

# **PETITION TO ESTABLISH THE FIRELIGHT EAST COMMUNITY DEVELOPMENT DISTRICT**

Submitted By:

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Attorneys for Petitioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
CHARLOTTE COUNTY, FLORIDA**

**PETITION TO ESTABLISH FIRELIGHT EAST  
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Zemel Land Partners, LLC (hereafter “Petitioner”), hereby petitions the Board of County Commissioners of Charlotte County, Florida, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, *Florida Statutes*, to establish a Community Development District with respect to the land described herein. In support of this petition, Petitioner states:

1.     Location and Size. The proposed District is located entirely within the Charlotte County, Florida. **Exhibit 1** depicts the general location of the proposed District. The proposed District covers approximately 338.02 acres of land, generally located east of Burnt Store Road and south of Zemel Road. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2**.

2.     Excluded Parcels. There is no land within the external boundaries of the proposed District, which is to be excluded from the District.

3.     Landowner Consent. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, *Florida Statutes*. Documentation of ownership and consent to the establishment of a community development district is contained in **Exhibit 3**.

4.     Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name:           John Leinaweaver  
Address:        5800 Lakewood Ranch Blvd.,

Sarasota, FL 34240

Name: Priscilla Heim  
Address: 5800 Lakewood Ranch Blvd.,  
Sarasota, FL 34240

Name: Kris Watts  
Address: 5800 Lakewood Ranch Blvd.,  
Sarasota, FL 34240

Name: Jennings DePriest  
Address: 5800 Lakewood Ranch Blvd.,  
Sarasota, FL 34240

Name: Sandy Foster  
Address: 5800 Lakewood Ranch Blvd.  
Sarasota, FL 34240

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is the Firelight East Community Development District.

6. Existing and Future Land Uses. The existing zoning for lands within the proposed District and the future general distribution, location, and extent of the land uses proposed for the District by future land use plan element of the applicable Future Land Use Plan are identified on **Exhibit 4**. The proposed land uses for lands contained within the proposed District are consistent with the County's approved Future Land Use Plan.

7. Major Water and Wastewater Facilities and Outfalls. There are no existing major trunk water mains and wastewater interceptors within the currently undeveloped lands to be included within the proposed District. **Exhibit 5** shows the existing, major trunk water mains, sewer connections, and reclaimed water mains serving the lands around the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or install, as well as the anticipated entity responsible for ownership and maintenance. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 7**. At present, these improvements are estimated to be made, constructed and installed in two phases over the time period from 2024 through 2029. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs (“SERC”) prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The authorized agent for the Petitioner is Jonathan T. Johnson. **See Exhibit 9**. Copies of all correspondence and official notices should also be sent to:

Jonathan T. Johnson  
[Jonathan.johnson@kutakrock.com](mailto:Jonathan.johnson@kutakrock.com)  
Kutak Rock LLP  
107 West Collage Avenue  
Tallahassee, Florida 32301

11. This petition to establish the Firelight East Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the Charlotte County Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the District will prevent the general body of taxpayers in Charlotte County from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Charlotte County, Florida to:

- a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), *Florida Statutes*;
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*;
- c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Sections 190.012(2)(a) and (d), *Florida Statutes*, and
- d. grant such other relief as appropriate.

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RESPECTFULLY SUBMITTED, this 13<sup>th</sup> day of December, 2023.

KUTAK ROCK LLP



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Jonathan T. Johnson  
Jonathan.johnson@kutakrock.com  
Florida Bar No. 986460  
Kyle M. Magee  
Kyle.magee@kutakrock.com  
Florida Bar No. 120117  
107 West College Avenue  
Tallahassee, Florida 32301  
(850) 692-7300 (telephone)  
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Attorney for Petitioner

