

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Intergovernmental Affairs Subcommittee

Representative Melo offered the following:

**Amendment**

Remove lines 103-2521 and insert:

fiscally sound, innovative, and cost-effective techniques to provide and finance public facilities while encouraging development, use, and coordination of capital improvement plans by all levels of government, in accordance with the goals of chapter 187, Florida Statutes.

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

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

26 (j) The special district created and established by this  
27 act shall not have or exercise any comprehensive planning,  
28 zoning, or development permitting power; the establishment of  
29 the special district shall not be considered a development order  
30 within the meaning of chapter 380, Florida Statutes; and all  
31 applicable planning and permitting laws, rules, regulations, and  
32 policies of Collier County control the development of the land  
33 to be serviced by the special district.

34 (k) The creation by this act of the Corkscrew Grove  
35 Stewardship District is not inconsistent with the Collier County  
36 comprehensive plan.

37 (1) It is the legislative intent and purpose that no debt  
38 or obligation of the special district constitute a burden on  
39 Collier County.

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

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

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

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

55 (d) "Assessments" means those nonmillage district  
56 assessments which include special assessments, benefit special  
57 assessments, and maintenance special assessments and a  
58 nonmillage, non-ad valorem maintenance tax if authorized by  
59 general law.

60 (e) "Benefit special assessments" means district  
61 assessments imposed, levied, and collected pursuant to section  
62 6(12)(b).

63 (g) "Board of supervisors" or "board" means the governing  
64 body of the district or, if such board has been abolished, the  
65 board, body, or commission assuming the principal functions

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66 thereof or to whom the powers given to the board by this act  
67 have been given by law.

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

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

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

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

80 3. The cost of improvements.

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

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

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

87 7. Financing charges.

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

89 9. Working capital.

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

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

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

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

101 14. Administrative expenses.

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

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

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

111 (j) "District" means the Corkscrew Grove Stewardship  
112 District.

113 (k) "District manager" means the manager of the district.

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114 (l) "District roads" means highways, streets, roads,  
115 alleys, intersection improvements, sidewalks, crossings,  
116 landscaping, irrigation, signage, signalization, storm drains,  
117 bridges, multiuse trails, lighting, and thoroughfares of all  
118 kinds.

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

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

124 (o) "Governing board member" means any member of the board  
125 of supervisors.

126 (p) "Land development regulations" means those regulations  
127 of the general-purpose local government, adopted under the  
128 Community Planning Act, codified as part II of chapter 163,  
129 Florida Statutes, to which the district is subject and as to  
130 which the district may not do anything that is inconsistent  
131 therewith. The term "land development regulations" does not  
132 include specific management, engineering, operations, or capital  
133 improvement planning, needed in the daily management,  
134 implementation, and supplying by the district of systems,  
135 facilities, services, works, improvements, projects, or  
136 infrastructure, so long as they remain subject to and are not  
137 inconsistent with the applicable county codes.

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

147 (r) "Maintenance special assessments" are assessments  
148 imposed, levied, and collected pursuant to section 6(12)(d).

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

153 (t) "Powers" means powers used and exercised by the board  
154 of supervisors to accomplish the special and limited purposes of  
155 the district, including:

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

160 2. "Special powers," which means those powers enumerated  
161 by the district charter to implement its specialized systems,  
162 facilities, services, projects, improvements, and infrastructure

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163 and related functions in order to carry out its special and  
164 limited purposes.

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

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

171 (v) "Qualified elector" means any person at least 18 years  
172 of age who is a citizen of the United States and a legal  
173 resident of the state and of the district, who registers to vote  
174 with the Supervisor of Elections of Collier County and who  
175 resides in Collier County.

176 (w) "Reclaimed water" means water, including from wells or  
177 stormwater management facilities, that has received at least  
178 secondary treatment and basic disinfection and is reused after  
179 flowing out of a domestic wastewater treatment facility, or  
180 otherwise as an approved use of surface water or groundwater by  
181 the water management district.

182 (x) "Reclaimed water system" means any plant, well,  
183 system, facility, or property, and any addition, extension, or  
184 improvement thereto at any future time constructed or acquired  
185 as part thereof, useful, necessary, or having the present  
186 capacity for future use in connection with the development of  
187 sources, treatment, purification, or distribution of reclaimed



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188 water. The term includes franchises of any nature relating to  
189 any such system and necessary or convenient for the operation  
190 thereof including for the district's own use or resale.

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

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

203 (aa) "Sewer system" means any plant, system, facility, or  
204 property, and additions, extensions, and improvements thereto at  
205 any future time constructed or acquired as part thereof, useful  
206 or necessary or having the present capacity for future use in  
207 connection with the collection, treatment, purification, or  
208 disposal of sewage, including, but not limited to, industrial  
209 wastes resulting from any process of industry, manufacture,  
210 trade, or business or from the development of any natural  
211 resource. The term also includes treatment plants, pumping  
212 stations, lift stations, valves, force mains, intercepting

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213 sewers, laterals, pressure lines, mains, and all necessary  
214 appurtenances and equipment; all sewer mains, laterals, and  
215 other devices for the reception and collection of sewage from  
216 premises connected therewith; all real and personal property and  
217 any interest therein; and rights, easements, and franchises of  
218 any nature relating to any such system and necessary or  
219 convenient for operation thereof.

220 (bb) "Special assessments" means assessments as imposed,  
221 levied, and collected by the district for the costs of  
222 assessable improvements pursuant to this act; chapter 170,  
223 Florida Statutes; and the additional authority under s.  
224 197.3631, Florida Statutes, or other provisions of general law,  
225 now or hereinafter enacted, which provide or authorize a  
226 supplemental means to impose, levy, or collect special  
227 assessments.

228 (cc) "Corkscrew Grove Stewardship District" means the unit  
229 of special and limited purpose local government and political  
230 subdivision created and chartered by this act, and limited to  
231 the performance of those general and special powers authorized  
232 by its charter under this act, the boundaries of which are set  
233 forth by the act, the governing board of which is created and  
234 authorized to operate with legal existence by this act, and the  
235 purpose of which is as set forth in this act.

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

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

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

245 (ee) "Water system" means any plant, system, facility, or  
246 property, and any addition, extension, or improvement thereto at  
247 any future time constructed or acquired as a part thereof,  
248 useful, necessary, or having the present capacity for future use  
249 in connection with the development of sources, treatment,  
250 purification, or distribution of water. The term also includes  
251 dams, reservoirs, storage tanks, mains, lines, valves, pumping  
252 stations, laterals, and pipes for the purpose of carrying water  
253 to the premises connected with such system, and all rights,  
254 easements, and franchises of any nature relating to any such  
255 system and necessary or convenient for the operation thereof.

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

259 (a) The district and the district charter, with its  
260 general and special powers, as created in this act, are

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261 essential and the best alternative for the residential,  
262 commercial, industrial, office, hotel, health care, and other  
263 similar community uses, projects, or functions in the included  
264 portion of Collier County consistent with the effective  
265 comprehensive plan, and designed to serve a lawful public  
266 purpose.

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

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

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

290 (e) The special and single purpose Corkscrew Grove  
291 Stewardship District shall not have the power of a general-  
292 purpose local government to adopt a comprehensive plan or  
293 related land development regulation as those terms are defined  
294 in the Community Planning Act.

295 (f) This act may be amended, in whole or in part, only by  
296 special act of the Legislature. The board of supervisors of the  
297 district shall not ask the Legislature to amend this act without  
298 first obtaining a resolution or official statement from the  
299 district and Collier County as may be required by s.  
300 189.031(2)(e)4., Florida Statutes, for creation of an  
301 independent special district, and if such an amendment is  
302 related to the district's ability to provide services under  
303 Section (7)(b), a resolution or official statement from the  
304 Immokalee Water and Sewer District in the form and substance  
305 described in s. 189.031(2)(2)4., Florida Statutes, provided  
306 amendments to the District's boundaries as described in Section  
307 4 shall not require a statement from the Immokalee Water and  
308 Sewer District.

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309 Section 3. Minimum charter requirements; creation and  
310 establishment; jurisdiction; construction; charter.-

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

315 (a) The purpose of the district is stated in the act in  
316 section 2 and subsection (4) of this section.

317 (b) The powers, functions, and duties of the district  
318 regarding ad valorem taxation, bond issuance, other revenue-  
319 raising capabilities, budget preparation and approval, liens and  
320 foreclosure of liens, use of tax deeds and tax certificates as  
321 appropriate for non-ad valorem assessments, and contractual  
322 agreements are set forth in section 6.

323 (c) The provisions for methods for establishing the  
324 district are set forth in this section.

325 (d) The methods for amending the charter of the district  
326 are set forth in section 2.

327 (e) The provisions for the membership and organization of  
328 the governing body and the establishment of a quorum are set  
329 forth in section 5.

330 (f) The provisions regarding the administrative duties of  
331 the governing body are set forth in sections 5 and 6.

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332 (g) The provisions applicable to financial disclosure,  
333 noticing, and reporting requirements generally are set forth in  
334 sections 5 and 6.

335 (h) The provisions regarding procedures and requirements  
336 for issuing bonds are set forth in section 6.

337 (i) The provisions regarding elections or referenda and  
338 the qualifications of an elector of the district are set forth  
339 in sections 2 and 5.

340 (j) The provisions regarding methods for financing the  
341 district generally are set forth in section 6.

342 (k) Other than taxes levied for the payment of bonds and  
343 taxes levied for periods not longer than 2 years when authorized  
344 by vote of the electors of the district, the provisions for the  
345 authority to levy ad valorem tax and the authorized millage rate  
346 are set forth in section 6.

347 (l) The provisions for the method or methods of collecting  
348 non-ad valorem assessments, fees, or service charges are set  
349 forth in section 6.

350 (m) The provisions for planning requirements are in this  
351 section and section 6.

352 (n) The provisions for geographic boundary limitations of  
353 the district are set forth in sections 4 and 6.

354 (2) The Corkscrew Grove Stewardship District is created  
355 and incorporated as a public body corporate and politic, an  
356 independent special and limited purpose local government, an

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357 independent special district, under s. 189.031, Florida  
358 Statutes, as amended from time to time, and as defined in this  
359 act and in s. 189.012(3), Florida Statutes, as amended from time  
360 to time, in and for portions of Collier County. Any amendments  
361 to chapter 190, Florida Statutes, after January 1, 2025 granting  
362 additional general powers, special powers, authorities, or  
363 projects to a community development district by amendment to its  
364 uniform charter, ss. 190.006-190.041, Florida Statutes, which  
365 are not inconsistent with this act, shall constitute a general  
366 power, special power, authority, or function of the Corkscrew  
367 Grove Stewardship District. All notices for the enactment by the  
368 Legislature of this special act have been provided pursuant to  
369 the State Constitution, the Laws of Florida, and the Rules of  
370 the Florida House of Representatives and of the Florida Senate.  
371 No referendum subsequent to the effective date of this act is  
372 required as a condition of establishing the district. Therefore,  
373 the district, as created by this act, is established on the  
374 property described in this act.

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

378 (4) The jurisdiction of the district, in the exercise of  
379 its general and special powers, and in the carrying out of its  
380 special and limited purposes, is both within the external  
381 boundaries of the legal description of this district and



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382 extraterritorially when limited to, and as authorized expressly  
383 elsewhere in, the charter of the district as created in this act  
384 or applicable general law. This special and limited purpose  
385 district is created as a public body corporate and politic, and  
386 local government authority and power is limited by its charter,  
387 this act, and subject to other general laws, including chapter  
388 189, Florida Statutes, except that an inconsistent provision in  
389 this act shall control and the district has jurisdiction to  
390 perform such acts and exercise such authorities, functions, and  
391 powers as shall be necessary, convenient, incidental, proper, or  
392 reasonable for the implementation of its special and limited  
393 purpose regarding the sound planning, provision, acquisition,  
394 development, operation, maintenance, and related financing of  
395 those public systems, facilities, services, improvements,  
396 projects, and infrastructure works as authorized herein,  
397 including those necessary and incidental thereto. The district  
398 shall only exercise any of its powers extraterritorially within  
399 Collier County after execution of an interlocal agreement  
400 between the district and Collier County consenting to the  
401 district's exercise of any of such powers within Collier County  
402 or an applicable development order or as part of other land  
403 development regulations issued by Collier County.

404 (5) The exclusive charter of the Corkscrew Grove  
405 Stewardship District is this act and, except as otherwise

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406 provided in subsection (2), may be amended only by special act  
407 of the Legislature.

408 **Section 4.** Legal description of the Corkscrew Grove  
409 Stewardship District.—The metes and bounds legal description of  
410 the district, within which there are no parcels of property  
411 owned by those who do not wish their property to be included  
412 within the district, is as follows:

413 A PARCEL OF LAND LOCATED IN SECTIONS 03, 04, 05, 06, 07,  
414 08, 09, 10, 15 AND 18, TOWNSHIP 46 SOUTH, RANGE 28 EAST,  
415 COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED  
416 AS FOLLOWS:

417 AREA 1:

418 BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER  
419 OF SAID SECTION 04; THENCE RUN S.89°34'35"E., ALONG THE  
420 NORTH LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF  
421 2,601.08 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST  
422 QUARTER OF SAID SECTION 04; THENCE RUN N.89°49'18"E., ALONG  
423 THE NORTH LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF  
424 2,703.78 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST  
425 QUARTER OF SAID SECTION 03; THENCE RUN S.89°29'58"E., ALONG  
426 THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF  
427 2,641.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST  
428 QUARTER OF SAID SECTION 03; THENCE RUN S.89°29'58"E., ALONG  
429 THE NORTH LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF  
430 2,641.44 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST

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431 QUARTER; THENCE RUN S.00°35'20"E., ALONG THE EAST LINE OF  
432 SAID NORTHEAST QUARTER, FOR A DISTANCE OF 2,629.09 FEET TO  
433 THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID  
434 SECTION 03; THENCE RUN S.00°35'45"E., ALONG THE EAST LINE  
435 OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 1,532.89 FEET  
436 TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 82 (A 200  
437 FOOT RIGHT OF WAY), SAID POINT HEREINAFTER REFERRED TO AS  
438 POINT "A"; THENCE RUN N.73°57'58"W., ALONG SAID NORTHERLY  
439 RIGHT OF WAY LINE, FOR A DISTANCE OF 4,219.38 FEET TO A  
440 POINT ON SAID NORTHERLY RIGHT OF WAY LINE HEREINAFTER  
441 REFERRED TO AS POINT "B"; THENCE CONTINUE N.73°57'58"W.,  
442 ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF  
443 5,305.11 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY  
444 LINE HEREINAFTER REFERRED TO AS POINT "C"; THENCE CONTINUE  
445 N.73°57'58"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR  
446 A DISTANCE OF 1,511.79 TO THE WEST LINE OF SAID NORTHWEST  
447 QUARTER OF SAID SECTION 04; THENCE RUN N.01°10'09"W., ALONG  
448 SAID WEST LINE, FOR A DISTANCE OF 1,123.48 FEET; TO THE  
449 POINT OF BEGINNING.

