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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; providing
7 legislative intent; codifying, reenacting, and
8 amending chapters 57-646, 67-692, 80-569,
9 82-352, 83-491, 88-501, 89-465, 90-446, 92-261,
10 97-326, 99-473, Laws of Florida; providing for
11 minimum charter requirements; amending the
12 boundaries of the district to include
13 additional lands; providing for supervisor
14 qualifications, terms of office, election
15 procedures, and compensation; providing for a
16 referendum; providing for provisions of other
17 laws made applicable; providing for
18 ratification of prior actions; repealing
19 chapters 57-646, 67-692, 80-569, 82-352,
20 83-491, 88-501, 89-465, 90-446, 92-261, 97-326,
21 99-473, Laws of Florida, relating to the Indian
22 Trail Improvement District; providing for
23 liberal construction; providing for
24 severability; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Pursuant to section 189.429, Florida
29 Statutes, this act constitutes the codification of all special
30 acts relating to the Indian Trail Improvement District, an
31 independent special district and public corporation of the

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13 repealed as provided in this act.

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 in this act.

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, as it may be amended from time to time.

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

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

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

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

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

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

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

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

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

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31 TOWNSHIP 41 SOUTH, RANGE 41 EAST

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

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9 The West 1/2 of Section 17 and all of Sections
10 18, 19, 20, 21, 22, 27, 28, 29, 30, and 32.

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12 The West 80 feet of Sections 6 and 7 and the
13 South 80 feet of the North 280 feet of the West
14 1,700 feet of Section 6.

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16 TOWNSHIP 43 SOUTH, RANGE 39 EAST

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18 All of Sections 1, 2, 11, 12, 13, 14, 23, and
19 24 and all that part of Sections 25, 26, and 36
20 lying north and east of the northeasterly
21 right-of-way line of levee L-12, a project in
22 the plan of water control of the Central and
23 Southern Florida Flood Control District.

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25 TOWNSHIP 43 SOUTH, RANGE 40 EAST

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27 All of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14,
28 15, 17, 18, 20, 21, 22, 23, and 26; that part
29 of Section 3 lying Northerly and Westerly of
30 the Southeasterly right-of-way line of the "M"
31 Canal; the west three-quarters (W 3/4) of

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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 Section 15.

Bounded on the West by the right-of-way for Coconut Boulevard as recorded in Official Records Book 5778, Page 1279, 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 120th Avenue North as recorded in Official Records Book 1229, Page 135, Public Records, Palm Beach County, Florida.

Containing: 35.15 acres, more or less.

PARCEL 2

A parcel of land lying in the South 587.82 feet of Section 15, Township 42 South, Range 41

1 East, Palm Beach County, Florida, being bounded
2 as follows:

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4 Bounded on the South by the South line of
5 Section 15.

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7 Bounded on the West by the right-of-way as
8 recorded in Official Records Book 1229, Page
9 135, Public Records, Palm Beach County,
10 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 131, Public Records,
15 Palm Beach County, Florida.

16
17 Bounded on the East by the right-of-way for
18 Coconut Boulevard as recorded in Official
19 Records Book 5778, Page 1279, Public Records,
20 Palm Beach County, Florida.

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22 Containing: 30.71 acres, more or less.

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24 PARCEL 3

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26 A parcel of land lying in the South 587.82 feet
27 of Section 16, Township 42 South, Range 41
28 East, Palm Beach County, Florida, being bounded
29 as follows:

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

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6 Bounded on the East by the right-of-way for
7 140th Avenue North as recorded in Official
8 Records Book 1229, Page 133, Public Records,
9 Palm Beach County, Florida.

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11 Containing: 35.73 acres, more or less.