# **EXHIBIT 1**



# BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

## LOCATION MAP FIRELIGHT EAST CDD Charlotte County, Florida August 2023



# **EXHIBIT 2**



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTION 28, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF SAID SECTION 28 AS DEPICTED IN CERTIFIED CORNER RECORD DOCUMENT 66744; THENCE S.00°02'07"W. ALONG THE EAST LINE OF SAID SECTION 28 FOR 2743.70 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 28 AS DEPICTED IN CERTIFIED CORNER RECORD DOCUMENT 66746; THENCE S.00°01'46"W. ALONG SAID EAST LINE FOR 2744.06 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28 AS DEPICTED IN CERTIFIED CORNER RECORD DOCUMENT 66932; THENCE S.89°35'50"W. ALONG THE SOUTH LINE OF SAID SECTION 28 FOR 2694.39 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 28 AS DEPICTED IN CERTIFIED CORNER RECORD DOCUMENT 66748; THENCE N.00°22'17"E. ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 28 FOR 5509.18 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 28 AS DEPICTED IN CERTIFIED CORNER RECORD DOCUMENT 66743; THENCE S.89°56'57"E. ALONG THE NORTH LINE OF SAID SECTION 28 FOR 2661.71 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PNTA"; WHEREIN THE NORTH LINE OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST BEARS S.89°56'57"E.

CONTAINS 338.02 ACRES, MORE OR LESS.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

October 11, 2023

DIGITALLY SIGNED BY:  
C. DREW BRANCH

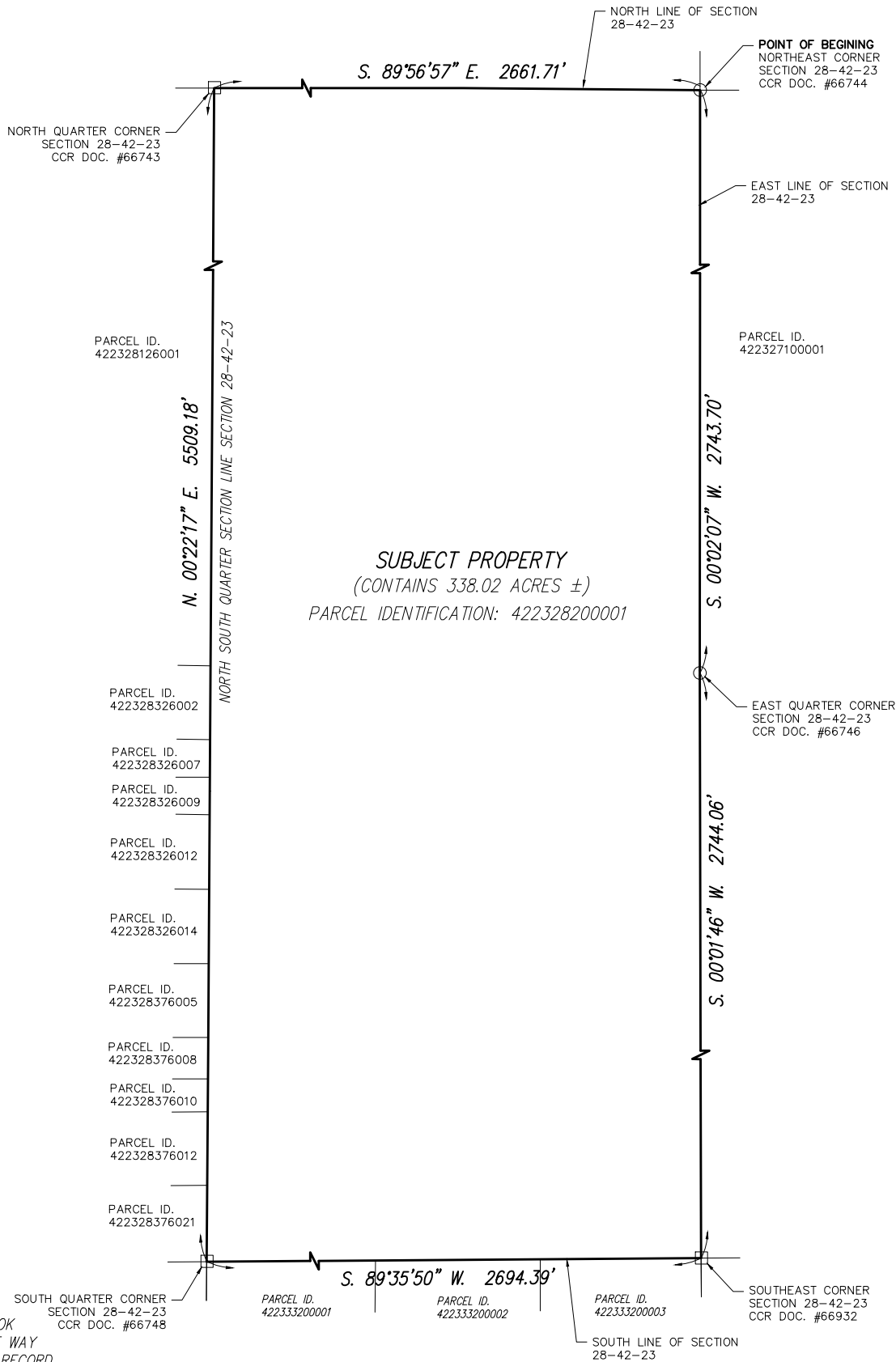
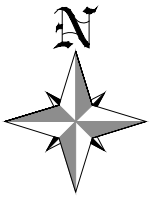


