardening includes:

- Provide and install roll-down shutter system to protect hardened portion of building from unprotected portions of the building;
- Replace lower flat roof surrounding arena domed area;
- Strengthen roof structure under existing roof-mounted equipment to counteract design uplift loads;
- Remove and replace all seals and expansion joints throughout the main hardened building to provide watertight structure; and
- Replace storefront windows and entry systems with systems meeting current code requirements.

Benefits

Increases the level of safety for the residents who need County-provided shelter during an emergency event. Specific anticipated outcomes include:

- Provide safe shelter for up to 5,000 persons evacuated from Lee County as well as other counties in Southwest, South and Southeast Florida during declared emergencies;
- Increase the availability of this safe shelter for another 20 years; and
- Ensure the availability of this shelter location for staging critical inventory – including food, water and medical supplies – or housing first-responders.

Funding

State funding requested:	\$5.75 million
Future requests:	None
Total project cost for Phase I:	Up to \$6 million



Background

The Sunshine Boulevard extension project, planned from 75th Street to State Road 80 (SR 80) in Lehigh Acres, addresses the rapid growth and development within Lee County. This area has experienced significant residential and commercial development, leading to increased traffic congestion. This project will support this area's fast-paced growth by improving transportation infrastructure.

Proposal

Lee County seeks funding to conduct an alignment study and a Project Development and Environment study. These studies are essential steps in identifying feasible routes and evaluating potential effects on the community and environment.

Benefits

This project will improve connectivity in Lehigh Acres by connecting major routes and surrounding areas, reducing traffic congestion and supporting the area's rapid growth.

Funding

State funding requested:	\$5 million for FY 2025-2026
Future requests:	Not yet determined
Total project cost:	To be determined

[location map forthcoming]



Alico Road Extension

Background

Lee County is improving Alico Road to accommodate population growth, connect Lehigh Acres with the County's primary employment center, and ease congestion on existing east-west corridors like Daniels Parkway. This new roadway will connect with existing Alico Road at the current Green Meadow Intersection and extend east and north to connect with State Road 82 opposite of its existing intersection with Sunshine Boulevard.

This new connection will provide additional roadway capacity as well as improve the level of service for the Interstate 75/Daniels Parkway and I-75/Colonial Boulevard intersections. Drivers will see improved level of mobility and reduced congestion in eastern Lee County.

Proposal

This project requests \$5 million in funding to support the construction of Phase I of the Alico Road Extension project, which will include widening the existing two-lane undivided Alico Road to a four-lane divided roadway from Airport Haul Road to the Alico Road and Green Meadows Road intersection.

Benefits

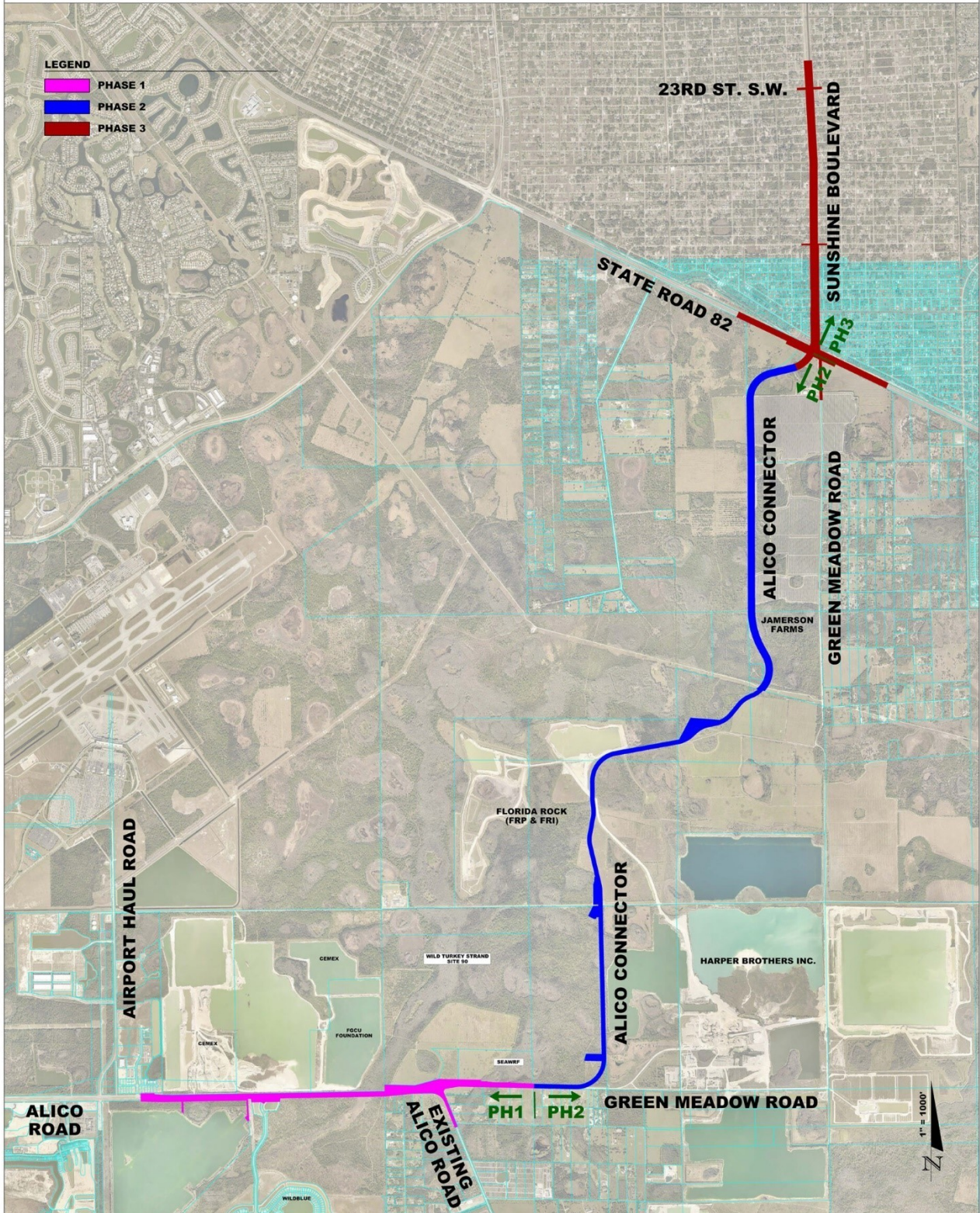
The Alico Road Extension project will connect the fast-growing area of Lehigh Acres to the major employment center of Lee County. Phase I of this project will lay the groundwork for the rest of the project while delivering immediate improvements to traffic flow.