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

25 Section 4. Provisions of chapter 153, Florida
26 Statutes, made applicable.--The provisions of the County Water
27 System and Sanitary Sewer Financing Law which are embodied in
28 chapter 153, Florida Statutes, and all the laws amendatory
29 thereof, now existing or hereafter enacted, so far as not
30 inconsistent with this act, are declared to be applicable to
31 Indian Trail Improvement District. Indian Trail Improvement

1 District shall have all of the powers and authority mentioned
2 in or conferred by chapter 153, Florida Statutes, and acts
3 amendatory thereof. Where referred to in chapter 153, Florida
4 Statutes, "county" or "counties" shall mean this district;
5 "county commission" or "commission" shall mean the board of
6 supervisors of this district; "engineer" shall mean the
7 engineer for this district; "county tax assessor" shall mean
8 the county tax collector or the treasurer of the district,
9 whoever is collecting the taxes of the district in the
10 discretion of the board of supervisors; and all other words or
11 terms in chapter 153, Florida Statutes, shall be construed so
12 as to refer and be applicable to this district.

13 Section 5. Powers of the district.--

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

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

1 levies, and assessments or revenues of the district, and to
2 pledge or hypothecate such taxes, levies, assessments, and
3 revenues to secure such bonds, notes, or obligations, and to
4 sell, discount, negotiate, and dispose of the same; and to
5 exercise all other powers necessary, convenient, or proper in
6 connection with any of the powers or duties of the district
7 stated in this act. The powers and duties of the district
8 shall be exercised by its board of supervisors, which board
9 shall have the authority to employ engineers, attorneys,
10 agents, employees, and representatives as the board of
11 supervisors from time to time determines, and to fix their
12 compensation and duties.

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

23 Section 6. Board of supervisors; organization; terms
24 of office; election; vacancy.--

25 (1) Organization.--

26 (a) The business affairs of the district shall be
27 conducted and administered by a five-member board of
28 supervisors elected by the electors of the district.

29 (b) The office of each member of the board is
30 designated as being a seat on the board, distinguished from
31 each of the other seats by a numeral: 1, 2, 3, 4, or 5. The

1 numerical seat designation does not designate a geographical
2 subdistrict. Each candidate for a seat on the board shall
3 designate, at the time the candidate qualifies, the seat on
4 the board for which the candidate is qualifying. The name of
5 each candidate who qualifies for election to a seat on the
6 board shall be included on the ballot in a way that clearly
7 indicates the seat for which the candidate is a candidate.

8 (c) To qualify for office:

9 1. Each candidate for the office of district
10 supervisor must be a qualified elector of the district; and

11 2. At the time of qualification, each candidate for a
12 board of supervisors seat shall reside within the boundaries
13 of an activated unit of the district and, if elected, shall
14 maintain such residency throughout the term of office.

15 (2) Terms of office.--

16 (a) In the first election following the effective date
17 of this act, seats 1, 3, and 5 shall be designated for 4-year
18 terms and seats 2 and 4 shall be designated for 2-year terms.
19 Thereafter, the terms of all supervisors shall be for 4 years.

20 (b) Each supervisor shall remain in office until the
21 successor is elected and assumes the duties of the position.

22 (c) The term of every supervisor who is holding office
23 on the effective date of this act shall be extended from
24 September 2002 until November 2002 to coincide with the first
25 election held pursuant to this section.

26 (3) Elections.--

27 (a) Electors.--Any person who is a resident of an
28 activated unit of development of the district who has
29 qualified as an elector of this state and who registers in the
30 manner prescribed by law is an elector of the district.

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1 (b) Nonpartisan elections.--All elections for the
2 district supervisors shall be conducted on a nonpartisan basis
3 without any designation of political party affiliation.

4 (c) Qualification.--Any person who wishes to become a
5 candidate for a district supervisor's seat shall qualify with
6 the county supervisor of elections in accordance with the
7 provisions of the Florida Election Code and this act.

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

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

18 (f) Determination of election of office.--If only one
19 candidate qualifies for an office, that candidate shall be
20 deemed to be elected. If two candidates qualify for an office,
21 the names of those candidates shall be placed on the ballot at
22 the general election. If more than two candidates qualify for
23 an office, the names of those candidates shall be placed on
24 the ballot at the first primary election. If no candidate
25 receives a majority of the votes cast for an office in the
26 primary election, the two candidates receiving the highest
27 vote for such office shall be placed on the ballot at the
28 general election, provided that:

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

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

7 (g) Elected or reelected supervisors shall be inducted
8 into office at the first regularly scheduled meeting following
9 certification of the election.