450 LESS AND EXCEPT:

451 COMMENCE AT THE AFOREMENTIONED POINT "B"; THENCE RUN  
452 N.16°02'02"E., FOR A DISTANCE OF 62.00 FEET TO THE POINT OF  
453 BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE  
454 CONTINUE, N.16°02'02"E., FOR A DISTANCE OF 39.22 FEET TO  
455 THE BEGINNING OF A TANGENTIAL CURVE TO THE LEFT, THENCE RUN

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456 NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING  
457 A RADIUS OF 647.96 FEET, THROUGH A CENTRAL ANGLE OF  
458 16°37'00", SUBTENDED BY A CHORD DISTANCE OF 187.26 FEET, AT  
459 A BEARING OF N.07°43'32"E., FOR A DISTANCE OF 187.92 FEET  
460 TO THE END OF SAID CURVE; THENCE RUN, N.00°34'58"W., A  
461 DISTANCE OF 191.27 FEET; THENCE RUN S.89°25'02"W., FOR A  
462 DISTANCE OF 70.55 FEET; THENCE RUN N.00°34'58"W., FOR A  
463 DISTANCE OF 40.00 FEET; THENCE RUN N.89°25'02"E., FOR A  
464 DISTANCE OF 70.55 FEET; THENCE RUN N.00°34'58"W., FOR A  
465 DISTANCE OF 199.86 FEET; THENCE RUN N.89°20'29"E., FOR A  
466 DISTANCE OF 239.66 FEET; THENCE RUN S.38°31'20"E., FOR A  
467 DISTANCE OF 143.21 FEET; THENCE RUN S.51°28'40"W., FOR A  
468 DISTANCE OF 52.80 FEET; THENCE RUN S.00°39'31"E., FOR A  
469 DISTANCE OF 605.94 FEET; THENCE RUN N.73°58'04"W., FOR A  
470 DISTANCE OF 339.31 FEET TO THE POINT OF BEGINNING.

471 ALSO LESS AND EXCEPT:

472 COMMENCE AT THE AFOREMENTIONED POINT "C", THENCE RUN  
473 N.16°02'02"E., FOR A DISTANCE OF 73.00 FEET TO THE POINT OF  
474 BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE  
475 CONTINUE N.16°02'02"E., FOR A DISTANCE OF 60.91 FEET;  
476 THENCE RUN N.01°02'21"W., FOR A DISTANCE OF 132.64 FEET;  
477 THENCE RUN N.88°57'41"E., FOR A DISTANCE OF 234.50 FEET;  
478 THENCE RUN S.01°02'17"E., FOR A DISTANCE OF 268.38 FEET;  
479 THENCE RUN N.73°57'54"W., FOR A DISTANCE OF 264.01 FEET TO  
480 THE POINT OF BEGINNING.

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481 AND AREA 2:  
482 COMMENCE AT SAID NORTHWEST CORNER OF THE NORTHWEST QUARTER  
483 OF SAID SECTION 04; THENCE RUN S.89°58'53"W., ALONG THE  
484 NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 05, FOR  
485 A DISTANCE OF 2,655.24 FEET TO THE NORTHEAST CORNER OF THE  
486 NORTHWEST QUARTER OF SAID SECTION 05; THENCE RUN  
487 S.89°59'22"W., ALONG THE NORTH LINE OF THE NORTHWEST  
488 QUARTER OF SAID SECTION 05, FOR A DISTANCE OF 1,950.13 FEET  
489 TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE  
490 ROAD 82 (A 200 FOOT RIGHT OF WAY), AND THE POINT OF  
491 BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE  
492 RUN S.73°57'58"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE,  
493 FOR A DISTANCE OF 5,567.97 FEET; THENCE LEAVING SAID  
494 SOUTHERLY RIGHT OF WAY LINE, RUN S.36°17'02"W., FOR A  
495 DISTANCE OF 85.80 FEET; THENCE RUN N.73°57'58"W., FOR A  
496 DISTANCE OF 327.44 FEET; THENCE RUN N.78°05'08"W., FOR A  
497 DISTANCE OF 96.93 FEET; THENCE RUN S.00°02'23"W., FOR A  
498 DISTANCE OF 322.02 FEET; THENCE RUN S.73°57'58"E., FOR A  
499 DISTANCE OF 218.62 FEET; THENCE RUN S.36°17'02"W., FOR A  
500 DISTANCE OF 265.76 FEET; THENCE RUN S.53°42'58"E., FOR A  
501 DISTANCE OF 60.00 FEET; THENCE RUN N.36°17'02"E., FOR A  
502 DISTANCE OF 711.07 FEET TO SAID SOUTHERLY RIGHT OF WAY  
503 LINE; THENCE RUN S.73°57'57"E., ALONG SAID SOUTHERLY RIGHT  
504 OF WAY LINE, FOR A DISTANCE OF 3,151.52 FEET; THENCE RUN  
505 S.16°02'02"W., FOR A DISTANCE OF 25.00 FEET; THENCE RUN

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506 S.73°57'58"E., FOR A DISTANCE OF 464.76 FEET TO THE  
507 NORTHERLY RIGHT OF WAY LINE OF CORKSCREW ROAD (A 100 FOOT  
508 RIGHT OF WAY); THENCE RUN S.20°51'56"W., ALONG SAID  
509 NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 1,727.40  
510 FEET TO THE BEGINNING OF A TANGENTIAL CURVE TO THE RIGHT,  
511 THENCE RUN SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY  
512 LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A  
513 RADIUS OF 1,859.86 FEET, THROUGH A CENTRAL ANGLE OF  
514 37°08'16", SUBTENDED BY A CHORD DISTANCE OF 1,184.52 FEET,  
515 AT A BEARING OF S.39°26'04"W., FOR A DISTANCE OF 1,205.52  
516 FEET TO THE END OF SAID CURVE; THENCE RUN S.58°00'12"W.,  
517 ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF  
518 6,667.70 FEET TO THE BEGINNING OF A TANGENTIAL CURVE TO THE  
519 LEFT, THENCE RUN SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT  
520 OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT,  
521 HAVING A RADIUS OF 2,914.79 FEET, THROUGH A CENTRAL ANGLE  
522 OF 10°45'18", SUBTENDED BY A CHORD DISTANCE OF 546.33 FEET,  
523 AT A BEARING OF S.52°37'33"W., FOR A DISTANCE OF 547.14  
524 FEET TO THE END OF SAID CURVE; THENCE RUN S.47°14'54"W.,  
525 ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF  
526 5,800.34 FEET; THENCE RUN S.49°36'55"W., ALONG SAID  
527 NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 484.30 FEET;  
528 THENCE RUN S.47°14'54"W., ALONG SAID NORTHERLY RIGHT OF WAY  
529 LINE, FOR A DISTANCE OF 1,526.83 FEET TO THE BEGINNING OF A  
530 TANGENTIAL CURVE TO THE RIGHT, THENCE RUN WESTERLY, ALONG

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531 SAID NORTHERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID  
532 CURVE TO THE RIGHT, HAVING A RADIUS OF 904.93 FEET, THROUGH  
533 A CENTRAL ANGLE OF 42°19'05", SUBTENDED BY A CHORD DISTANCE  
534 OF 653.28 FEET, AT A BEARING OF S.68°24'26"W., FOR A  
535 DISTANCE OF 668.37 FEET TO THE END OF SAID CURVE; THENCE  
536 RUN S.89°33'59"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE,  
537 FOR A DISTANCE OF 996.61 FEET TO THE WEST LINE OF THE  
538 NORTHWEST QUARTER OF SAID SECTION 18; THENCE RUN  
539 N.00°39'16"W., ALONG SAID WEST LINE, FOR A DISTANCE OF  
540 2,572.80 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST  
541 QUARTER OF SAID SECTION 07; THENCE RUN N.00°25'09"W., ALONG  
542 THE WEST LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF  
543 2,638.29 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST  
544 QUARTER OF SAID SECTION 07; THENCE RUN N.00°24'09"W., ALONG  
545 THE WEST LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF  
546 2,642.30 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST  
547 QUARTER OF SAID SECTION 06; THENCE RUN N.00°48'21"W., ALONG  
548 THE WEST LINE OF SAID SECTION 06, FOR A DISTANCE OF  
549 5,123.01 FEET; THENCE RUN S.84°55'35"E., FOR A DISTANCE OF  
550 3,585.78 FEET; THENCE RUN N.01°07'40"W., FOR A DISTANCE OF  
551 1,837.49 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF  
552 SAID SECTION 06; THENCE RUN N.89°37'36"E., ALONG SAID NORTH  
553 LINE, FOR A DISTANCE OF 1,831.47 FEET TO THE NORTHWEST  
554 CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 05; THENCE  
555 RUN N.89°59'22"E., ALONG THE NORTH LINE OF SAID NORTHWEST

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556 QUARTER, FOR A DISTANCE OF 700.61 FEET TO THE POINT OF  
557 BEGINNING.  
558 AND AREA 3:  
559 COMMENCE AT THE AFOREMENTIONED POINT "A", THENCE RUN  
560 S.00°35'45"E., ALONG THE EAST LINE OF SAID SOUTHEAST  
561 QUARTER OF SECTION 03, FOR A DISTANCE OF 208.73 FEET TO A  
562 POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE  
563 ROAD 82 (A 200 FOOT RIGHT OF WAY), THE SAME BEING THE POINT  
564 OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE  
565 CONTINUE S.00°35'45"E., ALONG SAID EAST LINE, FOR A  
566 DISTANCE OF 887.38 FEET TO THE NORTHEAST CORNER OF THE  
567 NORTHEAST QUARTER OF SAID SECTION 10; THENCE RUN  
568 S.00°28'02"E., ALONG THE EAST LINE OF SAID NORTHEAST  
569 QUARTER, FOR A DISTANCE OF 2,699.34 FEET TO THE NORTHEAST  
570 CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE  
571 RUN S.00°28'13"E., ALONG THE EAST LINE OF SAID SOUTHEAST  
572 QUARTER, FOR A DISTANCE OF 2,699.02 FEET TO THE NORTHEAST  
573 CORNER OF SAID SECTION 15; THENCE RUN S.00°08'16"E., ALONG  
574 THE EAST LINE OF SAID SECTION 15, FOR A DISTANCE OF  
575 4,277.12 FEET; THENCE RUN S.89°41'04"W., FOR A DISTANCE OF  
576 1,890.02 FEET; THENCE RUN N.00°08'15"W., FOR A DISTANCE OF  
577 4,276.95 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER  
578 OF SECTION 15; THENCE RUN N.55°11'37"W., FOR A DISTANCE OF  
579 4,023.70 FEET; THENCE RUN N.00°08'20"W., FOR A DISTANCE OF  
580 707.83 FEET; THENCE RUN S.79°20'37"W., FOR A DISTANCE OF

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581 1,604.70 FEET; THENCE RUN N.41°31'31"W., FOR A DISTANCE OF  
582 1,675.17 FEET; THENCE RUN N.75°10'22"W., FOR A DISTANCE OF  
583 213.78 FEET; THENCE RUN S.14°49'38"W., FOR A DISTANCE OF  
584 726.00 FEET; THENCE RUN N.75°10'22"W., FOR A DISTANCE OF  
585 758.28 FEET; THENCE RUN N.55°37'02"W., FOR A DISTANCE OF  
586 989.88 FEET; THENCE RUN N.31°34'44"W., FOR A DISTANCE OF  
587 86.46 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF CORKSCREW  
588 ROAD (A 100 FOOT RIGHT OF WAY); THENCE RUN N.58°00'12"E.,  
589 ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF  
590 2,531.39 FEET TO THE BEGINNING OF A TANGENTIAL CURVE TO THE  
591 LEFT, THENCE RUN NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT  
592 OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT,  
593 HAVING A RADIUS OF 1,959.86 FEET, THROUGH A CENTRAL ANGLE  
594 OF 37°08'16", SUBTENDED BY A CHORD DISTANCE OF 1,248.21  
595 FEET, AT A BEARING OF N.39°26'04"E., FOR A DISTANCE OF  
596 1,270.34 FEET TO THE END OF SAID CURVE; THENCE RUN  
597 N.20°51'56"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR  
598 A DISTANCE OF 1,760.94 FEET TO SAID SOUTHERLY RIGHT OF WAY  
599 LINE OF SAID STATE ROAD 82 (A 200 FOOT RIGHT OF WAY);  
600 THENCE RUN S.73°57'58"E., ALONG SAID SOUTHERLY RIGHT OF WAY  
601 LINE, FOR A DISTANCE OF 2,115.13 FEET TO A POINT  
602 HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUE  
603 S.73°57'58"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR  
604 A DISTANCE OF 4,388.36 FEET TO THE POINT OF BEGINNING.  
605 LESS AND EXCEPT:

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606 COMMENCE AT THE AFOREMENTIONED POINT "D", THENCE RUN  
607 S.16°02'02"W., FOR A DISTANCE OF 11.88 FEET TO THE POINT OF  
608 BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE  
609 RUN S.31°00'02"W., FOR A DISTANCE OF 266.13 FEET; THENCE  
610 RUN S.58°59'58"E., FOR A DISTANCE OF 15.00 FEET; THENCE RUN  
611 S.31°00'02"W., FOR A DISTANCE OF 30.00 FEET; THENCE RUN  
612 N.58°59'58"W., FOR A DISTANCE OF 15.00 FEET; THENCE RUN  
613 S.31°00'02"W., FOR A DISTANCE OF 52.82 FEET; THENCE RUN  
614 N.73°57'58"W., FOR A DISTANCE OF 134.39 FEET; THENCE RUN  
615 N.00°35'44"W., FOR A DISTANCE OF 327.71 FEET THENCE RUN  
616 S.79°16'41"E., FOR A DISTANCE OF 74.78 FEET; THENCE RUN  
617 S.80°31'35"E., FOR A DISTANCE OF 61.84 FEET; THENCE RUN  
618 S.76°49'43"E., FOR A DISTANCE OF 182.63 FEET TO THE POINT  
619 OF BEGINNING.