Funding

State funding requested:	\$5 million for FY 2025-2026
Future requests:	Not yet determined
Total project cost for Phase I:	\$54 million
Total cost for all phases:	Estimated \$290 million

[see map on following page]

ALIGNMENT





Background

The Lee County Medical Examiner's Office (MEO) provides essential forensic services, including conducting autopsies, death investigations, and issuing death certificates for the county. Due to the county's population growth, the office is facing increased demand and must improve its facility to adequately support operations. To address this, the MEO will gain access to laboratory space currently occupied by the Natural Resources Environmental Laboratory on Danley Drive once the lab relocates to its new location.

The Natural Resources Environmental Laboratory plays a key role in environmental testing, waterbody monitoring, assessment and information services to benefit both residents and the natural environment. The Lab also provides water analysis services for Lee County residents and Lee County Utilities. Its current facility on Danley Drive has become insufficient for the increasing environmental and public utility testing needs. To meet these demands, the laboratory is relocating to a larger, more modern, and efficiently designed facility at 5248 Red Cedar Drive in Fort Myers.

Proposal

Lee County seeks \$3.5 million for the design funding for both the MEO and Natural Resources Laboratory. The funding will cover the design of two critical expansions:

1. MEO Expansion: The design will focus on expanding the current facility and additional office space provided by the relocation of the Natural Resources Laboratory. This expansion will improve workflow efficiency and allow the office to handle an increased number of cases.
2. Natural Resources Laboratory Renovation: The funding will also support the design of the new Natural Resources Environmental Laboratory space at the Red Cedar Drive location. This will ensure the lab is equipped to meet the county's environmental monitoring needs.

Benefits

These facilities are essential to Lee, Hendry and Glades counties. This expansion will allow the facilities to support a higher volume of cases, improve emergency response, and enhance public safety. Because Hendry and Glades counties are fiscally constrained, they are unable to adequately fund these upgrades. State funding is crucial to ensure that the facilities can continue to provide vital services to these communities.

Funding

State funding requested:	\$3.5 million
Future requests:	Not yet determined
Total project cost:	Estimated \$39 million



Ten Mile Canal



Background

Ten Mile Canal was constructed by the now defunct Iona Drainage District (IDD) in the 1920s to provide drainage and flood protection for areas west of the canal. The drainage district was dissolved in 1953 and all improvements given to Lee County. Ten Mile Canal conveys runoff from an area of approximately 68 square miles in both the City of Fort Myers and Unincorporated Lee County. The existing weir is a fixed weir that does not allow operational capability to respond to known storm events. Replacing the weir will allow for operations to decrease the risk of flooding in both the City of Fort Myers and Unincorporated Lee County.

Proposal

Lee County is requesting \$1.3 million to replace the outdated cement form weir with a new concrete structure with operable gates. This upgraded design will ensure that the canal can better handle both routine water flow and extreme weather conditions and will align with the goals of the Southern Lee County Flood Mitigation Plan.

Benefits

By replacing the outdated infrastructure, the canal's flood management will greatly improve, allowing better control over water levels during heavy rain. This will reduce the risk of flooding in nearby residential and commercial properties. The new system will also support long-term infrastructure sustainability, ensuring the canal remains functional and reduces the need for frequent maintenance.

Funding

State funding requested: \$1.3 million for FY 2025-2026

Future requests: None

Total project cost: >\$3 million [see map on following page]

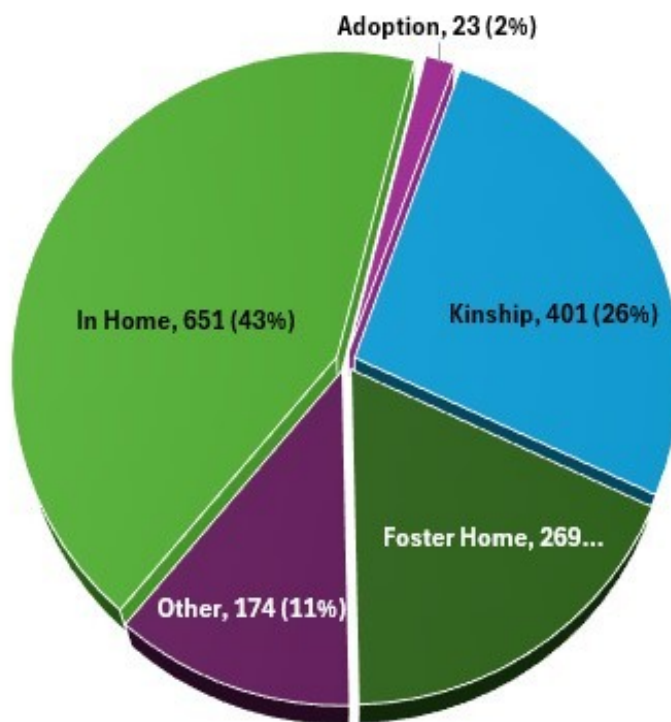


18. Children’s Network of Southwest Florida



Lee County Legislative Delegation

C20 Children Served by Programs
Total: 1518



(Other includes: Correctional placement, Missing Child, Medical-Mental Hospital, EFC placement, Group-Residential placement) as of October 31, 2024