10 (4) Filling of vacancies.--

11 (a) If any board member fails to attend three
12 consecutive meetings without cause and without prior approval
13 of the chair, that member shall be deemed to have committed
14 neglect of duty and may be subject to the provisions of
15 chapter 112, Florida Statutes.

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

27 (c) Any person appointed to fill a vacant seat on the
28 board of supervisors shall be required to meet the
29 qualifications of the seat to which that person is appointed.

30 Section 7. Compensation of supervisors.--Each
31 supervisor shall be paid for his or her services in accordance

1 with chapter 298, Florida Statutes, and shall be paid 10 cents
2 per mile for each mile actually traveled in going to and from
3 his or her place of residence to the place of meeting.

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

5 (1) The board of supervisors may to call special
6 meetings of the landowners at any time to receive reports of
7 the board of supervisors or consider and act upon any matter
8 upon which the board of supervisors requests advice. Notice of
9 all meetings of the landowners shall be given by the board of
10 supervisors by causing publication thereof to be made for 2
11 consecutive weeks before such meeting in some newspaper
12 published in Palm Beach County. The meetings of the landowners
13 shall be held in some public place in the county, and the
14 place, day, and hour of holding such meetings shall be stated
15 in the notice. The landowners when assembled shall organize by
16 electing a chair who shall preside at the meeting.

17 (2) Before adopting the annual budget, authorizing a
18 special assessment, or making a material expenditure, as
19 defined in this act, the board of supervisors shall hold a
20 public hearing upon due public notice, at which time the
21 landowners in the district shall have an opportunity to be
22 heard. At such hearings, the board of supervisors shall hear
23 comments from those landowners who will be directly affected
24 by the issue that is the subject of the public hearing. For
25 purposes of this section, "material expenditure" means an
26 expenditure for a line item in the budget which exceeds, on a
27 cumulative basis, the amount of such line item by 10 percent
28 during each fiscal year. However, an expenditure that does not
29 exceed \$1,000, cumulatively, shall not be a material
30 expenditure. For purposes of this act, due public notice shall
31 mean publication of notice of the time, place, and purpose of

1 the scheduled meeting or hearing for 2 consecutive weeks in
2 some newspaper of general circulation published in Palm Beach
3 County. The board of supervisors need not hold a public
4 hearing before making a material expenditure if the board, in
5 its best judgment, determines that an emergency exists.

6 Section 9. Installment and maintenance taxes levied
7 and apportioned and the collection thereof.--Taxes shall be
8 levied and apportioned as provided for in chapter 298, Florida
9 Statutes, and amendments thereto.

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

12 (1) The collection and enforcement of all taxes levied
13 by the district shall be at the same time and in like manner
14 as county taxes, and the provisions of the Florida Statutes
15 relating to the sale of lands for unpaid and delinquent county
16 taxes, the issuance, sale, and delivery of tax certificates
17 for such unpaid and delinquent county taxes, the redemption
18 thereof, the issuance to individuals of tax deeds based
19 thereon, and all other procedures in connection therewith
20 shall be applicable to the district and the delinquent and
21 unpaid taxes of the district to the same extent as if such
22 statutory provisions were expressly set forth in this act. All
23 taxes shall be subject to the same discounts as county taxes.
24 All discounts allowed shall be a charge against the
25 maintenance tax only.

26 (2) All taxes levied by the district shall be and
27 become delinquent and bear penalties on the amount of such
28 taxes in the same manner as county taxes.

29 Section 11. Taxes and costs; lien on land against
30 which taxes levied; taxes levied a lien of equal dignity with
31 other taxes.--All drainage taxes levied by the district,

1 together with all penalties for default in payment of the same
2 and all costs in collecting the same, shall constitute a lien
3 of equal dignity with the liens for county taxes, and other
4 taxes of equal dignity with county taxes, upon all the lands
5 against which such taxes are levied. A sale of any of the
6 lands within the district for county or other taxes shall not
7 operate to relieve or release the lands so sold from the lien
8 for subsequent installments of district taxes, which lien may
9 be enforced against such lands as though no such sale thereof
10 had been made.

