

By Representative Harper

1 A bill to be entitled
 2 An act relating to Indian Trail Improvement
 3 District, Palm Beach County; providing for
 4 codification of special laws relating to the
 5 Indian Trail Improvement District, a special
 6 tax district of the State of Florida; providing
 7 legislative intent; codifying, repealing,
 8 reenacting, and amending special acts relating
 9 to the district; providing for minimum charter
 10 requirements; amending the boundaries of the
 11 District to include additional lands; providing
 12 for Supervisor qualifications, terms of office,
 13 and election procedures; providing for
 14 provisions of other laws made applicable;
 15 providing for ratification of prior actions;
 16 providing for severability; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Pursuant to section 189.429, Florida
 22 Statutes, this act constitutes the codification of all special
 23 acts relating to the Indian Trail Improvement District, an
 24 independent special district and public subdivision of the
 25 State of Florida. It is the intent of the Legislature in
 26 enacting this law to provide a single, comprehensive special
 27 act charter for the District, including all current
 28 legislative authority granted to the District by its several
 29 legislative enactments and any additional authority granted by
 30 this act. It is further the intent of this act to preserve all
 31

1 District authority, including the authority to annually assess
2 and levy against the taxable property in the District.

3 Section 2. Chapters 57-646, 67-692, 80-569, 82-352,
4 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473,
5 Laws of Florida, are codified, reenacted, amended, and
6 repealed as herein provided.

7 Section 3. The charter for the Indian Trail
8 Improvement District is re-created and reenacted to read:

9 Section 1. In accordance with section 189.404(3),
10 Florida Statutes, the following are the minimum requirements
11 for the charter of the Indian Trail Improvement District:

12 (a) The District is organized and exists for all
13 purposes set forth in this act and chapter 298, Florida
14 Statutes, as they may be amended from time to time, except as
15 herein otherwise provided.

16 (b) The powers, functions, and duties of the District
17 regarding non-ad valorem assessments, bond issuance, other
18 revenue-raising capabilities, budget preparation and approval,
19 liens and foreclosure of liens, use of tax deeds and tax
20 certificates as appropriate for non-ad valorem assessments,
21 and contractual agreements shall be as set forth in chapters
22 189, 197, and 298, Florida Statutes, this act, or any other
23 applicable general or special law, as they may be amended from
24 time to time.

25 (c) The District was created by chapter 57-646, Laws
26 of Florida.

27 (d) The District's charter may be amended only by
28 special act of the Legislature.

29 (e) In accordance with chapter 57-646, Laws of
30 Florida, and the subsequent amendatory special acts of the
31 Legislature, the District is governed by a Board of

1 Supervisors. The membership and organization of the Board
2 shall be as set forth in this act, as it may be amended from
3 time to time.

4 (f) The compensation of Board members shall be
5 governed by this act, as it may be amended from time to time.

6 (g) The administrative duties of the Board shall be as
7 set forth in this act, as it may be amended from time to time.

8 (h) Requirements for financial disclosure, meeting
9 notices, reporting, public records maintenance, and per diem
10 expenses for officers and employees shall be as set forth in
11 chapters 112, 189, 286, and 298, Florida Statutes, as they may
12 be amended from time to time.

13 (i) The procedures and requirements governing the
14 issuance of bonds, notes, and other evidence of indebtedness
15 by the District shall be as set forth in chapters 189 and 298,
16 Florida Statutes, and applicable general laws, as they may be
17 amended from time to time.

18 (j) The procedures for conducting District elections
19 and for qualification of electors shall be pursuant to
20 chapters 189 and 298, Florida Statutes, and applicable general
21 laws, as they may be amended from time to time.

22 (k) The District may be financed by any method
23 established in this act, chapters 189 and 298, Florida
24 Statutes, or any applicable general laws, as they may be
25 amended from time to time.

26 (l) In accordance with chapter 298, Florida Statutes,
27 the District may continue to levy upon all of the real taxable
28 property in the District a special tax each year as
29 maintenance tax.

30 (m) The method for collecting non-ad valorem
31 assessments, fees, or service charges shall be as set forth in

1 chapters 197 and 298, Florida Statutes, as they may be amended
2 from time to time.

3 (n) The District's planning requirements shall be as
4 set forth in chapters 189 and 298, Florida Statutes, as they
5 may be amended from time to time.

6 Section 2. District created and boundaries
7 thereof.--For the purpose of reclaiming and draining the lands
8 hereinafter described and protecting said lands from the
9 effects of water by means of the construction and maintenance
10 of canals, ditches, levees, dikes, pumping plants, and other
11 drainage works and improvements, and for the purpose of making
12 the lands within said District available and habitable for
13 settlement and agriculture, and for the public convenience,
14 welfare, utility, and benefit, and for the other purposes
15 stated in this act, a drainage district is hereby created and
16 established in Palm Beach County, Florida, to be known as the
17 Indian Trail Improvement District, a drainage district, the
18 territorial boundaries of which shall include the following
19 land, to-wit:

20
21 TOWNSHIP 42, SOUTH, RANGE 39 EAST

22
23 The south one-half (S 1/2) of Sections 13, 14
24 and 15; all of Sections 21, 22, 23, 24, 25, 26,
25 27 and 28; the north one-half (N 1/2) of
26 Section 29 and all that part of Section 36
27 lying north and east of the north easterly
28 right of way line of levee L-8, a project in
29 the plan of water control of the Central and
30 Southern Florida Flood Control District.

1 TOWNSHIP 42, SOUTH, RANGE 40 EAST

2

3 The south one-half (S 1/2) of Sections 13, 14,
4 15, 16, 17 and 18; all of Sections 19, 20, 21,
5 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
6 34, 35 and 36.

7

8 TOWNSHIP 42 SOUTH, RANGE 41 EAST

9

10 The West 1/2 of Section 14, lying South of the
11 right-of-way for North Lake Boulevard, the same
12 being a part of Stonewal Estates Plat One as
13 recorded in Plat Book 47, pages 12 thru 17
14 inclusive, all in Palm Beach County, Florida;
15 the West one-half (W 1/2) of Section 23 and all
16 of Section 26; all of Sections 31, 33, 34 and
17 35.