620 CONTAINING A TOTAL AREA OF 4,662.710 ACRES, MORE OR LESS.  
621 BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE  
622 NORTHEAST QUARTER OF SECTION 03, TOWNSHIP 46 SOUTH, RANGE  
623 28 EAST, COLLIER COUNTY, FLORIDA, HAVING A BEARING OF  
624 S.89°29'58"E. SOUTH 89° 23' 32.

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

627 **Section 5.** Board of supervisors; members and meetings;  
628 organization; powers; duties; terms of office; related election  
629 requirements.-

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

637       (2) (a) Within 90 days after the effective date of this  
638 act, there shall be held a meeting of the landowners of the  
639 district for the purpose of electing five supervisors for the  
640 district. Notice of the landowners' meeting shall be published  
641 once a week for 2 consecutive weeks in a newspaper that is in  
642 general circulation in the area of the district, the last day of  
643 such publication to be not fewer than 14 days or more than 28  
644 days before the date of the election. The landowners, when  
645 assembled at such meeting, shall organize by electing a chair,  
646 who shall conduct the meeting. The chair may be any person  
647 present at the meeting. If the chair is a landowner or proxy  
648 holder of a landowner, he or she may nominate candidates and  
649 make and second motions. The landowners present at the meeting,  
650 in person or by proxy, shall constitute a quorum. At any  
651 landowners' meeting, 50 percent of the district acreage shall  
652 not be required to constitute a quorum, and each governing board  
653 member elected by landowners shall be elected by a majority of

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654 the acreage represented either by owner or proxy present and  
655 voting at said meeting.

656 (b) At such meeting, each landowner shall be entitled to  
657 cast one vote per acre of land owned by him or her and located  
658 within the district for each person to be elected. A landowner  
659 may vote in person or by proxy in writing. Each proxy must be  
660 signed by one of the legal owners of the property for which the  
661 vote is cast and must contain the typed or printed name of the  
662 individual who signed the proxy; the street address, legal  
663 description of the property, or tax parcel identification  
664 number; and the number of authorized votes. If the proxy  
665 authorizes more than one vote, each property must be listed and  
666 the number of acres of each property must be included. The  
667 signature on a proxy need not be notarized. A fraction of an  
668 acre shall be treated as 1 acre, entitling the landowner to one  
669 vote with respect thereto. The three candidates receiving the  
670 highest number of votes shall each be elected for terms expiring  
671 November 28, 2028, and the two candidates receiving the next  
672 highest number of votes shall each be elected for terms expiring  
673 November 24, 2026 with the term of office for each successful  
674 candidate commencing upon election. The members of the first  
675 board elected by landowners shall serve their respective terms;  
676 however, the next election of board members shall be held on the  
677 first Tuesday after the first Monday in November 2026.  
678 Thereafter, there shall be an election by landowners for the

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679 district every 2 years on the first Tuesday after the first  
680 Monday in November, which shall be noticed pursuant to paragraph  
681 (a). The second and subsequent landowners' election shall be  
682 announced at a public meeting of the board at least 90 days  
683 before the date of the landowners' meeting and shall also be  
684 noticed pursuant to paragraph (a). Instructions on how all  
685 landowners may participate in the election, along with sample  
686 proxies, shall be provided during the board meeting that  
687 announces the landowners' meeting. Each supervisor elected in or  
688 after November 2026 shall serve a 4-year term.

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

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

700 (I) Once 3,600 qualified electors reside within the  
701 district, one governing board member shall be a person who is a  
702 qualified elector of the district and who was elected by the

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703 qualified electors, and four governing board members shall be  
704 persons who were elected by the landowners.

705 (II) Once 6,600 qualified electors reside within the  
706 district, two governing board members shall be persons who are  
707 qualified electors of the district and who were elected by the  
708 qualified electors, and three governing board members shall be  
709 persons elected who were by the landowners.

710 (III) Once 9,600 qualified electors reside within the  
711 district, three governing board members shall be persons who are  
712 qualified electors of the district and who were elected by the  
713 qualified electors and two governing board members shall be  
714 persons who were elected by the landowners.

715 (IV) Once 10,600 qualified electors reside within the  
716 district, four governing board members shall be persons who are  
717 qualified electors of the district and who were elected by the  
718 qualified electors, and one governing board member shall be a  
719 person who was elected by the landowners.

720 (V) Once 12,000 qualified electors reside within the  
721 district, all five governing board members shall be persons who  
722 are qualified electors of the district and who were elected by  
723 the qualified electors.

724

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

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

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

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

741 e. Once the district qualifies to have any of its board  
742 members elected by the qualified electors of the district, the  
743 initial and all subsequent elections by the qualified electors  
744 of the district shall be held at the general election in  
745 November. The board shall adopt a resolution, if necessary, to  
746 implement this requirement. The transition process described  
747 herein is intended to be in lieu of the process set forth in s.  
748 189.041, Florida Statutes.

749 (b) Elections of board members by qualified electors held  
750 pursuant to this subsection shall be nonpartisan and shall be  
751 conducted in the manner prescribed by law for holding general

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752 elections. Board members shall assume the office on the second  
753 Tuesday following their election.

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

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

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



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

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

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

793 (8) The board shall keep a permanent record book entitled  
794 "Record of Proceedings of Corkscrew Grove Stewardship District,"  
795 in which shall be recorded minutes of all meetings, resolutions,  
796 proceedings, certificates, bonds given by all employees, and any  
797 and all corporate acts. The record book and all other district  
798 records shall at reasonable times be opened to inspection in the  
799 same manner as state, county, and municipal records pursuant to  
800 chapter 119, Florida Statutes. The record book shall be kept at

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801 the office or other regular place of business maintained by the  
802 board in a designated location in Collier County.

803 (9) No supervisor shall be entitled to receive  
804 compensation for his or her services in excess of the limits  
805 established in s. 190.006(8), Florida Statutes, or any successor  
806 statute thereto; however, each supervisor shall receive travel  
807 and per diem expenses as set forth in s. 112.061, Florida  
808 Statutes.

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

811 **Section 6. Board of supervisors; general duties.-**

812 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ  
813 and fix the compensation of a district manager, who shall have  
814 charge and supervision of the works of the district and shall be  
815 responsible for preserving and maintaining any improvement or  
816 facility constructed or erected pursuant of this act, for  
817 maintaining and operating the equipment owned by the district,  
818 and for performing such other duties as may be prescribed by the  
819 board. It shall not be a conflict of interest or constitute an  
820 abuse of public position under chapter 112, Florida Statutes,  
821 for a board member, the district manager, or another employee of  
822 the district to be a stockholder, officer, or employee of a  
823 landowner or an affiliate of a landowner. The district manager  
824 may hire or otherwise employ and terminate the employment of  
825 such other persons, including, without limitation, professional,

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826 supervisory, and clerical employees, as may be necessary and  
827 authorized by the board. The compensation and other conditions  
828 of employment of the officers and employees of the district  
829 shall be as provided by the board.

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

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

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851 such depository upon the funds so deposited as the board may  
852 deem just and reasonable.

853 (4) BUDGET; REPORTS AND REVIEWS.—

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

857 (b) On or before July 15 of each year, the district  
858 manager shall prepare a proposed budget for the ensuing fiscal  
859 year to be submitted to the board for board approval. The  
860 proposed budget shall include at the direction of the board an  
861 estimate of all necessary expenditures of the district for the  
862 ensuing fiscal year and an estimate of income to the district  
863 from the taxes and assessments provided in this act. The board  
864 shall consider the proposed budget item by item and may either  
865 approve the budget as proposed by the district manager or modify  
866 the same in part or in whole. The board shall indicate its  
867 approval of the budget by resolution, which resolution shall  
868 provide for a hearing on the budget as approved. Notice of the  
869 hearing on the budget shall be published in a newspaper of  
870 general circulation in the area of the district once a week for  
871 2 consecutive weeks, except that the first publication shall be  
872 no less than 15 days prior to the date of the hearing. The  
873 notice shall further contain a designation of the day, time, and  
874 place of the public hearing. At the time and place designated in  
875 the notice, the board shall hear all objections to the budget as

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876 proposed and may make such changes as the board deems necessary.  
877 At the conclusion of the budget hearing, the board shall, by  
878 resolution, adopt the budget as finally approved by the board.  
879 The budget shall be adopted prior to October 1 of each year.

880 (c) At least 60 days prior to adoption, the board of  
881 supervisors of the district shall submit to the Board of County  
882 Commissioners of Collier County, for purposes of disclosure and  
883 information only, the proposed annual budget for the ensuing  
884 fiscal year, and the commission may submit written comments to  
885 the board of supervisors solely for the assistance and  
886 information of the board of supervisors of the district in  
887 adopting its annual district budget.

888 (d) The board of supervisors of the district shall submit  
889 annually a public facilities report to the Board of County  
890 Commissioners of Collier County pursuant to Florida Statutes.  
891 The commission may use and rely on the district's public  
892 facilities report in the preparation or revision of the Collier  
893 County comprehensive plan.

894 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC  
895 ACCESS.—The district shall take affirmative steps to provide for  
896 the full disclosure of information relating to the public  
897 financing and maintenance of improvements to real property  
898 undertaken by the district. Such information shall be made  
899 available to all existing residents and all prospective  
900 residents of the district. The district shall furnish each

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901 developer of a residential development within the district with  
902 sufficient copies of that information to provide each  
903 prospective initial purchaser of property in that development  
904 with a copy; and any developer of a residential development  
905 within the district, when required by law to provide a public  
906 offering statement, shall include a copy of such information  
907 relating to the public financing and maintenance of improvements  
908 in the public offering statement. The district shall file the  
909 disclosure documents required by this subsection and any  
910 amendments thereto in the property records of each county in  
911 which the district is located. By the end of the first full  
912 fiscal year of the district's creation, the district shall  
913 maintain an official Internet website in accordance with s.  
914 189.069, Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

994 (o) To determine, order, levy, impose, collect, and  
995 enforce assessments pursuant to this act and chapter 170,  
996 Florida Statutes, as amended from time to time, pursuant to  
997 authority granted in s. 197.3631, Florida Statutes, or pursuant

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998 to other provisions of general law now or hereinafter enacted  
999 which provide or authorize a supplemental means to order, levy,  
1000 impose, or collect special assessments. Such special  
1001 assessments, in the discretion of the district, may be collected  
1002 and enforced pursuant to ss. 197.3632 and 197.3635, Florida  
1003 Statutes, and chapters 170 and 173, Florida Statutes, as they  
1004 may be amended from time to time, or as provided by this act, or  
1005 by other means authorized by general law now or hereinafter  
1006 enacted. The district may levy such special assessments for the  
1007 purposes enumerated in this act and to pay special assessments  
1008 imposed by Collier County on lands within the district.

1009 (p) To exercise such special powers and other express  
1010 powers as may be authorized and granted by this act in the  
1011 charter of the district, including powers as provided in any  
1012 interlocal agreement entered into pursuant to chapter 163,  
1013 Florida Statutes, or which shall be required or permitted to be  
1014 undertaken by the district pursuant to any development order,  
1015 including any detailed specific area plan development order, or  
1016 any interlocal service agreement with Collier County or other  
1017 unit of government for fair-share capital construction funding  
1018 for any certain capital facilities or systems required of a  
1019 developer pursuant to any applicable development order or  
1020 agreement.

1021 (q) To exercise all of the powers necessary, convenient,  
1022 incidental, or proper in connection with any other powers or

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1023 duties or the special and limited purpose of the district  
1024 authorized by this act.

1025  
1026 This subsection shall be construed liberally in order to carry  
1027 out effectively the special and limited purpose of this act.

1028 (7) SPECIAL POWERS.—The district shall have, and the board  
1029 may exercise, the following special powers to implement its  
1030 lawful and special purpose and to provide, pursuant to that  
1031 purpose, systems, facilities, services, improvements, projects,  
1032 works, and infrastructure, each of which constitutes a lawful  
1033 public purpose when exercised pursuant to this charter, subject  
1034 to, and not inconsistent with, general law regarding utility  
1035 providers' territorial and service agreements, the regulatory  
1036 jurisdiction and permitting authority of all other applicable  
1037 governmental bodies, agencies, and any special districts having  
1038 authority with respect to any area included therein, and to  
1039 plan, establish, acquire, construct or reconstruct, enlarge or  
1040 extend, equip, operate, finance, fund, and maintain  
1041 improvements, systems, facilities, services, works, projects,  
1042 and infrastructure. If the district's special powers in  
1043 paragraph (b) and the Immokalee Water and Sewer District's  
1044 powers will cause unnecessary duplication of services and  
1045 facilities, the district and the Immokalee Water and Sewer  
1046 District shall enter into an interlocal agreement to avoid  
1047 inefficiencies and jointly exercise their common powers and

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1048 authority. Nothing herein shall preempt the powers and authority  
1049 of the Immokalee Water and Sewer District. Any or all of the  
1050 following special powers are granted by this act in order to  
1051 implement the special and limited purpose of the district but do  
1052 not constitute obligations to undertake such improvements,  
1053 systems, facilities, services, works, projects or  
1054 infrastructure:

1055 (a) To provide water management and control for the lands  
1056 within the district, including irrigation systems and  
1057 facilities, and to connect some or any of such facilities with  
1058 roads and bridges. In the event that the board assumes the  
1059 responsibility for providing water management and control for  
1060 the district which is to be financed by benefit special  
1061 assessments, the board shall adopt plans and assessments  
1062 pursuant to law or may proceed to adopt water management and  
1063 control plans, assess for benefits, and apportion and levy  
1064 special assessments, as follows:

1065 1. The board shall cause to be made by the district's  
1066 engineer, or such other engineer or engineers as the board may  
1067 employ for that purpose, complete and comprehensive water  
1068 management and control plans for the lands located within the  
1069 district that will be improved in any part or in whole by any  
1070 system of facilities that may be outlined and adopted, and the  
1071 engineer shall make a report in writing to the board with maps

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1072 and profiles of said surveys and an estimate of the cost of  
1073 carrying out and completing the plans.

