

1 state. It is the intent of the Legislature in enacting this
2 law to provide a single, comprehensive special act charter for
3 the District, including all current legislative authority
4 granted to the District by its several legislative enactments
5 and any additional authority granted by this act. It is
6 further the intent of this act to preserve all District
7 authority, including the authority to annually assess and levy
8 taxes or non-ad valorem assessments against all assessable
9 property in the District.

10 Section 2. Chapters 57-646, 67-692, 80-569, 82-352,
11 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473,
12 Laws of Florida, are codified, reenacted, amended, and
13 repealed as herein provided.

14 Section 3. The Indian Trail Improvement District is
15 re-created, and the charter for the District is re-created and
16 reenacted to read:

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

20 (1) The District is organized and exists for all
21 purposes set forth in this act and chapter 298, Florida
22 Statutes, as they may be amended from time to time, except as
23 otherwise provided herein.

24 (2) The powers, functions, and duties of the District
25 regarding non-ad valorem assessments, bond issuance, other
26 revenue-raising capabilities, budget preparation and approval,
27 liens and foreclosure of liens, use of tax deeds and tax
28 certificates as appropriate for non-ad valorem assessments,
29 and contractual agreements shall be as set forth in chapters
30 189, 197, and 298, Florida Statutes, this act, or any other
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1 applicable general or special law, as they may be amended from
2 time to time.

3 (3) The District was created by chapter 57-646, Laws
4 of Florida.

5 (4) The District's charter may be amended only by
6 special act of the Legislature.

7 (5) In accordance with chapter 57-646, Laws of
8 Florida, and the subsequent amendatory special acts of the
9 Legislature, the District is governed by a Board of
10 Supervisors. The membership and organization of the Board
11 shall be as set forth in this act, as it may be amended from
12 time to time.

13 (6) The compensation of Board members shall be
14 governed by this act and chapter 298, Florida Statutes, as
15 they may be amended from time to time.

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

18 (8) Requirements for financial disclosure, meeting
19 notices, reporting, public records maintenance, and per diem
20 expenses for officers and employees shall be as set forth in
21 chapters 112, 119, 189, 286, and 298, Florida Statutes, as
22 they may be amended from time to time.

23 (9) The procedures and requirements governing the
24 issuance of bonds, notes, and other evidence of indebtedness
25 by the District shall be as set forth in chapters 189 and 298,
26 Florida Statutes, and applicable general laws, as they may be
27 amended from time to time.

28 (10) The procedures for conducting District elections
29 and for qualification of electors shall be pursuant to
30 chapters 189 and 298, Florida Statutes, this act, and
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1 applicable general laws, as they may be amended from time to
2 time.

3 (11) The District may be financed by any method
4 established in this act, chapters 189 and 298, Florida
5 Statutes, or any applicable general laws, as they may be
6 amended from time to time.

7 (12) In accordance with chapter 298, Florida Statutes,
8 the District may continue to levy upon all of the real taxable
9 property in the District a special tax each year as
10 maintenance tax.

11 (13) The method for collecting non-ad valorem
12 assessments, fees, or service charges shall be as set forth in
13 chapters 197 and 298, Florida Statutes, as they may be amended
14 from time to time.

15 (14) The District's planning requirements shall be as
16 set forth in chapters 189 and 298, Florida Statutes, as they
17 may be amended from time to time.

18 Section 2. District created and boundaries
19 thereof.--For the purpose of reclaiming and draining the lands
20 hereinafter described and protecting said lands from the
21 effects of water by means of the construction and maintenance
22 of canals, ditches, levees, dikes, pumping plants, and other
23 drainage works and improvements, and for the purpose of making
24 the lands within said District available and habitable for
25 settlement and agriculture, and for the public convenience,
26 welfare, utility, and benefit, and for the other purposes
27 stated in this act, a water control district is hereby created
28 and established in Palm Beach County, Florida, to be known as
29 the Indian Trail Improvement District, a water control
30 district, the territorial boundaries of which shall include
31 the following land, to-wit:

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TOWNSHIP 41 SOUTH, RANGE 41 EAST

That part of Sections 18, 19 and 20, lying South of the southerly right-of-way of the Seaboard Coast Line Railroad, all being in Township 41 South, Range 41 East.

The West 1/2 of Section 29, all of Sections 30 and 31, and the West 1/2 of Section 32, Township 41 South, Range 41 East.