Nadereh Salim, MBA

January 9, 2025

Lee County Children Served by Programs

Total: 971

Sibling Group Size per Case

5  4 Case - 20 Youth

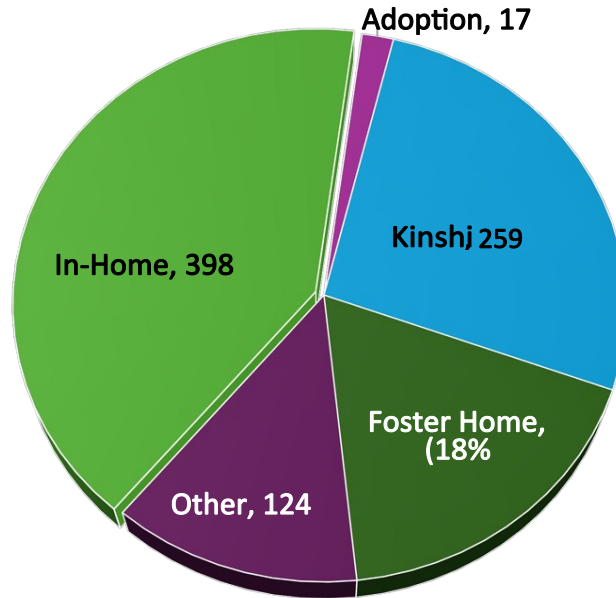
4  11 Cases - 44 Youth

3  20 Cases - 60 Youth

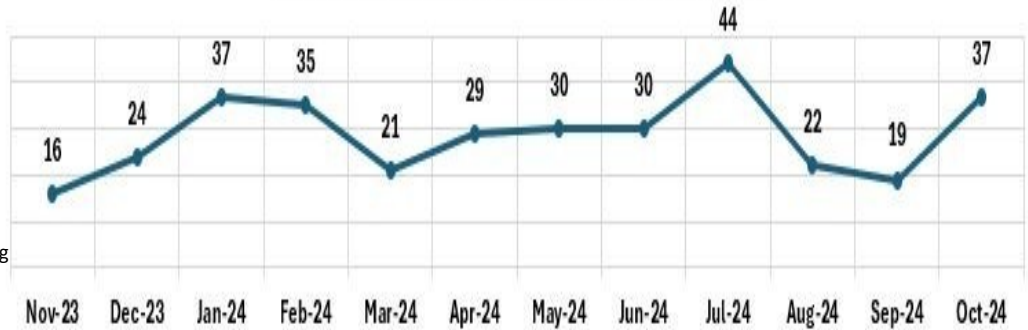
2  51 Cases - 102 Youth

1  118 Cases - 118 Youth

Group Size



Entries into Out of Home Care
Lee County November 2023 to October 2024 Total: 344



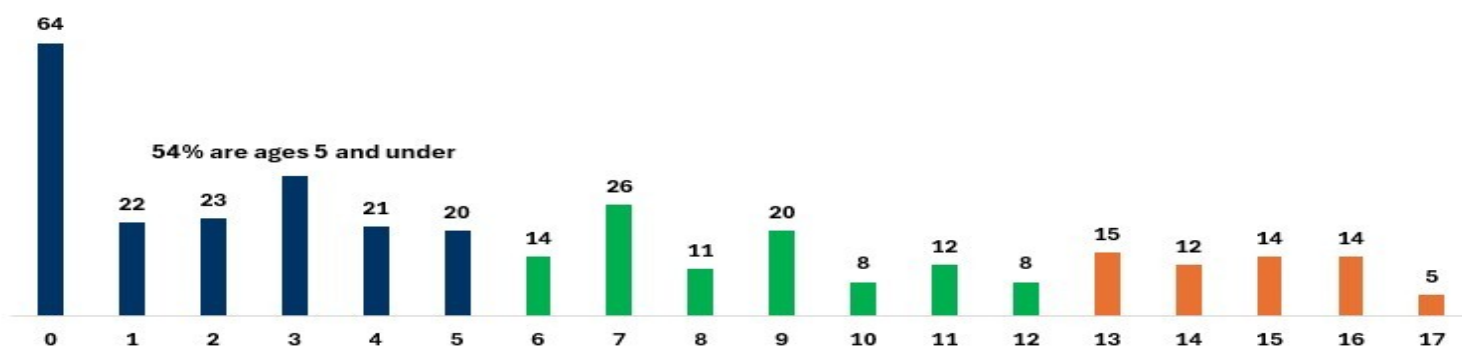
Why do youth enter Out of Home Care?

Top 5 Reasons for Entry into Out of Home Care

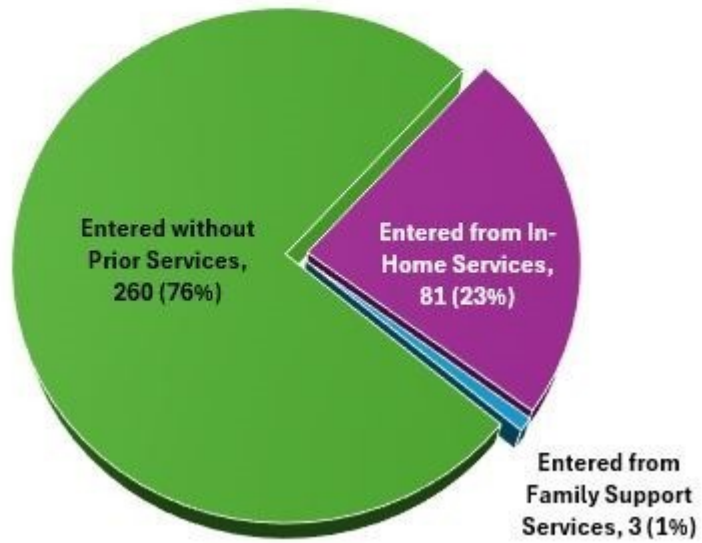
1	Drug Abuse Parent	140
2	Inadequate Supervision	221
3	Domestic Violence	158
4	Inadequate Housing	125
5	Carers unable to cope	29

(Note: Youth Carers unable to cope on 29 entry flag)