18

19 TOWNSHIP 43 SOUTH, RANGE 39 EAST

20

21 All of Sections 1, 2, 11, 12, 13, 14, 23 and
22 24; all that part of Sections 25, 26 and 36
23 lying north and east of the northeasterly right
24 of way line of levee L-12, a project in the
25 plan of water control of the Central and
26 Southern Florida Flood Control District.

27

28 TOWNSHIP 43 SOUTH, RANGE 40 EAST

29

30 All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
31 11, 14, 15, 17, 18, 20, 21, 22, 23 and 26; the

1 north one-half (N 1/2) and the west
2 three-quarters of the south one-half (W-3/4 of
3 S 1/2) of Section 12; the west three-quarters
4 (W-3/4) of Section 13, 24 and 25; all that part
5 of Section 35 lying north of the northerly
6 right of way line of State Road 80; all that
7 part of the West three-quarters (W-3/4) of
8 Section 36 lying north of the northerly right
9 of way line of State Road 80, and all that part
10 of the West one-half (W 1/2) of Section 31,
11 lying north and east of the northerly and
12 easterly right of way lines of State Road 80,
13 and Levee L-12 a project in the plan of water
14 control of the Central and Southern Florida
15 Flood Control District.

16
17 TOWNSHIP 43 SOUTH, RANGE 41 EAST

18
19 All of sections 1, 2, 4, 5, 6, 9, 10, 11, 14,
20 15, 23 and 26; the north one-half (N 1/2) of
21 Sections 7 and 8; the east one-half (E 1/2) and
22 the east one-half of the southwest one-quarter
23 (E 1/2 of SW 1/4) of Section 22; the west
24 one-quarter (W 1/4) of Section 24; the north
25 west one-quarter (NW 1/4) of Section 25; the
26 east three-quarters (E-3/4) of Section 27; all
27 that part of the east one-half of the west
28 one-half (E 1/2 of W 1/2) of Section 34 lying
29 north of the northerly right of way line of
30 State Road 80; and all that part of the west
31 one-half (W 1/2) of Section 35 lying north of

1 the northerly right of way line of State Road
2 80.

4 PARCEL 1

5
6 A parcel of land lying in the South 587.82 feet
7 of Section 15, Township 42 South, Range 41
8 East, Palm Beach County, Florida, Being bounded
9 as follows:

10
11 Bounded on the South by the South line of said
12 Section 15.

13
14 Bounded on the West by the right-of-way for
15 Coconut Boulevard as recorded in Official
16 Records Book 5778, Page 1279, Public Records,
17 Palm Beach County, Florida.

18
19 Bounded on the North by the right-of-way for
20 Lake Park West Road as recorded in Official
21 Records Book 1229, Page 131, Public Records,
22 Palm Beach County, Florida.

23
24 Bounded on the East by the right-of-way for
25 120th Avenue North as recorded in Official
26 Records Book 1229, Page 135, Public Records,
27 Palm Beach County, Florida.

28
29 Containing: 35.15 acres, more or less.

30
31 PARCEL 2

1
2 A parcel of land lying in the South 587.82 feet
3 of Section 15, Township 42 South, Range 41
4 East, Palm Beach County, Florida, being bounded
5 as follows:
6
7 Bounded on the South by the South line of said
8 Section 15.
9
10 Bounded on the West by the right-of-way as
11 recorded in Official Records Book 1229, Page
12 135, Public Records, Palm Beach County,
13 Florida.
14
15 Bounded on the North by the right-of-way for
16 Lake Park West Road as recorded in Official
17 Records Book 1229, Page 131, Public Records,
18 Palm Beach County, Florida.
19
20 Bounded on the East by the right-of-way for
21 Coconut Boulevard as recorded in Official
22 Records Book 5778, Page 1279, Public Records,
23 Palm Beach County, Florida.
24
25 Containing: 30.71 acres, more or less.
26
27 PARCEL 3
28
29 A parcel of land lying in the South 587.82 feet
30 of Section 16, Township 42 South, Range 41
31

1 East, Palm Beach County, Florida, being bounded
2 as follows:
3
4 Bounded on the South by the South line of said
5 Section 16.
6
7 Bounded on the West by the right-of-way for
8 140th Avenue North as recorded in Official
9 Records Book 1229, Page 183, Public Records,
10 Palm Beach County, Florida.
11
12 Bounded on the North by the right-of-way for
13 Lake Park West Road as recorded in Official
14 Records Book 1229, Page 125, Public Records,
15 Palm Beach County, Florida.
16
17 Bounded on the East by the East line of the
18 West one-half of said Section 16.
19
20 Containing: 35.31 acres, more or less.
21
22 PARCEL 4
23
24 A parcel of land lying in the South 587.82 feet
25 of Section 17, Township 42 South, Range 41
26 East, Palm Beach County, Florida, being bounded
27 as follows:
28
29 Bounded on the South by the South line of said
30 Section 17.
31

1 Bounded on the West by the West line of the
2 East one-half of said Section 17.

3
4 Bounded on the North by the right-of-way for
5 Lake Park West Road as recorded in Official
6 Records Book 1229, Page 125, Public Records,
7 Palm Beach County, Florida.

8
9 Bounded on the East by the right-of-way for
10 140th Avenue North as recorded in Official
11 Records Book 1229, Page 133, Public Records,
12 Palm Beach County, Florida.

13
14 Containing: 35.73 acres, more or less.