1074 2. Upon the completion of such plans, the board shall hold  
1075 a hearing thereon to hear objections thereto, shall give notice  
1076 of the time and place fixed for such hearing by publication once  
1077 each week for 2 consecutive weeks in a newspaper of general  
1078 circulation in the general area of the district, and shall  
1079 permit the inspection of the plan at the office of the district  
1080 by all persons interested. All objections to the plan shall be  
1081 filed at or before the time fixed in the notice for the hearing  
1082 and shall be in writing.

1083 3. After the hearing, the board shall consider the  
1084 proposed plan and any objections thereto and may modify, reject,  
1085 or adopt the plan or continue the hearing until a day certain  
1086 for further consideration of the proposed plan or modifications  
1087 thereof.

1088 4. When the board approves a plan, a resolution shall be  
1089 adopted and a certified copy thereof shall be filed in the  
1090 office of the secretary and incorporated by him or her into the  
1091 records of the district.

1092 5. The water management and control plan may be altered in  
1093 detail from time to time until the engineer's report pursuant to  
1094 s. 298.301, Florida Statutes, is filed but not in such manner as  
1095 to affect materially the conditions of its adoption. After the

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1096 engineer's report has been filed, no alteration of the plan  
1097 shall be made, except as provided by this act.

1098 6. Within 20 days after the final adoption of the plan by  
1099 the board, the board shall proceed pursuant to s. 298.301,  
1100 Florida Statutes.

1101 (b) To provide, subject to the Immokalee Water and Sewer  
1102 District's utility systems, water supply, sewer, wastewater, and  
1103 reclaimed water management, reclamation, and reuse, or any  
1104 combination thereof, and any irrigation systems, facilities, and  
1105 services and to construct and operate water systems, sewer  
1106 systems, irrigation systems, and reclaimed water systems such as  
1107 connecting intercepting or outlet sewers and sewer mains and  
1108 pipes and water mains, conduits, or pipelines in, along, and  
1109 under any street, alley, highway, or other public place or ways,  
1110 and to dispose of any water, effluent, residue, or other  
1111 byproducts of such water system, sewer system, irrigation system  
1112 or reclaimed water system and to enter into interlocal  
1113 agreements and other agreements with public or private entities  
1114 for the same. Nothing herein shall permit the district to  
1115 adversely impact the Immokalee Water and Sewer District's bond  
1116 resolutions or covenants. The Immokalee Water and Sewer District  
1117 and the district will work in good faith to address any such  
1118 adverse impacts through an interlocal agreement or other means.

1119 (c) To provide bridges, culverts, wildlife corridors, or  
1120 road crossings that may be needed across any drain, ditch,

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1121 canal, floodway, holding basin, excavation, public highway,  
1122 tract, grade, fill, or cut and roadways over levees and  
1123 embankments, and to construct any and all of such works and  
1124 improvements across, through, or over any public right-of-way,  
1125 highway, grade, fill, or cut.

1126 (d) To provide district or other roads equal to or  
1127 exceeding the specifications of the county in which such  
1128 district or other roads are located, and to provide street  
1129 lights. This special power includes, but is not limited to,  
1130 roads, parkways, intersections, bridges, landscaping,  
1131 hardscaping, irrigation, bicycle lanes, sidewalks, jogging  
1132 paths, multiuse pathways and trails, street lighting, traffic  
1133 signals, regulatory or informational signage, road striping,  
1134 underground conduit, underground cable or fiber or wire  
1135 installed pursuant to an agreement with or tariff of a retail  
1136 provider of services, and all other customary elements of a  
1137 functioning modern road system in general or as tied to the  
1138 conditions of development approval for the area within and  
1139 without the district, and parking facilities that are  
1140 freestanding or that may be related to any innovative strategic  
1141 intermodal system of transportation pursuant to applicable  
1142 federal, state, and local law and ordinance.

1143 (e) To provide buses, trolleys, rail access, mass transit  
1144 facilities, transit shelters, ridesharing facilities and  
1145 services, parking improvements, and related signage.

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1146 (f) To provide investigation and remediation costs  
1147 associated with the cleanup of actual or perceived environmental  
1148 contamination within the district under the supervision or  
1149 direction of a competent governmental authority unless the  
1150 covered costs benefit any person who is a landowner within the  
1151 district and who caused or contributed to the contamination.

1152 (g) To provide observation areas, mitigation areas,  
1153 wetland creation areas, and wildlife habitat, including the  
1154 maintenance of any plant or animal species, and any related  
1155 interest in real or personal property.

1156 (h) Using its general and special powers as set forth in  
1157 this act, to provide any other project within or without the  
1158 boundaries of the district when the project is the subject of an  
1159 agreement between the district and the Board of County  
1160 Commissioners of Collier County or with any other applicable  
1161 public or private entity, and is not inconsistent with the  
1162 effective local comprehensive plans.

1163 (i) To provide parks and facilities for indoor and outdoor  
1164 recreational, cultural, and educational uses.

1165 (j) To provide school buildings and related structures,  
1166 which may be leased, sold, or donated to the school district,  
1167 for use in the educational system when authorized by the  
1168 district school board.

1169 (k) To provide security, including electronic intrusion-  
1170 detection systems and patrol vehicles, when authorized by proper



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1171 governmental agencies, and to contract with the appropriate  
1172 local general-purpose government agencies for an increased level  
1173 of such services within the district boundaries. However, this  
1174 paragraph does not prohibit the district from contracting with a  
1175 towing operator to remove a vehicle or vessel from a district-  
1176 owned facility or property if the district follows the  
1177 authorization and notice and procedural requirements in s.  
1178 715.07, Florida Statutes, for an owner or lessee of private  
1179 property. The district's selection of a towing operator is not  
1180 subject to public bidding if the towing operator is included in  
1181 an approved list of tow operators maintained by the local  
1182 government that has jurisdiction over the district's facility or  
1183 property.

1184 (l) To provide control and elimination of mosquitoes and  
1185 other arthropods of public health importance.

1186 (m) To enter into impact fee, mobility fee, or other  
1187 similar credit agreements with Collier County or other  
1188 governmental bodies or a landowner developer and to sell or  
1189 assign such credits, on such terms as the district deems  
1190 appropriate.

1191 (n) To provide buildings and structures for district  
1192 offices, maintenance facilities, meeting facilities, town  
1193 centers, stadiums or any other project authorized or granted by  
1194 this act.

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1195       (o) To establish and create, at noticed meetings, such  
1196 departments of the board of supervisors of the district, as well  
1197 as committees, task forces, boards, or commissions, or other  
1198 agencies under the supervision and control of the district, as  
1199 from time to time the members of the board may deem necessary or  
1200 desirable in the performance of the acts or other things  
1201 necessary to exercise the board's general or special powers to  
1202 implement an innovative project to carry out the special and  
1203 limited purpose of the district as provided in this act and to  
1204 delegate the exercise of its powers to such departments, boards,  
1205 task forces, committees, or other agencies, and such  
1206 administrative duties and other powers as the board may deem  
1207 necessary or desirable, but only if there is a set of expressed  
1208 limitations for accountability, notice, and periodic written  
1209 reporting to the board that shall retain the powers of the  
1210 board.

1211       (p) To provide electrical, sustainable, or green  
1212 infrastructure improvements, facilities, and services,  
1213 including, but not limited to, recycling of natural resources,  
1214 reduction of energy demands, development and generation of  
1215 alternative or renewable energy sources and technologies,  
1216 mitigation of urban heat islands, sequestration, capping or  
1217 trading of carbon emissions or carbon emissions credits, LEED or  
1218 Florida Green Building Coalition certification, and development  
1219 of facilities and improvements for low-impact development and to

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1220 enter into joint ventures, public-private partnerships, and  
1221 other agreements and to grant such easements as may be necessary  
1222 to accomplish the foregoing. Nothing herein shall authorize the  
1223 district to provide electric service to retail customers or  
1224 otherwise act to impair electric utility franchise agreements.

1225 (q) To provide for any facilities or improvements that may  
1226 otherwise be provided for by any county or municipality,  
1227 including, but not limited to, libraries, annexes, substations,  
1228 and other buildings to house public officials, staff, and  
1229 employees.

1230 (r) To provide waste collection and disposal.

1231 (s) To provide for the construction and operation of  
1232 communications systems and related infrastructure for the  
1233 carriage and distribution of communications services, and to  
1234 enter into joint ventures, public-private partnerships, and  
1235 other agreements and to grant such easements as may be necessary  
1236 to accomplish the foregoing. The term "communications systems"  
1237 means all facilities, buildings, equipment, items, and methods  
1238 necessary or desirable in order to provide communications  
1239 services, including, without limitation, wires, cables,  
1240 conduits, wireless cell sites, computers, modems, satellite  
1241 antennae sites, transmission facilities, network facilities, and  
1242 appurtenant devices necessary and appropriate to support the  
1243 provision of communications services. The term "communications  
1244 services" includes, without limitation, Internet, voice

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1245 telephone or similar services provided by voiceover Internet  
1246 protocol, cable television, data transmission services,  
1247 electronic security monitoring services, and multichannel video  
1248 programming distribution services. Nothing herein shall  
1249 authorize the district to provide communications services to  
1250 retail customers or otherwise act to impair existing service  
1251 provider franchise agreements, though the district may contract  
1252 with such providers for resale purposes.

1253 (t) To provide health care facilities and to enter into  
1254 public-private partnerships and agreements as may be necessary  
1255 to accomplish the foregoing.

1256 (u) To coordinate, work with, and, as the board deems  
1257 appropriate, enter into interlocal agreements with any public or  
1258 private entity for the provision of an institution or  
1259 institutions of higher education.

1260 (v) To coordinate, work with, and as the board deems  
1261 appropriate, enter into public-private partnerships and  
1262 agreements as may be necessary or useful to effectuate the  
1263 purposes of this act.

1264  
1265 The enumeration of special powers herein shall not be deemed  
1266 exclusive or restrictive but shall be deemed to incorporate all  
1267 powers express or implied necessary or incidental to carrying  
1268 out such enumerated special powers, including also the general  
1269 powers provided by this special act charter to the district to

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1270 implement its purposes. Further, this subsection shall be  
1271 construed liberally in order to carry out effectively the  
1272 special and limited purpose of this district under this act.

1273 (8) ISSUANCE OF BOND ANTICIPATION NOTES.-In addition to  
1274 the other powers provided for in this act, and not in limitation  
1275 thereof, the district shall have the power, at any time and from  
1276 time to time after the issuance of any bonds of the district  
1277 shall have been authorized, to borrow money for the purposes for  
1278 which such bonds are to be issued in anticipation of the receipt  
1279 of the proceeds of the sale of such bonds and to issue bond  
1280 anticipation notes in a principal sum not in excess of the  
1281 authorized maximum amount of such bond issue. Such notes shall  
1282 be in such denomination or denominations, bear interest at such  
1283 rate not to exceed the maximum rate allowed by general law,  
1284 mature at such time or times not later than 5 years from the  
1285 date of issuance, and be in such form and executed in such  
1286 manner as the board shall prescribe. Such notes may be sold at  
1287 either public or private sale or, if such notes shall be renewal  
1288 notes, may be exchanged for notes then outstanding on such terms  
1289 as the board shall determine. Such notes shall be paid from the  
1290 proceeds of such bonds when issued. The board may, in its  
1291 discretion, in lieu of retiring the notes by means of bonds,  
1292 retire them by means of current revenues or from any taxes or  
1293 assessments levied for the payment of such bonds, but, in such

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1294 event, a like amount of the bonds authorized shall not be  
1295 issued.

1296 (9) BORROWING.—The district at any time may obtain loans,  
1297 in such amount and on such terms and conditions as the board may  
1298 approve, for the purpose of paying any of the expenses of the  
1299 district or any costs incurred or that may be incurred in  
1300 connection with any of the projects of the district, which loans  
1301 shall bear interest as the board determines, not to exceed the  
1302 maximum rate allowed by general law, and may be payable from and  
1303 secured by a pledge of such funds, revenues, taxes, and  
1304 assessments as the board may determine, subject, however, to the  
1305 provisions contained in any proceeding under which bonds were  
1306 theretofore issued and are then outstanding. For the purpose of  
1307 defraying such costs and expenses, the district may issue  
1308 negotiable notes, warrants, or other evidences of debt to be  
1309 payable at such times and to bear such interest as the board may  
1310 determine, not to exceed the maximum rate allowed by general  
1311 law, and to be sold or discounted at such price or prices not  
1312 less than 95 percent of par value and on such terms as the board  
1313 may deem advisable. The board shall have the right to provide  
1314 for the payment thereof by pledging the whole or any part of the  
1315 funds, revenues, taxes, and assessments of the district or by  
1316 covenanting to budget and appropriate from such funds. The  
1317 approval of the electors residing in the district shall not be  
1318 necessary except when required by the State Constitution.

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1319 (10) BONDS.—

1320 (a) Sale of bonds.—Bonds may be sold in blocks or  
1321 installments at different times, or an entire issue or series  
1322 may be sold at one time. Bonds may be sold at public or private  
1323 sale after such advertisement, if any, as the board may deem  
1324 advisable, but not in any event at less than 90 percent of the  
1325 par value thereof, together with accrued interest thereon. Bonds  
1326 may be sold or exchanged for refunding bonds. Special assessment  
1327 and revenue bonds may be delivered by the district as payment of  
1328 the purchase price of any project or part thereof, or a  
1329 combination of projects or parts thereof, or as the purchase  
1330 price or exchange for any property, real, personal, or mixed,  
1331 including franchises or services rendered by any contractor,  
1332 engineer, or other person, all at one time or in blocks from  
1333 time to time, in such manner and upon such terms as the board in  
1334 its discretion shall determine. The price or prices for any  
1335 bonds sold, exchanged, or delivered may be:

1336 1. The money paid for the bonds.