TOWNSHIP 42 SOUTH, RANGE 39 EAST

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

TOWNSHIP 42 SOUTH, RANGE 40 EAST

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

TOWNSHIP 42 SOUTH, RANGE 41 EAST

1
2 The West 1/2 of Section 14, lying South of the
3 right-of-way for North Lake Boulevard, the same
4 being a part of Stonewal Estates Plat One as
5 recorded in Plat Book 47, pages 12 thru 17
6 inclusive, all in Palm Beach County, Florida;
7 the West one-half (W 1/2) of Section 23 and all
8 of Section 26; all of Sections 31, 33, 34 and
9 35.

10
11 The West 1/2 of Section 17, all of Sections 18,
12 19, 20, 21, 22, 27, 28, 29, 30 and 32; Township
13 42 South, Range 41 East.

14
15 The West 80 feet of Sections 6 and 7, and the
16 South 80 feet of the North 280 feet of the West
17 1700 feet of Section 6, all being in Township
18 42, Range 41 East.

19
20 TOWNSHIP 43 SOUTH, RANGE 39 EAST

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

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29 TOWNSHIP 43 SOUTH, RANGE 40 EAST

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1 All of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14,
2 15, 17, 18, 20, 21, 22, 23 and 26; that part of
3 Section 3 lying Northerly and Westerly of the
4 Southeasterly right of way line of the "M"
5 Canal; the west three-quarters (W 3/4) of
6 Section 13, 24 and 25; all that part of Section
7 35 lying north of the northerly right of way
8 line of State Road 80; all that part of the
9 West three-quarters (W 3/4) of Section 36 lying
10 north of the northerly right of way line of
11 State Road 80, and all that part of the West
12 one-half (W 1/2) of Section 31, lying north and
13 east of the northerly and easterly right of way
14 lines of State Road 80, and Levee L-12 a
15 project in the plan of water control of the
16 Central and Southern Florida Flood Control
17 District.

18
19 TOWNSHIP 43 SOUTH, RANGE 41 EAST

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

1 one-half (W 1/2) of Section 35 lying north of
2 the northerly right of way line of State Road
3 80.
4
5 PARCEL 1
6
7 A parcel of land lying in the South 587.82 feet
8 of Section 15, Township 42 South, Range 41
9 East, Palm Beach County, Florida, being bounded
10 as follows:
11
12 Bounded on the South by the South line of said
13 Section 15.
14
15 Bounded on the West by the right-of-way for
16 Coconut Boulevard as recorded in Official
17 Records Book 5778, Page 1279, Public Records,
18 Palm Beach County, Florida.
19
20 Bounded on the North by the right-of-way for
21 Lake Park West Road as recorded in Official
22 Records Book 1229, Page 131, Public Records,
23 Palm Beach County, Florida.
24
25 Bounded on the East by the right-of-way for
26 120th Avenue North as recorded in Official
27 Records Book 1229, Page 135, Public Records,
28 Palm Beach County, Florida.
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30 Containing: 35.15 acres, more or less.
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PARCEL 2

A parcel of land lying in the South 587.82 feet of Section 15, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of said Section 15.

Bounded on the West by the right-of-way as recorded in Official Records Book 1229, Page 135, Public Records, Palm Beach County, Florida.

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

Bounded on the East by the right-of-way for Coconut Boulevard as recorded in Official Records Book 5778, Page 1279, Public Records, Palm Beach County, Florida.

Containing: 30.71 acres, more or less.

PARCEL 3

A parcel of land lying in the South 587.82 feet of Section 16, Township 42 South, Range 41

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.

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

28 Section 4. Provisions of chapter 153, Florida
29 Statutes, made applicable.--The provisions of the County Water
30 System and Sanitary Sewer Financing Law which are embodied in
31 chapter 153, Florida Statutes, and all the laws amendatory

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

17 Section 5. Powers of the District.--

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

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

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

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

27 Section 6. Board of Supervisors; organization; terms
28 of office; election; vacancy.--

29 (1) Organization.--
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1 (a) The business affairs of the District shall be
2 conducted and administered by a five-member Board of
3 Supervisors elected by the electors of the District.

4 (b) The office of each member of the Board is
5 designated as being a seat on the board, distinguished from
6 each of the other seats by a numeral: 1, 2, 3, 4, or 5. The
7 numerical seat designation does not designate a geographical
8 subdistrict. Each candidate for a seat on the Board shall
9 designate, at the time the candidate qualifies, the seat on
10 the Board for which the candidate is qualifying. The name of
11 each candidate who qualifies for election to a seat on the
12 board shall be included on the ballot in a way that clearly
13 indicates the seat for which the candidate is a candidate.