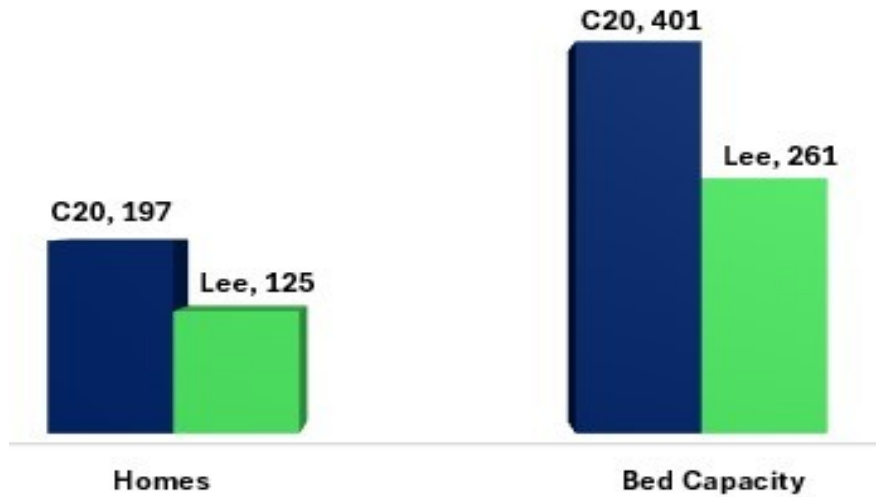
Who are the youth that enter Out of Home Care?



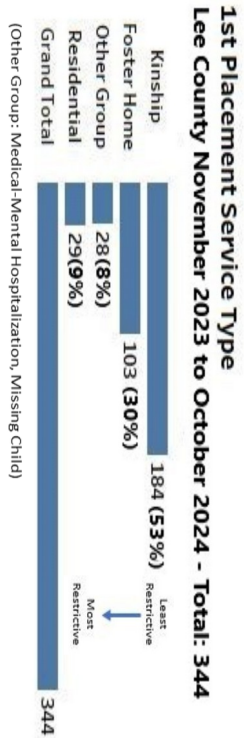
**Entered without Prior Services with In-Home
or Family Support Services: 76%**



Foster Homes & Bed Capacity



County	Dually Served Youth			
	Most Serious Referral Type	Felony	Misdemeanor	Total
Lee	Agg Assault and-or Battery	20		20
	Armed Robbery	2		2
	Assault and or Battery (not aggravated)		4	4
	Auto Theft	2		2
	Burglary	8		8
	Fel Drug Laws	2		2
	Grand Larceny(excluding auto theft)	2		2
	Kidnapping	2		2
	Misd Viol Drug Laws		2	2
	Obstruct Justice with violence	2		2
	Other Fel Sex Offenses	2		2
	Sexual Battery	8		8
	Vandalism		2	2
	Weapon or Firearm Offenses	2		2
	Lee Total	52	8	60
87% of the the most serious referral types were Felons				

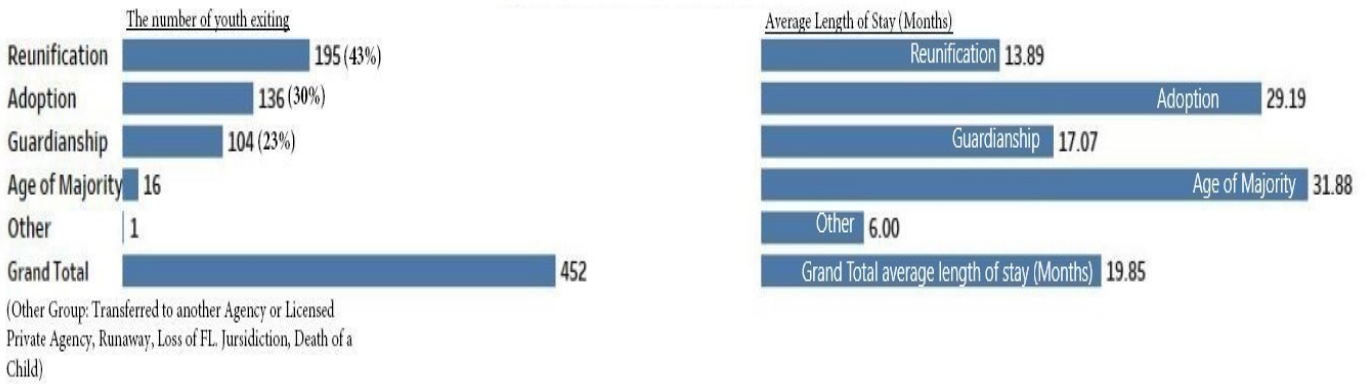


Foster, Adopt or Mentor Today
 (855) 933-KIDS (5437)
 or visit our website: www.childnetswfl.org

Generally, more restrictive settings pose a higher cost to the system of care. As of November 2023 to October 2024, **53%** have entered the system in the less restrictive Relative/Non-relative placement setting

(Data Source: DCF DJJ Joint listing as of September 2024)

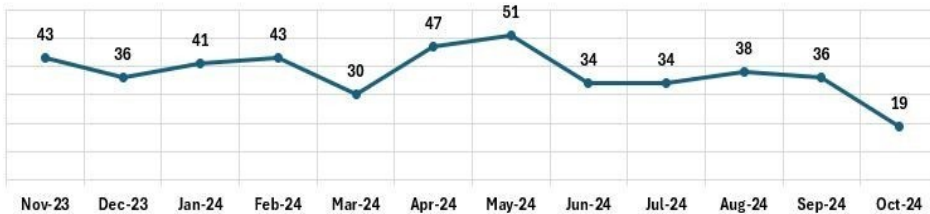
Lee County - Exits from Out of Home Care *96% of youth exit the system to a Permanent Family*

