

CHAPTER 2016-257

House Bill No. 1039

An act relating to the Babcock Ranch Community Independent Special District, Charlotte and Lee Counties; amending chapter 2007-306, Laws of Florida; expanding the Babcock Ranch Community Independent Special District to include areas of Lee County; amending legislative intent, definitions, legislative policy, district creation and establishment, governing board administrative duties, district budgets and financial reports, and district powers to include references to Lee County; amending the district's legal boundaries to include areas of Lee County; requiring district governing board election procedures to involve officials from both counties; requiring general obligation bond elections to occur in both counties; authorizing the levy and collection of non-ad valorem maintenance taxes in both counties; providing for required notices to be published in both counties; requiring a referendum; providing an effective date.

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

Section 1. Paragraphs (a), (g), (j), (n), (o), (p), and (q) of subsection (1), paragraphs (f) and (w) of subsection (2), and paragraphs (a), (d), and (f) of subsection (3) of section 2 of chapter 2007-306, Laws of Florida, are amended to read:

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

(1) LEGISLATIVE FINDINGS AND INTENT.—

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

(g) There are two alternatives for the creation of independent special districts for properties of this size: the establishment by rule of the Governor and Cabinet of one or more uniform community development districts over the property; and the establishment by special act of the Legislature of a single independent special district meeting the minimum requirements of chapter 189, Florida Statutes, the applicable district accountability general law. Use of this special act, created under chapter 189, Florida Statutes, is the better of the two alternatives in this case because it will allow for use of a single special district, with longer involvement and responsibility on the part of the initial landowner, which will result in better intergovernmental coordination and lower administrative costs for Charlotte County, Lee County, and the district, including its landowners and residents. ~~Additionally, use of this special act will provide the flexibility to include within the~~

~~district, at a later date, contiguous Babcock Ranch lands within Lee County, whereas chapter 190, Florida Statutes, would prevent a single uniform community development district from crossing county lines. Additionally, use of this special act updates the charter of a uniform community development district under chapter 190, Florida Statutes, eliminates potential for its abuse, clarifies and sets forth certain uniform procedures for liens on property, and makes other substantial reforms to the benefit of the people of Charlotte and Lee Counties County and future landowners, residents, and visitors.~~

(j) The existence and use of such a limited, specialized single-purpose local government for the Babcock Ranch Community, subject to the respective ~~Charlotte~~ county comprehensive plan and land development regulations, will result in a higher propensity to provide for orderly development and prevent urban sprawl; protect and preserve environmental and conservation uses and assets; potentially enhance the market value for both present and future landowners of the property consistent with the need to protect private property; potentially enhance the net economic benefit to Charlotte and Lee Counties County, including an enhanced tax base to the benefit of all present and future taxpayers in Charlotte and Lee Counties County; and result in the sharing of costs of providing certain systems, facilities, and services in an innovative, sequential, and flexible manner within the area to be serviced by the district.

(n) In order to be responsive to the critical timing required through the exercise of its special management functions, an independent 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 district, without burdening the taxpayers and citizens of the state, Charlotte County, Lee County, or any municipality therein.

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

~~(p) The creation by This act of the Babcock Ranch Community Independent Special District is not inconsistent with either the Charlotte County or Lee County comprehensive plan.~~

(q) Neither ~~Charlotte County nor Lee County objects~~ does not object to the creation of the district.

(2) DEFINITIONS.—As used in this act:

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

(w) “Qualified elector” means any person at least 18 years of age or older, who is a citizen of the United States, a legal resident of the state and the district, and who registers to vote with the Supervisor of Elections in Charlotte County or Lee County, and resides in either Charlotte County or Lee County.

(3) POLICY.—Based upon its findings, ascertainments, 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, and other community uses, projects, or functions in the included portions ~~portion~~ of Charlotte County and Lee County consistent with the effective comprehensive plans and serve a lawful public purpose.

