ORDINANCE 23-03

AN ORDINANCE ESTABLISHING THE INDEPENDENCE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING PERSONS TO SERVE AS INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc. ("Petitioner"), a Texas Corporation whose address is 1341 Horton Circle, Arlington, TX 76011, hereby petitions the Board of County Commissioners of Okaloosa County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("District") with respect to the land described herein (see attached "Petition to Establish Independence Community Development District"); and

WHEREAS, Petitioner has obtained the written consent to the establishment of the District by the owner of 100% of the real property to be included in the District (see Exhibit 3, Consent and Authorization of Landowner to the Establishment of a Community Development District, in the Petition to Establish Independence Community Development District); and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on February 7, 2023; and

WHEREAS, upon consideration of the record established at that hearing, the County determined that the statements in the petition are true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the Okaloosa County Comprehensive Plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the petition.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Okaloosa County, Florida:

Section 1. Authority.

This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended.

Section 2. Creation and District Name.

There is hereby created a community development district situated entirely within unincorporated Okaloosa County, Florida, which District shall be known as the "Independence Community Development District".

Section 3. Legal Description and Boundaries.

Encompassing 605.23 acres, more or less, the legal description and boundaries of the Independence Community Development District are as provided in Exhibit 2 of the attached Petition to Establish the Independence Community Development District.

Section 4. Function and Powers.

A. Charter. Pursuant to General Law, the exclusive charter for each independent community development district established under Chapter 190, Florida Statutes is the uniform community development district charter (the "Uniform Charter") as set forth in sections 190.006 though 190.041, Florida Statutes. This Uniform Charter is not subject to modification pursuant to section 190.005(2)(d), Florida Statutes.

B. General Powers. The general powers of the Independence Community Development District shall be as provided in section 190.011, Florida Statutes.

C. Special Powers. The special powers of the Independence Community Development District shall be as provided in section 190.012, Florida Statutes. Specific consent is hereby further given to the District's Board of Supervisors 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, all as authorized and described by Sections 190.012(2)(a) and (2)(d), *FloridaStatutes* (2022).

Section 5. Board of Supervisors.

The five (5) persons designated to serve as the initial members of the District's Board of Supervisors are Sophie Sumner, Olesya Chatraw, Casey Smith, Tony Kucera and Jason Eaves. All of the listed persons are residents of the State of Florida and citizens of the United States of America.

Section 6. Severability.

If any section, subsection, clause, or other part of this ordinance is deemed unlawful in any court of law competent to decide such matters, said section, subsection, clause, or other part shall be severed and held as a separate provision and shall have no effect on the remainder.

Section 7. Effective Date.

This ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED in this 7th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

Robert A. "Trey" Goodwin III
Chairman

SEAL

ATTEST:

J.D. Peacock II, Clerk of Court

APPROVED AS TO FORM:

Lynn M. Hoshihara
County Attorney

PETITION TO ESTABLISH INDEPENDENCE COMMUNITY DEVELOPMENT DISTRICT

Submitted by: Jere Earlywine
Florida Bar No. 155527
Jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303
(850) 528-6152 (telephone)

Filed 09/27/22, and amended 10/3/22

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, D.R. Horton, Inc. ("Petitioner"), hereby petitions the Board of County Commissioners of Okaloosa County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("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 Okaloosa County, Florida, and covers approximately 605.23 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located south of undeveloped lands, west of Carousel Lane, north of Old Spanish Trail and east of Clint Mason Road. The sketch and metes and bounds descriptions of the external boundary of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

3. Landowner Consents. 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. Consent to the establishment of a community development district is contained in **Exhibit 3**.

4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are Sophie Sumner, Olesya Chatraw, Casey Smith, Tony Kucera and Jason Eaves. All of the 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 Independence Community Development District.

6. Major Water and Wastewater Facilities. **Exhibit 4** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

7. District Facilities and Services. **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed in multiple phases over an estimated five year period from 2023 – 2028. 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.

8. Existing and Future Land Uses. The existing use of the lands within the proposed District is vacant lands. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the Okaloosa County Comprehensive Plan.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** 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 Agents. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine as its authorized agent. See **Exhibit 8** - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No. 155527
Jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 200
Tallahassee, Florida 32303
(850) 528-6152 (telephone)

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

a. Establishment of the proposed 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 Okaloosa County Comprehensive Plan.

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

c. The establishment of the proposed District will prevent the general body of taxpayers in the Okaloosa County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed 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 proposed

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 proposed 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 proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's 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 Okaloosa 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 exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and

d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 27th day of September, 2022.

KE LAW GROUP, PLLC

Jere Earlywine
Florida Bar No. 155527
Jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303
(850) 528-6152 (telephone)
Attorneys for Petitioner