15
16 Section 3. Provisions of chapter 298, Florida
17 Statutes, made applicable.--The Indian Trail Improvement
18 District shall be a public corporation of this state. The
19 provisions of the general drainage laws of Florida applicable
20 to drainage districts or subdrainage districts which are
21 embodied in chapter 298, Florida Statutes, and all of the laws
22 amendatory thereof, now existing or hereafter enacted, so far
23 as not inconsistent with this act, are hereby declared to be
24 applicable to said Indian Trail Improvement District. Said
25 Indian Trail Improvement District shall have all of the powers
26 and authorities mentioned in or conferred by said chapter 298,
27 Florida Statutes, and acts amendatory thereof, except as
28 herein otherwise provided.

29 Section 4. Provisions of chapter 153, Florida
30 Statutes, made applicable.--The provisions of chapter 153,
31 Florida Statutes, and all the laws amendatory thereof, now

1 existing or hereafter enacted, so far as not inconsistent with
2 this act, are hereby declared to be applicable to said Indian
3 Trail Improvement District. Said Indian Trail Improvement
4 District shall have all of the powers and authorities
5 mentioned in or conferred by said chapter 153, Florida
6 Statutes, and acts amendatory thereof. Where referred to in
7 said chapter 153, Florida Statutes, the word "county" or
8 "counties" shall mean this District, the term "county
9 commission" or the word "commission" shall mean the Board of
10 Supervisors of this District, the word "engineer" shall mean
11 the engineer for this District, the term "county tax assessor"
12 shall mean the County Tax Collector or the Treasurer of the
13 District whichever is collecting the taxes of the District in
14 the discretion of the Board of Supervisors, and all other
15 words or terms in said chapter 153, Florida Statutes, shall be
16 so construed so as to refer and be applicable to this
17 District.

18 Section 5. Powers of the District.--Said District
19 shall have the power to sue and be sued by its name in any
20 court of law or in equity, to make contracts, to adopt and use
21 a corporate seal and to alter the same at pleasure; to acquire
22 by purchase, gift, or condemnation real and personal property,
23 either or both, within or without the District, and to convey
24 and dispose of such real and personal property, either or
25 both, as may be necessary or convenient to carry out the
26 purposes, or any of the purposes, of this act, and chapters
27 298 and 153, Florida Statutes; to construct, operate, and
28 maintain canals, ditches, drains, levees, and other works for
29 drainage purposes; to acquire, purchase, operate, and maintain
30 pumps, plants, and pumping systems for drainage purposes; to
31 construct, operate, and maintain irrigation works, machinery,

1 and plants; to construct, improve, pave, and maintain roadways
2 and roads necessary and convenient for the exercise of the
3 powers or duties or any of the powers or duties of said
4 District or the Supervisors thereof; and, in furtherance of
5 the purposes and intent of this act and chapter 298, Florida
6 Statutes, to construct, improve, pave, and maintain roadways
7 and roads necessary and convenient to provide access to and
8 efficient development of areas made suitable and available for
9 cultivation, settlement, and other beneficial use and
10 development as a result of the drainage and reclamation
11 operations of the District; included as a component of roads
12 in a water control plan parkways, bridges, landscaping,
13 irrigation, bicycle and jogging paths, street lighting,
14 traffic signals, road striping, and all other customary
15 elements of a modern road system; however, as it relates to
16 traffic signals, the District must obtain authorization from
17 the appropriate state or local government prior to expending
18 funds; to construct, operate, and maintain gas mains and
19 facilities for the distribution of natural gas and to purchase
20 natural gas for distribution in the District; to construct and
21 maintain recreation areas and facilities, including the
22 authority to provide for the construction, operation, and
23 maintenance of such recreation areas and facilities through
24 the District's maintenance taxes and user fees; provide
25 recreation and playground equipment; employ supervisory
26 personnel; organize and sponsor community and athletic teams
27 and events; provide liability insurance to cover such
28 projects; lease recreation areas and facilities to nonprofit
29 community corporations or groups; and provide any other
30 programs and elements of recreation areas and facilities,
31 including trails, the enumeration of the same not being

1 exclusive; to borrow money and issue negotiable or other bonds
2 of said District as hereinafter provided; to borrow money,
3 from time to time, and issue negotiable or other notes of said
4 District therefor, bearing interest at the rate as provided by
5 law, in anticipation of the collection of taxes, levies, and
6 assessments or revenues of said District, and to pledge or
7 hypothecate such taxes, levies, assessments, and revenues to
8 secure such bonds, notes, or obligations, and to sell,
9 discount, negotiate, and dispose of the same; and to exercise
10 all other powers necessary, convenient, or proper in
11 connection with any of the powers or duties of said District
12 stated in this act. The powers and duties of said District
13 shall be exercised through the Board of Supervisors thereof,
14 which Board shall have the authority to employ engineers,
15 attorneys, agents, employees, and representatives as the Board
16 of Supervisors may from time to time determine, and to fix
17 their compensation and duties.

18 There shall be adopted by resolution such rules,
19 policies, guidelines, and procedures which will thereby
20 authorize the District, at its discretion, to elect to use
21 either a public bid or private negotiation process for the
22 letting of contracts and purchase orders for works and
23 improvements of the District, including procurement of
24 personal property, commodities, and services, when the cost of
25 said works and improvements, personal property, commodities,
26 and services do not exceed the category two amount set forth
27 in section 287.017, Florida Statutes.

28 Section 6. Board of Supervisors; organizations; terms
29 of office; election; vacancy.--

30 (a) Organization.--
31

1 (1) There shall be a five-member Board of Supervisors
2 of the District consisting of Supervisors each elected from
3 the District by areas and representing the District at large.

4 (2) There shall be five separate Board of Supervisors'
5 seats to be designated as seat 1, seat 2, seat 3, seat 4, and
6 seat 5. The candidates shall qualify for a seat which
7 corresponds to the area in which they reside and the
8 Supervisors elected for these seats hold seats 1 through 5,
9 respectively.

10 (3) To qualify for office:

11 (A) Each candidate for the office of District
12 Supervisor shall be a qualified elector of the District.

13 (B) At the time of qualification, each candidate for a
14 Board of Supervisors' seat shall reside within the boundaries
15 of an activated unit of the District, and, if elected, shall
16 maintain such residency throughout the term of office.