14 (c) To qualify for office:

15 1. Each candidate for the office of District
16 Supervisor shall be a qualified elector of the District; and

17 2. At the time of qualification, each candidate for a
18 Board of Supervisors seat shall reside within the boundaries
19 of an activated unit of the District and, if elected, shall
20 maintain such residency throughout the term of office.

21 (2) Terms of office.--

22 (a) In the first election following the effective date
23 of this act, seats 1, 3, and 5 shall be designated for 4-year
24 terms and seats 2 and 4 shall be designated for 2-year terms.
25 Thereafter, the terms of all Supervisors shall be for 4 years.

26 (b) Each Supervisor shall remain in office until the
27 successor is elected and assumes the duties of the position.

28 (c) The term of every Supervisor who is holding office
29 on the effective date of this act shall be extended from
30 September 2002 until November 2002 to coincide with the first
31 election held pursuant to this section.

1 (3) Elections.--

2 (a) Electors.--Any person who is a resident of an
3 activated unit of development of the District who has
4 qualified as an elector of this state and who registers in the
5 manner prescribed by law shall be an elector of the District.

6 (b) Nonpartisan elections.--All elections for the
7 District Supervisors shall be conducted on a nonpartisan basis
8 without any designation of political party affiliation.

9 (c) Qualification.--Any person who wishes to become a
10 candidate for a District Supervisor's seat shall qualify with
11 the county supervisor of elections in accordance with the
12 provisions of the Florida Election Code and this act.

13 (d) Schedule for elections and primaries.--The regular
14 nonpartisan district election shall be held on the first
15 Tuesday after the first Monday in November of each
16 even-numbered year, beginning in November 2002. If there are
17 more than two candidates who qualify for any office, a primary
18 election shall be held at the same time as the first primary
19 election.

20 (e) Schedule for other elections.--An election to fill
21 the remainder of an unexpired term shall be held as provided
22 in this subsection.

23 (f) Determination of election of office.--If only one
24 candidate qualifies for an office, said candidate shall be
25 deemed to be elected. If two candidates qualify for an office,
26 the names of those candidates shall be placed on the ballot at
27 the general election. If more than two candidates qualify for
28 an office, the names of those candidates shall be placed on
29 the ballot at the first primary election. If no candidate
30 receives a majority of the votes cast for an office in the
31 primary election, the two candidates receiving the highest

1 vote for such office shall be placed on the ballot at the
2 general election, provided that:

3 1. In any contest in which there is a tie for second
4 place, the name of the candidate placing first and the names
5 of the candidates tying for second shall be placed upon the
6 general election ballot.

7 2. The candidate receiving the highest number of votes
8 cast for the office in the general election shall be elected
9 to such office. If the vote at the general election results in
10 a tie, the outcome shall be determined by lot.

11 (g) Elected or reelected Supervisors shall be inducted
12 into office at the first regularly scheduled meeting following
13 certification of the election.

14 (4) Filling of vacancies.--

15 (a) If any Board member fails to attend three
16 consecutive meetings without cause and without prior approval
17 of the chair, that member shall be deemed to have committed
18 neglect of duty and may be subject to the provisions of
19 chapter 112, Florida Statutes.

20 (b) If any vacancy occurs in the office of any
21 District Supervisor and the remainder of the unexpired term is
22 less than or equal to 2 years and 81 days, the remaining
23 Supervisors shall, within 30 days following the occurrence of
24 such vacancy, by majority vote, appoint a person to fill the
25 vacancy for the remainder of the unexpired term. If, however,
26 the remainder of the unexpired term exceeds 2 years and 81
27 days, the remaining Supervisors shall, within 30 days
28 following the occurrence of such vacancy, by majority vote,
29 appoint a person to fill the vacancy until the next regularly
30 scheduled district election.

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

4 Section 7. Compensation of Supervisors.--Each
5 Supervisor shall be paid for his or her services in accordance
6 with chapter 298, Florida Statutes, and shall be paid 10 cents
7 per mile for each mile actually traveled in going to and from
8 his or her place of residence to the place of meeting.

9 Section 8. Meeting of landowners; public hearings.--

10 (1) The Board of Supervisors shall have the power to
11 call special meetings of the landowners at any time to receive
12 reports of the Board of Supervisors or consider and act upon
13 any matter upon which the Board of Supervisors shall request
14 advice. Notice of all meetings of the landowners shall be
15 given by the Board of Supervisors by causing publication
16 thereof to be made for 2 consecutive weeks prior to such
17 meeting in some newspaper published in Palm Beach County. The
18 meetings of the landowners shall be held in some public place
19 in said county, and the place, day, and hour of holding such
20 meetings shall be stated in the notice. The landowners when
21 assembled shall organize by electing a chair who shall preside
22 at the meeting.

