



October 10, 2025

VIA EMAIL AND CERTIFIED MAIL

Chair and Members of the School Board of Lee County
c/o Superintendent Denise Carlin
2855 Colonial Boulevard
Fort Myers, FL 33966

RE: NOTICE OF INITIATION OF THE CONFLICT RESOLUTION PROCEDURE IN
CHAPTER 164, FLORIDA STATUTES

Dear Superintendent Carlin:

On October 6, 2025, the Town Council of the Town of Fort Myers Beach (the “Town”) adopted Resolution 25-296 as required by Section 164.1052, Florida Statutes to initiate the conflict resolution procedures in Chapter 164, Florida Statutes with the School District of Lee County (“School District”). A copy of the Resolution is enclosed.

As required by Section 164.1053, Florida Statutes, this letter provides 1) a statement of the conflict; 2) identification of other governmental entities involved in the conflict; 3) the justification for initiating the conflict resolution process; 4) the proposed date and location for the conflict assessment meeting to be held; and 5) suggestions of School District officials who should be present at the conflict assessment meeting.

1) STATEMENT OF THE CONFLICT. The Town believes that the School District has materially breached the terms and conditions of its Interlocal Agreement Between the Town of Fort Myers Beach and The School District of Lee County, Florida Regarding the Fort Myers Beach Elementary School, dated the 15th day of May 2023 (the “ILA”). A copy of the ILA is attached.

The ILA was an attempt by the Town and the School District to collaborate on the rebuilding of the Town of Fort Myers Beach Elementary School (the “Elementary School”) due to the damage caused by Hurricane Ian. As you are aware, Hurricane Ian was a Category 4 Hurricane that made



landfall in Southwest Florida on September 28, 2022. The ILA was intended to supplement prior collaborative efforts related to an exchange of real property between the parties for use by the School District for the benefit of the Elementary School and for use by the Town to enhance its Bay Oaks Recreational Facility.

The Town believes that the following sections of the ILA have been breached by the School District for the reasons provided:

a. Section 1.1 (Purpose and Effective Date) – The School District has not taken action in accordance with the terms and conditions of the ILA to rebuild, operate, and maintain the Elementary School for the use, enjoyment and benefit of the residents of the Town, and the parents of the children who were enrolled and attended the Elementary School prior to and after September 28, 2022. Most recently on October 7, 2025, the School Board, in response to an “emergency” request by Deputy Superintendent Savage, added an item to its Consent Agenda to obtain required authorization from the Florida Department of Education to demolish 3 structures, including the historic Elementary School Building. This action resulted in the Town Manager sending a letter (copy attached) requesting that the School Board: 1) Suspend and refrain from any actions relating to demolition authorization or "Castaldi" filings with the Department of Education; 2) Engage in the Chapter 164 mediation process as required by Florida law; 3). Coordinate with the Town's Historic Preservation Board to ensure compliance with Chapter 22; and 4) Consult with FEMA and the Florida Division of Historical Resources to determine the necessary steps for Section 106 compliance. The Town was not provided a copy of the Consent Agenda and the Castaldi findings prior to the School Board meeting despite the fact that the Castaldi findings clearly referenced the ILA. Previously, the School District had also considered closure of the school as an option as included in a May 2025 Facility Assessment Report. The School District has also already demolished 12 campus structures.

b. Section II, (Phased Enrollment) – The School District has made it virtually impossible for the Town to achieve its enrollment goals based on the following failures by the School District:

- i. failed to renovate the Elementary School building to meet the needs of its 52 students for enrollment during the fall of 2023. The 52 students were bussed or privately transported to San Carlos Elementary School from October 2022 to



- December 2023. Although the students were returned to the Elementary School in December 2023, the School District did not have adequate facilities to accommodate an increase in enrollment. The absence of adequate facilities crippled the Town's efforts to increase enrollment.
- ii. failed to provide an educational facility and services for students on the island. The School District's failure to provide an educational facility on the island impeded the Town's ability to recruit students. Elementary students were forced to attend San Carlos Elementary School, and more recently reassigned to Heights Elementary School.
 - iii. failed to assist with developing partnerships with other entities inclusive of special programs to assist with increasing enrollment at the school.
 - iv. failed to provide necessary staffing to operate the Elementary School due to the lack of buildings.
 - vi. failure to operate the Elementary School during fiscal years 2023-2024-2025.

As a result of these material breaches by the School District, it has created an impossibility for the parties to jointly achieve the intent and purpose of the ILA.

Notwithstanding the School District's default in its responsibilities, the Town has actively engaged in activities to increase enrollment with the assistance of its community leaders and businesses such as Doc Ford's Rum Bar and Grill, Dixie Fish Company, Bonita Fish Company, The Neptune Resort, Island IT Pros, Lani Kai, Pink Shell, Fort Myers Beach Chamber of Commerce, and Current Riders FMB. The Town has gone so far as to include terms and conditions in certain development projects to encourage enrollment in the Elementary School by residents and employees of mixed-use projects.