EXHIBIT 1

Exhibit A - Independence CDD - Okaloosa County

March 29, 2022

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

EXHIBIT 2

PARCEL A: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE NORTH 88 DEGREES 14 MINUTES 43 SECONDS WEST ALONG THE SOUTH SECTION LINE 1013.01 FEET TO THE NORTHERLY RIGHT OF WAY OF STATE ROAD #10; THENCE NORTH 77 DEGREES 39 MINUTES 28 SECONDS WEST ALONG SAID RIGHT OF WAY, 2390.39 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY OF COUNTY ROAD (66 FOOT RIGHT OF WAY); THENCE ALONG SAID EASTERLY RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES; NORTH 04 DEGREES 36 MINUTES 40 SECONDS WEST 631.3 FEET; NORTH 04 DEGREES 28 MINUTES 10 SECONDS EAST 627.98 FEET; NORTH 09 DEGREES 05 MINUTES 20 SECONDS WEST 1340.18 FEET; NORTH 03 DEGREES 28 MINUTES 50 SECONDS WEST 746.97 FEET; NORTH 02 DEGREES 52 MINUTES 50 SECONDS WEST 502.44 FEET TO THE P.C OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1178.92 FEET, A CENTRAL ANGLE OF 08 DEGREES 27 MINUTES 22 SECONDS, A TANGENT OF 87.15 FEET, A CHORD BEARING AND DISTANCE OF NORTH 07 DEGREES 06 MINUTES 31 SECONDS WEST, 173.83 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 173.99 FEET TO THE P.T.; THENCE EAST 204.71 FEET; THENCE NORTH 840.00 FEET TO THE NORTH LINE OF SECTION 18; THENCE SOUTH 89 DEGREES 39 MINUTES 29 SECONDS EAST ALONG SAID NORTH LINE 3546.65 FEET TO THE NORTHEAST CORNER OF SECTION 18; THENCE SOUTH 01 DEGREE 02 MINUTES 50 SECONDS WEST, ALONG THE EAST LINE OF SECTION 18, 5360.27 FEET TO THE POINT OF BEGINNING. LYING AND BEING PART OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

LESS AND EXCEPT: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE PROCEED WEST ALONG SECTION LINE A DISTANCE OF 200 FEET; THENCE NORTH A DISTANCE OF 222.31 FEET; THENCE EAST 200 FEET TO A POINT ON THE EAST SECTION LINE; THENCE SOUTH ALONG SECTION LINE 222.31 FEET TO POINT OF BEGINNING.

PARCEL B: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 1313.03 FEET TO THE EASTERLY RIGHT OF WAY OF A COUNTY ROAD (66 FOOT RIGHT OF WAY) SAID POINT BEING THE <u>POINT OF BEGINNING</u> OF THE LAND HEREIN DESCRIBED; THENCE ALONG THE EASTERLY RIGHT OF WAY OF THE AFOREMENTIONED COUNTY ROAD TO THE FOLLOWING BEARINGS AND DISTANCES: NORTH 08 DEGREES 31 MINUTES 50 SECONDS WEST 47.57 FEET; THENCE NORTH 14 DEGREES 01 MINUTE 30 SECONDS WEST 343.84 FEET; AND NORTH 09 DEGREES 46 MINUTES 10 SECONDS WEST 380.00 FEET; THENCE DEPARTING SAID ROAD RIGHT OF WAY, NORTH 01 DEGREE 11 MINUTES 30 SECONDS EAST 567.98 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 7; THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS EAST, ALONG SAID NORTH LINE, 4119.62 FEET TO THE EAST LINE OF SECTION 7; THENCE SOUTH ALONG SAID EAST LINE 1320 FEET TO THE SOUTHEAST CORNER OF SECTION 7; THENCE NORTH 88 DEGREES 48 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SECTION 7, 3976.54 FEET TO THE POINT OF BEGINNING. LYING IN AND BEING PART OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

PARCEL C: THE WEST ONE-HALF OF THE WEST ONE-HALF OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, LESS AND EXCEPT THOSE PORTIONS CONVEYED IN OFFICIAL RECORDS BOOK 1330, PAGE 467; OFFICIAL RECORDS BOOK 1397, PAGE 1917 AND CORRECTED IN OFFICIAL RECORDS BOOK 1607, PAGE 694; OFFICIAL RECORDS BOOK 1829, PAGE 53; OFFICIAL RECORDS BOOK 1894, PAGE 1723; OFFICIAL RECORDS BOOK 1913, PAGE 1386; OFFICIAL RECORDS BOOK 1996, PAGE 1266; OFFICIAL RECORDS BOOK 2022, PAGE 2157; OFFICIAL RECORDS BOOK 2048, PAGE 2080; OFFICIAL RECORDS BOOK 2055, PAGE 1619; OFFICIAL RECORDS BOOK 2055, PAGE 1621; OFFICIAL RECORDS BOOK 2208, PAGE 856; OFFICIAL RECORDS BOOK 2225, PAGE 2704; OFFICIAL RECORDS BOOK 2239, PAGE 1426; OFFICIAL RECORDS BOOK 2258, PAGE 1836; OFFICIAL RECORDS BOOK 2347, PAGE 3866; OFFICIAL RECORDS BOOK 2348, PAGE 1397; OFFICIAL RECORDS BOOK 2550, PAGE 3997; AND IN OFFICIAL RECORDS BOOK 2622, PAGE 3719 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

FOR A TOTAL OF 605.23 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (AS FURNISHED)

PARCEL A: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE NORTH 88 DEGREES 14 MINUTES 43 SECONDS WEST ALONG THE SOUTH SECTION LINE 1013.01 FEET TO THE NORTHERLY RIGHT OF WAY OF STATE ROAD #10; THENCE NORTH 77 DEGREES 33 MINUTES 28 SECONDS WEST ALONG SAID RIGHT OF WAY, 2390.39 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY OF COUNTY ROAD (66 FOOT RIGHT OF WAY); THENCE ALONG SAID EASTERLY RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES; NORTH 04 DEGREES 36 MINUTES 40 SECONDS WEST 631.3 FEET; NORTH 04 DEGREES 28 MINUTES 10 SECONDS EAST 627.98 FEET; NORTH 00 DEGREES 05 MINUTES 20 SECONDS WEST 1340.18 FEET; NORTH 03 DEGREES 58 MINUTES 50 SECONDS WEST 748.97 FEET; NORTH 02 DEGREES 52 MINUTES 50 SECONDS WEST 502.44 FEET TO THE P.C OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1178.92 FEET, A CENTRAL ANGLE OF 08 DEGREES 27 MINUTES 22 SECONDS, A TANGENT OF 87.15 FEET, A CHORD BEARING AND DISTANCE OF NORTH 07 DEGREES 06 MINUTES 31 SECONDS WEST, 173.83 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 173.99 FEET TO THE P.T.; THENCE EAST 204.71 FEET; THENCE NORTH 840.00 FEET TO THE NORTH LINE OF SECTION 18; THENCE SOUTH 88 DEGREES 38 MINUTES 28 SECONDS EAST ALONG SAID NORTH LINE 3546.85 FEET TO THE NORTHEAST CORNER OF SECTION 18; THENCE SOUTH 01 DEGREE 02 MINUTES 50 SECONDS WEST, ALONG THE EAST LINE OF SECTION 18, 5360.27 FEET TO THE POINT OF BEGINNING LYING AND BEING PART OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