23 (2) Prior to adopting the annual budget, authorizing a
24 special assessment, or making a material expenditure, as
25 hereinafter defined, the Board of Supervisors shall hold a
26 public hearing upon due public notice, at which time the
27 landowners in the District shall have an opportunity to be
28 heard. At such hearings, the Board of Supervisors shall hear
29 comments from those landowners who will be directly affected
30 by the issue which is the subject of the public hearing. For
31 purposes of this section, "material expenditure" shall mean an

1 expenditure for a line item in the budget which exceeds, on a
2 cumulative basis, the amount of such line item by 10 percent
3 during each fiscal year. Notwithstanding the foregoing, an
4 expenditure which does not exceed \$1,000, cumulatively, shall
5 not be a material expenditure. For purposes of this act, due
6 public notice shall mean publication of notice of the time,
7 place, and purpose of the scheduled meeting or hearing for 2
8 consecutive weeks in some newspaper of general circulation
9 published in Palm Beach County. The Board of Supervisors shall
10 not be required to hold a public hearing prior to making a
11 material expenditure if the Board, in its best judgment,
12 determines that an emergency exists.

13 Section 9. Installment and maintenance taxes levied
14 and apportioned and the collection thereof.--Taxes shall be
15 levied and apportioned as provided for in chapter 298, Florida
16 Statutes, and amendments thereto.

17 Section 10. Enforcement of taxes and discounts; when
18 unpaid taxes delinquent; penalty.--

19 (1) The collection and enforcement of all taxes levied
20 by said District shall be at the same time and in like manner
21 as county taxes, and the provisions of the Florida Statutes
22 relating to the sale of lands for unpaid and delinquent county
23 taxes, the issuance, sale, and delivery of tax certificates
24 for such unpaid and delinquent county taxes, the redemption
25 thereof, the issuance to individuals of tax deeds based
26 thereon, and all other procedures in connection therewith
27 shall be applicable to said District and the delinquent and
28 unpaid taxes of said District to the same extent as if said
29 statutory provisions were expressly set forth in this act. All
30 taxes shall be subject to the same discounts as county taxes.

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1 All discounts allowed shall be a charge against the
2 maintenance tax only.

3 (2) All taxes levied by the District shall be and
4 become delinquent and bear penalties on the amount of said
5 taxes in the same manner as county taxes.

6 Section 11. Taxes and costs; lien on land against
7 which taxes levied; taxes levied a lien of equal dignity with
8 other taxes.--All drainage taxes levied by the District,
9 together with all penalties for default in payment of the same
10 and all costs in collecting the same, shall constitute a lien
11 of equal dignity with the liens for county taxes, and other
12 taxes of equal dignity with county taxes, upon all the lands
13 against which said taxes shall be levied. A sale of any of the
14 lands within the District for county or other taxes shall not
15 operate to relieve or release the lands so sold from the lien
16 for subsequent installments of District taxes, which lien may
17 be enforced against such lands as though no such sale thereof
18 had been made.

19 Section 12. Uniform acreage tax for payment of
20 expenses.--Pursuant to section 298.349, Florida Statutes, the
21 District may levy upon each and every acre of land within a
22 newly created unit of development within said Indian Trail
23 Improvement District a uniform initial assessment of \$50 per
24 acre for the year in which the unit of development is created
25 to be used by said District, through its said Board of
26 Supervisors, for the purpose of paying expenses incurred or to
27 be incurred in making surveys of the lands in said District,
28 assessing District Administrator benefits and damages and
29 other expenses necessarily incurred, as estimated or
30 determined by said Board of Supervisors, before said Board of
31 Supervisors collects or receives funds under the subsequent