In addition, the Town created an ad-hoc committee as required by Section 2.7 of the ILA, which has met as required by the ILA and more frequently due to the inaction by the School District to rebuild the Elementary School. Lastly, despite damage the Town itself sustained from Hurricane



In addition to its town hall and infrastructure, the Town has continued to provide after-school programs at Bay Oaks Recreation Facility for Elementary School students and education outreach through the Mound House.

c. Section III (Phased Timeline for Renovation and Build) Section III of the ILA included a timeline to provide for the phased rebuilding and operation of the Elementary School. Nevertheless, the School District has:

- i. failed to complete Phase I to meet the temporary needs of the existing 52 students. Instead, the School District made a decision to transport these children by bus to San Carlos Park Elementary for over a year, then back to the Elementary School in December 2023 until October 2024, and now to Heights Elementary School. Rebuilding of the Elementary School as set forth in the ILA would have mitigated the disruption caused to these children as well as mitigated the hardship on their parents. The District did not discuss any alternative plans or needed changes to the ILA before taking these actions.
- ii. failed to build facilities to accommodate a permanent kitchen/café on campus.
- iii. failed to improve the Historic Building with additional classroom space to accommodate the growth in student enrollment not to exceed 80 student stations.

2) IDENTIFICATION OF OTHER GOVERNMENTAL ENTITIES INVOLVED IN THE CONFLICT.

Although the Town's primary dispute is with the School District, the Florida Emergency Management Department ("FDEM") and the Federal Emergency Management Agency ("FEMA") may be parties to the dispute or have in their possession information that has not been provided to the Town related to the School District's default under the ILA. In view of recent actions by the School Board on October 7, 2025, the Florida Department of Education may also be a party to this dispute. The Town has also recently made inquiry regarding the School District's use of funding received from FEMA and FDEM's financing for other rebuild projects. The Town has been



informed that FEMA has not received any request to amend the use the funds requested for the rebuild of the Elementary School for purposes other than the rebuilding of the Elementary School.

3) JUSTIFICATION FOR INITIATING THE CONFLICT RESOLUTION PROCESS. Despite its numerous efforts to resolve the conflict with the School District through individual conversations and public statements to you and individual members of the School Board as well as communication through the work of the ad hoc committee, there is no indication that the School District intends to fulfill its commitments in the ILA. In fact, due to the failure of the School Board to appropriately pursue rebuilding of the Elementary School as envisioned in the ILA, the actions and inactions of the School District clearly evidence a contrary intent. The action of the School Board on October 7, 2025, authorizing the request to the Florida Department of Education to allow the razing of the three buildings at the Elementary School with no rebuild indicated, is proof positive of the breach by the School Board of the ILA.

4) PROPOSED DATE AND LOCATION FOR THE CONFLICT ASSESSMENT MEETING. As directed by the Town Council in Resolution 25-296, the Town proposes to conduct the conflict assessment meeting on November 5, 2025, at 1:00 PM in the Town Hall Chambers located at 6231 Estero Boulevard, Fort Myers Beach, Florida 33931. The Town will publish Notice of this meeting no later than the 24th day of October 2025, in the News-Press newspaper, which is circulated and available to all residents of Lee County that may have a public and financial interest in the School District's commitment under the Interlocal Agreement.

5) SUGGESTIONS REGARDING ATTENDANCE OF THE SCHOOL DISTRICT OFFICIALS AND REPRESENTATIVES. The Town requests the attendance of the following individuals at the conflict resolution meeting who have knowledge of the conflict and may aid in resolution of the matter:

- a. Bill Ribble, School Board Member
- b. Dr. Denise Carlin, Superintendent
- c. Dr. Kenneth Savage, Deputy Superintendent
- d. Dr. Cheryl Neely, Regional Associate Superintendent
- e. Dr. Ami Desamours, Chief Financial Officer
- f. Warren Wilson, Director of Risk Management



g. Kathy Dupuy-Bruno, School District Attorney

Please advise immediately if you request that the Town obtain the services of a facilitator for the conflict assessment public meeting. Be advised that the Town also considers this meeting fulfillment of the requirement for negotiation under the ILA. I am available by telephone should you have any questions.

Sincerely,

William McKanney
Town Manager

Enclosures: Resolution 25-296

Town Manager Letter dated October 8, 2025 (Suspend Demolition)

May 15, 2023 Interlocal Agreement

cc: Governor Ron DeSantis
Senator Rick Scott
Representative Byron Donalds
Senator Jonathan Martin
Representative Adam Botana
Mayor Dan Allers
Anastasios Kamoutsas
David Chappell
James Uthmeier
Vice-Mayor Jim Atterholt
Councilor John King
Councilor Scott Safford
Councilor Karen Woodson
Becky Vose
Nancy Stuparich
Dr. Traci Kohler
Amy Baker