17 (C) Each candidate for the office of District
18 Supervisor shall qualify by area or seat as follows:

19 Each candidate shall qualify only for the seat
20 corresponding to the area in which the candidate resides.

21 The attorney for the District shall prepare a plan
22 which defines the boundaries of 5 consecutively numbered areas
23 comprising the activated units of the District. The 5 areas
24 shall be evenly proportioned in acreage. The proposed plan
25 shall be presented to the Board of Supervisors at a meeting of
26 the Board to be held prior to June 1, 2002.

27 At such meeting, the Board of Supervisors shall hold a
28 public hearing upon due public notice, at which time the
29 residents of the District shall have an opportunity to be
30 heard. At said meeting, the Board of Supervisors shall adopt
31

1 by resolution a plan which defines the boundaries of said 5
2 areas.

3 After 2002, the Board of Supervisors shall redistrict
4 prior to June 1 of each election year only if the boundaries
5 of the activated units of the District have changed since the
6 last redistricting.

7 (b) Terms of office.--

8 (1) The term of office for Supervisors shall be
9 staggered as follows: three candidates receiving the highest
10 number of votes shall serve a term of 4 years; the remaining
11 two candidates shall serve initial terms of 2 years each.
12 Thereafter, the terms of all Supervisors shall be for 4 years.

13 (2) Each Supervisor shall remain in office until his
14 or her successor is elected and assumes the duties of the
15 position.

16 (3) The term of every Supervisor who is currently
17 holding office shall be extended from September 2002 until
18 November 2002 to coincide with the first election held
19 pursuant to this section.

20 (c) Elections.--

21 (1) Any person who is a resident of an activated unit
22 of development of the District who has qualified as an elector
23 of this state and who registers in the manner prescribed by
24 law shall be an elector of the District.

25 (2) All elections for the District Supervisors shall
26 be conducted on a nonpartisan basis without any designation of
27 political party affiliation.

28 (3) Any person who wishes to become a candidate for a
29 District Supervisor's seat shall qualify with the county
30 Supervisor of Elections in accordance with the provisions of
31 the Florida Election Code.

1 (4) The regular nonpartisan District election shall be
2 held on the first Tuesday after the first Monday in November
3 of each even-numbered year, beginning in November 2002. If
4 there are more than two candidates who qualify for any office,
5 a primary election shall be held at the same time as the first
6 primary election.

7 (5) An election to fill the remainder of an unexpired
8 term shall be held as provided in this subsection.

9 (6) If only one candidate qualifies for an office,
10 said candidate shall be deemed to be elected. If two
11 candidates qualify for an office, the names of those
12 candidates shall be placed on the ballot at the general
13 election. If more than two candidates qualify for an office,
14 the names of those candidates shall be placed on the ballot at
15 the first primary election. If no candidate receives a
16 majority of the votes cast for an office in the primary
17 election, the two candidates receiving the highest vote for
18 such office shall be placed on the ballot at the general
19 election, provided that:

20 (A) In any contest in which there is a tie for second
21 place, the name of the candidate placing first and the names
22 of the candidates tying for second shall be placed upon the
23 general election ballot.

24 (B) The candidate receiving the highest number of
25 votes cast for the office in the general election shall be
26 elected to such office. If the vote at the general election
27 results in a tie, the outcome shall be determined by lot.

28 (7) Elected or reelected Supervisors shall be inducted
29 into office at the first regularly scheduled meeting following
30 certification of the election.

31 (d) Filling of vacancies.--

1 (1) If any Board member fails to attend 3 consecutive
2 meetings without cause and without prior approval of the
3 Chair, that member shall be deemed to have committed neglect
4 of duty and may be subject to the provisions of chapter 112,
5 Florida Statutes.

6 (2) If any vacancy occurs in the office of any
7 District Supervisor and the remainder of the unexpired term is
8 less than or equal to 2 years and 81 days, the remaining
9 Supervisors shall, within 30 days following the occurrence of
10 such vacancy, by majority vote, appoint a person to fill the
11 vacancy for the remainder of the unexpired term. If, however,
12 the remainder of the unexpired term exceeds 2 years and 81
13 days, the remaining Supervisors shall, within 30 days
14 following the occurrence of such vacancy, by majority vote,
15 appoint a person to fill the vacancy until the next regularly
16 scheduled District election.

17 (3) Any person appointed to fill a vacant seat on the
18 Board of Supervisors shall be required to meet the
19 qualifications of the seat to which that person is appointed.

20 Section 7. Meeting of landowners; public
21 hearings.--The Board of Supervisors shall have the power to
22 call special meetings of the landowners at any time to receive
23 reports of the Board of Supervisors or consider and act upon
24 any matter upon which the Board of Supervisors shall request
25 advice. Notice of all meetings of the landowners shall be
26 given by the Board of Supervisors by causing publication
27 thereof to be made for 2 consecutive weeks prior to such
28 meeting in some newspaper published in Palm Beach County. The
29 meetings of the landowners shall be held in some public place
30 in said county, and the place, day, and hour of holding such
31 meetings shall be stated in the notice. The landowners when

1 assembled shall organize by electing a Chair, who shall
2 preside at the meeting.

3 Prior to adopting the annual budget, authorizing a
4 special assessment, or making a material expenditure, as
5 hereinafter defined, the Board of Supervisors shall hold a
6 public hearing upon due public notice, at which time the
7 landowners in the District shall have an opportunity to be
8 heard. At such hearings, the Board of Supervisors shall hear
9 comments from those landowners who will be directly affected
10 by the issue which is the subject of the public hearing. For
11 purposes of this section, "material expenditure" shall mean an
12 expenditure for a line item in the budget which exceeds, on a
13 cumulative basis, the amount of such line item by 10 percent
14 during each fiscal year. Notwithstanding the foregoing, an
15 expenditure which does not exceed \$1,000, cumulatively, shall
16 not be a material expenditure. For purposes of this act, due
17 public notice shall mean publication of notice of the time,
18 place, and purpose of the scheduled meeting or hearing for 2
19 consecutive weeks in some newspaper of general circulation
20 published in Palm Beach County. The Board of Supervisors shall
21 not be required to hold a public hearing prior to making a
22 material expenditure if the Board, in its best judgment,
23 determines that an emergency exists.

