



January 2024 Board Meeting

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Please follow page numbers on top right corner



Board Meeting Agenda

Date: Monday, January 8th, 2024

Time: 1:00 P.M.

Location: Captiva Civic Association, 11550 Chapin Lane, Captiva, Florida, 33924

Via Zoom: <https://us02web.zoom.us/j/84992353131>

Telephone: +1 (305) 224-1968

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - A. December 11th, 2023, Board Meeting
- 4. General Public Comments – Limit 3 minutes per person**
- 5. Changes to the Agenda**
- 6. Financial Reports**
- 7. Old Business**
 - A. Becker Update
 - I. HB - 7013
 - B. APTIM Update
 - I. Beach Nourishment
 - II. Bayside Adaptation
- 8. New Business**
 - A. Resolution 2024-01
 - B. Resolution 2024-02
 - C. Parking Lot Repair
 - D. Captiva Island Conservation Area Discussion
- 9. Administrative Update**
- 10. Commissioner Comments**

11. Adjournment

In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring any additional reasonable accommodation to participate in this meeting should call the CEPD office at phone 239.472.2472 or email a written request to mycepd@mycepd.com. One or more elected or appointed local government officials, including but not limited to the Captiva Erosion Prevention District, may be in attendance at this meeting. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the CEPD to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense.



December 2023 Board Meeting Minutes

1. Call to Order – See Video (00:00:00)

Chairman Walter called to order the December Board Meeting for the Captiva Erosion Prevention District at approximately 1:00 PM on Monday December 11th, 2023.

2. Roll Call – See Video (00:00:20)

Commissioners:

- Seat 1, Linda Laird, Secretary (Present Remotely)
- Seat 2, Rene Miville, Commissioner (Present)
- Seat 3, Bob Walter, Chairman (Present)
- Seat 4, John Wade, Commissioner (Present)
- Seat 5, Richard Pyle, Treasurer (Present)

Chairman Walter motioned to vote to allow Secretary Laird to appear remotely, and Commissioner Miville seconded the motion. Vote passed unanimously 4-0.

CEPD Staff:

- Daniel Munt, Executive Director (Present)
- John Riegert, Deputy Director (Present)
- Ralf Brookes, CEPD Attorney (Present)

3. Organization of the Board – See Video (00.00.47)

- **Chairman –**

Bob Walter motioned to nominate himself. Seconded by Linda Laird.

Rene Miville was motioned for nomination by Richard Pyle. Seconded by John Wade.

John Wade was motioned for nomination by Bob Walter. Seconded by Rene Miville.

Discussion was held regarding candidates. Commissioner Walter motioned to vote on Commissioner Wade for Chairman, and Commissioner Wade seconded the motion. Motion was passed 3-2 to elect John Wade for Chairman. (**Ayes** – Walter, Wade, Miville / **Nayes** – Pyle, Laird)

- **Vice Chairman –**

Commissioner Miville motioned to vote on electing himself for Vice Chairman, and Commissioner Wade seconded the motion. Motion was passed 4-1 to elect Rene Miville for Vice Chairman. (**Ayes** –Wade, Miville, Laird, Pyle/ **Nayes** – Walter)

- **Treasurer –**

Commissioner Wade motioned to vote Richard Pyle as Treasurer, and Commissioner Miville seconded the motion. Motioned was passed 5-0 unanimously.

- **Secretary –**

Commissioner Walter motioned to vote for Linda Laird as Secretary, and Commissioner Miville seconded the motion. Motioned was passed 5-0 unanimously.

4. Approval of Minutes – See Video (00:50:52)

A. November 13th, 2023, Board Meeting

Commissioner Walter made a motion to approve the minutes as written, and Vice Chairman Miville seconded the motion. The motion passed unanimously 5-0.

4. General Public Comments – See Video (00:52:04)

No public comments were entered.

5. Changes to the Agenda – See Video (00:52:58)

Secretary Laird proposes that the CEPD endorse legislative actions of Adam Botana, that support the protection of the island of Captiva.

Chairman Wade motioned to add discussion of support of legislative actions of Adam Botana to item **New Business – 9B**. Vice Chairman Miville seconded the motion. Motion Passed 5-0 Unanimously.

6. Financial Reports – See Video (00:59:49)

Treasurer Pyle provided an update on the financials and status of CEPD grants and discussion was held. Talking point was made to contact the TDC and John Lyons to communicate tourist travel advisories.

7. Old Business – See Video (01:18:49)

A. Becker Update-

Nick Matthews provides updates on the \$15 million annual appropriation for beach nourishment, as well as Special District Bill that will impact the CEPD that would begin in 2026. The Special District Bill item will be added to the agenda under old business going forward in future board meetings.

B. Bayside Adaptation Bid Selection-

Paul Tritaik shared analysis of both bids and a Ranked Vote was held by commissioners to select the firm to be awarded contract for Bayside Adaptation project. APTIM – 4 Votes
Cummings Cederburg – 1 Vote

Commissioner Walter motioned to accept outcome of the Ranked Vote to award contract to APTIM, and Chairman Wade seconded the motion. Motion was passed 4-1. (**Ayes** – Wade, Miville, Walter, Pyle / **Nayes** – Laird)

8. New Business – See Video (02:06:48)

A. APTIM Beach Nourishment Update

Nicole Sharp provides updates on the status of beach nourishment design calculations. Communicates that timeline for project to go out to bid is Jan 4th, 2023.

Vice Chairman Miville motioned to place project out to bid on Jan 4th based on guidance from engineers' specifications and host a workshop meeting prior to the Jan 8th Board meeting, to allow commissioners time to absorb all relative information. Motion was seconded by Chairman Wade. Motion was passed 4-0. (Secretary Laird was unavailable remotely for this vote).

B. Support of Adam Botana's Legislative Actions

Due to Secretary Laird being unavailable remotely to speak on this topic, Chairman Wade motioned to table this discussion until the Jan 8th, Board meeting. Vice Chairman Miville seconded the motion. Motion was passed 4-0

9. Administrative Update – See Video (02:16:23)

Executive Director Munt congratulates Board members on their new positions on the CEPD Board.

10. Commissioner Comments – See Video (02:16:44)

No comments were entered from the commissioners.

11. Adjournment – See Video (02:16:56)

Chairman Wade motioned to adjourn the meeting, and Vice Chairman Miville seconded the motion. Motion passed unanimously 5-0, as Secretary Laird returned for this vote.

In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring any additional reasonable accommodation to participate in this meeting should call the CEPD office at phone 239.472.2472 or email a written request to mycepd@mycepd.com. One or more elected or appointed local government officials, including but not limited to the Captiva Erosion Prevention District, may be in attendance at this meeting. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the CEPD to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense.