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

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

Section 2. Subsection (1) of section 3 of chapter 2007-306, Laws of Florida, is amended to read:

Section 3. Creation and establishment; jurisdiction; construction; charter with legal description.—

(1) The Babcock Ranch Community Independent Special District, which also may be referred to as the “district,” is created and incorporated as a public body corporate and politic, an independent, limited, special purpose

local government, an independent special district under section 189.031 ~~189.404~~, Florida Statutes, and as defined in this act and section 189.012(3) ~~189.403(3)~~, Florida Statutes, in and for a certain portions ~~portion~~ of Charlotte County and Lee County. Any amendments to chapter 190, Florida Statutes, after January 1, 2007, granting additional general powers, special powers, authorities, or projects to a community development district by amendment to its uniform charter, sections 190.006-190.041, Florida Statutes, shall constitute a general power, special power, authority, or function of the Babcock Ranch Community Independent Special District. All notices for the enactment by the Legislature of this special act have been provided pursuant to the State Constitution, laws of the state, and the Rules of the Florida House of Representatives and of the Florida Senate.

Section 3. Section 4 of chapter 2007-306, Laws of Florida, is amended to read:

Section 4. Legal description of the Babcock Ranch Community Independent Special District.—

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

CHARLOTTE COUNTY PARCEL:

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

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47" W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence

S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 687.22 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point lying 50.00 feet East of the East right-of-way line for State Road No. 31; Thence along a line 50.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance

of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point lying 50.00 feet East of the East right-of-way line for State Road No. 31; Thence along a line 50.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.64 acres, more or less.

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

LEE COUNTY PARCEL:

A parcel of land lying within Sections 1 through 7 and Section 9, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 155.76 feet; Thence S09°58'52"W a distance of 4,667.96 feet; Thence S04°10'14"W a distance of 283.52 feet; Thence S03°53'19"E a distance of 515.32 feet to a point on the South line of Section 2, Township 43 South, Range 26 East (said point being 558.41 feet West of the Southeast corner of said Section 2); Thence N88°38'22"W a distance of 2,084.07 feet to the South one-quarter corner of said Section 2; Thence N88°38'42"W a distance of 2,642.06 feet to the Southwest corner of said Section 2; Thence N89°51'49"W a distance of 5,300.09 feet to the Southwest corner of Section 3, Township 43 South, Range 26 East; Thence N89°51'54"W a distance of 2,650.09 feet to the South one-quarter corner of Section 4, Township 43 South, Range 26 East; Thence S00°23'25"W a distance of 1,330.65 feet to the Southwest corner of the North one-half of the Northeast one-quarter of Section 9, Township 43 South, Range 26 East; Thence S06°02'41"E a distance of

1,338.36 feet to a point on the North line of the Southeast one-quarter of said Section 9 (said point being 150.00 feet East of the Northwest corner of the Southeast one-quarter of said Section 9); Thence S00°22'58"W, parallel with and 150.00 feet East of the West line of the Southeast one-quarter of said Section 9, a distance of 2,611.56 feet to a point on the North right-of-way line of County Road No. 78; Thence along said right-of-way line the following courses and distances, N89°54'54"W a distance of 150.26 feet and N89°54'44"W a distance of 2,648.95 feet to a point on the West line of said Section 9; Thence N00°22'31"E a distance of 2,612.02 feet to the West one-quarter corner of said Section 9; Thence N00°21'56"E a distance of 2,663.13 feet to the Southeast corner of Section 5, Township 43 South, Range 26 East; Thence N89°52'00"W a distance of 2,666.70 feet to the South one-quarter corner of said Section 5; Thence N89°50'47"W a distance of 2,667.42 feet to the Southwest corner of said Section 5; Thence S00°23'16"W, along the East line of Section 7, Township 43 South, Range 26 East, a distance of 5,294.00 feet to a point on the North right-of-way line of County Road No. 78; Thence Westerly along the curved right-of-way line, (said curve being curved concave to the North, having a delta angle of 00°53'52" and a radius of 11,339.17 feet, with a chord bearing of N89°19'12"W and a chord length of 177.69 feet) a distance of 177.69 feet to the end of the curve; Thence N88°52'16"W, along said North right-of-way line, a distance of 4,406.31 feet to the beginning of a curve to the right; Thence along the arc of the curved right-of-way line, (said curve being curved concave to the Northeast, having a delta angle of 89°12'05" and a radius of 522.94 feet, with a chord bearing of N44°16'14"W and a chord length of 734.37 feet) a distance of 814.14 feet to a point on the East right-of-way line of State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances, N00°19'49"E a distance of 4,776.07 feet, N00°18'54"E a distance of 5,313.41 feet and N00°36'46"E a distance of 0.14 feet to the Point of Beginning.