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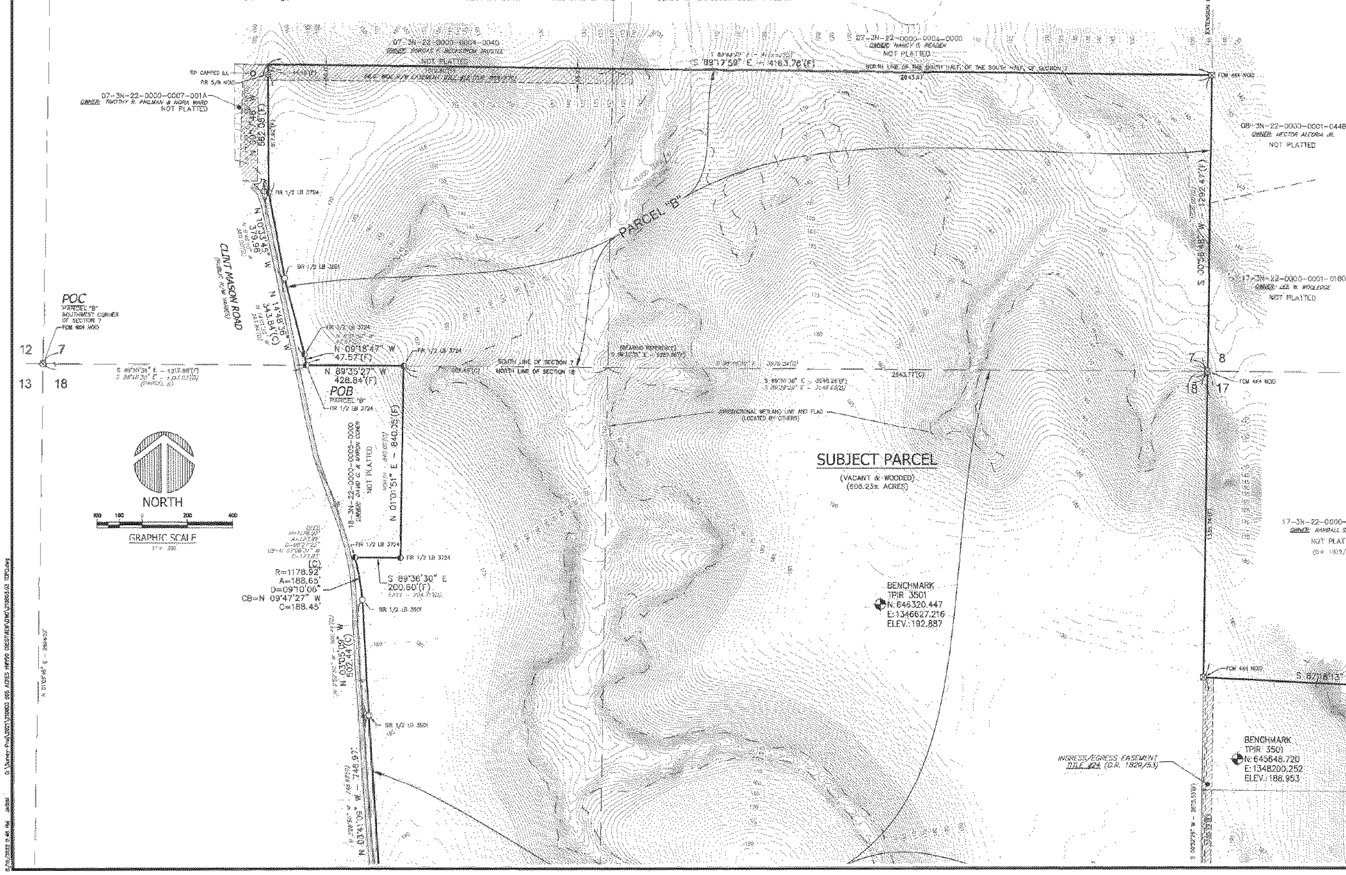


SURVEY REPORT

1. 1. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF ALLIANT NATIONAL TITLE INSURANCE COMPANY FILE #20043135, DATED 15 JUN 2021, NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATION IS GIVEN THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
2. THIS SURVEY DEPICTED HEREON WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS DEFINED IN CHAPTER 5J-17.051 OF THE FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
3. NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETERMINED BY GUSTIN, COTHERN & TUCKER, INC.
4. APPARENT USES ARE AS SHOWN.
5. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
6. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH LINE OF SECTION 18, SAID LINE BEARING S 89°35'35" E, AS ESTABLISHED BY STATE PLANE COORDINATES, FLORIDA NORTH ZONE, NORTH AMERICAN DATUM OF 1983.
7. THE DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
8. THIS PARCEL LIES IN FLOOD ZONE X (NO MINIMUM) AND IN FLOOD ZONE A (BASE ELEVATION NOT ESTABLISHED), AS DETERMINED BY SCALE FROM FEMA PANEL #12091C0200 J, DATED 3/09/2021, AND FURNISHED BY OKALOOSA COUNTY GEOGRAPHIC INFORMATION SERVICE.
9. THE SURVEY MAP AND SURVEY REPORT ARE NOT FULL & COMPLETE WITHOUT THE OTHER.
10. NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.
11. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.