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C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



LEGEND

PGS.	PAGES	SOUTH QUARTER CORNER
P.B.	PLAT BOOK	SECTION 28-42-23
R/W	RIGHT OF WAY	CCR DOC. #66748
O.R.	OFFICIAL RECORD	
S.R.	STATE ROAD	
SQ. FT.	SQUARE FEET	
C1	LINE 1 OF CURVE TABLE	
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SKETCH TO ACCOMPANY DESCRIPTION  
**RESIDENTS AT BURNT STORE EAST**  
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
10/11/23	3215N	3215N	SW	CDB	1"=600'	20F2	28-42-23

# **EXHIBIT 3**



**CONSENT AND JOINDER TO ESTABLISHMENT  
OF A COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that Zemel Land Partners, LLC ("Petitioner") intends to submit an application to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

[signatures on following page]

Executed this 8<sup>th</sup> day of NOVEMBER, 2023.

WITNESSES:

**ZEMEL LAND PARTNERS, LLC**  
a Florida limited liability company

Name: John McKay

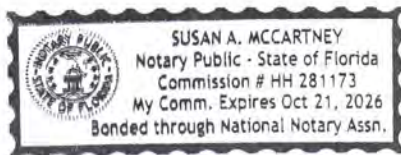
Name: Richard Berford

By: Michael Neal  
Its: Manager

STATE OF FLORIDA  
COUNTY OF Sarasota

I hereby certify that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared MICHAEL NEAL as MANAGER of Zemel Land Partners, LLC, who executed the foregoing instrument, acknowledged before me that s/he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 8 day of NOVEMBER, 2023.



Susan A. McCartney  
Notary Public

Personally known: ☒

Produced Identification: \_\_\_\_\_

Type of Identification: \_\_\_\_\_

**Exhibit A: Property Description**



Professional Engineers, Planners & Land Surveyors

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FLORIDA LICENSED BUSINESS NO. LB6690