Containing 4,157.2 acres, more or less.

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

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

Section 4. Paragraphs (a) and (d) of subsection (3) and subsection (8) of section 5 of chapter 2007-306, Laws of Florida, are amended to read:

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

(3)(a)1. The board may not exercise the ad valorem taxing power or general obligation bond power authorized by this act until such time as all members of the board, except for nonvoting members, 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 or issue general obligation bonds, board members initially elected by landowners 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 4,600 qualified electors reside within the district, one voting board member shall be a person who was elected by the qualified electors, and four voting board members shall be persons who were elected by the landowners.

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

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

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

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

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

b. On or before June 1 of each 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 and for each Charlotte 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. 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 section 189.041 ~~189.4051~~, Florida Statutes.

(d) The supervisors ~~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 boards ~~board~~ shall declare and certify the results of the election.

(8) The board shall keep a permanent record book entitled “Record of Proceedings of Babcock Ranch Community Independent Special 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 either Charlotte County or Lee County.

Section 5. Paragraphs (c) and (d) of subsection (4), paragraphs (f) and (g) of subsection (6), paragraph (s) of subsection (7), paragraphs (i) and (n) of subsection (10), paragraph (c) of subsection (12), paragraph (a) of subsection (13), paragraph (a) of subsection (19), paragraph (b) of subsection (20), and subsection (26) of section 6 of chapter 2007-306, Laws of Florida, are amended to read:

Section 6. Governing board; general duties.—

(4) BUDGET; REPORTS AND REVIEWS.—

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

(d) The board of the district shall submit annually to the boards of county commissioners of Charlotte and Lee Counties ~~County Board of County Commissioners~~ its district public facilities report under section 189.08(2) ~~189.415(2)~~, Florida Statutes, which report each ~~the~~ board of county commissioners may ~~shall~~ use and rely on in the preparation or revision of its comprehensive plan, specifically under section 189.08(6) ~~189.415(6)~~, Florida Statutes.

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

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

(q) 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 that shall be required or permitted to be undertaken by the district pursuant to any development order or development of regional impact, or any other agreement with Charlotte County, Lee County, or other governmental entities, including, without limitation, any school district, sheriff, fire district, drainage district, and health care district for proportionate, fair-share, or pipelining capital construction funding for any certain capital facilities or systems required from the development pursuant to any applicable development order or agreement.

The provisions of this subsection shall be construed liberally in order to carry out effectively the specialized 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, 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, including, without limitation, any obligations pursuant to a development order or agreement. Any or all of the following special powers are granted by this act in order to implement the special purpose of the district:

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

(10) BONDS.—

(i) General obligation bonds.—

1. Subject to the limitations of this charter, the district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 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, no general obligation bonds shall be

issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the boards ~~Board~~ of county commissioners of Charlotte and Lee Counties ~~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 each ~~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 and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project that 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 shall 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 section 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 subparagraphs a. and b.

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

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

(c) Non-ad valorem maintenance taxes.—If and when authorized by general law, to maintain and preserve the physical facilities and services constituting the works, improvements, or infrastructure provided 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 that may be required to pay state and county ad valorem taxes on any lands that may have been purchased and that are held by the district under the provisions of this act, the governing board 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.” This non-ad valorem 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 governing board of the district not later than June 1 of each year to the property appraisers ~~appraiser~~ of Charlotte and Lee Counties ~~County~~ and shall be extended by the property appraiser on the tax roll of the property appraiser, as certified by the property appraiser to the tax collector, 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. This non-ad valorem 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.