Gustin, Cothern & Tucker, Inc.
LAND SURVEYING
121 Hart Street Niceville, FL 32578 (850) 678-5141
Fax: (850) 729-2460 L.B. No. 3501

SHEET 2 OF 2

210803

MAP NO. 210803.03

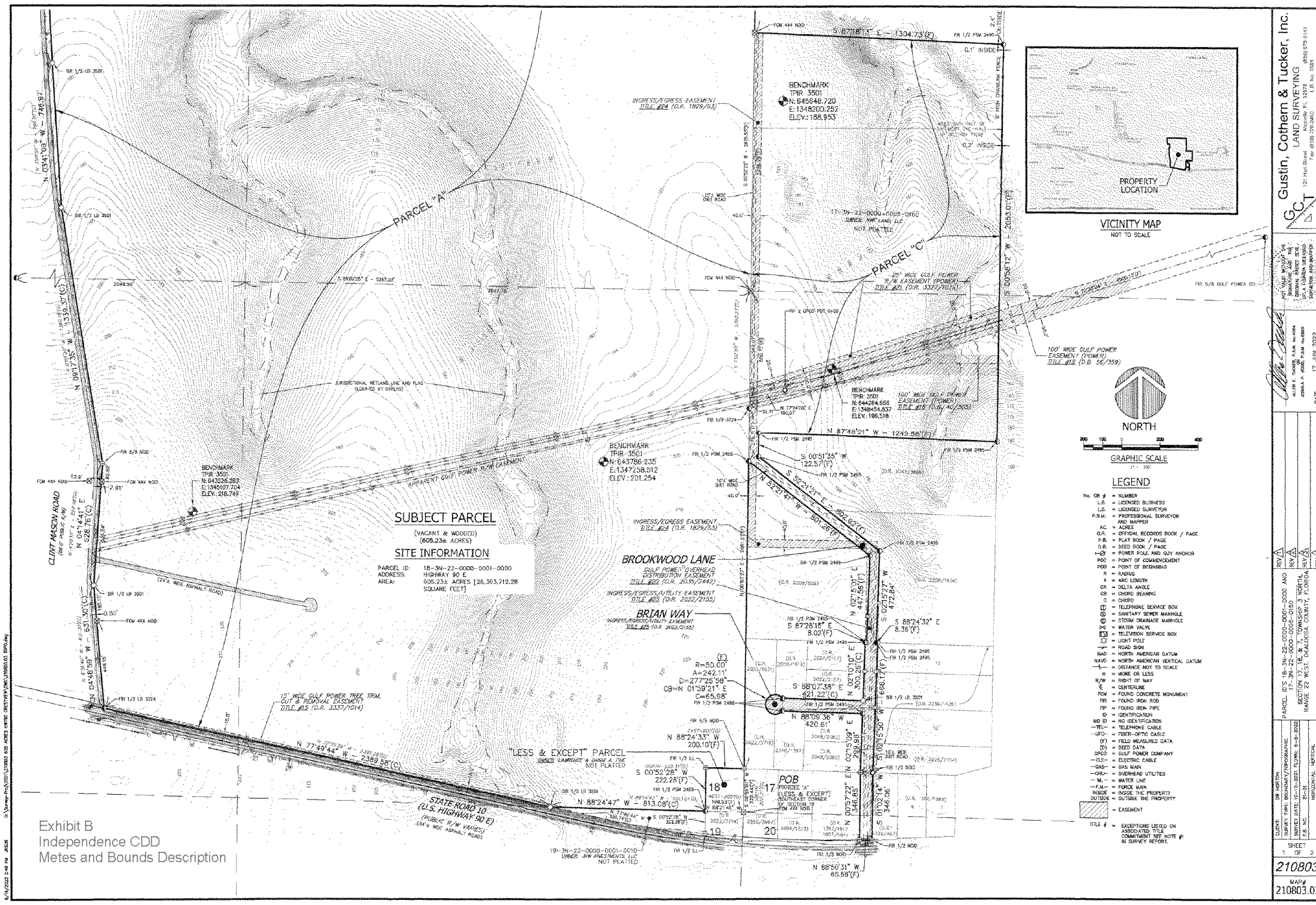


Exhibit B
Independence CDD
Metes and Bounds Description

EXHIBIT 3

Consent and Authorization of Landowner
to the Establishment of a Community Development District
[*Proposed Independence Community Development District*]

The undersigned is the owner of certain lands more fully described on **Exhibit A** attached hereto and made a part hereof ("**Property**"). As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 a Community Development District that 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 petitioner has the right by contract for the establishment of the Community Development District, and Jere Earlywine of KE Law Group, PLLC is hereby authorized to file and prosecute the petition to establish the Community Development District.

This consent may be revoked by the undersigned by email to jere@kelawgroup.com delivered at least 48 hours prior to the adoption of an ordinance establishing the Community Development District. 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 officer executing this instrument.

[SIGNATURE PAGE TO FOLLOW]

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[*Proposed Independence Community Development District*]

Executed this 11th day of July, 2022.

Witnessed:

NWF Land LLC
LANDOWNER

Print Name: John M. Miller

Print Name: Donald J. Miller

BY: Warren Cutshall
ITS: Manager

STATE OF Indiana
COUNTY OF Greene

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of July, 2022, by Warren Cutshall, who appeared before me this day in person, and who is either personally known to me, or produced ____________ as identification.