24 Section 8. Installment and maintenance taxes; levied
25 and apportioned and the collection thereof.--Taxes shall be
26 levied and apportioned as provided for in chapter 298, Florida
27 Statutes, and amendments thereto.

28 Section 9. Enforcement of taxes and discounts.--

29 (a) The collection and enforcement of all taxes levied
30 by said District shall be at the same time and in like manner
31 as county taxes, and the provisions of the Florida Statutes

1 relating to the sale of lands for unpaid and delinquent county
2 taxes, the issuance, sale, and delivery of tax certificates
3 for such unpaid and delinquent county taxes, the redemption
4 thereof, the issuance to individuals of tax deeds based
5 thereon, and all other procedures in connection therewith,
6 shall be applicable to said District and the delinquent and
7 unpaid taxes of said District to the same extent as if said
8 statutory provisions were expressly set forth in this act. All
9 taxes shall be subject to the same discounts as county taxes.
10 All discounts allowed shall be a charge against the
11 maintenance tax only.

12 (b) When unpaid taxes delinquent; penalty.--All taxes
13 levied by the District shall be and become delinquent and bear
14 penalties on the amount of said taxes in the same manner as
15 county taxes.

16 Section 10. Taxes and costs; a lien on land against
17 which taxes levied; taxes levied a lien of equal dignity with
18 other taxes.--All drainage taxes levied by the District,
19 together with all penalties for default in payment of the same
20 and all costs in collecting the same, shall constitute a lien
21 of equal dignity with the liens for county taxes, and other
22 taxes of equal dignity with county taxes, upon all the lands
23 against which said taxes shall be levied. A sale of any of the
24 lands within the District for county or other taxes shall not
25 operate to relieve or release the lands so sold from the lien
26 for subsequent installments of District taxes, which lien may
27 be enforced against such lands as though no such sale thereof
28 had been made.

29 Section 11. Uniform acreage tax for payment of
30 expenses.--There is hereby levied by the Legislature upon each
31 and every acre of land within the Indian Trail Improvement

1 District as defined in this act a uniform tax of \$50 per acre
2 to be used by the District, through its Board of Supervisors,
3 for the purpose of paying expenses incurred or to be incurred
4 in making surveys of the lands in said District, assessing
5 benefits and damages and other expenses necessarily incurred,
6 as may be estimated or determined by the Board of Supervisors,
7 before the Board of Supervisors shall be in funds under the
8 subsequent provisions of this act. Such tax shall become due
9 and payable on the first day of November of each year, and
10 shall become delinquent 90 days thereafter. Said tax shall be
11 a lien upon the lands in the District from the date of the
12 enactment of this act and shall be collected in the same
13 manner as the annual installment of taxes. If it shall appear
14 to the Board of Supervisors to be necessary to obtain funds to
15 pay any expenses incurred or to be incurred in organizing the
16 District, making surveys, preparing the water control plan, or
17 other expenses of the conduct and operation of the District
18 before a sufficient sum can be obtained by the collection of
19 the acreage tax levied by this section of this act, the Board
20 of Supervisors may borrow a sufficient sum of money for any of
21 said purposes at a rate of interest as provided by general
22 law, and may issue negotiable notes or bonds therefor signed
23 by the members of the Board of Supervisors, and may pledge any
24 and all assessments of said acreage tax levied under the
25 provisions of this section for the repayment thereof. The
26 Board of Supervisors may issue to any person or persons
27 performing work or services or furnishing anything of value in
28 the organization of the District or making surveys of the same
29 and assessing benefits or damages or preparing the water
30 control plan and other expenses necessarily incurred before
31 the receipt of funds arising from assessments or benefits,

1 negotiable evidence of debt bearing interest at the rate as
2 provided by general law.

3 Section 12. Bonds may be issued; sale and disposition
4 of proceeds; interest; levy to pay bonds; bonds and duties of
5 treasurer, etc.--The Board of Supervisors may, if in its
6 judgment it seems best, issue bonds not to exceed 90 percent
7 of the total amount of the taxes levied under the provisions
8 of section 298.36, Florida Statutes, in denominations of not
9 less than \$100, bearing interest from date at a rate not to
10 exceed the rate as provided by general law, payable annually
11 or semiannually, to mature at annual intervals within 40 years
12 commencing after a period of not later than 10 years, to be
13 determined by the Board of Supervisors, both principal and
14 interest payable at some convenient place designated by the
15 Board of Supervisors to be named in said bonds, which said
16 bonds shall be signed by the President of the Board of
17 Supervisors, attested with the seal of said District and by
18 the signature of the Secretary of said Board. All of said
19 bonds shall be executed and delivered to the Treasurer of said
20 District, who shall sell the same in such quantities and at
21 such dates as the Board of Supervisors may deem necessary to
22 meet the payments for the works and improvements in the
23 District. Said bonds shall not be sold for less than 90 cents
24 on the dollar, with accrued interest, shall show on their face
25 the purpose for which they are issued, and shall be payable
26 out of moneys derived from the aforesaid taxes. A sufficient
27 amount of the drainage tax shall be appropriated by the Board
28 of Supervisors for the purpose of paying the principal and
29 interest of said bonds, and the same shall, when collected, be
30 preserved in a separate fund for that purpose and no other.
31 All bonds and coupons not paid at maturity shall bear interest

1 at the rate as provided by general law, or until sufficient
2 funds have been deposited at the place of payment, and said
3 interest shall be appropriated by the Board of Supervisors out
4 of the penalties and interest collected on delinquent taxes or
5 other available funds of the District. However, in the
6 discretion of the Board, it may be provided that at any time
7 after such date as shall be fixed by the Board, said bonds may
8 be redeemed before maturity at the option of said Board, or
9 the successors in office, by being made callable prior to
10 maturity at such times and upon such prices and terms and
11 other conditions as said Board shall determine. If any bond so
12 issued subject to redemption before maturity shall not be
13 presented when called for redemption, it shall cease to bear
14 interest from and after the date so fixed for redemption.