1337 2. The principal amount, plus accrued interest to the date  
1338 of redemption or exchange, or outstanding obligations exchanged  
1339 for refunding bonds.

1340 3. In the case of special assessment or revenue bonds, the  
1341 amount of any indebtedness to contractors or other persons paid  
1342 with such bonds, or the fair value of any properties exchanged  
1343 for the bonds, as determined by the board.

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1344           (b) Authorization and form of bonds.—Any general  
1345 obligation bonds, special assessment bonds, or revenue bonds may  
1346 be authorized by resolution or resolutions of the board which  
1347 shall be adopted by a majority of all the members thereof then  
1348 in office. Such resolution or resolutions may be adopted at the  
1349 same meeting at which they are introduced and need not be  
1350 published or posted. The board may, by resolution, authorize the  
1351 issuance of bonds and fix the aggregate amount of bonds to be  
1352 issued; the purpose or purposes for which the moneys derived  
1353 therefrom shall be expended, including, but not limited to,  
1354 payment of costs as defined in section 2(2)(i); the rate or  
1355 rates of interest, not to exceed the maximum rate allowed by  
1356 general law; the denomination of the bonds; whether or not the  
1357 bonds are to be issued in one or more series; the date or dates  
1358 of maturity, which shall not exceed 40 years from their  
1359 respective dates of issuance; the medium of payment; the place  
1360 or places within or without the state at which payment shall be  
1361 made; registration privileges; redemption terms and privileges,  
1362 whether with or without premium; the manner of execution; the  
1363 form of the bonds, including any interest coupons to be attached  
1364 thereto; the manner of execution of bonds and coupons; and any  
1365 and all other terms, covenants, and conditions thereof and the  
1366 establishment of revenue or other funds. Such authorizing  
1367 resolution or resolutions may further provide for the contracts  
1368 authorized by s. 159.825(1)(f) and (g), Florida Statutes,

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1369 regardless of the tax treatment of such bonds being authorized,  
1370 subject to the finding by the board of a net saving to the  
1371 district resulting by reason thereof. Such authorizing  
1372 resolution may further provide that such bonds may be executed  
1373 in accordance with the Registered Public Obligations Act, except  
1374 that bonds not issued in registered form shall be valid if  
1375 manually countersigned by an officer designated by appropriate  
1376 resolution of the board. The seal of the district may be  
1377 affixed, lithographed, engraved, or otherwise reproduced in  
1378 facsimile on such bonds. In case any officer whose signature  
1379 shall appear on any bonds or coupons shall cease to be such  
1380 officer before the delivery of such bonds, such signature or  
1381 facsimile shall nevertheless be valid and sufficient for all  
1382 purposes the same as if he or she had remained in office until  
1383 such delivery.

1384 (c) Interim certificates; replacement certificates.—  
1385 Pending the preparation of definitive bonds, the board may issue  
1386 interim certificates or receipts or temporary bonds, in such  
1387 form and with such provisions as the board may determine,  
1388 exchangeable for definitive bonds when such bonds have been  
1389 executed and are available for delivery. The board may also  
1390 provide for the replacement of any bonds which become mutilated,  
1391 lost, or destroyed.

1392 (d) Negotiability of bonds.—Any bond issued under this act  
1393 or any temporary bond, in the absence of an express recital on

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1394 the face thereof that it is nonnegotiable, shall be fully  
1395 negotiable and shall be and constitute a negotiable instrument  
1396 within the meaning and for all purposes of the law merchant and  
1397 the laws of the state.

1398 (e) Defeasance.—The board may make such provision with  
1399 respect to the defeasance of the right, title, and interest of  
1400 the holders of any of the bonds and obligations of the district  
1401 in any revenues, funds, or other properties by which such bonds  
1402 are secured as the board deems appropriate and, without  
1403 limitation on the foregoing, may provide that when such bonds or  
1404 obligations become due and payable or shall have been called for  
1405 redemption and the whole amount of the principal and interest  
1406 and premium, if any, due and payable upon the bonds or  
1407 obligations then outstanding shall be held in trust for such  
1408 purpose, and provision shall also be made for paying all other  
1409 sums payable in connection with such bonds or other obligations,  
1410 then and in such event the right, title, and interest of the  
1411 holders of the bonds in any revenues, funds, or other properties  
1412 by which such bonds are secured shall thereupon cease,  
1413 terminate, and become void; and the board may apply any surplus  
1414 in any sinking fund established in connection with such bonds or  
1415 obligations and all balances remaining in all other funds or  
1416 accounts other than moneys held for the redemption or payment of  
1417 the bonds or other obligations to any lawful purpose of the  
1418 district as the board shall determine.

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1419 (f) Issuance of additional bonds.—If the proceeds of any  
1420 bonds are less than the cost of completing the project in  
1421 connection with which such bonds were issued, the board may  
1422 authorize the issuance of additional bonds, upon such terms and  
1423 conditions as the board may provide in the resolution  
1424 authorizing the issuance thereof, but only in compliance with  
1425 the resolution or other proceedings authorizing the issuance of  
1426 the original bonds.

1427 (g) Refunding bonds.—The district shall have the power to  
1428 issue bonds to provide for the retirement or refunding of any  
1429 bonds or obligations of the district that at the time of such  
1430 issuance are or subsequent thereto become due and payable, or  
1431 that at the time of issuance have been called or are, or will  
1432 be, subject to call for redemption within 10 years thereafter,  
1433 or the surrender of which can be procured from the holders  
1434 thereof at prices satisfactory to the board. Refunding bonds may  
1435 be issued at any time that in the judgment of the board such  
1436 issuance will be advantageous to the district. No approval of  
1437 the qualified electors residing in the district shall be  
1438 required for the issuance of refunding bonds except in cases in  
1439 which such approval is required by the State Constitution. The  
1440 board may by resolution confer upon the holders of such  
1441 refunding bonds all rights, powers, and remedies to which the  
1442 holders would be entitled if they continued to be the owners and  
1443 had possession of the bonds for the refinancing of which such

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1444 refunding bonds are issued, including, but not limited to, the  
1445 preservation of the lien of such bonds on the revenues of any  
1446 project or on pledged funds, without extinguishment, impairment,  
1447 or diminution thereof. The provisions of this act pertaining to  
1448 bonds of the district shall, unless the context otherwise  
1449 requires, govern the issuance of refunding bonds, the form and  
1450 other details thereof, the rights of the holders thereof, and  
1451 the duties of the board with respect thereto.

1452 (h) Revenue bonds.—

1453 1. The district shall have the power to issue revenue  
1454 bonds from time to time without limitation as to amount. Such  
1455 revenue bonds may be secured by, or payable from, the gross or  
1456 net pledge of the revenues to be derived from any project or  
1457 combination of projects; from the rates, fees, or other charges  
1458 to be collected from the users of any project or projects; from  
1459 any revenue-producing undertaking or activity of the district;  
1460 from special assessments; from benefit special assessments; or  
1461 from any other source or pledged security. Such bonds shall not  
1462 constitute an indebtedness of the district, and the approval of  
1463 the qualified electors shall not be required unless such bonds  
1464 are additionally secured by the full faith and credit and taxing  
1465 power of the district.

1466 2. Any two or more projects may be combined and  
1467 consolidated into a single project and may hereafter be operated  
1468 and maintained as a single project. The revenue bonds authorized

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1469 herein may be issued to finance any one or more of such  
1470 projects, regardless of whether such projects have been combined  
1471 and consolidated into a single project. If the board deems it  
1472 advisable, the proceedings authorizing such revenue bonds may  
1473 provide that the district may thereafter combine the projects  
1474 then being financed or theretofore financed with other projects  
1475 to be subsequently financed by the district and that revenue  
1476 bonds to be thereafter issued by the district shall be on parity  
1477 with the revenue bonds then being issued, all on such terms,  
1478 conditions, and limitations as shall have been provided in the  
1479 proceeding which authorized the original bonds.

1480 (i) General obligation bonds.—

1481 1. Subject to the limitations of this charter, the  
1482 district shall have the power from time to time to issue general  
1483 obligation bonds to finance or refinance capital projects or to  
1484 refund outstanding bonds in an aggregate principal amount of  
1485 bonds outstanding at any one time not in excess of 35 percent of  
1486 the assessed value of the taxable property within the district  
1487 as shown on the pertinent tax records at the time of the  
1488 authorization of the general obligation bonds for which the full  
1489 faith and credit of the district is pledged. Except for  
1490 refunding bonds, no general obligation bonds shall be issued  
1491 unless the bonds are issued to finance or refinance a capital  
1492 project and the issuance has been approved at an election held  
1493 in accordance with the requirements for such election as

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1494 prescribed by the State Constitution. Such elections shall be  
1495 called to be held in the district by the Board of County  
1496 Commissioners of Collier County upon the request of the board of  
1497 the district. The expenses of calling and holding an election  
1498 shall be at the expense of the district and the district shall  
1499 reimburse the county for any expenses incurred in calling or  
1500 holding such election.

1501 2. The district may pledge its full faith and credit for  
1502 the payment of the principal and interest on such general  
1503 obligation bonds and for any reserve funds provided therefor and  
1504 may unconditionally and irrevocably pledge itself to levy ad  
1505 valorem taxes on all taxable property in the district, to the  
1506 extent necessary for the payment thereof, without limitation as  
1507 to rate or amount.

1508 3. If the board determines to issue general obligation  
1509 bonds for more than one capital project, the approval of the  
1510 issuance of the bonds for each and all such projects may be  
1511 submitted to the electors on one and the same ballot. The  
1512 failure of the electors to approve the issuance of bonds for any  
1513 one or more capital projects shall not defeat the approval of  
1514 bonds for any capital project which has been approved by the  
1515 electors.

1516 4. In arriving at the amount of general obligation bonds  
1517 permitted to be outstanding at any one time pursuant to

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1518 subparagraph 1., there shall not be included any general  
1519 obligation bonds that are additionally secured by the pledge of:

1520 a. Any assessments levied in an amount sufficient to pay  
1521 the principal and interest on the general obligation bonds so  
1522 additionally secured, which assessments have been equalized and  
1523 confirmed by resolution of the board pursuant to this act or s.  
1524 170.08, Florida Statutes.

1525 b. Water revenues, sewer revenues, or water and sewer  
1526 revenues of the district to be derived from user fees in an  
1527 amount sufficient to pay the principal and interest on the  
1528 general obligation bonds so additionally secured.

1529 c. Any combination of assessments and revenues described  
1530 in sub-subparagraphs a. and b.

1531 (j) Bonds as legal investment or security.-

1532 1. Notwithstanding any provisions of any other law to the  
1533 contrary, all bonds issued under this act shall constitute legal  
1534 investments for savings banks, banks, trust companies, insurance  
1535 companies, executors, administrators, trustees, guardians, and  
1536 other fiduciaries and for any board, body, agency,  
1537 instrumentality, county, municipality, or other political  
1538 subdivision of the state and shall be and constitute security  
1539 which may be deposited by banks or trust companies as security  
1540 for deposits of state, county, municipal, or other public funds  
1541 or by insurance companies as required or voluntary statutory  
1542 deposits.

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1543 2. Any bonds issued by the district shall be incontestable  
1544 in the hands of bona fide purchasers or holders for value and  
1545 shall not be invalid because of any irregularity or defect in  
1546 the proceedings for the issue and sale thereof.

1547 (k) Covenants.—Any resolution authorizing the issuance of  
1548 bonds may contain such covenants as the board may deem  
1549 advisable, and all such covenants shall constitute valid and  
1550 legally binding and enforceable contracts between the district  
1551 and the bondholders, regardless of the time of issuance thereof.  
1552 Such covenants may include, without limitation, covenants  
1553 concerning the disposition of the bond proceeds; the use and  
1554 disposition of project revenues; the pledging of revenues,  
1555 taxes, and assessments; the obligations of the district with  
1556 respect to the operation of the project and the maintenance of  
1557 adequate project revenues; the issuance of additional bonds; the  
1558 appointment, powers, and duties of trustees and receivers; the  
1559 acquisition of outstanding bonds and obligations; restrictions  
1560 on the establishing of competing projects or facilities;  
1561 restrictions on the sale or disposal of the assets and property  
1562 of the district; the priority of assessment liens; the priority  
1563 of claims by bondholders on the taxing power of the district;  
1564 the maintenance of deposits to ensure the payment of revenues by  
1565 users of district facilities and services; the discontinuance of  
1566 district services by reason of delinquent payments; acceleration  
1567 upon default; the execution of necessary instruments; the

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1568 procedure for amending or abrogating covenants with the  
1569 bondholders; and such other covenants as may be deemed necessary  
1570 or desirable for the security of the bondholders.

1571 (l) Validation proceedings.—The power of the district to  
1572 issue bonds under this act may be determined, and any of the  
1573 bonds of the district maturing over a period of more than 5  
1574 years shall be validated and confirmed, by court decree, under  
1575 chapter 75, Florida Statutes, and laws amendatory thereof or  
1576 supplementary thereto.

1577 (m) Tax exemption.—To the extent allowed by general law,  
1578 all bonds issued hereunder and interest paid thereon and all  
1579 fees, charges, and other revenues derived by the district from  
1580 the projects provided by this act are exempt from all taxes by  
1581 the state or by any political subdivision, agency, or  
1582 instrumentality thereof; however, any interest, income, or  
1583 profits on debt obligations issued hereunder are not exempt from  
1584 the tax imposed by chapter 220, Florida Statutes. Further, the  
1585 district is not exempt from chapter 212, Florida Statutes.

1586 (n) Application of s. 189.051, Florida Statutes.—Bonds  
1587 issued by the district shall meet the criteria set forth in s.  
1588 189.051, Florida Statutes.

1589 (o) Act furnishes full authority for issuance of bonds.—  
1590 This act constitutes full and complete authority for the  
1591 issuance of bonds and the exercise of the powers of the district  
1592 provided herein. No procedures or proceedings, publications,

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1593 notices, consents, approvals, orders, acts, or things by the  
1594 board, or any board, officer, commission, department, agency, or  
1595 instrumentality of the district, other than those required by  
1596 this act, shall be required to perform anything under this act,  
1597 except that the issuance or sale of bonds pursuant to this act  
1598 shall comply with the general law requirements applicable to the  
1599 issuance or sale of bonds by the district. Nothing in this act  
1600 shall be construed to authorize the district to utilize bond  
1601 proceeds to fund the ongoing operations of the district.