Captiva Erosion Prevention District
General Fund - Budget Performance Summary
For the Three Months Ended December 31, 2023

	(A) Actual - December '23	(B) Budget - December '23	(C) Actual - December '22	(D) Budget - December '22	(E) Actual YTD	(F) YTD Budget	(G) YTD Variance	(H) Annual Budget	(I) Residual Budget
Ordinary Income/Expense									
Income									
Ad Valorem Tax	\$ 262,410.01	\$ 275,000.00	\$ 165,509.73	\$ 54,245.75	\$ 349,210.99	\$ 375,000.00	\$ (25,789.01)	\$ 578,066.00	\$ 228,855.01
Interest Income	1,977.80	1,666.67	7.29	12.50	5,098.14	5,000.00	98.14	20,000.00	14,901.86
Other Income	826.48	416.67	200.00	416.67	3,770.17	1,250.00	2,520.17	5,000.00	1,229.83
Total Income	265,214.29	277,083.33	165,717.02	54,674.92	358,079.30	381,250.00	(23,170.70)	603,066.00	244,986.70
Expense									
Administrative Expenses	2,202.45	6,125.00	2,753.72	7,916.66	34,682.21	40,133.00	5,450.79	101,500.00	66,817.79
Cost of Collecting Ad Valorem	5,248.20	11,250.00	3,310.20	1,708.34	11,589.43	17,500.00	5,910.57	20,000.00	8,410.57
Wages	11,322.30	12,333.33	14,955.78	12,500.00	34,254.54	37,000.00	2,745.46	148,000.00	113,745.46
Professional Fees	1,550.00	2,916.67	1,400.00	2,916.67	4,650.00	8,750.00	4,100.00	35,000.00	30,350.00
Reserves Transfer	7,037.50	7,037.50	7,037.50	7,037.50	21,112.50	21,112.50	0.00	84,450.00	63,337.50
Total Expense	27,360.45	39,662.50	29,457.20	32,079.17	106,288.68	124,495.50	18,206.82	388,950.00	282,661.32
Net Income	\$ 237,853.84	\$ 237,420.83	\$ 136,259.82	\$ 22,595.75	\$ 251,790.62	\$ 256,754.50	\$ (4,963.88)	\$ 214,116.00	\$ (37,674.62)

Captiva Erosion Prevention District
General Fund - Budget Performance Detail
For the Three Months Ended December 31, 2023

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Actual - December '23	Budget - December '23	Actual - December '22	Budget - December '22	Actual YTD	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense									
Income									
Ad Valorem Tax	262,410.01	275,000.00	165,509.73	54,245.75	349,210.99	375,000.00	(25,789.01)	578,066.00	228,855.01
Interest Income	1,977.80	1,666.67	7.29	12.50	5,098.14	5,000.00	98.14	20,000.00	14,901.86
Other Income	826.48	416.67	200.00	416.67	3,770.17	1,250.00	2,520.17	5,000.00	1,229.83
Total Income	265,214.29	277,083.33	165,717.02	54,674.92	358,079.30	381,250.00	(23,170.70)	603,066.00	244,986.70
Expense									
Administrative Expenses									
Advertising	23.60	1,250.00	74.90	1,250.00	1,596.79	3,750.00	2,153.21	15,000.00	13,403.21
Service Charges	275.99	416.67	202.76	250.00	873.85	1,250.00	376.15	5,000.00	4,126.15
Board Meeting Expenses	0.00	83.33	0.00	83.33	0.00	250.00	250.00	1,000.00	1,000.00
Dues and Subscriptions	0.00	0.00	0.00	625.00	7,515.00	8,000.00	485.00	11,000.00	3,485.00
Insurance	0.00	0.00	0.00	1,416.67	13,758.00	13,758.00	0.00	17,000.00	3,242.00
Office Expense	754.12	833.33	723.95	833.33	2,462.63	2,500.00	37.37	10,000.00	7,537.37
Postage	0.00	41.67	0.00	41.67	0.00	125.00	125.00	500.00	500.00
Rent Expense	58.13	1,416.67	1,048.08	1,250.00	3,574.57	4,250.00	675.43	17,000.00	13,425.43
Repairs	0.00	83.33	0.00	83.33	113.92	250.00	136.08	1,000.00	886.08
Travel and Per Diem	0.00	458.33	0.00	833.33	1,510.10	1,375.00	(135.10)	5,500.00	3,989.90
Telephone	531.84	458.33	204.03	250.00	1,234.50	1,375.00	140.50	5,500.00	4,265.50
Utilities	558.77	458.33	0.00	333.33	1,794.99	1,375.00	(419.99)	5,500.00	3,705.01
Website & Computer Maintenance	0.00	625.00	500.00	666.67	247.86	1,875.00	1,627.14	7,500.00	7,252.14
Total Administrative expenses	2,202.45	6,125.00	2,753.72	7,916.66	34,682.21	40,133.00	5,450.79	101,500.00	66,817.79
Wages and Professional Fees									
Wages	11,322.30	12,333.33	14,955.78	12,500.00	34,254.54	37,000.00	2,745.46	148,000.00	113,745.46
Professional Fees	1,550.00	2,916.67	1,400.00	2,916.67	4,650.00	8,750.00	4,100.00	35,000.00	30,350.00
Total Legal and Professional Fees	12,872.30	15,250.00	16,355.78	15,416.67	38,904.54	45,750.00	6,845.46	183,000.00	144,095.46
Cost of Collecting Ad Valorem									
Property Tax Appraiser Fees	0.00	0.00	0.00	416.67	4,605.21	5,000.00	394.79	5,000.00	394.79
Tax Collector Commissions	5,248.20	11,250.00	3,310.20	1,291.67	6,984.22	12,500.00	5,515.78	15,000.00	8,015.78
Total Cost of Collecting Ad Valorem	5,248.20	11,250.00	3,310.20	1,708.34	11,589.43	17,500.00	5,910.57	20,000.00	8,410.57
Reserves									
Operating Reserves Transfers	7,037.50	7,037.50	7,037.50	7,037.50	21,112.50	21,112.50	0.00	84,450.00	63,337.50
Total Expense	27,360.45	39,662.50	29,457.20	32,079.17	106,288.68	124,495.50	18,206.82	388,950.00	282,661.32
Net Income	\$ 237,853.84	\$ 237,420.83	\$ 136,259.82	\$ 22,595.75	\$ 251,790.62	\$ 256,754.50	\$ (4,963.88)	\$ 214,116.00	\$ (37,674.62)

Captiva Erosion Prevention District
 Capital Projects Fund - Budget Performance Summary
 For the Three Months Ended December 31, 2023

1:35 PM
 1/3/2024
 Prepared: JS

	(A) Actual - December '23	(B) Budget - December '23	(C) Actual - December '22	(D) Budget - December '22	(E) YTD Actual	(F) YTD Budget	(G) YTD Variance	(H) Annual Budget	(I) Residual Budget
Ordinary Income/Expense									
Income									
Grant Income	\$ 160,669.23	\$ -	\$ -	\$ 15,000.00	\$ 355,169.71	\$ 261,482.00	\$ 93,687.71	\$ 861,482.00	\$ 506,312.29
Interest Income	16,432.43	15,000.00	27.43	83.33	114,935.53	115,000.00	(64.47)	325,000.00	210,064.47
Other Miscellaneous Income	0.00	166.67	0.00	83.33	0.00	0.00	0.00	2,000.00	2,000.00
Parking Lot Revenue	22,416.85	41,666.67	0.00	60,000.00	72,402.44	125,000.00	(52,597.56)	500,000.00	427,597.56
Reserves - General	7,037.50	7,037.50	7,037.50	7,037.50	21,112.50	21,112.50	0.00	84,450.00	63,337.50
Special Assessments	521,886.13	525,000.00	886,892.47	191,666.67	667,915.71	800,000.00	(132,084.29)	952,698.00	284,782.29
Total Income	728,442.14	588,870.83	893,957.40	273,870.83	1,231,535.89	1,322,594.50	(91,058.61)	2,725,630.00	1,494,094.11
Expense									
General Expenses	181.61	2,291.67	1,250.81	3,375.00	8,000.34	11,761.00	3,760.66	34,500.00	26,499.66
Parking Lot	2,638.12	11,791.67	32.95	18,833.33	37,018.38	35,375.00	(1,643.38)	141,500.00	104,481.62
Wages	16,185.39	21,666.67	16,220.15	16,666.67	47,603.55	65,000.00	17,396.45	260,000.00	212,396.45
Professional Fees	7,550.00	9,166.67	13,400.00	9,166.67	22,650.00	27,500.00	4,850.00	110,000.00	87,350.00
Capital Projects	23,278.20	72,083.33	94,437.06	59,583.33	75,267.43	216,250.00	140,982.57	865,000.00	789,732.57
Debt Service	0.00	0.00	0.00	0.00	165,190.41	165,190.41	0.00	2,794,059.00	2,628,868.59
Total Expense	49,833.32	117,000.00	125,340.97	107,625.00	355,730.11	521,076.41	165,346.30	4,205,059.00	3,849,328.89
Net Income	\$ 678,608.82	\$ 471,870.83	\$ 768,616.43	\$ 166,245.83	\$ 875,805.78	\$ 801,518.09	\$ 74,287.69	\$ (1,479,429.00)	\$ (2,355,234.78)