15 The Board of Supervisors of said District shall have
16 authority to issue refunding bonds to take up any outstanding
17 bonds and any interest accrued thereon, when in the judgment
18 of said Board, it shall be for the best interest of the
19 District to do so. The Board is hereby authorized and
20 empowered to issue refunding bonds to take up and refund all
21 bonds of said District outstanding that are subject to call
22 and prior redemption, and all interest accrued to the date of
23 such call or prior redemption, and all bonds of said District
24 that are not subject to call or redemption, together with all
25 accrued interest thereon, when the surrender of said bonds can
26 be procured from the holders thereof at prices satisfactory to
27 the Board or can be exchanged for such outstanding bonds with
28 the consent of the holders thereof. Such refunding bonds may
29 be issued at any time that in the judgment of said Board it
30 will be to the interest of the District financially or
31 economically to secure a lower rate of interest on said bonds

1 or by extending the time of maturity of said bonds, or for any
2 other reason in the judgment of said Board advantageous to
3 said District. Such refunding bonds may mature at any time or
4 times in the discretion of said Board, not later, however,
5 than 40 years from the date of issuance of said refunding
6 bonds. Said refunding bonds shall bear such date of issue, and
7 such other details as said Board shall determine and may in
8 the discretion of said Board be made callable prior to
9 maturity at such times and upon such prices and terms and
10 other conditions as said Board shall determine. All the other
11 applicable provisions of this act not inconsistent therewith
12 shall apply fully to said refunding bonds, and the holders
13 thereof shall have all the rights, remedies, and security of
14 the outstanding bonds refunded, except as may be provided
15 otherwise in the resolution of the Board authorizing the
16 issuance of such refunding bonds. Any funds available in the
17 sinking fund for the payment of the principal and interest of
18 outstanding bonds may be retained in the fund to be used for
19 the payment of principal and interest of the refunding bonds,
20 in the discretion of the Board of Supervisors. Any expenses
21 incurred in buying any or all bonds authorized under the
22 provisions of this section and the interest thereon and a
23 reasonable compensation for paying same shall be paid out of
24 the funds in the hands of the Treasurer and collected for the
25 purpose of meeting the expenses of administration. It shall be
26 the duty of the said Board of Supervisors, in making the
27 annual tax levy as heretofore provided, to take into account
28 the maturing bonds and interest on all bonds and expenses, and
29 to make provision in advance for the payment of same.

30 In case the proceeds of the original tax levy made
31 under the provisions of section 298.36, Florida Statutes, are

1 not sufficient to pay the principal and interest of all bonds
2 issued, the Board of Supervisors shall make such additional
3 levy or levies upon the benefits assessed as are necessary for
4 this purpose, and under no circumstances shall any tax levies
5 be made that will in any manner or to any extent impair the
6 security of said bonds or the funds available for the payment
7 of the principal and interest of the same. Said Treasurer
8 shall at the time of the receipt by him or her of said bonds,
9 execute and deliver to the President of Board of said District
10 a bond with good and sufficient surety to be approved by said
11 Board, conditioned that he or she shall account for and pay
12 over as required by law and as ordered by said Board of
13 Supervisors any and all moneys received by him or her on the
14 sale of such bonds, or any of them, and that he or she will
15 only sell and deliver such bonds to the purchaser or
16 purchasers thereof under and according to the terms herein
17 prescribed, and that he or she will return to the Board of
18 Supervisors and duly cancel any and all bonds not sold when
19 ordered by said Board to do so. Said bonds when so returned
20 shall remain in the custody of the President of the Board of
21 Supervisors, who shall produce the same for inspection or for
22 use as evidence whenever and wherever legally requested to do
23 so. The said Treasurer shall promptly report all sales of
24 bonds to the Board of Supervisors. The Board shall at a
25 reasonable time thereafter prepare and issue warrants in
26 substantially the form provided in section 298.17, Florida
27 Statutes, for the payment of maturing bonds so sold and the
28 interest payments coming due on all bonds sold. Each of said
29 warrants shall specify the bonds and accruing interest which
30 the warrant is to pay, and the Treasurer shall place
31 sufficient funds at the place of payment to pay the maturing

1 bonds and coupons when due, together with necessary
2 compensation for paying same. The successor in office of any
3 such Treasurer shall not be entitled to said bonds or the
4 proceeds thereof until he or she shall have complied with all
5 of the foregoing provisions applicable to his or her
6 predecessor in office. The aforesaid bond of said Treasurer
7 may, if said Board shall so direct, be furnished by a surety
8 or bonding company, which may be approved by said Board of
9 Supervisors, provided that, if it should be deemed more
10 expedient to said Board of Supervisors as to money derived
11 from the sale of bonds issued, said Board may, by resolution,
12 select some suitable bank or banks or other depository as
13 temporary Treasurer or Treasurers to hold and disburse said
14 moneys upon the order of said Board as the work progresses,
15 until such fund is exhausted or transferred to the Treasurer
16 by order of said Board of Supervisors. The funds derived from
17 the sale of said bonds or any of them shall be used for the
18 purpose of paying the cost of the drainage works and
19 improvements, and such costs, fees, expenses, and salaries as
20 may be authorized by law, and used for no other purpose.