October 11, 2023

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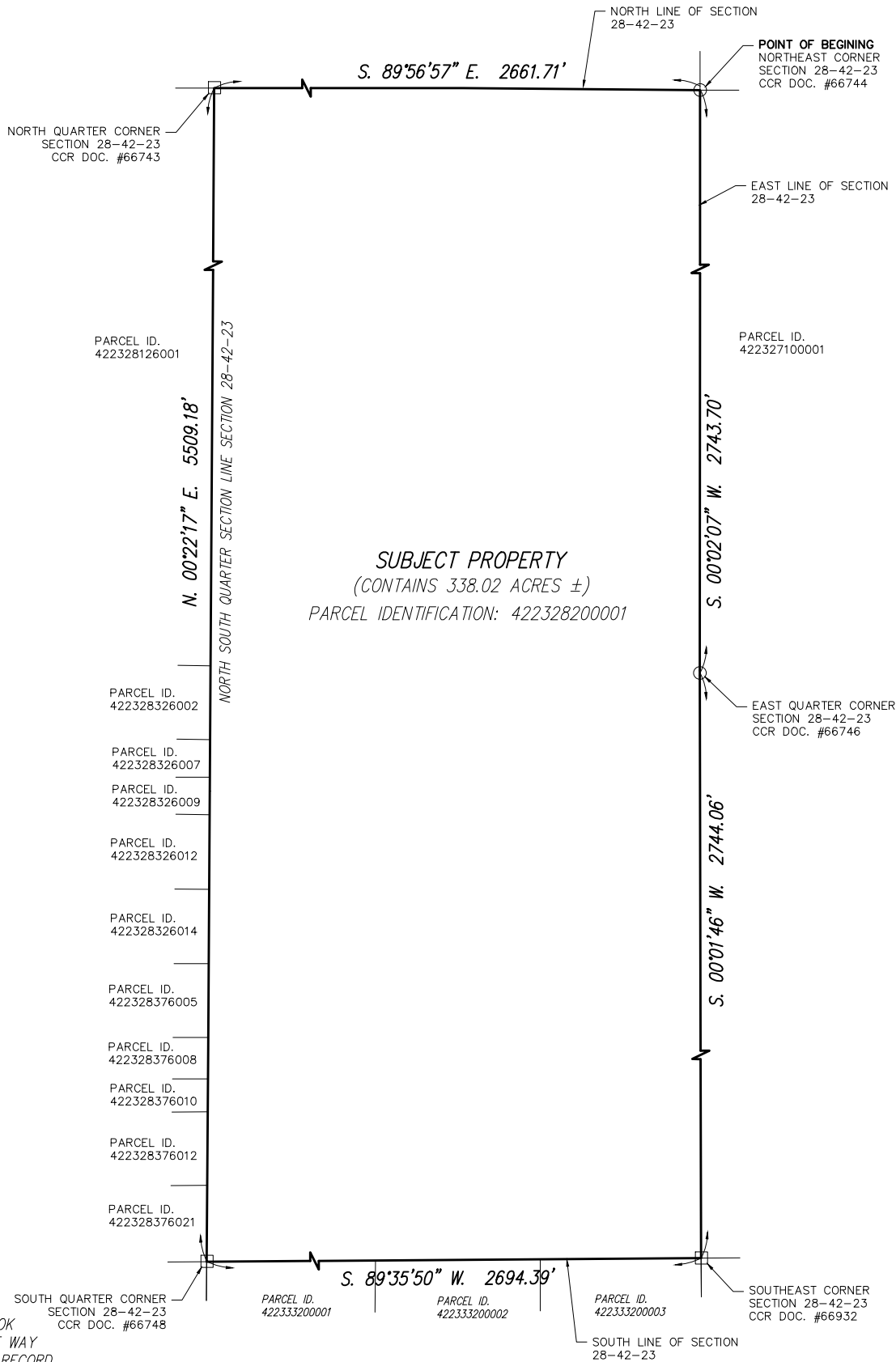
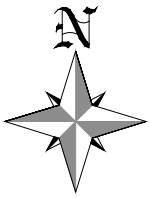
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SHEET 1 OF 2