(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 of section 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 governing board 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 assessment methodology, and a preliminary roll based on acreage or platted lands, depending upon whether platting has occurred.

a. The 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 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 that give rise to unique, special, and peculiar benefits to property of the same or similar characteristics under the 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, 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 governing board.

c. The preliminary assessment roll to be prepared will be in accordance with the method of assessment provided for in the assessment methodology and as may be adopted by the governing board; the 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 assessment against each such lot, parcel, acreage, or portion of land is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered into and shown upon the assessment roll.

2. The governing board of the district may determine and declare by an initial assessment resolution to levy and assess the 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 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 assessment methodology, and the preliminary assessment roll as referenced exhibits to the resolution by reference. If the board determines to declare and levy the special assessments by the initial assessment resolution, the board shall also adopt and declare a notice resolution that shall provide and cause the initial assessment resolution to be published once a week for a period of 2 weeks in newspapers ~~a newspaper~~ of general circulation published in Charlotte and Lee Counties ~~County~~ 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 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, and 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, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. It is provided further that the last publication shall be at least 1 week prior to the date of the hearing on the final 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 assessment resolution with its attached, referenced, and incorporated engineer's cost report, preliminary assessment methodology, and preliminary 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 governing board in the notice resolution. Notwithstanding the foregoing, the landowners of all of the property that is proposed to be assessed may give the district written notice of waiver of any notice and publication provided for in this subparagraph and such notice and publication shall not be required, provided, however, that any meeting of the governing board to consider such resolution shall be a publicly noticed meeting.

3. At the time and place named in the noticed resolution as provided for in subparagraph 2., the governing board 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 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 assessment methodology, and the assessment roll, the governing board shall make a final decision on whether to levy and assess the particular assessments. Thereafter, the governing board shall meet as an equalizing board to hear and to consider any and all complaints as to the particular assessments and shall adjust and equalize the assessments on the basis of justice and right.

4. When so equalized and approved by resolution or ordinance by the governing board, to be called the final assessment resolution, a final assessment roll shall be filed with the clerk of the board and such

assessment shall stand confirmed and remain legal, valid, and binding first liens on the property against which such 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, service, project, improvement, works, or infrastructure, the district shall credit to each of the assessments the difference in the 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 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 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 governing board, 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 assessments during such period prior to the time such financing costs are incurred as may be specified by the governing board in such resolution.

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

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

(a) No contract shall 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 section 287.017, Florida Statutes, for category four, unless notice of bids shall be advertised once in newspapers ~~a newspaper~~ in general circulation in Charlotte and Lee Counties ~~County~~. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of section 255.20, Florida Statutes, 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 section 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.

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

(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 shall 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 newspapers ~~a newspaper~~ of general circulation in Charlotte and Lee Counties ~~County~~ at least once and at least 10 days prior to 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 that shall fall in the same class, without the necessity of any notice or hearing.

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

(a) The board may ask the Legislature through its local legislative delegations in and for Charlotte and Lee Counties ~~County~~ to amend this act to contract, to expand or to contract, and to expand the boundaries 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 section 189.062 ~~189.4044~~, Florida Statutes.

Section 6. In the election provided for in section 7, each landowner present in person or by proxy is entitled to cast one vote for each assessable acre or fraction of an acre of land owned by him or her and located within the district.

Section 7. This section and section 6 shall take effect upon this act becoming a law, and the remaining sections shall take effect upon approval by a majority vote of the owners of land within the district, including land in Charlotte and Lee Counties, who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners' meeting to be held within 90 days after the effective date of this act. Such landowners' meeting shall be noticed in the same manner as provided in section 5 of chapter 2007-306, Laws of Florida. However, the

provisions of this act authorizing the levy of ad valorem taxation and the issuance of general obligation bonds shall take effect only upon express approval by a majority vote of those qualified electors of the Babcock Ranch Community Independent Special District voting in a referendum election held at such time as all members of the district's governing board are qualified electors of the district who are elected by qualified electors of the district as provided in this act.

Approved by the Governor March 25, 2016.

Filed in Office Secretary of State March 25, 2016.