21 Section 13. Issue and sale of bonds authorized.--This
22 act shall, without reference to any other act of the
23 Legislature, be full authority for the issuance and sale of
24 the bonds authorized in this act, which bonds shall have all
25 the qualities of negotiable paper under the law merchant and
26 shall not be invalid for any irregularity or defect in the
27 proceedings for the issuance and sale thereof, and shall be
28 incontestable in the hands of bona fide purchasers or holders
29 thereof. No proceedings in respect to the issuance of any such
30 bonds shall be necessary, except such as are required by this
31 act. The provisions of this act shall constitute an

1 irrepealable contract between the Board of Supervisors and the
2 Indian Trail Improvement District and the holders of any bonds
3 and the coupons thereof issued pursuant to the provisions
4 hereof. Any holder of any of said bonds or coupons may either
5 in law or in equity by suit, action, or mandamus enforce and
6 compel the performance of the duties required by this act of
7 any of the officers or persons mentioned in this act in
8 relation to the said bonds, or to the correct enforcement and
9 application of the taxes for the payment thereof.

10 After the several bonds and coupons are paid and
11 retired as herein provided, they shall be returned to the
12 Treasurer, and they shall be canceled and an appropriate
13 record thereof made in a book to be kept for that purpose,
14 which record of paid and canceled bonds shall be kept at the
15 office of the Treasurer and shall be open for inspection of
16 any bondholder at any time.

17 Section 14. Eminent domain.--The Board of Supervisors
18 is hereby authorized and empowered to exercise the right of
19 eminent domain and may condemn for the use of said District
20 any and all lands, easements, rights of way, riparian rights,
21 and property rights of every description, in or out of said
22 District, required for the public purposes and powers of said
23 Board as herein granted, and may enter upon, take, and use
24 such lands as it may deem necessary for such purposes.

25 Section 15. Unit development; powers of Supervisors to
26 designate units of District and adopt system of progressive
27 drainage by units; water control plans and financing
28 assessments, etc., for each unit.--The Board of Supervisors of
29 the Indian Trail Improvement District shall have the power and
30 is hereby authorized in its discretion to drain and reclaim or
31 more completely and intensively to drain and reclaim the lands

1 in said District by designated areas or parts of said District
2 to be called "units." The units into which said District may
3 be so divided shall be given appropriate numbers or names by
4 said Board of Supervisors, so that said units may be readily
5 identified and distinguished. The Board of Supervisors shall
6 have the power to fix and determine the location, area, and
7 boundaries of, and lands to be included in, each and all such
8 units, the order of development thereof, and the method of
9 carrying on the work in each unit. The unit system of drainage
10 provided by this section may be conducted and all of the
11 proceedings by this section and this act authorized in respect
12 to such unit or units may be carried on and conducted at the
13 same time as or after the work of draining and reclaiming of
14 the entire District has been or is being or shall be
15 instituted or carried on under the provisions of this act. If
16 the Board of Supervisors shall determine that it is advisable
17 to conduct the work of draining and reclaiming the lands in
18 said District by units, as authorized by this section of this
19 act, said Board shall, by resolution duly adopted and entered
20 upon its minutes, declare its purpose to conduct such work
21 accordingly, and shall at the same time and manner fix the
22 number, location, and boundaries of and description of lands
23 within such unit or units and give them appropriate numbers or
24 names. As soon as practicable after the adoption and recording
25 of such resolution, said Board of Supervisors shall publish
26 notice once a week for 2 consecutive weeks in a newspaper
27 published in Palm Beach County, briefly describing the units
28 into which said District has been divided and the lands
29 embraced in each unit, giving the name, number, or other
30 designation of such units, requiring all owners of lands in
31 said District to show cause in writing before said Board of

1 Supervisors at a time and place to be stated in such notice
2 why such division of said District into such units should not
3 be approved, and said system of development by units should
4 not be adopted and given effect by said Board, and why the
5 proceedings and powers authorized by this section of this act
6 should not be had, taken, and exercised. At the time and place
7 stated in said notice, said Board of Supervisors shall hear
8 all objections or causes of objection, all of which shall be
9 in writing, of any landowner in said District to the matters
10 mentioned and referred to in such notice, and, if no
11 objections are made, or if said objections, if made, shall be
12 overruled by said Board, then said Board shall enter in its
13 minutes its finding and order confirming said resolution, and
14 may thereafter proceed with the development, drainage, and
15 reclamation of said District by units pursuant to such
16 resolution and to the provisions of this act. If, however,
17 said Board of Supervisors shall find as a result of such
18 objections, or any of them, or the hearing thereon, that the
19 division of said District into such units as aforesaid should
20 not be approved, or that said system of development by units
21 should not be adopted and given effect, or that the
22 proceedings and powers authorized by this section of this act
23 should not be had, taken, or exercised, or that any other
24 matter or thing embraced in said resolution would not be in
25 the best interest of the landowners of said District or would
26 be unjust or unfair to any landowner therein or otherwise
27 inconsistent with fair and equal protection and enforcement of
28 the rights of every landowner in said District, then said
29 Board of Supervisors shall not proceed further under such
30 resolution, but said Board of Supervisors may, as a result of
31 such hearing, modify or amend said resolution so as to meet

1 such objections so made, and thereupon said Board may confirm
2 said resolution as so modified or amended and may thereafter
3 proceed accordingly. The sustaining of such objections and the
4 rescinding of such resolutions shall not exhaust the power of
5 said Board under this section; but, at any time not less than
6 1 year after the date of the hearing upon any such resolution,
7 the Board of Supervisors may adopt other resolutions under
8 this section and thereupon proceed on due notice in like
9 manner as above. If said Board of Supervisors shall overrule
10 or refuse to sustain any such objections in whole or in part
11 made by any landowner in the District, or if any such
12 landowner shall deem himself or herself aggrieved by any
13 action of the Board of Supervisors in respect to any
14 objections so filed, such landowner may, within 10 days after
15 the ruling of said Board, file a bill of complaint in a court
16 of competent jurisdiction against said District, praying an
17 injunction or other appropriate relief against the action or
18 any part of such action proposed by such resolution or
19 resolutions of said Board, and such suits shall be conducted
20 like other suits, except that said suits shall have preference
21 over all other pending actions except criminal actions and
22 writs of habeas corpus. Upon the hearing of said cause, the
23 court of competent jurisdiction shall have the power to hear
24 the objections and receive the evidence thereon of all parties
25 to such cause and approve or disapprove said resolutions and
26 action of said Board in whole or in part, and to render such
27 decree in such cause as right and justice require. When said
28 resolutions creating said unit system shall be confirmed by
29 the Board of Supervisors, or by the court if such proposed
30 action shall be challenged by a landowner by the judicial
31 proceedings hereinabove authorized, said Board of Supervisors