1602 (p) Pledge by the state to the bondholders of the  
1603 district.—The state pledges to the holders of any bonds issued  
1604 under this act that it will not limit or alter the rights of the  
1605 district to own, acquire, construct, reconstruct, improve,  
1606 maintain, operate, or furnish the projects or to levy and  
1607 collect the taxes, assessments, rentals, rates, fees, and other  
1608 charges provided for herein and to fulfill the terms of any  
1609 agreement made with the holders of such bonds or other  
1610 obligations and that it will not in any way impair the rights or  
1611 remedies of such holders.

1612 (q) Default.—A default on the bonds or obligations of the  
1613 district shall not constitute a debt or obligation of the state  
1614 or any general-purpose local government of the state. In the  
1615 event of a default or dissolution of the district, no general-  
1616 purpose local government shall be required to assume the  
1617 property of the district, the debts of the district, or the

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1618 district's obligations to complete any infrastructure  
1619 improvements or provide any services to the district. The  
1620 provisions of s. 189.076(2), Florida Statutes, shall not apply  
1621 to the district.

1622 (11) TRUST AGREEMENTS.—Any issue of bonds shall be secured  
1623 by a trust agreement or resolution by and between the district  
1624 and a corporate trustee or trustees, which may be any trust  
1625 company or bank having the powers of a trust company within or  
1626 without the state. The resolution authorizing the issuance of  
1627 the bonds or such trust agreement may pledge the revenues to be  
1628 received from any projects of the district and may contain such  
1629 provisions for protecting and enforcing the rights and remedies  
1630 of the bondholders as the board may approve, including, without  
1631 limitation, covenants setting forth the duties of the district  
1632 in relation to: the acquisition, construction, reconstruction,  
1633 improvement, maintenance, repair, operation, and insurance of  
1634 any projects; the fixing and revising of the rates, fees, and  
1635 charges; and the custody, safeguarding, and application of all  
1636 moneys and for the employment of consulting engineers in  
1637 connection with such acquisition, construction, reconstruction,  
1638 improvement, maintenance, repair, or operation. It shall be  
1639 lawful for any bank or trust company within or without the state  
1640 which may act as a depository of the proceeds of bonds or of  
1641 revenues to furnish such indemnifying bonds or to pledge such  
1642 securities as may be required by the district. Such resolution

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1643 or trust agreement may set forth the rights and remedies of the  
1644 bondholders and of the trustee, if any, and may restrict the  
1645 individual right of action by bondholders. The board may provide  
1646 for the payment of proceeds of the sale of the bonds and the  
1647 revenues of any project to such officer, board, or depository as  
1648 it may designate for the custody thereof and may provide for the  
1649 method of disbursement thereof with such safeguards and  
1650 restrictions as it may determine. All expenses incurred in  
1651 carrying out the provisions of such resolution or trust  
1652 agreement may be treated as part of the cost of operation of the  
1653 project to which such resolution or trust agreement pertains.

1654 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
1655 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
1656 ASSESSMENTS; MAINTENANCE TAXES.-

1657 (a) Ad valorem taxes.-At such time as all members of the  
1658 board are qualified electors who are elected by qualified  
1659 electors of the district, the board shall have the power to levy  
1660 and assess an ad valorem tax on all the taxable property in the  
1661 district to construct, operate, and maintain assessable  
1662 improvements; to pay the principal of, and interest on, any  
1663 general obligation bonds of the district; and to provide for any  
1664 sinking or other funds established in connection with any such  
1665 bonds. An ad valorem tax levied by the board for operating  
1666 purposes, exclusive of debt service on bonds, shall not exceed 3  
1667 mills. The ad valorem tax provided for herein shall be in

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1668 addition to county and all other ad valorem taxes provided for  
1669 by law. Such tax shall be assessed, levied, and collected in the  
1670 same manner and at the same time as county taxes. The levy of ad  
1671 valorem taxes must be approved by referendum as required by s.  
1672 9, Article VII of the State Constitution and held at a general  
1673 election.

1674 (b) Benefit special assessments.—The board annually shall  
1675 determine, order, and levy the annual installment of the total  
1676 benefit special assessments for bonds issued and related  
1677 expenses to finance assessable improvements. These assessments  
1678 may be due and collected during each year county taxes are due  
1679 and collected, in which case such annual installment and levy  
1680 shall be evidenced to and certified to the property appraiser by  
1681 the board not later than August 31 of each year. Such assessment  
1682 shall be entered by the property appraiser on the county tax  
1683 rolls and shall be collected and enforced by the tax collector  
1684 in the same manner and at the same time as county taxes, and the  
1685 proceeds thereof shall be paid to the district. However, this  
1686 paragraph shall not prohibit the district in its discretion from  
1687 using the method prescribed in s. 197.3632, Florida Statutes, or  
1688 chapter 173, Florida Statutes, as each may be amended from time  
1689 to time, for collecting and enforcing these assessments. Each  
1690 annual installment of benefit special assessments shall be a  
1691 lien on the property against which assessed until paid and shall  
1692 be enforceable in like manner as county taxes. The amount of the

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1693 assessment for the exercise of the district's powers under  
1694 subsections (6) and (7) shall be determined by the board based  
1695 upon a report of the district's engineer and assessed by the  
1696 board upon such lands, which may be part or all of the lands  
1697 within the district benefited by the improvement, apportioned  
1698 between benefited lands in proportion to the benefits received  
1699 by each tract of land. The board may, if it determines it is in  
1700 the best interests of the district, set forth in the proceedings  
1701 initially levying such benefit special assessments or in  
1702 subsequent proceedings a formula for the determination of an  
1703 amount, which when paid by a taxpayer with respect to any tax  
1704 parcel, shall constitute a prepayment of all future annual  
1705 installments of such benefit special assessments and that the  
1706 payment of which amount with respect to such tax parcel shall  
1707 relieve and discharge such tax parcel of the lien of such  
1708 benefit special assessments and any subsequent annual  
1709 installment thereof. The board may provide further that upon  
1710 delinquency in the payment of any annual installment of benefit  
1711 special assessments, the prepayment amount of all future annual  
1712 installments of benefit special assessments as determined in the  
1713 preceding sentence shall be and become immediately due and  
1714 payable together with such delinquent annual installment.

1715 (c) Non-ad valorem maintenance taxes.-If and when  
1716 authorized by general law, to maintain and to preserve the  
1717 physical facilities and services constituting the works,

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1718 improvements, or infrastructure owned by the district pursuant  
1719 to this act, to repair and restore any one or more of them, when  
1720 needed, and to defray the current expenses of the district,  
1721 including any sum which may be required to pay state and county  
1722 ad valorem taxes on any lands which may have been purchased and  
1723 which are held by the district under this act, the board of  
1724 supervisors may, upon the completion of said systems,  
1725 facilities, services, works, improvements, or infrastructure, in  
1726 whole or in part, as may be certified to the board by the  
1727 engineer of the board, levy annually a non-ad valorem and  
1728 nonmillage tax upon each tract or parcel of land within the  
1729 district, to be known as a "maintenance tax." This non-ad  
1730 valorem maintenance tax shall be apportioned upon the basis of  
1731 the net assessments of benefits assessed as accruing from the  
1732 original construction and shall be evidenced to and certified by  
1733 the board of supervisors of the district not later than June 1  
1734 of each year to the Collier County tax collector and shall be  
1735 extended on the tax rolls and collected by the tax collector on  
1736 the merged collection roll of the tax collector in the same  
1737 manner and at the same time as county ad valorem taxes, and the  
1738 proceeds therefrom shall be paid to the district. This non-ad  
1739 valorem maintenance tax shall be a lien until paid on the  
1740 property against which assessed and enforceable in like manner  
1741 and of the same dignity as county ad valorem taxes.

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1742 (d) Maintenance special assessments.—To maintain and  
1743 preserve the facilities and projects of the district, the board  
1744 may levy a maintenance special assessment. This assessment may  
1745 be evidenced to and certified to the tax collector by the board  
1746 of supervisors not later than August 31 of each year and shall  
1747 be entered by the property appraiser on the county tax rolls and  
1748 shall be collected and enforced by the tax collector in the same  
1749 manner and at the same time as county taxes, and the proceeds  
1750 therefrom shall be paid to the district. However, this paragraph  
1751 shall not prohibit the district in its discretion from using the  
1752 method prescribed in s. 197.363, s. 197.3631, or s. 197.3632,  
1753 Florida Statutes, for collecting and enforcing these  
1754 assessments. These maintenance special assessments shall be a  
1755 lien on the property against which assessed until paid and shall  
1756 be enforceable in like manner as county taxes. The amount of the  
1757 maintenance special assessment for the exercise of the  
1758 district's powers under this section shall be determined by the  
1759 board based upon a report of the district's engineer and  
1760 assessed by the board upon such lands, which may be all of the  
1761 lands within the district benefited by the maintenance thereof,  
1762 apportioned between the benefited lands in proportion to the  
1763 benefits received by each tract of land.

1764 (e) Special assessments.—The board may levy and impose any  
1765 special assessments pursuant to this subsection.



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1766 (f) Enforcement of taxes.—The collection and enforcement  
1767 of all taxes levied by the district shall be at the same time  
1768 and in like manner as county taxes, and the provisions of the  
1769 laws of Florida relating to the sale of lands for unpaid and  
1770 delinquent county taxes; the issuance, sale, and delivery of tax  
1771 certificates for such unpaid and delinquent county taxes; the  
1772 redemption thereof; the issuance to individuals of tax deeds  
1773 based thereon; and all other procedures in connection therewith  
1774 shall be applicable to the district to the same extent as if  
1775 such statutory provisions were expressly set forth herein. All  
1776 taxes shall be subject to the same discounts as county taxes.

1777 (g) When unpaid tax is delinquent; penalty.—All taxes  
1778 provided for in this act shall become delinquent and bear  
1779 penalties on the amount of such taxes in the same manner as  
1780 county taxes.

1781 (h) Status of assessments.—Benefit special assessments,  
1782 maintenance special assessments, and special assessments are  
1783 hereby found and determined to be non-ad valorem assessments as  
1784 defined by s. 197.3632, Florida Statutes. Maintenance taxes are  
1785 non-ad valorem taxes and are not special assessments.

1786 (i) Assessments constitute liens; collection.—Any and all  
1787 assessments, including special assessments, benefit special  
1788 assessments, and maintenance special assessments authorized by  
1789 this section, and including special assessments as defined by  
1790 section 2(2)(bb) and granted and authorized by this subsection,

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1791 and including maintenance taxes if authorized by general law,  
1792 shall constitute a lien on the property against which assessed  
1793 from the date of levy and imposition thereof until paid, coequal  
1794 with the lien of state, county, municipal, and school board  
1795 taxes. These assessments may be collected, at the district's  
1796 discretion, under authority of s. 197.3631, Florida Statutes, as  
1797 amended from time to time, by the tax collector pursuant to ss.  
1798 197.3632 and 197.3635, Florida Statutes, as amended from time to  
1799 time, or in accordance with other collection measures provided  
1800 by law. In addition to, and not in limitation of, any powers  
1801 otherwise set forth herein or in general law, these assessments  
1802 may also be enforced pursuant to chapter 173, Florida Statutes,  
1803 as amended from time to time.

1804 (j) Land owned by governmental entity.—Except as otherwise  
1805 provided by law, no levy of ad valorem taxes or non-ad valorem  
1806 assessments under this act or chapter 170 or chapter 197,  
1807 Florida Statutes, as each may be amended from time to time, or  
1808 otherwise, by a board of the district, on property of a  
1809 governmental entity that is subject to a ground lease as  
1810 described in s. 190.003(14), Florida Statutes, shall constitute  
1811 a lien or encumbrance on the underlying fee interest of such  
1812 governmental entity.

1813 (13) SPECIAL ASSESSMENTS.—

1814 (a) As an alternative method to the levy and imposition of  
1815 special assessments pursuant to chapter 170, Florida Statutes,

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1816 pursuant to the authority of s. 197.3631, Florida Statutes, or  
1817 pursuant to other provisions of general law, now or hereafter  
1818 enacted, which provide a supplemental means or authority to  
1819 impose, levy, and collect special assessments as otherwise  
1820 authorized under this act, the board may levy and impose special  
1821 assessments to finance the exercise of any of its powers  
1822 permitted under this act using the following uniform procedures:

1823 1. At a noticed meeting, the board of supervisors of the  
1824 district may consider and review an engineer's report on the  
1825 costs of the systems, facilities, and services to be provided, a  
1826 preliminary special assessment methodology, and a preliminary  
1827 roll based on acreage or platted lands, depending upon whether  
1828 platting has occurred.

1829 a. The special assessment methodology shall address and  
1830 discuss and the board shall consider whether the systems,  
1831 facilities, and services being contemplated will result in  
1832 special benefits peculiar to the property, different in kind and  
1833 degree than general benefits, as a logical connection between  
1834 the systems, facilities, and services themselves and the  
1835 property, and whether the duty to pay the special assessments by  
1836 the property owners is apportioned in a manner that is fair and  
1837 equitable and not in excess of the special benefit received. It  
1838 shall be fair and equitable to designate a fixed proportion of  
1839 the annual debt service, together with interest thereon, on the  
1840 aggregate principal amount of bonds issued to finance such

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1841 systems, facilities, and services which give rise to unique,  
1842 special, and peculiar benefits to property of the same or  
1843 similar characteristics under the special assessment methodology  
1844 so long as such fixed proportion does not exceed the unique,  
1845 special, and peculiar benefits enjoyed by such property from  
1846 such systems, facilities, and services.

1847 b. The engineer's cost report shall identify the nature of  
1848 the proposed systems, facilities, and services, their location,  
1849 a cost breakdown plus a total estimated cost, including cost of  
1850 construction or reconstruction, labor, and materials, lands,  
1851 property, rights, easements, franchises, or systems, facilities,  
1852 and services to be acquired, cost of plans and specifications,  
1853 surveys of estimates of costs and revenues, costs of  
1854 engineering, legal, and other professional consultation  
1855 services, and other expenses or costs necessary or incidental to  
1856 determining the feasibility or practicability of such  
1857 construction, reconstruction, or acquisition, administrative  
1858 expenses, relationship to the authority and power of the  
1859 district in its charter, and such other expenses or costs as may  
1860 be necessary or incidental to the financing to be authorized by  
1861 the board of supervisors.