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LEGEND

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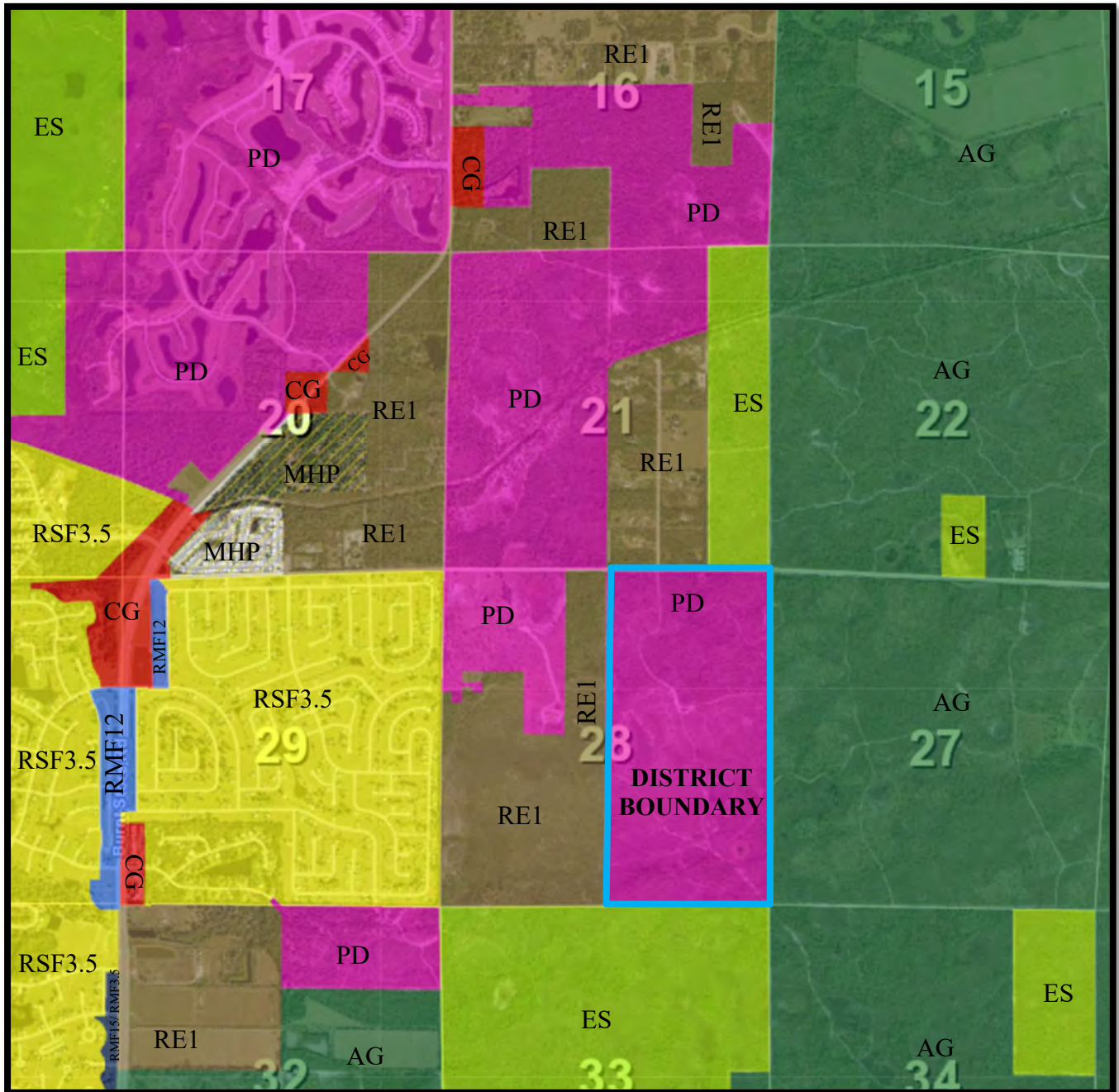
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10/11/23	3215N	3215N	SW	CDB	1"=600'	20F2	28-42-23