1 provisions of this act. Said assessment shall be a lien upon
2 the lands in said District from the date of the creation of
3 the new unit of development and shall be collected in the same
4 manner as the annual installment of taxes. If it shall appear
5 to the Board of Supervisors to be necessary to obtain funds to
6 pay any expenses incurred or to be incurred in organizing said
7 District, making said surveys, preparing the Water Control
8 Plan, or other expenses of the conduct and operation of said
9 District before a sufficient sum can be obtained by the
10 collection of the acreage tax levied by this section, said
11 Board of Supervisors may borrow a sufficient sum of money for
12 any of said purposes at a rate of interest as provided by
13 general law, and may issue negotiable notes or bonds therefor
14 signed by the members of said Board of Supervisors, and may
15 pledge any and all assessments of said acreage tax levied
16 under the provisions of this section for the repayment
17 thereof. Said Board of Supervisors may issue to any person or
18 persons performing work or services or furnishing anything of
19 value in the organization of said District or making surveys
20 of the same and assessing benefits or damages or preparing
21 said Water Control Plan and other expenses necessarily
22 incurred before the receipt of funds arising from assessments
23 or benefits, negotiable evidence of debt bearing interest at
24 the rate as provided by general law.

25 Section 13. Bonds may be issued; sale and disposition
26 of proceeds; interest; levy to pay bonds; bonds and duties of
27 Treasurer, etc.--

28 (1) The Board of Supervisors may, if in its judgment
29 it seems best, issue bonds not to exceed 90 percent of the
30 total amount of the taxes levied under the provisions of
31 section 298.36, Florida Statutes, in denominations of not less

1 than \$100, bearing interest from date at a rate not to exceed
2 the rate as provided by general law, payable annually or
3 semiannually, to mature at annual intervals within 40 years
4 commencing after a period of not later than 10 years, to be
5 determined by the Board of Supervisors, both principal and
6 interest payable at some convenient place designated by the
7 Board of Supervisors to be named in said bonds, which said
8 bonds shall be signed by the President of the Board of
9 Supervisors, attested with the seal of said District and by
10 the signature of the Secretary of said Board. All of said
11 bonds shall be executed and delivered to the Treasurer of said
12 District, who shall sell the same in such quantities and at
13 such dates as the Board of Supervisors may deem necessary to
14 meet the payments for the works and improvements in the
15 District. Said bonds shall not be sold for less than 90 cents
16 on the dollar, with accrued interest, shall show on their face
17 the purpose for which they are issued, and shall be payable
18 out of money derived from the aforesaid taxes. A sufficient
19 amount of the drainage tax shall be appropriated by the Board
20 of Supervisors for the purpose of paying the principal and
21 interest of said bonds, and the same shall, when collected, be
22 preserved in a separate fund for that purpose and no other.
23 All bonds and coupons not paid at maturity shall bear interest
24 at the rate as provided by general law or until sufficient
25 funds have been deposited at the place of payment, and said
26 interest shall be appropriated by the Board of Supervisors out
27 of the penalties and interest collected on delinquent taxes or
28 other available funds of the District. Provided, however, that
29 it may, in the discretion of said Board, be provided that at
30 any time, after such date as shall be fixed by the said Board,
31 said bonds may be redeemed before maturity at the option of

1 said Board, or their successors in office, by being made
2 callable prior to maturity at such times and upon such prices
3 and terms and other conditions as said Board shall determine.
4 If any bond so issued subject to redemption before maturity
5 shall not be presented when called for redemption, it shall
6 cease to bear interest from and after the date so fixed for
7 redemption.

8 (2) The Board of Supervisors of said District shall
9 have authority to issue refunding bonds to take up any
10 outstanding bonds and any interest accrued thereon when, in
11 the judgment of said Board, it shall be in the best interest
12 of said District so to do. The said Board is hereby authorized
13 and empowered to issue refunding bonds to take up and refund
14 all bonds of said District outstanding that are subject to
15 call and prior redemption, and all interest accrued to the
16 date of such call or prior redemption, and all bonds of said
17 District that are not subject to call or redemption, together
18 with all accrued interest thereon, where the surrender of said
19 bonds can be procured from the holders thereof at prices
20 satisfactory to the Board or can be exchanged for such
21 outstanding bonds with the consent of the holder thereof. Such
22 refunding bonds may be issued at any time when in the judgment
23 of said Board it will be to the interest of the District
24 financially or economically to secure a lower rate of interest
25 on said bonds or by extending the time of maturity of said
26 bonds, or for any other reason in the judgment of said Board
27 advantageous to said District. Such refunding bonds may mature
28 at any time or times in the discretion of said Board, not
29 later, however, than 40 years from the date of issuance of
30 said refunding bonds. Said refunding bonds shall bear such
31 date of issue and such other details as said Board shall

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

24 (3) In case the proceeds of the original tax levy made
25 under the provisions of section 298.36, Florida Statutes, are
26 not sufficient to pay the principal and interest of all bonds
27 issued, then the Board of Supervisors shall make such
28 additional levy or levies upon the benefits assessed as are
29 necessary for this purpose, and under no circumstances shall
30 any tax levies be made that will in any manner or to any
31 extent impair the security of said bonds or the fund available