1862 c. The preliminary special assessment roll will be in  
1863 accordance with the assessment methodology as may be adopted by  
1864 the board of supervisors; the special assessment roll shall be  
1865 completed as promptly as possible and shall show the acreage,

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1866 lots, lands, or plats assessed and the amount of the fairly and  
1867 reasonably apportioned assessment based on special and peculiar  
1868 benefit to the property, lot, parcel, or acreage of land; and,  
1869 if the special assessment against such lot, parcel, acreage, or  
1870 portion of land is to be paid in installments, the number of  
1871 annual installments in which the special assessment is divided  
1872 shall be entered into and shown upon the special assessment  
1873 roll.

1874 2. The board of supervisors of the district may determine  
1875 and declare by an initial special assessment resolution to levy  
1876 and assess the special assessments with respect to assessable  
1877 improvements stating the nature of the systems, facilities, and  
1878 services, improvements, projects, or infrastructure constituting  
1879 such assessable improvements, the information in the engineer's  
1880 cost report, the information in the special assessment  
1881 methodology as determined by the board at the noticed meeting  
1882 and referencing and incorporating as part of the resolution the  
1883 engineer's cost report, the preliminary special assessment  
1884 methodology, and the preliminary special assessment roll as  
1885 referenced exhibits to the resolution by reference. If the board  
1886 determines to declare and levy the special assessments by the  
1887 initial special assessment resolution, the board shall also  
1888 adopt and declare a notice resolution which shall provide and  
1889 cause the initial special assessment resolution to be published  
1890 once a week for a period of 2 weeks in newspapers of general

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1891 circulation published in Collier County and said board shall by  
1892 the same resolution fix a time and place at which the owner or  
1893 owners of the property to be assessed or any other persons  
1894 interested therein may appear before said board and be heard as  
1895 to the propriety and advisability of making such improvements,  
1896 as to the costs thereof, as to the manner of payment therefor,  
1897 and as to the amount thereof to be assessed against each  
1898 property so improved. Thirty days' notice in writing of such  
1899 time and place shall be given to such property owners. The  
1900 notice shall include the amount of the special assessment and  
1901 shall be served by mailing a copy to each assessed property  
1902 owner at his or her last known address, the names and addresses  
1903 of such property owners to be obtained from the record of the  
1904 property appraiser of the county political subdivision in which  
1905 the land is located or from such other sources as the district  
1906 manager or engineer deems reliable, and proof of such mailing  
1907 shall be made by the affidavit of the district manager or by the  
1908 engineer, said proof to be filed with the district manager,  
1909 provided that failure to mail said notice or notices shall not  
1910 invalidate any of the proceedings hereunder. It is provided  
1911 further that the last publication shall be at least 1 week prior  
1912 to the date of the hearing on the final special assessment  
1913 resolution. Said notice shall describe the general areas to be  
1914 improved and advise all persons interested that the description  
1915 of each property to be assessed and the amount to be assessed to

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1916 each piece, parcel, lot, or acre of property may be ascertained  
1917 at the office of the district manager. Such service by  
1918 publication shall be verified by the affidavit of the publisher  
1919 and filed with the district manager. Moreover, the initial  
1920 special assessment resolution with its attached, referenced, and  
1921 incorporated engineer's cost report, preliminary special  
1922 assessment methodology, and preliminary special assessment roll,  
1923 along with the notice resolution, shall be available for public  
1924 inspection at the office of the district manager and the office  
1925 of the engineer or any other office designated by the board of  
1926 supervisors in the notice resolution. Notwithstanding the  
1927 foregoing, the landowners of all of the property which is  
1928 proposed to be assessed may give the district written notice of  
1929 waiver of any notice and publication provided for in this  
1930 subparagraph and such notice and publication shall not be  
1931 required, provided, however, that any meeting of the board of  
1932 supervisors to consider such resolution shall be a publicly  
1933 noticed meeting.

1934 3. At the time and place named in the noticed resolution  
1935 as provided for in subparagraph 2., the board of supervisors of  
1936 the district shall meet and hear testimony from affected  
1937 property owners as to the propriety and advisability of making  
1938 the systems, facilities, services, projects, works,  
1939 improvements, or infrastructure and funding them with  
1940 assessments referenced in the initial special assessment

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1941 resolution on the property. Following the testimony and  
1942 questions from the members of the board or any professional  
1943 advisors to the district of the preparers of the engineer's cost  
1944 report, the special assessment methodology, and the special  
1945 assessment roll, the board of supervisors shall make a final  
1946 decision on whether to levy and assess the particular special  
1947 assessments. Thereafter, the board of supervisors shall meet as  
1948 an equalizing board to hear and to consider any and all  
1949 complaints as to the particular special assessments and shall  
1950 adjust and equalize the special assessments to ensure proper  
1951 assessment based on the benefit conferred on the property.

1952 4. When so equalized and approved by resolution or  
1953 ordinance by the board of supervisors, to be called the final  
1954 special assessment resolution, a final special assessment roll  
1955 shall be filed with the clerk of the board and such special  
1956 assessment shall stand confirmed and remain legal, valid, and  
1957 binding first liens on the property against which such special  
1958 assessments are made until paid, equal in dignity to the first  
1959 liens of ad valorem taxation of county and municipal governments  
1960 and school boards. However, upon completion of the systems,  
1961 facilities, services, projects, improvements, works, or  
1962 infrastructure, the district shall credit to each of the  
1963 assessments the difference in the special assessment as  
1964 originally made, approved, levied, assessed, and confirmed and  
1965 the proportionate part of the actual cost of the improvement to

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1966 be paid by the particular special assessments as finally  
1967 determined upon the completion of the improvement; but in no  
1968 event shall the final special assessment exceed the amount of  
1969 the special and peculiar benefits as apportioned fairly and  
1970 reasonably to the property from the system, facility, or service  
1971 being provided as originally assessed. Promptly after such  
1972 confirmation, the special assessment shall be recorded by the  
1973 clerk of the district in the minutes of the proceedings of the  
1974 district, and the record of the lien in this set of minutes  
1975 shall constitute prima facie evidence of its validity. The board  
1976 of supervisors, in its sole discretion, may by resolution grant  
1977 a discount equal to all or a part of the payee's proportionate  
1978 share of the cost of the project consisting of bond financing  
1979 cost, such as capitalized interest, funded reserves, and bond  
1980 discounts included in the estimated cost of the project, upon  
1981 payment in full of any special assessments during such period  
1982 prior to the time such financing costs are incurred as may be  
1983 specified by the board of supervisors in such resolution.

1984 5. District special assessments may be made payable in  
1985 installments over no more than 40 years from the date of the  
1986 payment of the first installment thereof and may bear interest  
1987 at fixed or variable rates.

1988 (b) Notwithstanding any provision of this act or chapter  
1989 170, Florida Statutes, that portion of s. 170.09, Florida  
1990 Statutes, that provides that special assessments may be paid

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1991 without interest at any time within 30 days after the  
1992 improvement is completed and a resolution accepting the same has  
1993 been adopted by the governing authority shall not be applicable  
1994 to any district special assessments, whether imposed, levied,  
1995 and collected pursuant to this act or other provisions of  
1996 Florida law, including, but not limited to, chapter 170, Florida  
1997 Statutes.

1998 (c) In addition, the district is authorized expressly in  
1999 the exercise of its rulemaking power to adopt a rule or rules  
2000 which provide for notice, levy, imposition, equalization, and  
2001 collection of assessments.

2002 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON  
2003 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.-

2004 (a) The board may, after any special assessments or  
2005 benefit special assessments for assessable improvements are  
2006 made, determined, and confirmed as provided in this act, issue  
2007 certificates of indebtedness for the amount so assessed against  
2008 the abutting property or property otherwise benefited, as the  
2009 case may be, and separate certificates shall be issued against  
2010 each part or parcel of land or property assessed, which  
2011 certificates shall state the general nature of the improvement  
2012 for which the assessment is made. The certificates shall be  
2013 payable in annual installments in accordance with the  
2014 installments of the special assessment for which they are  
2015 issued. The board may determine the interest to be borne by such

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2016 certificates, not to exceed the maximum rate allowed by general  
2017 law, and may sell such certificates at either private or public  
2018 sale and determine the form, manner of execution, and other  
2019 details of such certificates. The certificates shall recite that  
2020 they are payable only from the special assessments levied and  
2021 collected from the part or parcel of land or property against  
2022 which they are issued. The proceeds of such certificates may be  
2023 pledged for the payment of principal of and interest on any  
2024 revenue bonds or general obligation bonds issued to finance in  
2025 whole or in part such assessable improvement, or, if not so  
2026 pledged, may be used to pay the cost or part of the cost of such  
2027 assessable improvements.

2028 (b) The district may also issue assessment bonds, revenue  
2029 bonds, or other obligations payable from a special fund into  
2030 which such certificates of indebtedness referred to in paragraph  
2031 (a) may be deposited or, if such certificates of indebtedness  
2032 have not been issued, the district may assign to such special  
2033 fund for the benefit of the holders of such assessment bonds or  
2034 other obligations, or to a trustee for such bondholders, the  
2035 assessment liens provided for in this act unless such  
2036 certificates of indebtedness or assessment liens have been  
2037 theretofore pledged for any bonds or other obligations  
2038 authorized hereunder. In the event of the creation of such  
2039 special fund and the issuance of such assessment bonds or other  
2040 obligations, the proceeds of such certificates of indebtedness

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2041 or assessment liens deposited therein shall be used only for the  
2042 payment of the assessment bonds or other obligations issued as  
2043 provided in this section. The district is authorized to covenant  
2044 with the holders of such assessment bonds, revenue bonds, or  
2045 other obligations that it will diligently and faithfully enforce  
2046 and collect all the special assessments, and interest and  
2047 penalties thereon, for which such certificates of indebtedness  
2048 or assessment liens have been deposited in or assigned to such  
2049 fund; to foreclose such assessment liens so assigned to such  
2050 special fund or represented by the certificates of indebtedness  
2051 deposited in the special fund, after such assessment liens have  
2052 become delinquent, and deposit the proceeds derived from such  
2053 foreclosure, including interest and penalties, in such special  
2054 fund; and to make any other covenants deemed necessary or  
2055 advisable in order to properly secure the holders of such  
2056 assessment bonds or other obligations.

2057 (c) The assessment bonds, revenue bonds, or other  
2058 obligations issued pursuant to this section shall have such  
2059 dates of issue and maturity as shall be deemed advisable by the  
2060 board; however, the maturities of such assessment bonds or other  
2061 obligations shall not be more than 2 years after the due date of  
2062 the last installment which will be payable on any of the special  
2063 assessments for which such assessment liens, or the certificates  
2064 of indebtedness representing such assessment liens, are assigned  
2065 to or deposited in such special fund.

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2066 (d) Such assessment bonds, revenue bonds, or other  
2067 obligations issued under this section shall bear such interest  
2068 as the board may determine, not to exceed the maximum rate  
2069 allowed by general law, and shall be executed, shall have such  
2070 provisions for redemption prior to maturity, shall be sold in  
2071 the manner, and shall be subject to all of the applicable  
2072 provisions contained in this act for revenue bonds, except as  
2073 the same may be inconsistent with this section.

2074 (e) All assessment bonds, revenue bonds, or other  
2075 obligations issued under this section shall be, shall  
2076 constitute, and shall have all the qualities and incidents of  
2077 negotiable instruments under the law merchant and the laws of  
2078 the state.

2079 (15) TAX LIENS.—All taxes of the district provided for in  
2080 this act, together with all penalties for default in the payment  
2081 of the same and all costs in collecting the same, including a  
2082 reasonable attorney fee fixed by the court and taxed as a cost  
2083 in the action brought to enforce payment, shall, from January 1  
2084 for each year the property is liable to assessment and until  
2085 paid, constitute a lien of equal dignity with the liens for  
2086 state and county taxes and other taxes of equal dignity with  
2087 state and county taxes upon all the lands against which such  
2088 taxes shall be levied. A sale of any of the real property within  
2089 the district for state and county or other taxes shall not  
2090 operate to relieve or release the property so sold from the lien

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2091 for subsequent district taxes or installments of district taxes,  
2092 which lien may be enforced against such property as though no  
2093 such sale thereof had been made. In addition to, and not in  
2094 limitation of, the preceding sentence, for purposes of s.  
2095 197.552, Florida Statutes, the lien of all special assessments  
2096 levied by the district shall constitute a lien of record held by  
2097 a municipal or county governmental unit. The provisions of ss.  
2098 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall  
2099 be applicable to district taxes with the same force and effect  
2100 as if such provisions were expressly set forth in this act.

2101 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE  
2102 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

2103 (a) The district shall have the power and right to:

2104 1. Pay any delinquent state, county, district, municipal,  
2105 or other tax or assessment upon lands located wholly or  
2106 partially within the boundaries of the district.

2107 2. Redeem or purchase any tax sales certificates issued or  
2108 sold on account of any state, county, district, municipal, or  
2109 other taxes or assessments upon lands located wholly or  
2110 partially within the boundaries of the district.

2111 (b) Delinquent taxes paid, or tax sales certificates  
2112 redeemed or purchased, by the district, together with all  
2113 penalties for the default in payment of the same and all costs  
2114 in collecting the same and a reasonable attorney fee, shall  
2115 constitute a lien in favor of the district of equal dignity with

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2116 the liens of state and county taxes and other taxes of equal  
2117 dignity with state and county taxes upon all the real property  
2118 against which the taxes were levied. The lien of the district  
2119 may be foreclosed in the manner provided in this act.

2120 (c) In any sale of land pursuant to s. 197.542, Florida  
2121 Statutes, as may be amended from time to time, the district may  
2122 certify to the clerk of the circuit court of the county holding  
2123 such sale the amount of taxes due to the district upon the lands  
2124 sought to be sold, and the district shall share in the  
2125 disbursement of the sales proceeds in accordance with this act  
2126 and under the laws of the state.