# **EXHIBIT 4**

# BANKS ENGINEERING

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## ZONING MAP FIRELIGHT EAST CDD Charlotte County, Florida August 2023



**Legend:** AG=Agricultural, ES=Environment Sensitive, PD=Planned Development, CG=Commercial General, RE1=Residential Estates-1 unit/acre, MHP= Manufactured Home Park, RSF3.5= Residential-Single Family 3.5 units/ acre, RMF12=Multifamily-12 units/acre,



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## FUTURE LAND USE MAP FIRELIGHT EAST CDD Charlotte County, Florida August 2023



**Legend:** BSLD= Burnt Store Limited Development, COM= Commercial, PRES= Preservation, RC= Resource Conservation

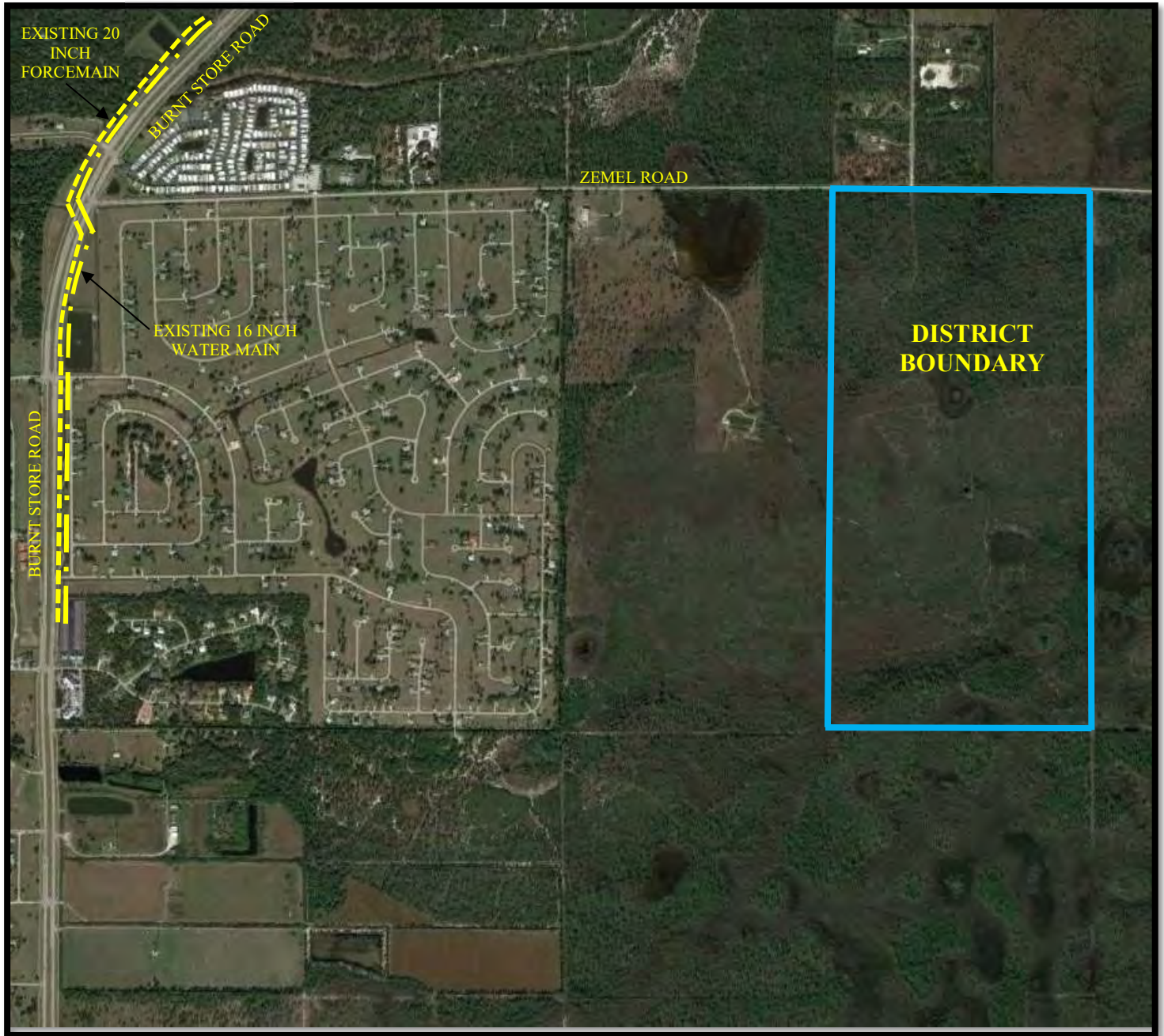
# **EXHIBIT 5**



# BANKS ENGINEERING

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## EXISTING UTILITIES MAP FIRELIGHT EAST CDD Charlotte County, Florida October 2023



# **EXHIBIT 6**

**FIRELIGHT EAST**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>OWNED BY</b>	<b>MAINTAINED BY</b>
Stormwater Management System	CDD	CDD	CDD
Onsite Wetland Conservation/Migration	CDD	CDD	CDD
Public Roadways (Onsite)	CDD	CDD	CDD
Public Roadways (Offsite)	CDD	County	County
Water, Wastewater & Reclaim Utilities (Onsite & Offsite)	CDD	County	County
Hardscape, Landscape & Irrigation	CDD	CDD	CDD
Streetlights/Undergrounding of Electrical Lines	CDD	CDD	CDD
Recreational Amenities (Active & Passive)	CDD	CDD	CDD
Professional Services	CDD	N/A	N/A
Contingency	CDD	N/A	N/A



# **EXHIBIT 7**

**FIRELIGHT EAST**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Estimated Costs of Construction**

<b>CATEGORY</b>	<b>COST</b>
Stormwater Management System	\$13,000,000
Onsite Wetland Conservation/Migration	\$1,750,000
Public Roadways (Onsite)	\$6,250,000
Public Roadways (Offsite)	\$1,300,000
Water, Wastewater & Reclaim Utilities (Onsite & Offsite)	\$13,600,00
Hardscape, Landscape & Irrigation	\$4,000,000
Streetlights/Undergrounding of Electrical Lines	\$2,000,000
Recreational Amenities (Active & Passive)	\$3,500,000
Professional Services	\$1,500,000
Contingency	\$6,810,000
<b>Total</b>	<b>\$53,710,000</b>

# **EXHIBIT 8**

# FIRELIGHT EAST COMMUNITY DEVELOPMENT DISTRICT

## Statement of Estimated Regulatory Costs

November 9, 2023



Provided by

***Wrathell, Hunt and Associates, LLC***

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: [www.whhassociates.com](http://www.whhassociates.com)