1 for the payment of the principal and interest of the same.
2 Said Treasurer shall, at the time of the receipt by him or her
3 of said bonds, execute and deliver to the President of the
4 Board of said District a bond with good and sufficient surety
5 to be approved by said Board, conditioned that he or she shall
6 account for and pay over as required by law and as ordered by
7 said Board of Supervisors any and all moneys received by him
8 or her on the sale of such bonds, or any of them, and that he
9 or she shall only sell and deliver such bonds to the purchaser
10 or purchasers thereof under and according to the terms herein
11 prescribed, and that he or she shall return to the Board of
12 Supervisors and duly cancel any and all bonds not sold when
13 ordered by said Board to do so. Said bonds when so returned
14 shall remain in the custody of the President of the Board of
15 Supervisors, who shall produce the same for inspection or for
16 use as evidence whenever and wherever legally requested so to
17 do. The said Treasurer shall promptly report all sales of
18 bonds to the Board of Supervisors. The Board shall at
19 reasonable time thereafter prepare and issue warrants in
20 substantially the form provided in section 298.17, Florida
21 Statutes, for the payment of maturing bonds so sold and the
22 interest payments coming due on all bonds sold. Each of said
23 warrants shall specify what bonds and accruing interest it is
24 to pay, and the Treasurer shall place sufficient funds at the
25 place of payment to pay the maturing bonds and coupons when
26 due, together with necessary compensation for paying same. The
27 successor in office of any such Treasurer shall not be
28 entitled to said bonds or the proceeds thereof until he or she
29 shall have complied with all of the foregoing provisions
30 applicable to his or her predecessor in office. The aforesaid
31 bond of said Treasurer may, if said Board shall so direct, be

1 furnished by a surety or bonding company, which may be
2 approved by said Board of Supervisors, provided that, if it
3 should be deemed more expedient to said Board of Supervisors
4 as to money derived from the sale of bonds issued, said Board
5 may by resolution select some suitable bank or banks or other
6 depository as temporary Treasurer or Treasurers to hold and
7 disburse said moneys upon the order of said Board as the work
8 progresses, until such fund is exhausted or transferred to the
9 Treasurer by order of said Board of Supervisors. The funds
10 derived from the sale of said bonds or any of them shall be
11 used for the purpose of paying the cost of the drainage works
12 and improvements, and such costs, fees, expenses, and salaries
13 as may be authorized by law, and used for no other purpose.

14 Section 14. Full authority for issue and sale of bonds
15 authorized.--

16 (1) This act shall, without reference to any other act
17 of the Legislature, be full authority for the issuance and
18 sale of the bonds authorized in this act, which bonds shall
19 have all the qualities of negotiable paper under the law
20 merchant and shall not be invalid for any irregularity or
21 defect in the proceedings for the issuance and sale thereof
22 and shall be incontestable in the hands of bona fide
23 purchasers or holders thereof. No proceedings in respect to
24 the issuance of any such bonds shall be necessary, except such
25 as are required by this act. The provisions of this act shall
26 constitute an irrevocable contract among the said Board of
27 Supervisors and the said Indian Trail Improvement District and
28 the holders of any bonds and the coupons thereof issued
29 pursuant to the provisions hereof. Any holder of any of said
30 bonds or coupons may either in law or in equity by suit,
31 action, or mandamus enforce and compel the performance of the

1 duties required by this act of any of the officers or persons
2 mentioned in this act in relation to the said bonds, or to the
3 correct enforcement and application of the taxes for the
4 payment thereof.

5 (2) After the several bonds and coupons are paid and
6 retired as herein provided, they shall be returned to the
7 Treasurer, and they shall be canceled and an appropriate
8 record thereof made in a book to be kept for that purpose,
9 which record of paid and canceled bonds shall be kept at the
10 office of the Treasurer and shall be open for inspection of
11 any bondholder at any time.

12 Section 15. Eminent domain.--The said Board of
13 Supervisors is hereby authorized and empowered to exercise the
14 right of eminent domain and may condemn for the use of said
15 District any and all lands, easements, rights of way, riparian
16 rights, and property rights of every description, in or out of
17 said District, required for the public purposes and powers of
18 said Board as herein granted, and may enter upon, take, and
19 use such lands as it may deem necessary for such purposes.