Cash basis - omitted all note disclosures
 No assurance is provided on these financial statements.

Captiva Erosion Prevention District
 Capital Projects Fund - Budget Performance Detail
 For the Three Months Ended December 31, 2023

1/3/2024
 1:35 PM
 Prepared: JS

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Actual - December 23	Budget - December 23	Actual - December 22	Budget - December 22	YTD Actual	YTD Budget	YTD Variance	Annual Budget	Residual Budget
Ordinary Income/Expense									
Income									
Grant Income - Local	\$ 160,669.23	\$ -	\$ -	\$ 15,000.00	\$ 355,169.71	\$ 261,482.00	\$ 93,687.71	\$ 261,482.00	\$ (93,687.71)
Grant Income - State	0.00	0.00	0.00	0.00	0.00	0.00	0.00	600,000.00	600,000.00
Grant Income - Federal (FEMA)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Interest Income	16,432.43	15,000.00	27.43	83.33	114,935.53	115,000.00	(64.47)	325,000.00	210,064.47
Other Miscellaneous Revenues	0.00	166.67	0.00	83.33	0.00	0.00	0.00	2,000.00	2,000.00
Parking Lot Revenue	22,416.85	41,666.67	0.00	60,000.00	72,402.44	125,000.00	(52,597.56)	500,000.00	427,597.56
General Reserves	7,037.50	7,037.50	7,037.50	7,037.50	21,112.50	21,112.50	0.00	84,450.00	63,337.50
Special Assessments	521,886.13	525,000.00	886,892.47	191,666.67	667,915.71	800,000.00	(132,084.29)	952,698.00	284,782.29
Total Income	728,442.14	588,870.83	893,957.40	273,870.83	1,231,535.89	1,322,594.50	(91,058.61)	2,725,630.00	1,494,094.11
Expense									
Service Charges	123.49	41.67	202.74	41.67	178.18	125.00	(53.18)	500.00	321.82
Cost of Assessment Collections	0.00	0.00	0.00	833.33	1,361.60	2,000.00	638.40	2,000.00	638.40
Insurance	0.00	0.00	0.00	416.67	2,886.00	2,886.00	0.00	5,000.00	2,114.00
Rent	58.12	1,416.67	1,048.07	1,250.00	3,574.56	4,250.00	675.44	17,000.00	13,425.44
Beach Vehicle	0.00	833.33	0.00	833.33	0.00	2,500.00	2,500.00	10,000.00	10,000.00
Total General Expense	181.61	2,291.67	1,250.81	3,375.00	8,000.34	11,761.00	3,760.66	34,500.00	26,499.66
Parking Lot Expenses									
Parking Collection Fees	1,299.96	1,500.00	32.95	3,000.00	1,365.86	4,500.00	3,134.14	18,000.00	16,634.14
Parking Maintenance	0.00	2,083.33	0.00	2,500.00	14,961.07	6,250.00	(8,711.07)	25,000.00	10,038.93
Portable Toilets	0.00	6,250.00	0.00	9,583.33	16,208.64	18,750.00	2,541.36	75,000.00	58,791.36
Signage	0.00	83.33	0.00	0.00	0.00	250.00	250.00	1,000.00	1,000.00
Sales Tax Expense	1,338.16	1,875.00	0.00	3,750.00	4,482.81	5,625.00	1,142.19	22,500.00	18,017.19
Total Parking Lot Expenses	2,638.12	11,791.67	32.95	18,833.33	37,018.38	35,375.00	(1,643.38)	141,500.00	104,481.62
Wages and Professional Fees									
Wages	16,185.39	21,666.67	16,220.15	16,666.67	47,603.55	65,000.00	17,396.45	260,000.00	212,396.45
Professional Fees	7,550.00	9,166.67	13,400.00	9,166.67	22,650.00	27,500.00	4,850.00	110,000.00	87,350.00
Total Wages and Professional Fees	23,735.39	30,833.33	29,620.15	25,833.34	70,253.55	92,500.00	22,246.45	370,000.00	299,746.45
Capital Projects									
Project Expenses	23,278.20	65,833.33	94,437.06	51,250.00	75,267.43	197,500.00	122,232.57	790,000.00	714,732.57
Grants to other agencies	0.00	6,250.00	0.00	8,333.33	0.00	18,750.00	18,750.00	75,000.00	75,000.00
Total Capital Projects	23,278.20	72,083.33	94,437.06	59,583.33	75,267.43	216,250.00	140,982.57	865,000.00	789,732.57
Debt Service									
Interest	0.00	0.00	0.00	0.00	165,190.41	165,190.41	0.00	330,456.00	165,265.59
Principal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,463,603.00	2,463,603.00
Total Debt Service	0.00	0.00	0.00	0.00	165,190.41	165,190.41	0.00	2,794,059.00	2,628,868.59
Total Expense	49,833.32	117,000.00	125,340.97	107,625.00	355,730.11	521,076.41	165,346.30	4,205,059.00	3,849,328.89
Net Income	678,608.82	471,870.83	768,616.43	166,245.83	875,805.78	801,518.09	74,287.69	(1,479,429.00)	(2,355,234.78)

Cash basis - omitted all note disclosures.
 No assurance is provided on these financial statements.

	<u>December 31, 2023</u>	<u>December 31, 2022</u>
ASSETS		
Current Assets		
Checking/Savings		
BOTI Checking	\$ 63,548.58	\$ 712,632.68
Fifth Third Checking	158,032.86	-
Fifth Third Savings	691,539.00	-
Total Checking/Savings	<u>913,120.44</u>	<u>712,632.68</u>
Other Current Assets		
Due from State of Florida	28,524.97	-
Total Other Current Assets	<u>28,524.97</u>	<u>-</u>
Total Current Assets	<u>941,645.41</u>	<u>712,632.68</u>
TOTAL ASSETS	<u>\$ 941,645.41</u>	<u>\$ 712,632.68</u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Other Current Liabilities		
Accrued Liabilities	3,358.67	844.85
Due to Capital Projects Fund	41,772.78	296,263.33
Total Other Current Liabilities	<u>45,131.45</u>	<u>297,108.18</u>
Total Current Liabilities	<u>45,131.45</u>	<u>297,108.18</u>
Total Liabilities	45,131.45	297,108.18
Equity		
Fund Balance	643,154.56	314,972.76
Net Income	251,790.62	100,551.74
Total Equity	<u>894,945.18</u>	<u>415,524.50</u>
TOTAL LIABILITIES & EQUITY	<u>\$ 940,076.63</u>	<u>\$ 712,632.68</u>