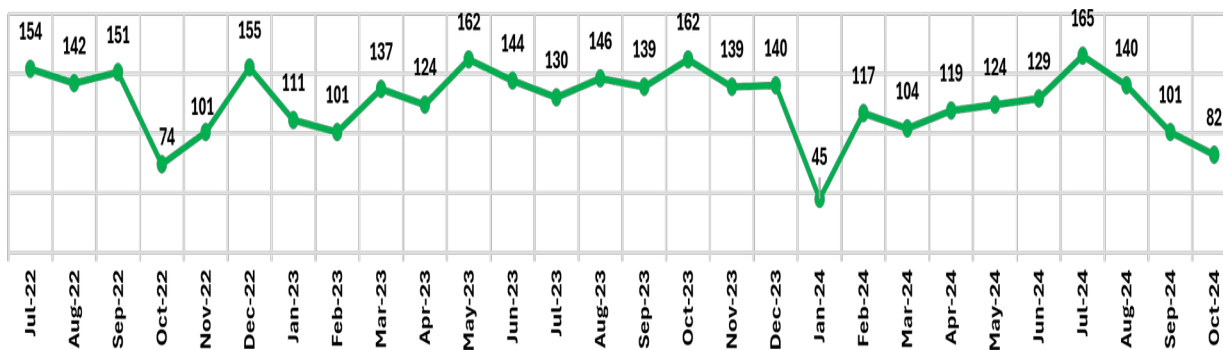


Adoptions Finalized 2004 to date: 3245



Exits from Out of Home Care
Lee County November 2023 to October 2024 Total: 452





C20 Children Referred to IFST (Intensive Family Services am)

Total: 3538

Average children referred monthly: 126

CNSWFL Case Management Scorecard Performance

Score Card Metrics	Measure Description	Standard	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24
M1	Children with no recurrence of verified maltreatment within 12 months of a prior verified maltreatment.	≥90.3%	93.55%	95.95%	98.84%	94.74%	90.41%	97.42%	95.65%	94.17%	97.62%	97.27%	96.18%	92.59%
M2	Children achieving permanency within 12 months of entering care.	≥35.2%	32.73%	40.35%	51.92%	41.03%	42.86%	65.52%	44.68%	62.00%	34.38%	52.00%	29.55%	27.27%
M3	Children achieving permanency within 12 months for children in Out-of-home care between 12 and 23 months.	≥43.8%	59.04%	59.94%	61.88%	64.83%	65.31%	65.27%	63.25%	63.16%	64.26%	64.52%	66.19%	64.42%
M4	Children achieving permanency within 12 months for children in Out-of-home care for 24 months or more.	≥30%	53.22%	55.46%	55.32%	56.96%	55.84%	57.51%	55.41%	53.39%	51.87%	50.67%	53.56%	51.09%
M5	Children who do not re-enter foster care within 12 months of moving to a permanent home.	≥94.4%	92.52%	92.49%	94.76%	94.76%	94.76%	95.24%	95.24%	95.24%	94.74%	94.74%	94.74%	94.88%
M6	Percent of children not abused or neglected while in out-of-home care.	≤9.07	0.00	0.00	6.33	0.00	0.00	6.74	3.65	10.43	7.42	7.30	0.00	0.00
M7	Percent of children not abused or neglected while receiving in-home services.	≥98%	99.25%	99.41%	99.72%	99.73%	99.87%	99.37%	99.74%	99.24%	99.62%	99.72%	99.05%	99.72%
M8	Percent of children under supervision who are seen every 30 days.	≥99.5%	99.55%	99.95%	99.85%	99.95%	100.00%	99.50%	99.90%	99.89%	99.84%	99.84%	99.95%	99.88%
M9	Percent of cases with caseworker visits with parents monthly.	≥80%	42.45%	47.45%	53.00%	54.55%	52.36%	50.70%	56.84%	52.03%	44.64%	53.18%	51.14%	54.61%
M10	Children's placement moves per 1,000 days in foster care.	≤4.5	6.78	6.14	6.14	5.57	5.4	5.46	5.55	5.85	6.21	6.18	6.10	5.67
M11	Percent of children placed with relatives or nonrelatives.	≥60%	54.55%	55.53%	54.27%	52.60%	52.03%	50.98%	52.32%	52.64%	49.82%	50.12%	50.25%	48.85%
M12	Percent of sibling groups where all siblings are placed together.	≥65%	60.96%	60.73%	59.45%	57.87%	56.94%	58.71%	58.46%	58.73%	56.08%	54.97%	56.68%	55.38%
M13	Number of children with finalized adoptions during each state fiscal year.	189 yearly goal	87	108	126	138	149	173	188	200	14	32	48	52
M14	Percent of children in out-of-home care who received medical services in the last twelve months.	≥95.0%	97.64%	98.51%	98.19%	96.79%	97.85%	98.52%	98.60%	98.24%	97.87%	97.00%	95.69%	95.81%
M15	Percent of children in out-of-home care who received dental services in the last seven months.	≥95.0%	95.18%	97.75%	95.49%	96.58%	97.81%	97.55%	96.61%	97.96%	97.59%	96.89%	96.11%	95.81%
M16	Percent of Young Adults Exiting Foster Care at Age 18 Completed/Enrolled in Secondary/Vocational/Adult Education.	≥80.0%	94.87%	95.00%	93.94%	94.44%	95.12%	97.06%	97.14%	97.14%	93.75%	94.29%	91.89%	90.32%

Children’s Network of Southwest Florida developed IFST in 2018 to address the number of children being removed and entering the foster care system. An intensive approach to services and supervision for non-judicial, in-home cases to stabilizing families with support of a multi-disciplinary team.

COMMUNITY BASED CARE MODEL (CBC)

After establishing the CBC model, Florida's child welfare system vaulted from "worst to first" in national rankings. Today, due to Florida's partnership with CBC lead agencies, Florida continually ranks as one of the top-performing child welfare systems in the nation.

PERFORMANCE SUMMARY

Time Frame: FY 2020
Florida Vs. Nation

Number Entered Foster Care

- Florida: 27,334
- National: 206,812

Avg. Time in Care (months)

- Florida: 19.96
- National: 21.9

Number Exited Foster Care

- Florida: 11,670
- National: 214,971

Number Served by The Foster Care System

- Florida: 59,042
- National: 606,031

The CBC model operated by local leaders familiar with the culture and needs of their community has uniquely positioned Lead Agencies to successfully engage stakeholders, judiciary, community partners, educators, members of the faith community, civic groups, and community leaders in the charge to care for their citizens. These strong public-private partnerships have generated tens of millions of dollars, allowing CBCs to provide local services and material goods beyond what is possible with state funding alone.