20 Section 16. Unit development; powers of Supervisors to
21 designate units of district and adopt system of progressive
22 drainage by units; Water Control Plans and financing
23 assessments, etc., for each unit.--

24 (1) The Board of Supervisors of Indian Trail
25 Improvement District shall have the power and is hereby
26 authorized in its discretion to drain and reclaim or more
27 completely and intensively to drain and reclaim the lands in
28 said District by designated areas or parts of said District to
29 be called "units." The units into which said District may be
30 so divided shall be given appropriate numbers or names by said
31 Board of Supervisors, so that said units may be readily

1 identified and distinguished. The Board of Supervisors shall
2 have the power to fix and determine the location, area, and
3 boundaries of and lands to be included in each and all such
4 units, the order of development thereof, and the method of
5 carrying on the work in each unit. The unit system of drainage
6 provided by this section may be conducted and all of the
7 proceedings by this section and this act authorized in respect
8 to such unit or units may be carried on and conducted at the
9 same time as or after the work of draining and reclaiming of
10 the entire District has been or is being or shall be
11 instituted or carried on under the provisions of this act. If
12 the Board of Supervisors shall determine that it is advisable
13 to conduct the work of draining and reclaiming the lands in
14 said District by units, as authorized by this section, said
15 Board shall, by resolution duly adopted and entered upon its
16 minutes, declare its purpose to conduct such work accordingly,
17 and shall at the same time and manner fix the number,
18 location, and boundaries of and description of lands within
19 such unit or units and give them appropriate numbers or names.
20 As soon as practicable after the adoption and recording of
21 such resolution, said Board of Supervisors shall publish
22 notice once a week for 2 consecutive weeks in a newspaper
23 published in Palm Beach County, briefly describing the units
24 into which said District has been divided and the lands
25 embraced in each unit, giving the name, number, or other
26 designation of such units, requiring all owners of lands in
27 said District to show cause in writing before said Board of
28 Supervisors at a time and place to be stated in such notice
29 why such division of said District into such units should not
30 be approved, and said system of development by units should
31 not be adopted and given effect by said Board, and why the

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

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

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

1 located in any such unit or units is so changed, notice of
2 such change shall be published as hereinabove required in this
3 section for notice of the formation or organization of such
4 unit or units, and all proceedings shall be had and done in
5 that regard as are provided in this section for the original
6 creation of such unit or units, provided, however, that no
7 lands against which benefits shall have been assessed may be
8 detached from any such unit after the confirmation of the
9 Engineer's Report of benefits in such unit or units or the
10 issuance of bonds or other obligations which are payable from
11 taxes or assessments for benefits levied upon the lands within
12 such unit or units.

13 (2) If, after the confirmation of the Engineer's
14 Report of benefits in such unit or units, or the issuance of
15 bonds or other obligations which are payable from taxes or
16 assessments for benefits levied upon lands within such unit or
17 units, the Board of Supervisors finds the Water Control Plan
18 for any such unit or units insufficient or inadequate for
19 efficient development, the Water Control Plan may be amended
20 or changed as provided in chapter 298, Florida Statutes, and
21 the unit or units may be amended or changed as provided in
22 this section, by changing the location and description of
23 lands in any such unit or units, by detaching lands therefrom,
24 or by adding lands thereto, and in such event all assessments,
25 levies, taxes, bonds, and other obligations made, levied,
26 assessed, incurred, or issued for or in respect to any such
27 unit or units may be allocated and apportioned to the amended
28 unit or units in proportion to the benefits assessed by the
29 Engineer's Report for the amended Water Control Plan and said
30 report shall specifically provide for such allocation and
31 apportionment. However, a change or amendment to a designated

1 unit is not authorized if it has the effect of impairing a
2 debt or other obligation of the unit or District.

3 Section 17. Amendment of Water Control Plan.--

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

15 (2) Indian Trail Improvement District may accept for
16 maintenance additional facilities which are within its
17 boundaries and which are donated to the District at no cost,
18 and may supplement a previously adopted Water Control Plan to
19 include such facilities.

20 Section 18. Ratification of prior acts.--All acts and
21 proceedings of the circuit court taken by, for, and on behalf
22 of the District since the creation thereof, and all of the
23 acts and proceedings of the Board of Supervisors, the
24 Commissioners, and all other officers and agents of the
25 District, and of the county, acting for and on behalf of the
26 District, and any and all tax levies and assessments which
27 have been made by the Board of Supervisors for and on behalf
28 of the District, are each and every one of them, and each and
29 every part thereof, hereby ratified, validated, and confirmed.