2127 (17) FORECLOSURE OF LIENS.—Any lien in favor of the  
2128 district arising under this act may be foreclosed by the  
2129 district by foreclosure proceedings in the name of the district  
2130 in a court of competent jurisdiction as provided by general law  
2131 in like manner as is provided in chapter 170 or chapter 173,  
2132 Florida Statutes, and amendments thereto and the provisions of  
2133 those chapters shall be applicable to such proceedings with the  
2134 same force and effect as if those provisions were expressly set  
2135 forth in this act. Any act required or authorized to be done by  
2136 or on behalf of a municipality in foreclosure proceedings under  
2137 chapter 170 or chapter 173, Florida Statutes, may be performed  
2138 by such officer or agent of the district as the board of  
2139 supervisors may designate. Such foreclosure proceedings may be  
2140 brought at any time after the expiration of 1 year from the date

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2141 any tax, or installment thereof, becomes delinquent; however, no  
2142 lien shall be foreclosed against any political subdivision or  
2143 agency of the state. Other legal remedies shall remain  
2144 available.

2145 (18) MANDATORY USE OF CERTAIN DISTRICT FACILITIES.—To the  
2146 full extent permitted by law, the district shall require all  
2147 lands, buildings, premises, persons, firms, and corporations  
2148 within the district to use the facilities of the district.

2149 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED  
2150 PROVISIONS REQUIRED.—

2151 (a) No contract shall be let by the board for any goods,  
2152 supplies, or materials to be purchased when the amount thereof  
2153 to be paid by the district shall exceed the amount provided in  
2154 s. 287.017, Florida Statutes, as amended from time to time, for  
2155 category four, unless notice of bids shall be advertised once in  
2156 a newspaper in general circulation in Collier County. Any board  
2157 seeking to construct or improve a public building, structure, or  
2158 other public works shall comply with the bidding procedures of  
2159 s. 255.20, Florida Statutes, as amended from time to time, and  
2160 other applicable general law. In each case, the bid of the  
2161 lowest responsive and responsible bidder shall be accepted  
2162 unless all bids are rejected because the bids are too high or  
2163 the board determines it is in the best interests of the district  
2164 to reject all bids. The board may require the bidders to furnish  
2165 bond with a responsible surety to be approved by the board.

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2166 Nothing in this subsection shall prevent the board from  
2167 undertaking and performing the construction, operation, and  
2168 maintenance of any project or facility authorized by this act by  
2169 the employment of labor, material, and machinery.

2170 (b) The provisions of the Consultants' Competitive  
2171 Negotiation Act, s. 287.055, Florida Statutes, apply to  
2172 contracts for engineering, architecture, landscape architecture,  
2173 or registered surveying and mapping services let by the board.

2174 (c) Contracts for maintenance services for any district  
2175 facility or project shall be subject to competitive bidding  
2176 requirements when the amount thereof to be paid by the district  
2177 exceeds the amount provided in s. 287.017, Florida Statutes, as  
2178 amended from time to time, for category four. The district shall  
2179 adopt rules, policies, or procedures establishing competitive  
2180 bidding procedures for maintenance services. Contracts for other  
2181 services shall not be subject to competitive bidding unless the  
2182 district adopts a rule, policy, or procedure applying  
2183 competitive bidding procedures to said contracts. Nothing herein  
2184 shall preclude the use of requests for proposal instead of  
2185 invitations to bid as determined by the district to be in its  
2186 best interest.

2187 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION  
2188 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.-

2189 (a) The district is authorized to prescribe, fix,  
2190 establish, and collect rates, fees, rentals, or other charges,

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2191 hereinafter sometimes referred to as "revenues," and to revise  
2192 the same from time to time, for the systems, facilities, and  
2193 services furnished by the district, including, but not limited  
2194 to, recreational facilities, water management and control  
2195 facilities, and water and sewer systems; to recover the costs of  
2196 making connection with any district service, facility, or  
2197 system; and to provide for reasonable penalties against any user  
2198 or property for any such rates, fees, rentals, or other charges  
2199 that are delinquent.

2200 (b) No such rates, fees, rentals, or other charges for any  
2201 of the facilities or services of the district shall be fixed  
2202 until after a public hearing at which all the users of the  
2203 proposed facility or services or owners, tenants, or occupants  
2204 served or to be served thereby and all other interested persons  
2205 shall have an opportunity to be heard concerning the proposed  
2206 rates, fees, rentals, or other charges. Rates, fees, rentals,  
2207 and other charges shall be adopted under the administrative  
2208 rulemaking authority of the district, but shall not apply to  
2209 district leases. Notice of such public hearing setting forth the  
2210 proposed schedule or schedules of rates, fees, rentals, and  
2211 other charges shall have been published in a newspaper of  
2212 general circulation in Collier County at least once and at least  
2213 10 days prior to such public hearing. The rulemaking hearing may  
2214 be adjourned from time to time. After such hearing, such  
2215 schedule or schedules, either as initially proposed or as

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2216 modified or amended, may be finally adopted. A copy of the  
2217 schedule or schedules of such rates, fees, rentals, or charges  
2218 as finally adopted shall be kept on file in an office designated  
2219 by the board and shall be open at all reasonable times to public  
2220 inspection. The rates, fees, rentals, or charges so fixed for  
2221 any class of users or property served shall be extended to cover  
2222 any additional users or properties thereafter served which shall  
2223 fall in the same class, without the necessity of any notice or  
2224 hearing.

2225 (c) Such rates, fees, rentals, and other charges shall be  
2226 just and equitable and uniform for users of the same class, and  
2227 when appropriate may be based or computed either upon the amount  
2228 of service furnished, upon the average number of persons  
2229 residing or working in or otherwise occupying the premises  
2230 served, or upon any other factor affecting the use of the  
2231 facilities furnished, or upon any combination of the foregoing  
2232 factors, as may be determined by the board on an equitable  
2233 basis.

2234 (d) The rates, fees, rentals, or other charges prescribed  
2235 shall be such as will produce revenues, together with any other  
2236 assessments, taxes, revenues, or funds available or pledged for  
2237 such purpose, at least sufficient to provide for the items  
2238 hereinafter listed, but not necessarily in the order stated:

2239 1. To provide for all expenses of operation and  
2240 maintenance of such facility or service.

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2241 2. To pay when due all bonds and interest thereon for the  
2242 payment of which such revenues are, or shall have been, pledged  
2243 or encumbered, including reserves for such purpose.

2244 3. To provide for any other funds which may be required  
2245 under the resolution or resolutions authorizing the issuance of  
2246 bonds pursuant to this act.

2247 (e) The board shall have the power to enter into contracts  
2248 for the use of the projects of the district and with respect to  
2249 the services, systems, and facilities furnished or to be  
2250 furnished by the district.

2251 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that any  
2252 rates, fees, rentals, charges, or delinquent penalties are not  
2253 paid when due and are in default for 60 days or more, the unpaid  
2254 balance thereof and all interest accrued thereon, together with  
2255 reasonable attorney fees and costs, may be recovered by the  
2256 district in a civil action.

2257 (22) DISCONTINUANCE OF SERVICE.—In the event the fees,  
2258 rentals, or other charges for district services or facilities  
2259 are not paid when due, the board shall have the power, under  
2260 such reasonable rules and regulations as the board may adopt, to  
2261 discontinue and shut off such services until such fees, rentals,  
2262 or other charges, including interest, penalties, and charges for  
2263 the shutting off and discontinuance and the restoration of such  
2264 services, are fully paid; and, for such purposes, the board may  
2265 enter on any lands, waters, or premises of any person, firm,

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2266 corporation, or body, public or private, within the district  
2267 limits. Such delinquent fees, rentals, or other charges,  
2268 together with interest, penalties, and charges for the shutting  
2269 off and discontinuance and the restoration of such services and  
2270 facilities and reasonable attorney fees and other expenses, may  
2271 be recovered by the district, which may also enforce payment of  
2272 such delinquent fees, rentals, or other charges by any other  
2273 lawful method of enforcement.

2274 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved  
2275 person may have recourse to such remedies in law and at equity  
2276 as may be necessary to ensure compliance with this act,  
2277 including injunctive relief to enjoin or restrain any person  
2278 violating this act or any bylaws, resolutions, regulations,  
2279 rules, codes, or orders adopted under this act. In case any  
2280 building or structure is erected, constructed, reconstructed,  
2281 altered, repaired, converted, or maintained, or any building,  
2282 structure, land, or water is used, in violation of this act or  
2283 of any code, order, resolution, or other regulation made under  
2284 authority conferred by this act or under law, the board or any  
2285 citizen residing in the district may institute any appropriate  
2286 action or proceeding to prevent such unlawful erection,  
2287 construction, reconstruction, alteration, repair, conversion,  
2288 maintenance, or use; to restrain, correct, or avoid such  
2289 violation; to prevent the occupancy of such building, structure,

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2290 land, or water; and to prevent any illegal act, conduct,  
2291 business, or use in or about such premises, land, or water.

2292 (24) SUITS AGAINST THE DISTRICT.—Any suit or action  
2293 brought or maintained against the district for damages arising  
2294 out of tort, including, without limitation, any claim arising  
2295 upon account of an act causing an injury or loss of property,  
2296 personal injury, or death, shall be subject to the limitations  
2297 provided in s. 768.28, Florida Statutes.

2298 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All  
2299 district property shall be exempt from levy and sale by virtue  
2300 of an execution, and no execution or other judicial process  
2301 shall issue against such property, nor shall any judgment  
2302 against the district be a charge or lien on its property or  
2303 revenues; however, nothing contained herein shall apply to or  
2304 limit the rights of bondholders to pursue any remedy for the  
2305 enforcement of any lien or pledge given by the district in  
2306 connection with any of the bonds or obligations of the district.

2307 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—  
2308 (a) The board of supervisors of the district shall not ask  
2309 the Legislature to repeal or amend this act to expand or to  
2310 contract the boundaries of the district or otherwise cause the  
2311 merger or termination of the district without first obtaining a  
2312 resolution or official statement from Collier County as required  
2313 by s. 189.031(2)(e)4., Florida Statutes, for creation of an  
2314 independent special district. The district's consent may be

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2315 evidenced by a resolution or other official written statement of  
2316 the district.

2317 (b) The district shall remain in existence until:

2318 1. The district is terminated and dissolved pursuant to  
2319 amendment to this act by the Legislature.

2320 2. The district has become inactive pursuant to s.  
2321 189.062, Florida Statutes.

2322 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS. The  
2323 district may merge with one or more community development  
2324 districts situated wholly within its boundaries. The district  
2325 shall be the surviving entity of the merger. Any mergers shall  
2326 commence upon each such community development district filing a  
2327 written request for merger with the district. A copy of the  
2328 written request shall also be filed with Collier County. The  
2329 district, subject to the direction of its board of supervisors,  
2330 shall enter into a merger agreement which shall provide for the  
2331 proper allocation of debt, the manner in which such debt shall  
2332 be retired, the transition of the community development district  
2333 board, and the transfer of all financial obligations and  
2334 operating and maintenance responsibilities to the district. The  
2335 execution of the merger agreement by the district and each  
2336 community development district constitutes consent of the  
2337 landowners within each district. The district and each community  
2338 development district requesting merger shall hold a public  
2339 hearing within its boundaries to provide information about and

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2340 take public comment on the proposed merger in the merger  
2341 agreement. The public hearing shall be held within 45 days of  
2342 the initial consideration and approval of the merger agreement  
2343 by all parties thereto. Notice of the public hearing shall be  
2344 published at least 14 days before the hearing in a newspaper of  
2345 general circulation in Collier County. At the conclusion of the  
2346 public hearing each district shall consider a resolution either  
2347 approving or disapproving the proposed merger. If the district  
2348 and each community development district which is a party to the  
2349 merger agreement adopt a resolution approving the proposed  
2350 merger, the resolutions and the executed merger agreement shall  
2351 be filed with Collier County. Upon receipt of the resolutions  
2352 approving the merger and the merger agreement, Collier County  
2353 shall adopt a non-emergency ordinance dissolving each community  
2354 development district pursuant to s. 190.046(10), Florida  
2355 Statutes.

2356 (28) INCLUSION OF TERRITORY. The inclusion of any or all  
2357 territory of the district within a municipality does not change,  
2358 alter, or affect the boundary, territory, existence, or  
2359 jurisdiction of the district.

2360 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
2361 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this  
2362 district under this act, each contract for the initial sale of a  
2363 parcel of real property and each contract for the initial sale  
2364 of a residential unit within the district shall include,

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2365 immediately prior to the space reserved in the contract for the  
2366 signature of the purchaser, the following disclosure statement  
2367 in boldfaced and conspicuous type which is larger than the type  
2368 in the remaining text of the contract: "THE CORKSCREW GROVE  
2369 STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS,  
2370 OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND  
2371 ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE  
2372 COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE  
2373 DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE  
2374 DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY  
2375 AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER  
2376 TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

2377 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days  
2378 after the election of the first board of supervisors creating  
2379 this district, the district shall cause to be recorded in the  
2380 grantor-grantee index of the property records in Collier County  
2381 a "Notice of Creation and Establishment of the Corkscrew Grove  
2382 Stewardship District." The notice shall, at a minimum, include  
2383 the legal description of the property covered by this act.

2384 (31) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility,  
2385 service, works, improvement, project, or other infrastructure  
2386 owned by the district, or funded by federal tax exempt bonding  
2387 issued by the district, is public; and the district by rule may  
2388 regulate, and may impose reasonable charges or fees for, the use  
2389 thereof, but not to the extent that such regulation or

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2390 imposition of such charges or fees constitutes denial of  
2391 reasonable access.

2392 **Section 7.** If any provision of this act is determined  
2393 unconstitutional or otherwise determined invalid by a court of  
2394 law, all the rest and remainder of the act shall remain in full  
2395 force and effect as the law of this state.

2396 **Section 8.** This act shall take effect upon becoming a law,  
2397 except that the provisions of this act which authorize the levy  
2398 of ad valorem taxation shall take effect only upon express  
2399 approval by a majority vote of those qualified electors of the  
2400 Corkscrew Grove Stewardship District, as required by Section 9  
2401 of Article VII of the State Constitution, voting in a referendum  
2402 election held during a general election at such time as all  
2403 members of the board are qualified electors who are elected by  
2404 qualified electors of the district as provided in this act.

2405