DEBORAH JEWEL BURTON
Notary Public - Seal
State of Indiana
Greene County
My Commission Expires Jan 11, 2023

NOTARY PUBLIC, STATE OF INDIANA
Name: DEBORAH J BURTON
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Legal Description

EXHIBIT A

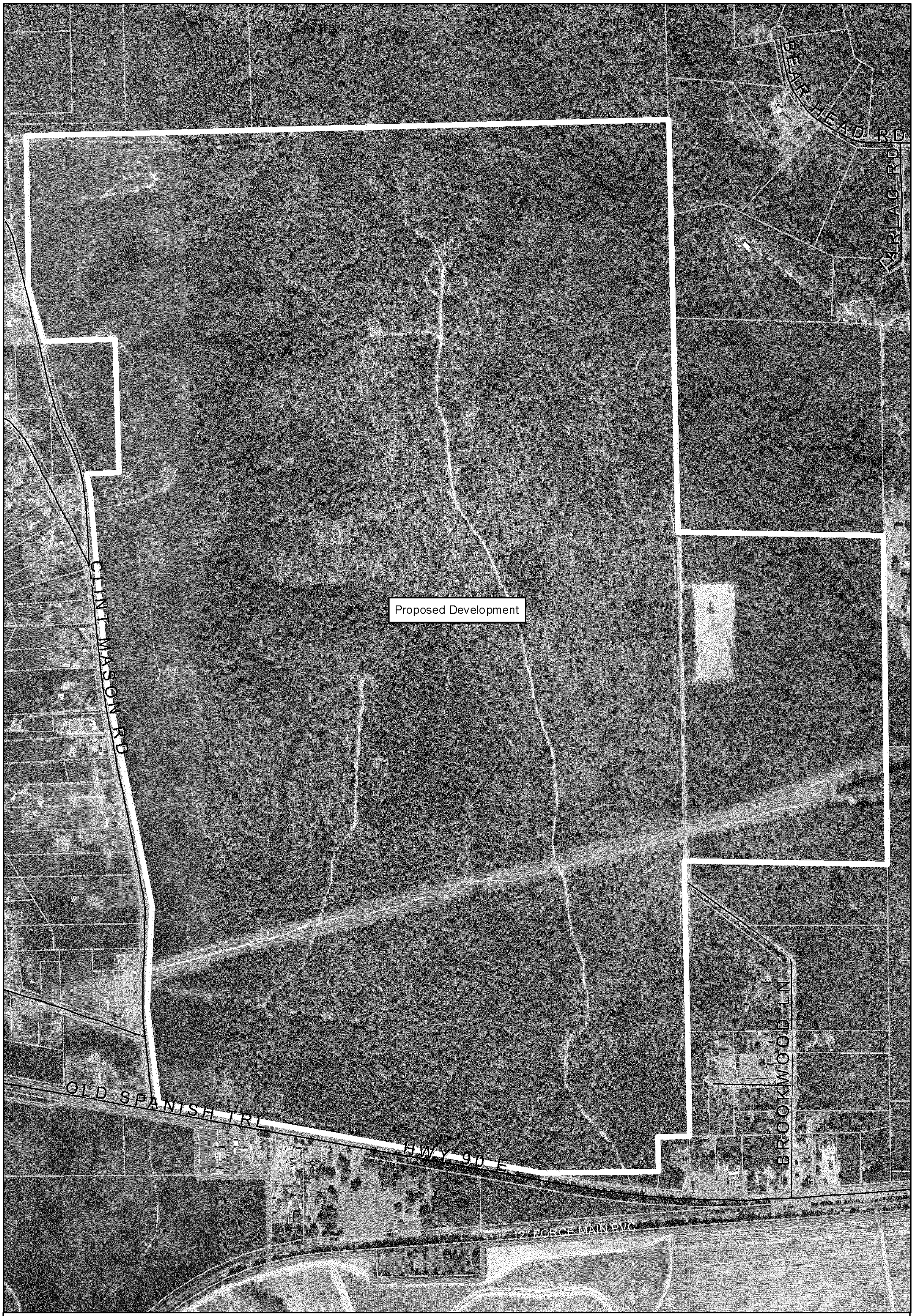
PARCEL A: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE NORTH 88 DEGREES 14 MINUTES 43 SECONDS WEST ALONG THE SOUTH SECTION LINE 1013.01 FEET TO THE NORTHERLY RIGHT OF WAY OF STATE ROAD #10; THENCE NORTH 77 DEGREES 39 MINUTES 28 SECONDS WEST ALONG SAID RIGHT OF WAY, 2390.39 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY OF COUNTY ROAD (66 FOOT RIGHT OF WAY); THENCE ALONG SAID EASTERLY RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES; NORTH 04 DEGREES 36 MINUTES 40 SECONDS WEST 631.3 FEET; NORTH 04 DEGREES 28 MINUTES 10 SECONDS EAST 627.98 FEET; NORTH 09 DEGREES 05 MINUTES 20 SECONDS WEST 1340.18 FEET; NORTH 03 DEGREES 28 MINUTES 50 SECONDS WEST 746.97 FEET; NORTH 02 DEGREES 52 MINUTES 50 SECONDS WEST 502.44 FEET TO THE P.C OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1178.92 FEET, A CENTRAL ANGLE OF 08 DEGREES 27 MINUTES 22 SECONDS, A TANGENT OF 87.15 FEET, A CHORD BEARING AND DISTANCE OF NORTH 07 DEGREES 06 MINUTES 31 SECONDS WEST, 173.83 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 173.99 FEET TO THE P.T.; THENCE EAST 204.71 FEET; THENCE NORTH 840.00 FEET TO THE NORTH LINE OF SECTION 18; THENCE SOUTH 89 DEGREES 39 MINUTES 29 SECONDS EAST ALONG SAID NORTH LINE 3546.65 FEET TO THE NORTHEAST CORNER OF SECTION 18; THENCE SOUTH 01 DEGREE 02 MINUTES 50 SECONDS WEST, ALONG THE EAST LINE OF SECTION 18, 5360.27 FEET TO THE POINT OF BEGINNING. LYING AND BEING PART OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

LESS AND EXCEPT: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE PROCEED WEST ALONG SECTION LINE A DISTANCE OF 200 FEET; THENCE NORTH A DISTANCE OF 222.31 FEET; THENCE EAST 200 FEET TO A POINT ON THE EAST SECTION LINE; THENCE SOUTH ALONG SECTION LINE 222.31 FEET TO POINT OF BEGINNING.