MORE INFORMATION:
www.flchildren.org

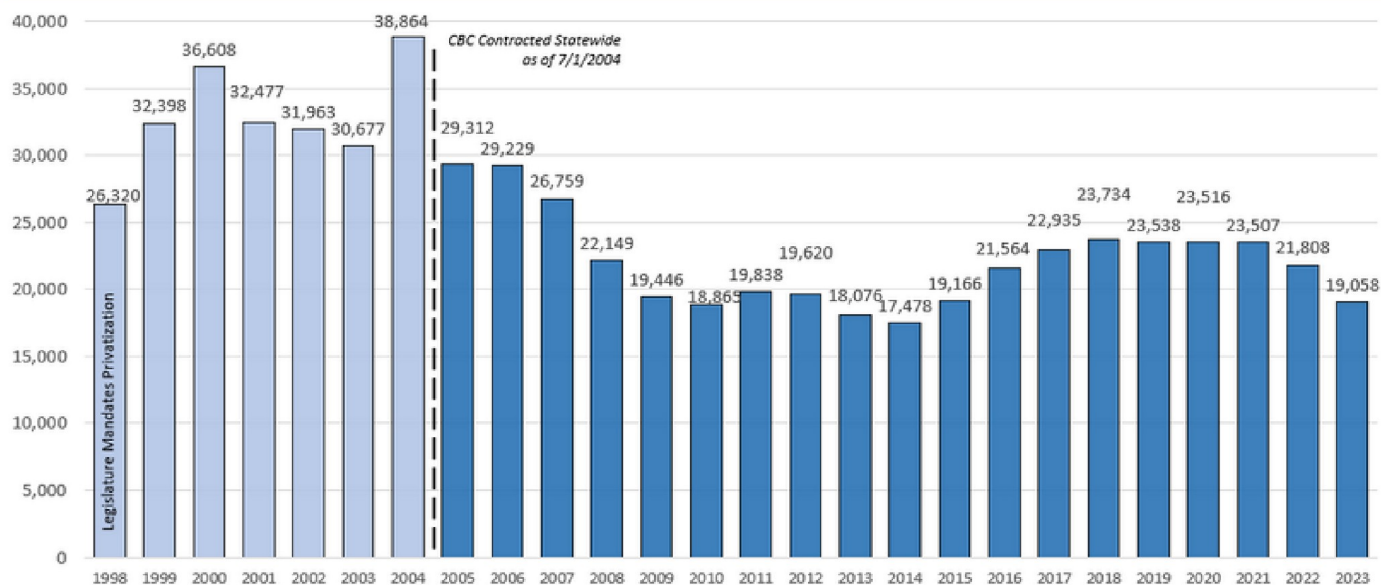
CONTACT US:
P: 850-561-1102
E: natasha@flchildren.org



Florida Coalition
for Children

317 East Park Avenue
Tallahassee, FL 32301
(850) 561-1102
FLChildren.org

NUMBER OF FLORIDA CHILDREN IN OUT OF HOME CARE (1998-2023)



COMMUNITY-BASED CARE WORKS FOR FLORIDA'S FAMILIES

Florida has been the national leader in child protection outcomes for more than two decades.

Established under §. 409.1671, F.S., Community-Based Care allows children to stay in their schools and neighborhoods, where they can rely on the established bonds with family friends, and school administration during a potentially traumatizing time.

The CBC model emphasizes local management, rather than a one-size-fits-all statewide approach and empowers local citizens to identify and meet the unique needs of their own communities. CBC lead agencies are led by boards of directors comprised of local business leaders, policymakers, judges, child advocates, parents, and community member

FAST FACTS 2024

Pace envisions a world where all girls have **POWER**, in a **JUST** and **EQUITABLE** society.

Pace Center for Girls provides a safe and supportive environment for girls to build healthy relationships, plan for their future and overcome histories of trauma. All girls, regardless of their background, deserve an opportunity to become strong, compassionate and successful women. When properly supported, all girls have the power to achieve their vision of success, which leads to positive outcomes for themselves, their families and communities.



3,000+ girls
cared for each year



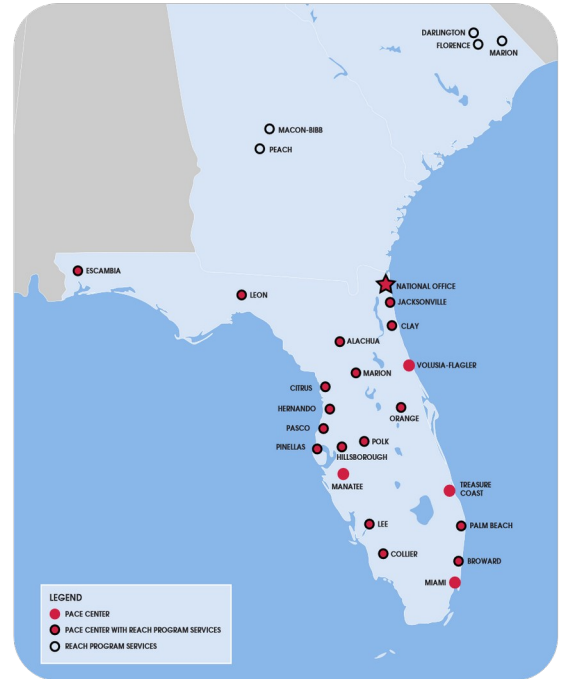
40,000+ girls
served since 1985



23 Communities
across Florida, Georgia
and South Carolina



17 Reach locations
across Florida, Georgia
and South Carolina



ROSAYAH

“ I have become a better version of myself. I remember when I couldn't stay in class or school for a whole day.” Rosayah struggled in school, often spending time with a social worker until she could leave for the day. “Pace has helped me learn new coping skills that distract me when I'm feeling bad again. I have real friends who care about and genuinely enjoy being around me.