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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, are repealed.

4 Section 5. This act shall be construed as remedial and
5 shall be liberally construed to promote the purpose for which
6 it is intended.

7 Section 6. In the event that any part of this act
8 should be held void for any reason, such holding shall not
9 affect any other part thereof.

10 Section 7. Except as otherwise provided in this act,
11 in the event of a conflict of the provisions of this act with
12 the provisions of any other act, the provisions of this act
13 shall control to the extent of such conflict.

14 Section 8. A landowner referendum shall be called by
15 the Board of Supervisors within 60 days after the effective
16 date of this act on the question of whether the Board of
17 Supervisors will be elected by qualified electors, as provided
18 by section 6 of the charter contained in section 3 of this
19 act. Notwithstanding section 298.12, Florida Statutes, all
20 district landowners whose lands are not exempt from district
21 assessments and may be assessed for benefits are entitled to
22 vote in the referendum held pursuant to this section. The
23 referendum shall be held on a one-acre/one-vote basis. If the
24 landowners approve the election procedure described in section
25 6 of the charter contained in section 3 of this act by a
26 majority vote of the acreage cast, then such section shall
27 take effect immediately. If the landowners do not approve the
28 election procedure described in section 6 of the charter
29 contained in section 3 of this act by a majority vote of the
30 acreage cast, then such section shall be replaced by the
31 following:

1 Section 6. Board of Supervisors; election;
2 organization; meetings; powers; duties; terms of office.--

3 (1) The governing body of the Indian Trail Improvement
4 District shall be the Board of Supervisors. The Board shall
5 have seven members who shall hold office for terms of 3 years
6 each and shall serve until their successors shall be duly
7 elected and qualified. Current members of the Board shall
8 continue to serve until successors are elected.

9 (2) Every third year during the month of September,
10 beginning September 2003, all Supervisors shall be elected, as
11 hereinafter provided, by the landowners of the subdistricts
12 identified in subsection (4) herein. All vacancies or
13 expirations on said Board shall be filled as required by this
14 act. The Supervisors of the Indian Trail Improvement District
15 shall be residents of the subdistrict from which elected and
16 owners of lands or property within said subdistrict. In case
17 of a vacancy in the office of any Supervisor, the remaining
18 Supervisors may fill such vacancy until the next election,
19 when his or her successor shall be elected by the landowners
20 of the subdistrict which elected the Supervisor.

21 (3) As soon as practicable after their election, the
22 Board of Supervisors of said District shall organize by
23 choosing one of their members as President of said Board of
24 Supervisors and by electing some suitable person Secretary,
25 who may or may not be a member of said Board. The Secretary
26 shall be required to execute a bond for the faithful
27 performance of his or her duties in such penal amount as the
28 board may determine. The Board of Supervisors shall adopt a
29 seal which shall be the seal of said District. At each annual
30 meeting of the landowners of the District, the Board of
31 Supervisors shall report all work undertaken or completed

1 during the preceding year and the status of the finances of
2 the District.

3 (4) With the assistance of the District Engineer and
4 Attorney, the Board shall designate seven subdistricts as
5 nearly equal in population as practicable, no later than June
6 30, 2002. Redistricting of the seven subdistricts shall occur
7 every 10 years thereafter by the end of June.

8 (5) The subdistricts shall be designated as
9 subdistricts 1, 2, 3, 4, 5, 6, and 7, respectively. Beginning
10 with the 2003 elections, a candidate for a subdistrict seat
11 shall be a resident of the subdistrict for which he or she
12 runs.

13 (6) All candidates shall qualify with the Secretary of
14 Indian Trail Improvement District by July 30 of the year in
15 which they run and must declare the subdistrict number for
16 which they qualify.

17 (7) All assessed acreage within the Indian Trail
18 Improvement District may be voted in any election. Each acre
19 and any fraction thereof shall count as one vote. Only
20 assessed acres within a subdistrict may be cast for a
21 Supervisor candidate within a designated district. The
22 candidate receiving the most votes of the acreage cast for
23 each subdistrict is elected. If only one candidate qualifies
24 for a seat, that candidate shall be deemed to have received
25 the most votes and be elected.

26 (8) The Board shall adopt official qualifications,
27 proxy and ballot forms, and such other policy as required to
28 conduct elections. The Board shall also appoint an independent
29 certified public accountant who shall count all ballots and
30 certify results of each election.

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1 Section 9. This act shall take effect upon becoming a
2 law, except as otherwise provided herein.
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