PARCEL B: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 1313.03 FEET TO THE EASTERLY RIGHT OF WAY OF A COUNTY ROAD (66 FOOT RIGHT OF WAY) SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE ALONG THE EASTERLY RIGHT OF WAY OF THE AFOREMENTIONED COUNTY ROAD TO THE FOLLOWING BEARINGS AND DISTANCES: NORTH 08 DEGREES 31 MINUTES 50 SECONDS WEST 47.57 FEET; THENCE NORTH 14 DEGREES 01 MINUTE 30 SECONDS WEST 343.84 FEET; AND NORTH 09 DEGREES 46 MINUTES 10 SECONDS WEST 380.00 FEET; THENCE DEPARTING SAID ROAD RIGHT OF WAY, NORTH 01 DEGREE 11 MINUTES 30 SECONDS EAST 567.98 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 7; THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS EAST, ALONG SAID NORTH LINE, 4119.62 FEET TO THE EAST LINE OF SECTION 7; THENCE SOUTH ALONG SAID EAST LINE 1320 FEET TO THE SOUTHEAST CORNER OF SECTION 7; THENCE NORTH 88 DEGREES 48 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SECTION 7, 3976.54 FEET TO THE POINT OF BEGINNING. LYING IN AND BEING PART OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

PARCEL C: THE WEST ONE-HALF OF THE WEST ONE-HALF OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, LESS AND EXCEPT THOSE PORTIONS CONVEYED IN OFFICIAL RECORDS BOOK 1330, PAGE 467; OFFICIAL RECORDS BOOK 1397, PAGE 1917 AND CORRECTED IN OFFICIAL RECORDS BOOK 1607, PAGE 694; OFFICIAL RECORDS BOOK 1829, PAGE 53; OFFICIAL RECORDS BOOK 1894, PAGE 1723; OFFICIAL RECORDS BOOK 1913, PAGE 1386; OFFICIAL RECORDS BOOK 1996, PAGE 1266; OFFICIAL RECORDS BOOK 2022, PAGE 2157; OFFICIAL RECORDS BOOK 2048, PAGE 2080; OFFICIAL RECORDS BOOK 2055, PAGE 1619; OFFICIAL RECORDS BOOK 2055, PAGE 1621; OFFICIAL RECORDS BOOK 2208, PAGE 856; OFFICIAL RECORDS BOOK 2225, PAGE 2704; OFFICIAL RECORDS BOOK 2239, PAGE 1426; OFFICIAL RECORDS BOOK 2258, PAGE 1836; OFFICIAL RECORDS BOOK 2347, PAGE 3866; OFFICIAL RECORDS BOOK 2348, PAGE 1397; OFFICIAL RECORDS BOOK 2550, PAGE 3997; AND IN OFFICIAL RECORDS BOOK 2622, PAGE 3719 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

EXHIBIT 4



OKALOOSA COUNTY SEWER INFRASTRUCTURE

12" Sewer Force Main

Property Lines

Streets

375 187.5 0 375 750 1,125 1,500 Feet

N W E S

Okaloosa County
Water and Sewer
Engineering GIS
Created: Aug 2022

MAP PROJECTION:
Lambert Conformal Conic Projection
Stateplane : Flo ida North (0903)
NAD 1983(90), NAVD 1988.

PUBLIC RECORD:
This map was created by Okaloosa County GIS
and is in the public domain pur uant
to Chapter 119, Florida Statutes.

DISCLAIMER:
Okaloosa County h reby expressly disclaims
any liability for errors or omissions in
these maps, indexes or legends.