## **STATEMENT OF ESTIMATED REGULATORY COSTS**

### **1.0 Introduction**

#### **1.1 Purpose and Scope**

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Firelight East Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 338.02 +/- acres of land located within Charlotte County, Florida (the "County") and is projected to contain approximately 529 residential dwelling units, which will make up the Firelight East development ("Project"). The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing the District establishment) as follows:

*"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."*

#### **1.2 Overview of the Firelight East Community Development District**

The District is designed to provide public infrastructure, services, and facilities, along with operation and maintenance of the same, to a master planned residential development currently anticipated to contain a total of approximately 529 residential dwelling units. Tables 1 and 2 under Section 5.0 detail the improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the city or county in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Firelight East.

#### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the

implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Charlotte County, according to Census 2020, has a population of 186,847; therefore, it is not defined as a small county for the purposes of this requirement.)

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

- 2.0 An economic analysis showing whether the ordinance directly or indirectly:**
- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**
  - 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**
  - 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The ordinance establishing the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

**2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 338.02 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 529 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private

sector employment, and private sector investments.

**2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

When assessing the question of whether the establishment of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the District in the development. When the question is phrased in this manner, it can be surmised that the establishment of the District is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will ensure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the establishment of the District for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was no District. The District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

**2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The establishment of the District will not increase any regulatory costs of the State by virtue that the District will be one of many already existing similar districts within the State. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the County to offset any expenses that the County may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

The establishment of the District will, however, directly increase regulatory costs to the landowners within the District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is completely voluntary, all current property owners must consent to the establishment of the District and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the enhanced service and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, amenity operation and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five-year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will



be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of CDD debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District nor can the District debt be a debt of the County or the State.

**3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.**

The individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) Charlotte County and its residents, 3) current property owners, and 4) future property owners.

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. Charlotte County, Florida

The County and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the District other than any one-time administrative costs outlined herein, which will be offset by the filing fee submitted to the County. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the County as a result of this development will be incurred whether the infrastructure is financed through the District or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in the proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

The proposed District will serve land that comprises an approximately 338.02 +/- acre master planned residential development currently anticipated to contain a total of approximately 529 residential

dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 1,852 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

#### **4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.**

The County is establishing the District by ordinance in accordance with the Act and, therefore, there is no anticipated effect on state or local revenues.

#### **4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

Because the result of adopting the ordinance is the establishment of an independent local special purpose government, there will be no significant enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

##### State Governmental Entities

The cost to state entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of Charlotte County. Therefore, the County (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The costs to various state entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those state agencies that will receive and process the District's reports are minimal because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

##### Charlotte County, Florida

The proposed land for the District is located within Charlotte County, Florida and consists of less than 2,500 acres. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, the County already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the County, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it establishes a monitoring program for governmental entities.

#### **4.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance will have no negative impact on state or local revenues. A CDD is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government, including the County. By Florida law, debts of the District are strictly its own responsibility.

#### **5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.**

Table 1 provides an outline of the various facilities and services the proposed District may provide. Financing for these facilities is projected to be provided by the District.

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$53,710,000.00. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the proposed District may be required to pay non-ad valorem special assessments levied by the District to provide for facilities and secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments which may be used for debt service, the District may also levy a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, purchasing a property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.

**Table 1**  
**FIRELIGHT EAST**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>OWNED BY</b>	<b>MAINTAINED BY</b>
Stormwater Management System	CDD	CDD	CDD
Onsite Wetland Conservation/Migration	CDD	CDD	CDD
Public Roadways (Onsite)	CDD	CDD	CDD
Public Roadways (Offsite)	CDD	County	County
Water, Wastewater & Reclaim Utilities (Onsite & Offsite)	CDD	County	County
Hardscape, Landscape & Irrigation	CDD	CDD	CDD
Streetlights/Undergrounding of Electrical Lines	CDD	CDD	CDD
Recreational Amenities (Active & Passive)	CDD	CDD	CDD
Professional Services	CDD	N/A	N/A
Contingency	CDD	N/A	N/A

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, County or its dependent districts, or County management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