1 may adopt a plan or plans of water control for and in respect
2 to any or all such units, and to have the benefits and damages
3 resulting therefrom assessed and apportioned by the district
4 engineer and the engineer's report considered and confirmed,
5 all in like manner as is provided by law in regard to water
6 control plans for and assessments for benefits and damages of
7 the entire District. With respect to the water control plan,
8 notices, engineer's report, and notice and confirmation
9 thereof, the levy of assessments and taxes, including
10 maintenance taxes, and the issuance of bonds and all other
11 proceedings as to each and all of such units, said Board shall
12 follow and comply with the same procedure as is provided by
13 law with respect to the entire District; and said Board of
14 Supervisors shall have the same powers in respect to each and
15 all of such units as is vested in the Board with respect to
16 the entire District. All the provisions of this act shall
17 apply to the drainage, reclamation, and improvement of each,
18 any, and all of such units, and the enumeration of or
19 reference to specific powers or duties of the Supervisors or
20 any other officers or other matters in this act as hereinabove
21 set forth shall not limit or restrict the application of any
22 and all of the proceedings and powers herein to the drainage
23 and reclamation of such units as fully and completely as if
24 such unit or units were specifically and expressly named in
25 every section and clause of this act where the entire District
26 is mentioned or referred to. All assessments, levies, taxes,
27 bonds, and other obligations made, levied, assessed, or issued
28 for or in respect to any such unit or units shall be a lien
29 and charge solely and only upon the lands in such unit or
30 units, respectively, for the benefit of which the same shall
31 be levied, made, or issued, and not upon the remaining units

1 or lands in said District. The Board of Supervisors may at any
2 time amend its said resolutions by changing the location and
3 description of lands in any such unit or units, provided that,
4 if the location of or description of lands located in any such
5 unit or units is so changed, notice of such change shall be
6 published as hereinabove required in this section for notice
7 of the formation or organization of such unit or units, and
8 all proceedings shall be had and done in that regard as are
9 provided in this section for the original creation of such
10 unit or units; however, no lands against which benefits shall
11 have been assessed may be detached from any such unit after
12 the confirmation of the engineer's report of benefits in such
13 unit or units or the issuance of bonds or other obligations
14 which are payable from taxes or assessments for benefits
15 levied upon the lands within such unit or units.

16 If, after the confirmation of the engineer's report of
17 benefits in such unit or units, or the issuance of bonds or
18 other obligations which are payable from taxes or assessments
19 for benefits levied upon lands within such unit or units, the
20 Board of Supervisors finds the water control plan for any such
21 unit or units insufficient or inadequate for efficient
22 development, the water control plan may be amended or changed
23 as provided in chapter 298, Florida Statutes, and the unit or
24 units may be amended or changed as provided in this section by
25 changing the location and description of lands in any such
26 unit or units, by detaching lands therefrom or by adding land
27 thereto, and in such event all assessments, levies, taxes,
28 bonds, and other obligations made, levied, assessed, incurred,
29 or issued for or in respect to any such unit or units may be
30 allocated and apportioned to the amended unit or units in
31 proportion to the benefits assessed by the engineer's report

1 for the amended water control plan and said report shall
2 specifically provide for such allocation and apportionment.
3 However, a change or amendment to a designated unit is not
4 authorized if it has the effect of impairing a debt or other
5 obligation on the unit or District.

6 Section 16. Amendment of water control plan.--The
7 Board of Supervisors of the Indian Trail Improvement District
8 shall have the power to amend a previously approved water
9 control plan by resolution, provided that the District
10 engineer certifies that all land benefited by the improvements
11 provided for in the original plan receives the same or greater
12 benefits as previously assessed and that the estimated cost of
13 implementing the plan, as amended, does not exceed the total
14 benefits assessed in the manner provided by law, until such
15 time as chapter 298, Florida Statutes, is amended to provide a
16 process for implementing section 298.225(8), Florida Statutes.

17 The Indian Trail Improvement District may accept for
18 maintenance additional facilities which are within its
19 boundaries and which are donated to the District at no cost,
20 and may supplement a previously adopted water control plan to
21 include such facilities.

22 Section 17. All acts and proceedings of the circuit
23 court taken by, for, and on behalf of the District since the
24 creation thereof, and all of the acts and proceedings of the
25 Board of Supervisors, the Commissioners, and all other
26 officers and agents of the District, and of the county, acting
27 for and on behalf of the District, and any and all tax levies
28 and assessments which have been made by the Board of
29 Supervisors for and on behalf of the District, are each and
30 every one of them, and each and every part thereof, hereby
31 ratified, validated, and confirmed.

1 Section 4. Chapters 57-646, 67-692, 80-569, 82-352,
2 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473,
3 Laws of Florida, relating to the Indian Trail Improvement
4 District of Florida, are hereby repealed to the extent they
5 are inconsistent herewith.

6 Section 5. In case any one or more of the sections or
7 provisions of this act or the application of such sections or
8 provisions to any situation, circumstance, or person shall for
9 any reason be held to be unconstitutional, such
10 unconstitutionality shall not affect any other sections or
11 provisions of this act or the application of such sections or
12 provisions to any other situation, circumstance, or person,
13 and it is intended that this law shall be construed and
14 applied as if such section or provision had not been included
15 herein for any unconstitutional application.

16 Section 6. In the event of a conflict of the
17 provisions of this act with the provisions of any other act
18 the provisions of this act shall control to the extent of such
19 conflict.

20 Section 7. This act shall take effect upon becoming a
21 law.
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