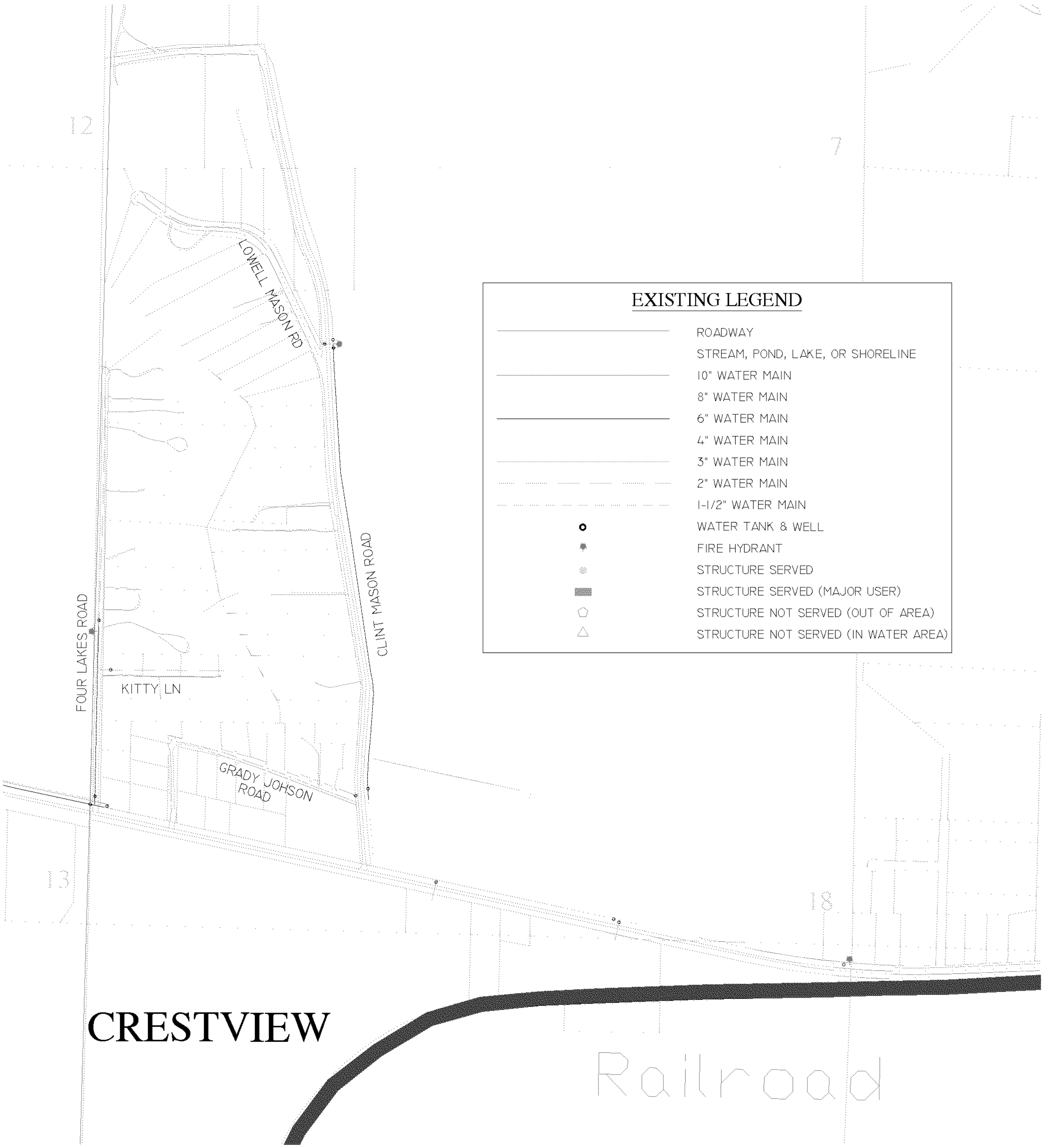

EXISTING LEGEND
ROADWAY
STREAM, POND, LAKE, OR SHORELINE
10" WATER MAIN
8" WATER MAIN
6" WATER MAIN
4" WATER MAIN
3" WATER MAIN
2" WATER MAIN
1-1/2" WATER MAIN
WATER TANK & WELL
FIRE HYDRANT
STRUCTURE SERVED
STRUCTURE SERVED (MAJOR USER)
STRUCTURE NOT SERVED (OUT OF AREA)
STRUCTURE NOT SERVED (IN WATER AREA)
12
7
13
18
LOWELL MASON RD
CLINT MASON ROAD
FOUR LAKES ROAD
KITTY LN
GRADY JOHSON ROAD
CRESTVIEW
Railroad

EXHIBIT 5

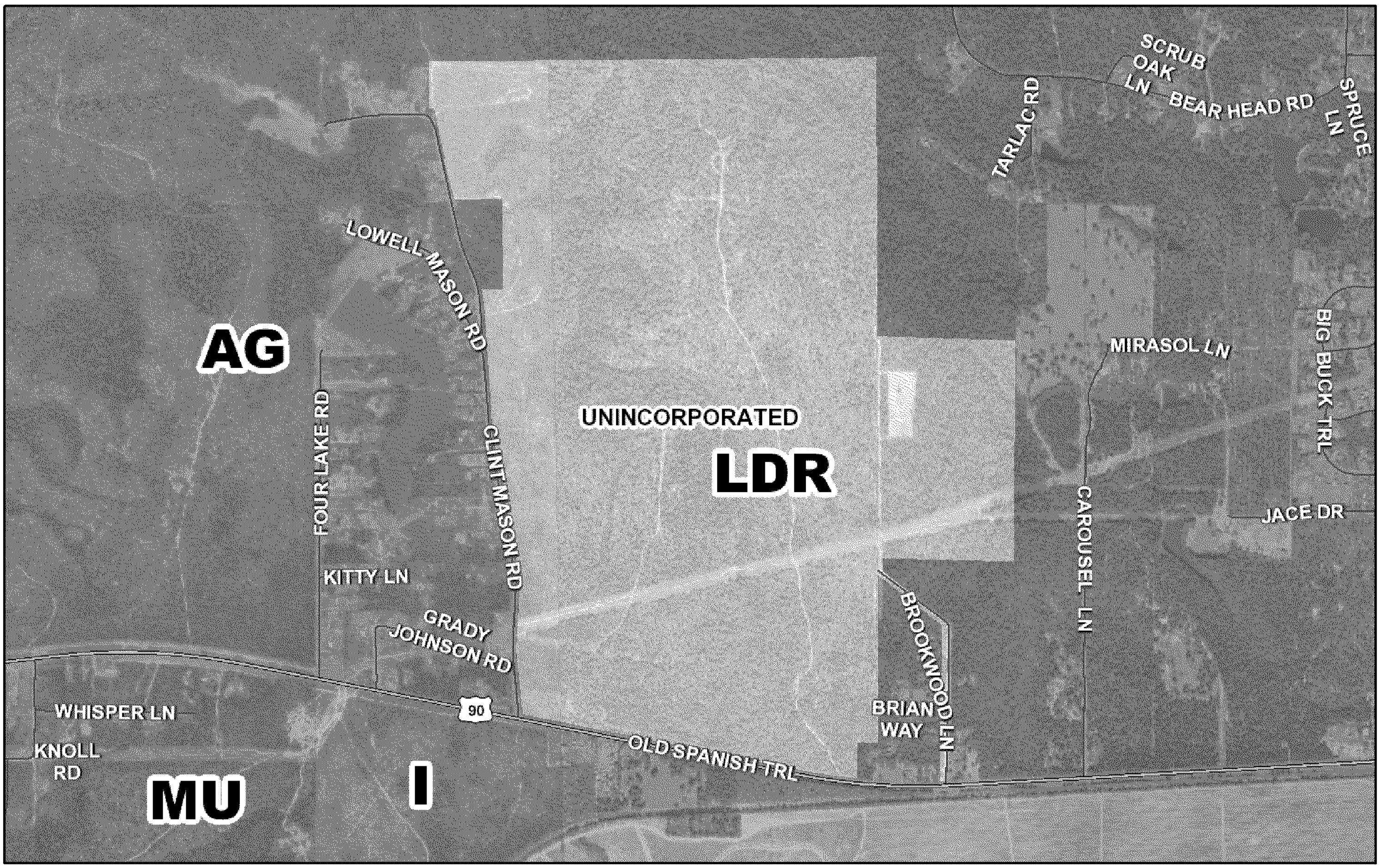
INDEPENDENCE COMMUNITY DEVELOPMENT DISTRICT
PROPOSED FACILITIES & ESTIMATED COSTS*