**Table 2**  
**FIRELIGHT EAST**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Estimated Costs of Construction**

<b>CATEGORY</b>	<b>COST</b>
Stormwater Management System	\$13,000,000
Onsite Wetland Conservation/Migration	\$1,750,000
Public Roadways (Onsite)	\$6,250,000
Public Roadways (Offsite)	\$1,300,000
Water, Wastewater & Reclaim Utilities (Onsite & Offsite)	\$13,600,00
Hardscape, Landscape & Irrigation	\$4,000,000
Streetlights/Undergrounding of Electrical Lines	\$2,000,000
Recreational Amenities (Active & Passive)	\$3,500,000
Professional Services	\$1,500,000
Contingency	\$6,810,000
<b>Total</b>	<b>\$53,710,000</b>

With regard to the public services delivery, dependent and other independent special districts can be used to manage the provision of infrastructure and services, however, they are limited in the types of services they can provide, and likely it would be necessary to employ more than one district to provide all services needed by the development.

Other public entities, such as counties, are also capable of providing services, however, their costs in connection with the new services and infrastructure required by the new development and, transaction costs, would be borne by all taxpayers, unduly burdening existing taxpayers. Additionally, other public entities providing services would also be inconsistent with the State's policy of "growth paying for growth".

Lastly, services and improvements could be provided by private entities. However, their interests are primarily to earn short-term profits and there is no public accountability. The marginal benefits of tax-exempt financing utilizing CDDs would cause the CDD to utilize its lower transactional costs to enhance the quality of infrastructure and services.

In considering transactional costs of CDDs, it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents in the District will receive a higher level of public services which in most instances will be sustained over longer periods of time than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of local governance which is specifically established to provide CDD landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

The cost impact on the ultimate landowners in the development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above, if applicable, what the landowners would have paid to install infrastructure via an alternative financing mechanism.

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

#### **6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

There will be little impact on small businesses because of the establishment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

Charlotte County has a population of 186,847 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" county according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the Firelight East development will not produce any marginal effects that would be different from those that would have occurred if the Firelight East development was developed without a community development district established by the County.

#### **7.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

In relation to the question of whether the proposed Firelight East Community Development District is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the County could establish a dependent district for the area or establish an MSBU or MSTU. Either of these alternatives could finance the improvements contemplated in Tables 1 and 2 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the Firelight East development. First, unlike a CDD, this alternative would require the County to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the Firelight East development is a significant and expensive

undertaking.

Second, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other County responsibilities. By contrast, if the County were to establish and administer a dependent special district, then the residents and landowners of the Firelight East development would take their grievances and desires to the County Commission meetings.

Third, any debt of an independent CDD is strictly that CDD's responsibility. While it may be technically true that the debt of a County-established, dependent special district is not strictly the County's responsibility, any financial problems that a dependent special district may have may reflect on the County. This will not be the case if a CDD is established.

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low-cost financing from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

**8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.**

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the Firelight East Community Development District.

**APPENDIX A**  
**LIST OF REPORTING REQUIREMENTS**

<b>REPORT</b>	<b>FL. STATUTE CITATION</b>	<b>DATE</b>
Annual Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual Financial Report	190.008/218.32	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1 - Statement of Financial Interest	112.3145	within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by June 15
Adopted Budget	190.008	annually by October 1
Public Depositor Report	280.17	annually by November 30
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the county after financing




# **EXHIBIT 9**


## AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jonathan T. Johnson of Kutak Rock LLP, whose address is 107 West College Avenue Tallahassee, Florida 32301, to act as agent with regard to any and all matters pertaining to the Petition to the Board of County Commissioners of Charlotte County, Florida, to establish a Community Development District pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

Witnessed:

**Zemel Land Partners, LLC**  
a Florida limited liability company

  
Print Name: John McKay

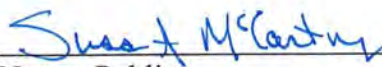
  
By: Michael Neal  
Its: Manager

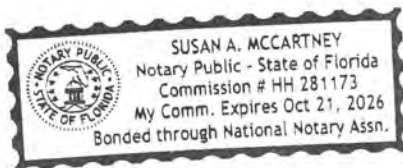
  
Print Name: RICHARD BEATON

STATE OF FLORIDA  
COUNTY OF Sarasota

I hereby certify that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared Michael Neal as Manager of Zemel Land Partners, LLC, who executed the foregoing instrument, acknowledged before me that s/he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 8 day of November, 2023.

  
Notary Public



Personally known: ☒  
Produced Identification: \_\_\_\_\_  
Type of Identification: \_\_\_\_\_  
\_\_\_\_\_