Center Day Program

Pace's center based, day program provides year-round education, counseling and life skills training for a comprehensive and individualized experience for middle and high school aged girls.

**101 Girls Served
FY 2023**

BEFORE PACE

9 in 10



Were failing school six months prior to attending Pace

6 in 10



Demonstrated behaviors related to juvenile delinquency

8 in 10



Were disengaged in school and community life

AS A RESULT OF PACE

9 in 10



Improved academically
*Measured by Florida STAR testing

7 in 10



Strengthened or maintained self-efficacy, the belief that you can succeed

10 in 10



Are engaged in their community, measured by being enrolled in school, higher education, or employment

Reach Program Services

Pace Reach is a therapeutic and counseling program offering social, emotional, and behavioral health and support services for girls ages 11-17 and their families. Reach therapists provide services in partnering schools, homes and other community locations.

**46 Girls Served
FY 2023**

BEFORE PACE

10 in 10



Were feeling sad or hopeless, including thoughts of self-harm

6 in 10



Were disengaged in school and community life

AS A RESULT OF PACE

7 in 10



Improved healthy social relationships with peers and family members

9 in 10



Are engaged in their community, measured by an increase in healthy behaviors

“ The impact of your contributions can be seen in the many stories of success that emerge from Pace's model. These are stories of girls who, with your support, have turned their lives around, found their voices, and become leaders in their communities. The investment we make in our girls today will produce outcomes that will positively impact communities for generations to come.

- Brittany Perkins Castillo, Pace Board of Trustees Chair
Chief Executive Officer, AshBritt Environmental

22. Sanibel Captiva Conservation Foundation



To protect and care for Southwest Florida's coastal ecosystems.

2025 State Legislative Priorities

The Sanibel-Captiva Conservation Foundation (SCCF) is a non-profit, science-based organization that is dedicated to the conservation and preservation of Sanibel and Captiva islands, our watersheds, and surrounding waters.

Conservation

- SCCF supports statutorily increased dedicated funding for the **Florida Forever** conservation and recreation lands program. Land conservation is critical for supporting Florida's tourism and nature-based economy.
- SCCF supports the protection of existing conservation lands including aquatic preserves.

Ecosystem Restoration

- SCCF supports prioritizing funding and expediting the **Everglades Agricultural Area Reservoir and Stormwater Treatment Area**. The EAA Reservoir Project is critical for reducing the damaging high-volume discharges to the Caloosahatchee and St. Lucie estuaries and rehydrating the Everglades.
- SCCF supports continued funding to complete construction of the **C-43 reservoir and water quality treatment component**. This project is essential for restoring clean freshwater flows to the Caloosahatchee estuary.
- SCCF supports **full funding for Everglades restoration** to keep projects on track with the Integrated Delivery Schedule (IDS). Everglades restoration is essential to improve the health of the Caloosahatchee.
- SCCF will strongly oppose any effort to limit, weaken or rollback wetland protection efforts defined in the Federal 404 program.
- SCCF will strongly oppose introduction or expansion of mitigation programs that allow for the destruction of wetlands, mangroves, seagrass, or other fragile ecosystems.

Water Quality

- SCCF opposes weakening permitting requirements for development in wetlands, coastal high-hazard areas and other sensitive locations to ensure that adequate protections remain in place for natural resources.

- SCCF continues to support the passage of the Safe Waterways Act and will work with legislative sponsors and statewide partners to reintroduce legislation to keep Floridians informed about
- SCCF supports further improvements to **statewide stormwater standards** for development to meaningfully reduce runoff of pollutants such as nitrogen, phosphorus, and suspended solids to protect water quality.

Harmful Algal Blooms

- SCCF supports implementation and funding of the **Blue-Green Algae Taskforce** recommendations to address nutrient sources and innovative technologies to mitigate blooms.
- SCCF supports **FWC's Harmful Algal Bloom Task Force** and funding for research and monitoring of red tide and other harmful algal blooms in Florida's coastal waters.
- SCCF supports the reduction of manmade nutrients into our waterways through voluntary programs such as **BMPs** and **Septic to Sewer Conversions**, as well as enhanced regulatory protections for our waters.

Resiliency

- SCCF supports **protections to net metering** and other incentives to the implementation of roof-top solar for individuals
- SCCF supports the monitoring of the implementation of the **Resilient Florida Program** to ensure that grant funding is being spent thoughtfully on solutions to climate change
- SCCF continues to support a **ban on oil drilling in the Gulf of Mexico** and a transition to energy sources that will reduce greenhouse gas emissions.

Community Self-Governance

- SCCF supports **Home Rule** and opposes any statewide pre-emption policies that would restrict the ability of local governments to regulate land use local ordinances, such as fertilizer restrictions, to protect our natural resources.
- SCCF supports maintaining the public's ability to meaningfully participate in agency permitting decisions and opposes automatically awarding prevailing parties attorney's fees in such cases.
- SCCF supports protecting the ability of the public to participate in self-governance

39. Ann Salamone

Reducing Crime

Good afternoon. I'm Ann Salamone, a Floridian.

The sex offender registry was created in 1994 to track people accused of the rape and murder of young children. Since then, Florida has generated scores of new sex offense laws. Now, if you help a crying child or adult, anyone can accuse you of harboring sexual intent.

Surprising to most, recidivism of a sex offense is 1% according to Florida Department of Corrections independent data analysis (2020-2023) and supported by academic evidence-based research.

Yet, 11% of Floridians labeled as sex offenders are back in prison within three years - not for any act involving sex or other harmful offenses - but rather for an administrative paperwork error.

The overwhelming number of requirements that registrants must comply with per day, or face prison, are not only inconsistent from jurisdiction to jurisdiction but increase every year. Confusing both law enforcement and registrants.

Within 48 hours of a change from new job to your mom's new car tag, the change must be reported or it's prison for 5 years or much longer. What do you do when the registry office is open only Tuesday thru Thursday and in-person updates necessary?