Improvement	Estimated Cost	Funded By	Ownership & Maintenance Entity
Stormwater Management System	$10,263,420	CDD	CDD
Roadways	$10,263,420	CDD	CDD
Water Systems	$2,565,855	Developer	Private
Wastewater Systems	$3,565,855	CDD	County
Undergrounding of Conduit	$1,948,500	CDD	CDD
Hardscaping, Landscape, Irrigation	$2,750,000	CDD	CDD
Amenities	$3,000,000	CDD	CDD
Conservation Areas	$250,000	CDD	CDD
Offsite Improvements	$2,000,000	CDD	**
Professional Services	$747,990	CDD	N/A
10% Contingency	$3,735,504		N/A
TOTAL	**$41,090,544**		

*As an alternative, the Developer may elect to finance any of the above improvements, and transfer them to a homeowner's association for ownership and operation.
**Offsite improvements will be subject to normal turnover process and be turned over to the State, County or other similar entity, as appropriate.

EXHIBIT 6

Exhibit F - Independence CDD - Future Land Use - Okaloosa County



June 27, 2022

MAJOR ROADS

- INTERSTATE
- STATE ROADS
- COUNTY ROADS
- SECONDARY ROADS

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Okaloosa County FL GIS

EXHIBIT 7

Independence
COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

June 28, 2022

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

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 Independence 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 605.23 +/- acres of land located within Okaloosa County, Florida (the "County") and is projected to contain a maximum of 1,200 residential dwelling units which will make up the Independence 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 Independence 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 maximum of 1,200 residential dwelling units, all within the boundaries of the District. 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 Independence.

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. (Okaloosa County, according to the Census 2020, has a population of 211,668; 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 605.23 +/- 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 a maximum of 1,200 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 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) Okaloosa 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. Okaloosa 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. However, current property owners consented to the establishment of the District.

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 605.23 +/- acre master planned residential development currently anticipated to contain a maximum of 1,200 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 4,200 +/- 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 Okaloosa 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.

Okaloosa County, Florida

The proposed land for the District is located within Okaloosa 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 $31,402,789. 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

INDEPENDENCE COMMUNITY DEVELOPMENT DISTRICT
Proposed Facilities and Services

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Stormwater Management System	CDD	CDD	CDD
Roadways	CDD	CDD	CDD
Water Systems	Developer	Private	Private
Wastewater Systems	CDD	County	County
Undergrounding of Conduit	CDD	CDD	CDD
Hardscaping, Landscape, Irrigation	CDD	CDD	CDD
Amenities	CDD	CDD	CDD
Conservation Areas	CDD	CDD	CDD
Offsite Improvements	CDD	*O&M by State, County or other entity as appropriate	

Table 2

INDEPENDENCE COMMUNITY DEVELOPMENT DISTRICT
Estimated Costs of Construction

CATEGORY	COST
Stormwater Management System	$10,263,420
Roadways	$10,263,420
Water Systems	$2,565,855
Wastewater Systems	$3,565,855
Undergrounding of Conduit	$1,948,500
Hardscaping, Landscape, Irrigation	$2,750,000
Amenities	$3,000,000
Conservation Areas	$250,000
Offsite Improvements	$2,000,000
Professional Services	$747,990
Contingency (10%)	$3,735,504
Total	**$41,090,544**

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.

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, like the county, 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 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.

Okaloosa County has a population of 211,668 according to the Census 2020, both 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 Independence development will not produce any marginal effects that would be different from those that would have occurred if the Independence development was developed without a community development district established for it 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 Independence 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 Independence 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 Independence 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 Independence 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 Independence Community Development District.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUE CITATION	DATE
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 3o 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 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of KE Law Group, PLLC to act as agent for Petitioner, Dr Horton, Inc., with regard to any and all matters pertaining to the Petition to the Board of County Commissioners for Okaloosa County, Florida, to Establish the Independence Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

Witnessed:

Print Name: JASON EAVES

Print Name: ROBERT B JACOBS

DR Horton, Inc

PETITIONER

By: JOE EVERSON

Its: ASST. V.P.

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 28th day of June, 2022, by Joe Everson, as Assistant VP of D.R. Horton, Inc., on its behalf. He [✓] is personally known to me or [___] produced __________ as identification.

RABECCA COWEN
Notary Public-State of Florida
Commission # HH 139902
My Commission Expires
June 08, 2025

Notary Public, State of Florida

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 8, 2023

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32536-1359

Attention: Mary Carson

Dear Honorable J.D. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 2023-03, which was filed in this office on February 7, 2023.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Program Administrator
Florida Administrative Code and Register

ACO/rra