	<u>December 31, 2023</u>	<u>December 31, 2022</u>
ASSETS		
Current Assets		
Checking/Savings		
BOTI Checking	\$ -	\$ 1,740,063.87
Fifth Third Checking	45,926.78	-
Fifth Third Savings	4,996,336.65	-
Fifth Third Investments Money Market Account	160,625.46	2,876,104.18
Fifth Third Treasury Bill- Maturity Date 4/15/24	2,929,166.44	-
Fifth Third Treasury Bill- Maturity Date 4/15/25	2,497,953.86	-
Fifth Third Treasury Bill- Maturity Date 4/30/26	2,499,925.86	-
Fifth Third Treasury Bill- Maturity Date 3/15/26	758,687.95	-
Total Current Assets	<u>13,888,623.00</u>	<u>4,616,168.05</u>
Other Current Assets		
Utility Deposit	300.00	300.00
Due From General Fund	41,772.77	296,263.33
Total Other Current Assets	<u>42,072.77</u>	<u>296,563.33</u>
Total Current Assets	<u>13,930,695.77</u>	<u>4,912,731.38</u>
TOTAL ASSETS	<u><u>\$ 13,930,695.77</u></u>	<u><u>\$ 4,912,731.38</u></u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Due to General Fund	<u>\$ -</u>	<u>\$ -</u>
Equity		
Accumulated Reserves	1,266,701.00	936,041.00
Fund Balance	11,788,188.99	2,366,573.17
Net Income	875,805.78	1,610,117.21
Total Equity	<u>13,930,695.77</u>	<u>4,912,731.38</u>
TOTAL LIABILITIES & EQUITY	<u><u>\$ 13,930,695.77</u></u>	<u><u>\$ 4,912,731.38</u></u>
Loan Balance:		
Principal and Interest Payment Due May 1st 2024	\$ 15,587,541.47	
Interest Payment Due November 1st 2024	2,628,830.59	
	139,113.75	
Treasury Bills:		
	<u>Purchase Price</u>	<u>Value at Maturity</u>
4/15/2024-	\$2,929,166.44	3,075,000.00
4/15/2025-	\$2,497,953.86	2,542,000.00
4/30/2026-	\$2,499,925.86	2,588,000.00
3/15/2026-	\$758,687.95	733,000.00
		<u>Interest paid twice a year</u>
		<u>Total Gain</u>
		5,765.53
		163,130.15
		33,363.75
		210,864.89
		30,732.50
		303,201.64
		16,950.63
		<u>76,015.83</u>
		753,212.51

CAPTIVA EROSION PREVENTION DISTRICT RESERVE ACCUMULATIONS FISCAL YEAR ENDING 9/30/2024												
	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Beginning Balance	\$ 1,173,187	\$ 1,205,432	\$ 1,237,247	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701
Reserves Transferred In												
Parking Revenue	25,208	24,777	22,417	-	-	-	-	-	-	-	-	-
Operating Reserves	7,037	7,038	7,037	-	-	-	-	-	-	-	-	-
Increase (Decrease) in Reserves	32,245	31,815	29,454	-	-	-	-	-	-	-	-	-
Total Accumulated Reserves	\$ 1,205,432	\$ 1,237,247	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701	\$ 1,266,701

Cash basis - omitted all note disclosures
No assurance is provided on these financial statements.

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1 A bill to be entitled
2 An act relating to special districts; repealing s.
3 163.3756, F.S., relating to inactive community
4 redevelopment agencies; amending s. 163.504, F.S.;
5 prohibiting the creation of new neighborhood
6 improvement districts after a date certain; repealing
7 s. 165.0615 F.S., relating to municipal conversion of
8 independent special districts upon elector-initiated
9 and approved referendum; creating s. 189.0312, F.S.;
10 providing term limits for elected members of governing
11 bodies of independent special districts; providing an
12 exception; providing construction; creating s.
13 189.0313, F.S.; requiring continuation of independent
14 special districts that levy ad valorem taxes;
15 providing the ballot question; providing procedures if
16 reauthorization is approved or is not approved by
17 voters; providing exceptions; amending s. 189.062,
18 F.S.; providing additional criteria for declaring a
19 special district inactive; requiring certain special
20 districts to provide notice of a proposed declaration
21 of inactive status in the county or municipality under
22 certain circumstances; revising the time period for
23 filing an objection to a proposed declaration;
24 authorizing a specific objection; providing that a
25 district declared inactive may only expend funds as

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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26 necessary to service outstanding debt; creating s.
27 189.0694, F.S.; requiring special districts to
28 establish performance measures to assess performance;
29 requiring special districts to publish an annual
30 report concerning performance measures; amending s.
31 189.0695, F.S.; requiring the Office of Program Policy
32 Analysis and Governmental Accountability to conduct
33 performance reviews; amending s. 189.016, F.S.;
34 requiring independent districts that have been
35 continued to file reports and information to specified
36 entities; amending s. 190.005, F.S.; requiring
37 petition for creation of a community development
38 district to contain specified information; amending s.
39 191.013, F.S.; requiring independent special fire
40 control districts to annually report training
41 information to the Division of State Fire Marshal;
42 amending s. 388.271, F.S.; requiring, instead of
43 authorizing, special districts to file tentative work
44 plans and work plan budgets at specified intervals;
45 requiring the Department of Agriculture and Consumer
46 Services to report to the Department of Commerce if
47 certain special districts fail to submit specified
48 information; amending s. 388.46, F.S.; requiring
49 Florida Coordinating Council on Mosquito Control to
50 establish model measures to assist districts in

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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51 conducting performance monitoring; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 163.3756, Florida Statutes, is
57 repealed.

58 Section 2. Section 163.504, Florida Statutes, is amended
59 to read:

60 163.504 Safe neighborhood improvement districts; formation
61 authorized by ordinance; jurisdictional boundaries; prohibition
62 on future creation.—

63 (1) The governing body of any municipality or county may
64 authorize the formation of safe neighborhood improvement
65 districts through the adoption of a planning ordinance which
66 specifies that such districts may be created by one or more of
67 the methods established in ss. 163.506, 163.508, 163.511, and
68 163.512. No district may overlap the jurisdictional boundaries
69 of a municipality and the unincorporated area of a county,
70 except by interlocal agreement.

71 (2) A safe neighborhood improvement district may not be
72 created on or after July 1, 2024. A safe neighborhood
73 improvement district in existence before July 1, 2024, may
74 continue to operate as provided in this part.

75 Section 3. Section 165.0615, Florida Statutes, is

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76 repealed.

77 Section 4. Section 189.0312, Florida Statutes, is created
78 to read:

79 189.0312 Term of office.—

80 (1) A member of an elected governing body of an
81 independent special district may not serve for more than 12
82 consecutive years, unless the district's charter provides for
83 more restrictive terms of office. Service of a term of office
84 that commenced before November 5, 2024, does not count toward
85 the limitation imposed by this subsection.

86 (2) This section does not apply to a community development
87 district established under chapter 190, or an independent
88 special district created pursuant to a special act that provides
89 that any amendment to chapter 190 to grant additional powers
90 constitutes a power of the district.

91 (3) This section does not require an independent special
92 district governed by an appointed governing body to convert to
93 an elected governing body.