While going to prison for 5 years or longer sounds like an exaggeration, it isn't.

An older gentleman, whose sex offense resulted in 2 years in prison in the 1990's, just received 10 years in prison for failure to report an address change within 48 hours. With prison came losing his job, the family income, and their house.

Families suffer repetitive trauma and generational poverty.

Sending people to prison for paperwork errors is useless and wasteful.

What can we do?

- (1) Provide registrants an opportunity to make corrections to errors and omissions in their registry information before resorting to criminal prosecution.
- (2) Change the penalties for registry errors from felonies to misdemeanors.

Thank you.

43. Jeff Russell

Protecting our Elderly

Good morning. I'm Jeff Russell, a Floridian. I'm asking our law makers to:

- Exempt sex offender residency restrictions for patients at long-term care facilities.
- Remove the elderly from the sex offender registry who have not sexually re-offended – in many cases for decades.

Seniors face health and physical challenges, limited income, loss of mobility, and eventually may need assisted living/nursing home care.

These challenges are painfully amplified for the elderly who are on the sex offender registry. Most states provide a streamlined process for removal from the registry, for all but the most dangerous offenses. Not so with Florida.

In Florida, every year harsher laws and ordinances are passed that increasingly harm these weary, beaten-down, frightened elderly people. For them, including veterans, assisted living and nursing home care isn't possible in Florida. Elderly people with dementia or who are bedridden can't get to the Sheriff's Office for required check-ins. Instead, family or friends help the elderly comply with registry requirements because they literally can't complete the documents themselves.

Academic evidence-based research has repeatedly found that the registry has not served to improve public safety, but instead has harmed tens of thousands of Florida registrants and their families creating generational poverty – and deprived the elderly of medical care and safe housing.

Recently, an elderly Floridian with dementia was put in prison for 2 years and then on the registry as Florida statutes don't allow dementia to be considered by the courts. He could not remember his offense, had no comprehension of the registry and its multitude of requirements. His wife nursed him at home - and complied with the registry requirements on his behalf until his death.

Do your elderly friends and family who have dementia act like they once did? Are your elderly friends with mobility restrictions a threat? Can you imagine a more sadistic societal response to our elderly citizens than prison and the rigors of the registry? Our elderly Floridians need help, not abuse

46. Joy Alexakis

Child Safety

Good morning. I'm Joy Alexakis, a Floridian, and a doctoral student focusing on child safety for all children in Florida and specifically on reform of the sex offender registry for juveniles. As an advocate for those without a voice, Mr. Bryan Stevenson asserts that "Each of us is more than the worst thing we've ever done." What if that thing occurred in childhood and the label is permanent without any process for removal? How would that impact the trajectory of life? This is exactly the case for those required to register as youth on a sex offender registry in Florida.

I am asking you to:

- Create a process for removal from the sex offender registry for those who committed their offense as kids, and to
- Eliminate the juvenile sex offender registry and replace it with research-based rehabilitation that supports these young people to become productive, contributing members of society.

Society collectively shares the responsibility to invest in cultivating a successful future generation. Changes proposed to the current juvenile sex offender registry law will in no way undermine the importance of accountability for the actions of children. The proposed changes do not disregard the overall goal of ensuring the safety of the community and all children. Rather, the proposed changes seek to explore alternative options that can safeguard our communities and children without subjecting young offenders to enduring lifelong marginalization and stigma due to decisions made when they were children.

There are few labels that carry a harsher stigma than that of a sex offender. 25% of people on Florida's sex offender registry are there for offenses committed as kids. While the original legislation aimed to bolster public safety and protect communities, it did not fully anticipate the enduring adverse impacts on young people who are subject to these registries. The unforeseen outcomes of these policies, akin to invisible incarceration, are lifelong collateral consequences that make it extremely difficult for those labeled as juvenile sex offenders to access employment, housing, education, and social support. The results profoundly damage attempts at their successful re-integration into society, overall quality of life, and social determinants of health.

These youth serve their sentences and fulfill their legal obligations, yet their punishment never truly ends as currently there are no provisions to ever dissolve this invisible incarceration for our youth. They are condemned to live in an invisible prison of collateral consequences, with devastating impacts to their mental and emotional well-being. There is no identified research to support efficacy of such a policy, but myriad studies demonstrating the detrimental effects of a juvenile sex offender registry. In

addition to struggling with equity and access issues created by unforeseen collateral consequences, The constant stigma, fear, and anxiety that these individuals face can lead to severe mental health struggles—85 % of youth on the registry have experienced mental health issues or suicidal ideation In many cases, society has essentially traded these children's mental health for a lifetime of punishment, with the trauma of being publicly labeled and ostracized compounding the damage. Current research indicates that more than 97% of young individuals adjudicated for sexual offenses do not reoffend sexually.

Stigma, marginalization, and disenfranchisement are perpetuated by inactivity related to reform of the juvenile sex offender registry mandates. There is a lack of informed awareness about the unintended consequences of this law. Revision of the juvenile sex offender registry laws, balanced with maintaining the integrity of the intent of the juvenile court system, would lead to enhanced social justice, equity, and opportunities.

Research shows that juveniles have underdeveloped brains, which leads them to make impulsive decisions they wouldn't as mature adults. Despite this, Florida imposes lifelong adult consequences on these kids, contradicting the very purpose of having separate juvenile and adult courts.

For a society that claims to value its youth and prioritize mental health, it is ironic and tragic that we continue to perpetuate laws that harm young people in such profound ways. The long-term consequences extend not only to the children involved, but to their families and communities. We are raising a generation of individuals who are not only prevented from moving past their mistakes—a reality that harms all of us—but marginalized youth who are also left to grapple with profound and pervasive psychological harm.

There are viable options to address juvenile sex charges while ensuring safety to all children and communities through options other than a lifelong juvenile sex offender registry.

These options prioritize rehabilitation over punishment and offer real opportunities for juveniles currently on the registry to fully reintegrate as contributing and productive citizens of our society.

Our children in Florida deserve better.
Thank you.