11 Section 12. Uniform acreage tax for payment of
12 expenses.--Pursuant to section 298.349, Florida Statutes, the
13 district may levy upon each and every acre of land within a
14 newly created unit of development within such Indian Trail
15 Improvement District a uniform initial assessment of \$50 per
16 acre for the year in which the unit of development is created
17 to be used by the district, through its board of supervisors,
18 for the purpose of paying expenses incurred or to be incurred
19 in making surveys of the lands in the district, assessing
20 district administrator benefits and damages and other expenses
21 necessarily incurred, as estimated or determined by the board
22 of supervisors, before the board of supervisors collects or
23 receives funds under the subsequent provisions of this act.
24 Such assessment shall be a lien upon the lands in the district
25 from the date of the creation of the new unit of development
26 and shall be collected in the same manner as the annual
27 installment of taxes. If it appears to the board of
28 supervisors to be necessary to obtain funds to pay any
29 expenses incurred or to be incurred in organizing the
30 district, making surveys, preparing the water control plan, or
31 other expenses of the conduct and operation of such district

1 before a sufficient sum can be obtained by the collection of
2 the acreage tax levied by this section, the board of
3 supervisors may borrow a sufficient sum of money for any of
4 such purposes at a rate of interest as provided by general
5 law, may issue negotiable notes or bonds therefor signed by
6 the members of the board of supervisors, and may pledge any
7 and all assessments of the acreage tax levied under the
8 provisions of this section for the repayment thereof. The
9 board of supervisors may issue to any person or persons
10 performing work or services or furnishing anything of value in
11 the organization of the district or making surveys of the same
12 and assessing benefits or damages or preparing the water
13 control plan and other expenses necessarily incurred before
14 the receipt of funds arising from assessments or benefits,
15 negotiable evidence of debt bearing interest at the rate as
16 provided by general law.

17 Section 13. Bonds may be issued; sale and disposition
18 of proceeds; interest; levy to pay bonds; bonds and duties of
19 Treasurer, etc.--

20 (1) The board of supervisors may, if in its judgment
21 it seems best, issue bonds not to exceed 90 percent of the
22 total amount of the taxes levied under the provisions of
23 section 298.36, Florida Statutes, in denominations of not less
24 than \$100, bearing interest from date at a rate not to exceed
25 the rate as provided by general law, payable annually or
26 semiannually, to mature at annual intervals within 40 years
27 commencing after a period of not later than 10 years, to be
28 determined by the board of supervisors, both principal and
29 interest payable at some convenient place designated by the
30 board of supervisors to be named in such bonds, which bonds
31 shall be signed by the president of the board of supervisors,

1 attested with the seal of the district and by the signature of
2 the secretary of the board. All of the bonds shall be executed
3 and delivered to the treasurer of the district, who shall sell
4 the same in such quantities and at such dates as the board of
5 supervisors deems necessary to meet the payments for the works
6 and improvements in the district. Such bonds shall not be sold
7 for less than 90 cents on the dollar, with accrued interest,
8 shall show on their face the purpose for which they are
9 issued, and shall be payable out of money derived from the
10 aforsaid taxes. A sufficient amount of the drainage tax shall
11 be appropriated by the board of supervisors for the purpose of
12 paying the principal and interest of the bonds, and the same
13 shall, when collected, be preserved in a separate fund for
14 that purpose and no other. All bonds and coupons not paid at
15 maturity shall bear interest at the rate as provided by
16 general law or until sufficient funds have been deposited at
17 the place of payment, and such interest shall be appropriated
18 by the board of supervisors out of the penalties and interest
19 collected on delinquent taxes or other available funds of the
20 district. However, it may, in the discretion of the board, be
21 provided that at any time, after such date as shall be fixed
22 by the board, the bonds may be redeemed before maturity at the
23 option of the board, or their successors in office, by being
24 made callable prior to maturity at such times and upon such
25 prices and terms and other conditions as the board shall
26 determine. If any bond so issued subject to redemption before
27 maturity shall not be presented when called for redemption, it
28 shall cease to bear interest from and after the date so fixed
29 for redemption.