94 Section 5. Section 189.0313, Florida Statutes, is created
95 to read:

96 189.0313 Independent special districts with ad valorem
97 taxing powers; voter reauthorization.—

98 (1) The governing body of each independent special
99 district that exercises ad valorem taxing powers created:

100 (a) Before January 1, 2018, shall conduct a referendum to

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101 be held in conjunction with the general election held on
102 November 3, 2026, containing the ballot question described in
103 subsection (3).

104 (b) On or after January 1, 2018, shall conduct a
105 referendum to be held in conjunction with the next general
106 election held 10 years after the creation date of the district
107 containing the ballot question in subsection (3).

108 (2)(a) If a majority of the qualified electors voting in
109 the referendum approves the continuation of the independent
110 special district, the governing body of the special district
111 must conduct another referendum containing the ballot question
112 in subsection (3) held in conjunction with the general election
113 every 10 years thereafter until such time as the continuation of
114 the independent special district is no longer approved by a
115 majority vote of the qualified electors voting in the
116 referendum.

117 (b) If a majority of the qualified electors does not
118 approve the continuation of the independent special district,
119 the governing body of the district may not incur any additional
120 obligations or indebtedness, including the issuance of new bonds
121 or extending the maturity date of any outstanding bonds, other
122 than expenses incurred in the ordinary course of business.
123 Within 90 days after the date of the referendum, the governing
124 body of the district, by resolution, must adopt a dissolution
125 plan that includes provisions for liquidating all of the

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126 district's assets, satisfying all of the district's obligations
127 and indebtedness, ensuring the continuity of public services
128 provided by the district, and providing a date on which the
129 district will terminate its operations. The resolution shall be
130 considered at a public meeting held specifically to consider the
131 dissolution plan that is not a regularly scheduled or emergency
132 meeting of the governing body of the independent special
133 district. The proposed dissolution plan must be posted on the
134 district's official website at least 2 days before the meeting.
135 The adopted dissolution plan must be posted on the independent
136 special district's official website within 30 days after
137 adoption and must remain on the website. The governing body of
138 the district must submit its dissolution plan to the local
139 governing authority or authorities and to the department within
140 30 days after adoption.

141 (3) A referendum called pursuant to this section shall
142 contain a ballot question in substantially the following form:
143

144 Should the independent special district known as the (name
145 of district), which has the authority to levy each year an
146 ad valorem tax not to exceed (maximum millage approved by
147 the voters) to fund (type of service provided by district)
148 be continued for another 10 years?

149 YES

150 NO

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151
152 (4) This section does not apply to a community development
153 district established pursuant to chapter 190, a water management
154 district created and operated pursuant to chapter 373, an inland
155 navigation district established pursuant to chapter 374, or an
156 independent special district created pursuant to a special act
157 that provides that any amendment to chapter 190 to grant
158 additional powers constitutes a power of that district.

159 Section 6. Subsections (1) and (2) of section 189.062,
160 Florida Statutes, are amended to read:

161 189.062 Special procedures for inactive districts.—

162 (1) The department shall declare inactive any special
163 district in this state by documenting that:

164 (a) The special district meets one of the following
165 criteria:

166 1. The registered agent of the district, the chair of the
167 governing body of the district, or the governing body of the
168 appropriate local general-purpose government notifies the
169 department in writing that the district has taken no action for
170 2 or more years;

171 2. The registered agent of the district, the chair of the
172 governing body of the district, or the governing body of the
173 appropriate local general-purpose government notifies the
174 department in writing that the district has not had a governing
175 body or a sufficient number of governing body members to

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176 constitute a quorum for 2 or more years;

177 3. The registered agent of the district, the chair of the
178 governing body of the district, or the governing body of the
179 appropriate local general-purpose government fails to respond to
180 an inquiry by the department within 21 days;

181 4. The department determines, pursuant to s. 189.067, that
182 the district has failed to file any of the reports listed in s.
183 189.066;

184 5. The district has not had a registered office and agent
185 on file with the department for 1 or more years; ~~or~~

186 6. The governing body of a special district provides
187 documentation to the department that it has unanimously adopted
188 a resolution declaring the special district inactive. The
189 special district is responsible for payment of any expenses
190 associated with its dissolution;

191 7. The district is an independent special district or a
192 community redevelopment district created under part III of
193 chapter 163 that has reported no revenue, no expenditures, and
194 no debt under s. 189.016(9) or s. 218.32 for at least 5
195 consecutive fiscal years beginning no earlier than October 1,
196 2018. This subparagraph does not apply to a community
197 development district established under chapter 190 or to any
198 independent special district operating pursuant to a special act
199 that provides that any amendment to chapter 190 to grant
200 additional powers constitutes a power of that district;

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201 8. The district has unresolved audit findings for three
202 consecutive annual financial audit reports performed pursuant to
203 s. 218.39; or

204 9. For a mosquito control district created pursuant to
205 chapter 388, the department has received notice from the
206 Department of Agriculture and Consumer Services that the
207 district has failed to file a tentative work plan and tentative
208 detailed work plan budget as required by s. 388.271.

209 (b) The department, special district, or local general-
210 purpose government has published a notice of proposed
211 declaration of inactive status in a newspaper of general
212 circulation in the county or municipality in which the territory
213 of the special district is located and has sent a copy of such
214 notice by certified mail to the registered agent or chair of the
215 governing body, if any. If the special district is a dependent
216 special district with a governing body that is not identical to
217 the governing body of a single county or a single municipality,
218 a copy of such notice must also be sent by certified mail to the
219 governing body of the county or municipality on which the
220 district is dependent. Such notice must include the name of the
221 special district, the law under which it was organized and
222 operating, a general description of the territory included in
223 the special district, and a statement that any objections must
224 be filed pursuant to chapter 120 within 30 ~~21~~ days after the
225 publication date. The objections may include that the special

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226 district has outstanding debt obligations that are not included
227 in reports required under s. 189.016(9) or s. 218.32.

228 (c) Thirty ~~Twenty-one~~ days have elapsed from the
229 publication date of the notice of proposed declaration of
230 inactive status and no administrative appeals were filed.

231 (2) If any special district is declared inactive pursuant
232 to this section, the district may only expend funds as necessary
233 to service outstanding debt. The property or assets of the
234 special district are subject to legal process for payment of any
235 debts of the district. After the payment of all the debts of
236 said inactive special district, the remainder of its property or
237 assets shall escheat to the county or municipality wherein
238 located. If, however, it shall be necessary, in order to pay any
239 such debt, to levy any tax or taxes on the property in the
240 territory or limits of the inactive special district, the same
241 may be assessed and levied by order of the local general-purpose
242 government wherein the same is situated and shall be assessed by
243 the county property appraiser and collected by the county tax
244 collector.

245 Section 7. Section 189.0694, Florida Statutes, is created
246 to read:

247 189.0694 Special districts; performance measures and
248 standards.-

249 (1) Beginning October 1, 2024, or by the end of the first
250 full fiscal year after its creation, whichever is later, each

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251 special district must establish goals and objectives for each
252 program and activity undertaken by the district, as well as
253 performance measures and standards to determine if the
254 district's goals and objectives are being achieved.

255 (2) By October 1 of each year thereafter, each special
256 district must publish an annual report on the district's website
257 describing:

258 (a) The goals and objectives achieved by the district, as
259 well as the performance measures and standards used by the
260 district to make this determination.

261 (b) Any goals or objectives the district failed to
262 achieve.

263 Section 8. Paragraph (c) is added to subsection (3) of
264 section 189.0695, Florida Statutes, to read:

265 189.0695 Independent special districts; performance
266 reviews.—

267 (3) The Office of Program Policy Analysis and Government
268 Accountability must conduct a performance review of all
269 independent special districts within the classifications
270 described in paragraphs (a) ~~, and~~ (b) , and (c) and may contract
271 as needed to complete the requirements of this subsection. The
272 Office of Program Policy Analysis and Government Accountability
273 shall submit the final report of the performance review to the
274 President of the Senate and the Speaker of the House of
275 Representatives as follows:

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276 (c) For all safe neighborhood improvement districts as
277 defined in s. 163.503(1), no later than September 30, 2025.

278 Section 9. Subsection (10) of section 189.016, Florida
279 Statutes, is amended to read:

280 189.016 Reports; budgets; audits.—

281 (10) All reports or information required to be filed with
282 a local general-purpose government or governing authority under
283 ss. 189.014, 189.015, 189.0313, and 189.08 and subsection (8)
284 must:

285 (a) If the local general-purpose government or governing
286 authority is a county, be filed with the clerk of the board of
287 county commissioners.

288 (b) If the district is a multicounty district, be filed
289 with the clerk of the county commission in each county.

290 (c) If the local general-purpose government or governing
291 authority is a municipality, be filed at the place designated by
292 the municipal governing body.

293 Section 10. Paragraph (a) of subsection (1) of section
294 190.005, Florida Statutes, is amended to read:

295 190.005 Establishment of district.—

296 (1) The exclusive and uniform method for the establishment
297 of a community development district with a size of 2,500 acres
298 or more shall be pursuant to a rule, adopted under chapter 120
299 by the Florida Land and Water Adjudicatory Commission, granting
300 a petition for the establishment of a community development

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301 district.

302 (a) A petition for the establishment of a community
303 development district shall be filed by the petitioner with the
304 Florida Land and Water Adjudicatory Commission. The petition
305 shall contain:

306 1. A metes and bounds description of the external
307 boundaries of the district. Any real property within the
308 external boundaries of the district which is to be excluded from
309 the district shall be specifically described, and the last known
310 address of all owners of such real property shall be listed. The
311 petition shall also address the impact of the proposed district
312 on any real property within the external boundaries of the
313 district which is to be excluded from the district.

314 2. The written consent to the establishment of the
315 district by all landowners whose real property is to be included
316 in the district or documentation demonstrating that the
317 petitioner has control by deed, trust agreement, contract, or
318 option of 100 percent of the real property to be included in the
319 district, and when real property to be included in the district
320 is owned by a governmental entity and subject to a ground lease
321 as described in s. 190.003(14), the written consent by such
322 governmental entity.

323 3. A designation of five persons to be the initial members
324 of the board of supervisors, who shall serve in that office
325 until replaced by elected members as provided in s. 190.006.

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326 4. The proposed name of the district.

327 5. A map of the proposed district showing current major
328 trunk water mains and sewer interceptors and outfalls if in
329 existence.

330 6. Based upon available data, the proposed timetable for
331 construction of the district services and the estimated cost of
332 constructing the proposed services. These estimates shall be
333 submitted in good faith but are not binding and may be subject
334 to change.

335 7. A designation of the future general distribution,
336 location, and extent of public and private uses of land proposed
337 for the area within the district by the future land use plan
338 element of the effective local government comprehensive plan of
339 which all mandatory elements have been adopted by the applicable
340 general-purpose local government in compliance with the
341 Community Planning Act.

342 8. A statement of estimated regulatory costs in accordance
343 with the requirements of s. 120.541.

344 9. A sworn affidavit, signed by the petitioner, attesting
345 that the planned development of the proposed district will
346 contain sufficient residential units for at least 250 qualified
347 electors within a proposed district of 5,000 acres or less, or
348 at least 500 qualified electors within a proposed district
349 exceeding 5,000 acres or a compact, urban, mixed-use district.

350 Section 11. Subsection (3) is added to section 191.013,

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351 Florida Statutes, to read:

352 191.013 Intergovernmental coordination.—

353 (3) By October 1 of each year, each independent special
354 fire control district shall report to the Division of State Fire
355 Marshal whether each of the district's firefighters and
356 volunteer firefighters have completed the required trainings and
357 certifications established by the division pursuant to s.
358 633.408.

359 Section 12. Subsection (1) of section 388.271, Florida
360 Statutes, is amended and subsection (3) of that section is
361 added, to read:

362 388.271 Prerequisites to participation.—

363 (1) When state funds are involved, it is the duty of the
364 department to guide, review, approve, and coordinate the
365 activities of all county governments and special districts
366 receiving state funds in furtherance of the goal of integrated
367 arthropod control. Each county ~~or district~~ eligible to
368 participate ~~hereunder~~ may, and each district must, begin
369 participation on October 1 of any year by filing with the
370 department not later than July 15 a tentative work plan and
371 tentative detailed work plan budget providing for the control of
372 arthropods. Following approval of the plan and budget by the
373 department, two copies of the county's or district's certified
374 budget based on the approved work plan and detailed work plan
375 budget shall be submitted to the department by September 30

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376 following. State funds, supplies, and services shall be made
377 available to such county or district by and through the
378 department immediately upon release of funds by the Executive
379 Office of the Governor.

380 (3) If a special district fails to submit a tentative work
381 plan and tentative detailed work plan budget as required by
382 subsection (1), the department shall send notice of such failure
383 to the Department of Commerce within 30 days.

384 Section 13. Paragraph (c) of subsection (2) of section
385 388.46, Florida Statutes, is amended to read:

386 388.46 Florida Coordinating Council on Mosquito Control;
387 establishment; membership; organization; responsibilities.—

388 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

389 (c) Responsibilities.—The council shall:

390 1. Develop and implement guidelines to assist the
391 department in resolving disputes arising over the control of
392 arthropods on publicly owned lands.

393 2. Develop and recommend to the department a request for
394 proposal process for arthropod control research.

395 3. Identify potential funding sources for research or
396 implementation projects and evaluate and prioritize proposals
397 upon request by the funding source.

398 4. Prepare and present reports, as needed, on arthropod
399 control activities in the state to other governmental
400 organizations, as appropriate.

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401 5. By August 30, 2024, develop model goals, objectives,
402 and performance measures and standards to assist mosquito
403 control districts in conducting performance monitoring pursuant
404 to s. 189.0694.

405 Section 14. This act shall take effect July 1, 2024.



CAPTIVA EROSION PREVENTION DISTRICT RESOLUTION 2024-01

A RESOLUTION OF THE CAPTIVA EROSION PREVENTION DISTRICT APPROVING THE CAPTIVA ISLAND 2024-2025 EMERGENCY BEACH MAINTENANCE RENOURISHMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Captiva Erosion Prevention District ("District") is authorized by Chapter 2000-399, Laws of Florida as a beach and shore preservation district; and

WHEREAS, The District has developed and adopted a comprehensive beach and shore preservation program and a beach maintenance program for the area within its jurisdiction; and

WHEREAS, The District has partnered with the federal, state, and County governments to accomplish its successful beach programs; and

WHEREAS, The District has implemented the ongoing Captiva Beach Restoration Project, which was authorized pursuant to Resolution 87-5 and the vote of the Captiva electors in 1987, and intends that the Restoration Project be maintained; and

WHEREAS, The District has maintained the Captiva Beach Restoration Project with successive renourishment projects in 1988, 1996, 2005, 2008, 2013 and 2021; and

WHEREAS, The District is authorized under section 10, Chapter 2000-399, Laws of Florida, to provide for the construction, reconstruction or maintenance of an Erosion Prevention Project or Projects and for the levying of special assessments upon benefited property, upon obtaining the approval from a majority of the qualified electors residing in the District voting in a referendum election to be called by the District Board.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT OF LEE COUNTY, FLORIDA THAT:

Section 1. The Board of Commissioners of the Captiva Erosion Prevention District does hereby authorize and order the construction of the following erosion prevention project ("Project"), under and subject to the provisions of Section 10, Chapter 2000-399, Laws of Florida, which Project shall consist of maintenance renourishment of the Captiva Beach Restoration Project by the placement of fill thereon from the northern end beginning at Redfish Pass extending south to the southern end at Blind Pass.

Section 2. The erosion prevention project shall be given the designation the “**Captiva Island 2024-2025 Emergency Beach Maintenance Renourishment Project**” and may be referred to by this title in all proceedings and assessments, with the exception of certain Notices by Publication, according to the provisions of Chapter 2000-399, Laws of Florida.

Section 3. The Captiva Island 2024-2025 Beach Maintenance Renourishment Project is more fully described as placement of approved sand fill thereon from the northern end beginning at Redfish Pass extending south to Blind Pass, between FDEP survey monuments R-84 and R-109, with an approved sand fill volume of approximately 800,000- 900,000 cubic yards over 25,600 feet of Gulf shoreline and an average added beach width of 80-100 feet.



CAPTIVA EROSION PREVENTION DISTRICT RESOLUTION 2024-01

Section 4. The Project shall be paid for in part or in whole through the levy of special assessments against benefited properties within the District.

Section 5. Construction on the Project shall commence, and special assessments shall be authorized, only with the approval of a majority of qualified electors residing in the District voting in the referendum election to be called by the District Board in accordance with the provisions of Chapter 2000-399, Laws of Florida.

Section 6. This Resolution shall become effective immediately upon adoption.

DULY INTRODUCED, PASSED, AND ENACTED by the CEPD Board of Commissioners of the CAPTIVA EROSION PREVENTION DISTRICT, on Captiva Island, in Lee County, Florida on January 8th, 2024.

CEPD Chairman John Wade

ATTEST:

CEPD Executive Director Daniel Munt
Approved as to legal sufficiency:

CEPD Attorney Ralf Brookes

Record of the Vote:

Commissioner Miville
Treasurer Pyle
Secretary Laird
Vice Chairman Silvia
Chairman Walter



CAPTIVA EROSION PREVENTION DISTRICT RESOLUTION 2024-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT, LEE COUNTY, FLORIDA, FOR THE PURPOSE OF PROVIDING FOR THE ISSUANCE OF CAPTIVA EROSION PREVENTION DISTRICT SPECIAL ASSESSMENT BONDS OR CERTIFICATES OF INDEBTEDNESS NOT EXCEEDING \$ 25,000,000 TO FINANCE THE COST OF THE CONSTRUCTION OF THE CAPTIVA ISLAND 2024-2025 EMERGENCY BEACH MAINTENANCE RENOURISHMENT PROJECT; AND CALLING FOR A SPECIAL ELECTION BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE DISTRICT TO BE HELD ON MAY 21ST, 2024 AS TO WHETHER SAID SPECIAL ASSESSMENTS, BONDS OR CERTIFICATES OF INDEBTEDNESS SHOULD BE ISSUED AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the legislature of Florida has enacted Chapter 2000-399, Laws of Florida (the "Act") relating to the Captiva Erosion Prevention District (the "District") which provides that any special assessment bonds or program for the financing of the construction, reconstruction or maintenance of erosion prevention projects, or any combination of financing for such projects which includes assessments against property within the District shall be authorized only with the approval of a majority of the qualified electors residing in the District voting in a referendum election to be called by the District Board in accordance with the provisions of the Act .

WHEREAS, the District has developed and adopted an Emergency Maintenance Plan for Captiva's beaches; and

WHEREAS, the District has determined that it is necessary and desirable to maintain the renourished beach to continue adequate levels of storm protection and recreational benefits to the citizens of Captiva, to provide for adequate hurricane evacuation and to otherwise provide for the health, safety, and welfare of the citizens of the District; and

WHEREAS, the District has adopted and confirmed Resolution 2024-01, authorizing and ordering the implementation of an emergency maintenance project to be known as “**Captiva Island 2024-2025 Emergency Beach Maintenance Renourishment Project**” (the “Project”) as more fully described in Resolution 2024-01; and

WHEREAS, the District will cause to be prepared and will approve the plans, specifications, and apportionment methodology for assessment of costs of the proposed project; and

WHEREAS, in order to pay the District's cost of such a project it may be necessary to issue special assessment bonds or certificates of indebtedness or a combination thereof which include assessments against property within the District benefited by the project; and

WHEREAS, it is necessary and essential to call and hold a referendum to determine whether the citizens of the District who are qualified electors approve the issuance of such bonds or certificates of indebtedness.



**CAPTIVA EROSION PREVENTION DISTRICT
RESOLUTION 2024-02**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT OF LEE COUNTY, FLORIDA, THAT:

Section 1. A referendum is hereby ordered and called to be held on May 21st, 2024, for the purpose of determining whether the qualified electors of the Captiva Erosion Prevention District approve the issuance of special assessment bonds or certificates of indebtedness which include assessments against benefited property within the District as may be made necessary by Hurricane Ian, an emergency storm event, to finance the construction of the Captiva Island 2024-2025 Emergency Beach Maintenance Renourishment Project

Section 2. Said referendum shall be conducted according to the requirements of law governing special referendum elections.

Section 3. The referendum shall be held at the polling places heretofore designated by the Supervisor of Elections of Lee County, Florida. The polls shall be opened and closed as provided by law. The ballots to be used in said referendum shall be in the form as provided by law and shall contain the question to be voted upon and said question shall be in substantially the following form:

OFFICIAL BALLOT

**Captiva Erosion Prevention District
Special Assessment Bonds**

Captiva Island Emergency Beach Maintenance Renourishment Project

“Should the Captiva Erosion Prevention District (CEPD) issue Special Assessment Bonds not exceeding \$25,000,000, maturing at such times as the CEPD shall determine not exceeding 20 years from issuance bearing interest not exceeding the maximum legal interest rate, payable from special assessments on benefited lands within the CEPD boundaries for the emergency maintenance and renourishment of beaches, pursuant to the Captiva Island Emergency Maintenance Plan and Captiva Island 2024-2025 Emergency Beach Maintenance Renourishment Project?”

YES FOR BONDS _____

NO AGAINST BONDS _____

Section 4. The publication of notice of this referendum shall be had in a newspaper of general circulation within Lee County and the first publication shall be at least 30 days prior to the referendum on May 21st, 2024. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held.

Section 5. This Resolution shall become effective upon its adoption.



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THE FOREGOING RESOLUTION was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to vote, was DULY INTRODUCED, PASSED, AND ENACTED by the CEPD Board of Commissioners of the CAPTIVA EROSION PREVENTION DISTRICT, on Captiva Island, in Lee County, Florida on January 8th, 2024.

CEPD Chairman John Wade

ATTEST:

CEPD Executive Director Daniel Munt
Approved as to legal sufficiency:

Record of the Vote:

Commissioner Miville
Treasurer Pyle
Secretary Laird
Vice Chairman Silvia
Chairman Walter

CEPD Attorney Ralf Brookes

CEPD Enabling Legislation Laws of Florida 2000-399:

Section 8. Ad Valorem Taxes.

The District Board shall have the power to levy and assess an ad valorem tax not exceeding 10 mills on all taxable property in the District to pay for the maintenance, operation, and other corporate purposes of the District, to pay the principal of an interest on any general obligation bonds of the District, and to provide for any sinking or other funds established in connection with any such bonds. That portion of the ad valorem taxes used for operations, maintenance, and other corporate purposes of the District shall not exceed 5 mills during any one year.



CAPTIVA EROSION PREVENTION DISTRICT RESOLUTION 2024-02

Section 9. General Obligation Bonds.

(1) The District Board, for and on behalf of the District, is authorized to provide from time to time for the issuance of bonds to obtain funds to meet such costs of capital projects as may be required by the beach and shore preservation program; provided, however, that such issuance shall have been first approved at a duly conducted referendum election by the electors of the District as provided by general law.

(2) The total cumulative indebtedness of the District incurred by any and all bond issues, including general obligation, special assessment, refunding, or any other bonds, shall not exceed \$27,500,000. Hereafter, this figure shall be adjusted annually based upon the percentage increase in the Consumer Price Index in the preceding year.

*CPI calculation on \$27,500,000 in 2000 to November 2023 raises the District's total cumulative indebtedness limit to \$48,143,885

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to Lee County; creating the Captiva
 3 Island Conservation Area; providing legislative
 4 intent; providing limitation on height and density of
 5 certain structures with the conservation area;
 6 restricting the commercial, industrial or multi-family
 7 use of land to those lands zoned for such uses prior
 8 to the effective date of this act; providing
 9 application; providing for enforcement; providing
 10 severability; designating the act as Captiva Island
 11 Conservation Area Act; requiring a referendum;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15 Section 1. The Legislature of the State of Florida hereby
 16 finds that Captiva Island is a fragile barrier island of
 17 particular natural beauty containing abundant plant, marine,
 18 animal and bird life; that the island has limited
 19 infrastructure, hurricane evacuation routes, water resources,
 20 wastewater systems and environmental resources; that
 21 conservation of the island is in the best interest of Captiva
 22 Island property owners, the citizens of Lee County, and the
 23 State of Florida; and that the extent to which development of
 24 the island is permitted to occur will have a substantial impact
 25 on the ecology and natural beauty of the island and the water

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26 quality of the surrounding Pine Island Sound and Gulf of Mexico.
27 In order to preserve and conserve the fragile ecosystems and
28 natural characteristics of the island, it is necessary to
29 restrict the land uses and the height and density of structures
30 and to limit noise, light, water and air pollution. The purpose
31 of this act is to permit limited development of the island while
32 preserving its natural beauty and plant, marine, animal and bird
33 life, its mangrove fringe, and its sustainability.

34 Section 2. There is hereby created a special conservation
35 area, for the uses and purposes set forth herein, known as the
36 Captiva Island Conservation Area. The boundaries of the district
37 shall include all of Captiva Island in Lee County, including all
38 adjacent submerged lands, tidal lands, overflow lands, and tidal
39 ponds.

40 Section 3. ~~(1) No building or other structure shall be~~
41 ~~erected or altered within the district so that the peak of the~~
42 ~~roof is more than 28 feet base flood elevation.~~
43 ~~The height of buildings and structures may not exceed the least~~
44 ~~restrictive of the two following options:~~

45 ~~(1) Thirty-five feet above the average grade of the lot in~~
46 ~~question or 42 feet above mean sea level measured to the~~
47 ~~peak of the roof, whichever is lower; or~~
48 ~~(2) Twenty-eight feet above the lowest horizontal member at~~
49 ~~or below the lawful base flood elevation measured to the~~
50 ~~mean level between eaves and ridge in the case of gable~~

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51 hip and gambrel roofs.

52 (2) The density of any development which includes dwelling
53 units, whether or not it includes commercial rental dwelling
54 units ~~such as hotels or motels~~, shall not exceed 3 dwelling
55 units per acre. In computing such density, only land above mean
56 sea level, contiguous and under single ownership may be
57 utilized. Parcels which are bisected by a publicly dedicated
58 road, including state and county roads, shall not be considered
59 contiguous for the purpose of computing density hereunder.

60 (3) A single-family dwelling may be constructed on lands
61 zoned for such use, including lots which were platted and
62 recorded prior to the effective date of this act or lands
63 rezoned for single family use after the effective date of this
64 act. Notwithstanding, the use of nonconforming lots shall be
65 governed by local zoning regulations.

66 (4) No land within the district shall be used for
67 commercial, industrial, or multi-family purposes except land
68 that was zoned for such uses prior to the effective date of this
69 act. Nothing contained in this act shall preclude maintenance of
70 fuel supply facilities at existing ports or off-loading
71 facilities.

72 (5) This section shall not render legally existing
73 structures unlawful ~~or prohibit the right to build back~~
74 ~~nonconforming buildings damaged by natural disaster in~~
75 ~~compliance with updated federal flood elevations without a~~

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76 reduction in use, density, intensity, size or square footage of
77 the damaged buildings.

78 Section 4. (1) This act shall not be construed as limiting
79 the application of or repealing any local comprehensive land use
80 plan, law, or rule dealing with the subject of zoning,
81 conservation, or air and water pollution standards; but if any
82 of the standards specified by this act are more restrictive than
83 those specified in such other plan, law, or rule, the standards
84 specified by this act shall prevail.

85 (2) No local government body may grant variances or
86 exceptions to the height, density, or other requirements of this
87 act.

88 (3) In order to enforce the provisions of this act and/or
89 to enjoin a violation of same, a real property owner need not
90 allege or prove that the violation of this act will adversely
91 affect the property rights of said real property owner to any
92 greater extent or different degree than said violation will
93 affect any other real property owner within the district. A real
94 property owner who is successful in his or her efforts to
95 enforce this act through civil proceedings shall be awarded a
96 reasonable attorney's fee and court costs which shall be
97 assessed as a judgment against the person or persons determined
98 by the court to have violated this act. No action by any county
99 commission shall be required as a condition precedent to
100 enforcement of this act pursuant to this section.

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101 Section 5. If any provision of this act or the application
 102 thereof to any person or circumstance is held invalid, the
 103 invalidity shall not affect other provisions or applications of
 104 the act which can be given effect without the invalid provision
 105 or application, and to this end the provisions of this act are
 106 declared severable.

107 Section 6. This act shall be known and cited as the Captiva
 108 Island Conservation Area Act.

109 Section 7. (1) During the 2024 general election, there
 110 shall be a referendum election concerning whether this act shall
 111 become a law.

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

114 CREATING CAPTIVA ISLAND CONSERVATION AREA

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

117 Shall Chapter 2024- , Laws of Florida, creating the
 118 Captiva Island Conservation Area, limiting the height of certain
 119 structures, limiting the density of dwelling units, and limiting
 120 commercial, industrial, or multi-family zoning those areas zoned
 121 for that purpose on the effective date of the act?

122 () Yes.

123 () No.

124 (4) The referendum election shall be conducted by the
 125 Supervisor of Elections of Lee County in accordance with the

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YEAR

126 | Florida Election Code.

127 | Section 8. This act shall take effect upon approval by a
 128 | majority vote of qualified electors in the proposed Captiva
 129 | Island Conservation Area voting in a referendum to be held at
 130 | the 2024 general election, except section 7 and this section
 131 | shall take effect upon becoming a law.