30 (2) The board of supervisors of the district may issue
31 refunding bonds to take up any outstanding bonds and any

1 interest accrued thereon when, in the judgment of the board,
2 it is in the best interest of the district so to do. The board
3 is authorized and empowered to issue refunding bonds to take
4 up and refund all bonds of the district outstanding that are
5 subject to call and prior redemption, and all interest accrued
6 to the date of such call or prior redemption, and all bonds of
7 the district that are not subject to call or redemption,
8 together with all accrued interest thereon, where the
9 surrender of the bonds can be procured from the holders
10 thereof at prices satisfactory to the board or can be
11 exchanged for such outstanding bonds with the consent of the
12 holder thereof. Such refunding bonds may be issued at any time
13 when in the judgment of the board it will be to the interest
14 of the district financially or economically to secure a lower
15 rate of interest on the bonds or by extending the time of
16 maturity of the bonds, or for any other reason in the judgment
17 of the board advantageous to the district. Such refunding
18 bonds may mature at any time or times in the discretion of the
19 board, not later, however, than 40 years from the date of
20 issuance of said refunding bonds. Such refunding bonds shall
21 bear a date of issue and such other details as the board
22 determines and may in the discretion of the board be made
23 callable prior to maturity at such times and upon such prices
24 and terms and other conditions as the board determines. All
25 the other applicable provisions of this act not inconsistent
26 therewith shall apply fully to such refunding bonds and the
27 holders thereof shall have all the rights, remedies, and
28 security of the outstanding bonds refunded, except as may be
29 provided otherwise in the resolution of the board authorizing
30 the issuance of such refunding bonds. Any funds available in
31 the sinking fund for the payment of the principal and interest

1 of outstanding bonds may be retained in the fund to be used
2 for the payment of principal and interest of the refunding
3 bonds, in the discretion of the board of supervisors. Any
4 expenses incurred in buying any or all bonds authorized under
5 the provisions of this section and the interest thereon and a
6 reasonable compensation for paying same shall be paid out of
7 the funds in the hands of the treasurer and collected for the
8 purpose of meeting the expenses of administration. It shall be
9 the duty of the board of supervisors in making the annual tax
10 levy to take into account the maturing bonds and interest on
11 all bonds and expenses and to make a provision in advance for
12 the payment of same.

13 (3) In case the proceeds of the original tax levy made
14 under the provisions of section 298.36, Florida Statutes, are
15 not sufficient to pay the principal and interest of all bonds
16 issued, the board of supervisors shall make such additional
17 levy or levies upon the benefits assessed as are necessary for
18 this purpose, and under no circumstances shall any tax levies
19 be made that will in any manner or to any extent impair the
20 security of the bonds or the fund available for the payment of
21 the principal and interest of the same. The treasurer shall,
22 at the time of the receipt by him or her of such bonds,
23 execute and deliver to the president of the board of the
24 district a bond with good and sufficient surety to be approved
25 by the board, conditioned that he or she shall account for and
26 pay over as required by law and as ordered by the board of
27 supervisors any and all moneys received by him or her on the
28 sale of such bonds, or any of them, and that he or she shall
29 only sell and deliver such bonds to the purchaser or
30 purchasers thereof under and according to the terms herein
31 prescribed, and that he or she shall return to the board of

1 supervisors and duly cancel any and all bonds not sold when
2 ordered by the board to do so. Such bonds when so returned
3 shall remain in the custody of the president of the board of
4 supervisors, who shall produce the same for inspection or for
5 use as evidence whenever and wherever legally requested to do
6 so. The treasurer shall promptly report all sales of bonds to
7 the board of supervisors. The board shall at reasonable time
8 thereafter prepare and issue warrants in substantially the
9 form provided in section 298.17, Florida Statutes, for the
10 payment of maturing bonds so sold and the interest payments
11 coming due on all bonds sold. Each of such warrants shall
12 specify what bonds and accruing interest it is to pay, and the
13 treasurer shall place sufficient funds at the place of payment
14 to pay the maturing bonds and coupons when due, together with
15 necessary compensation for paying same. The successor in
16 office of any such treasurer shall not be entitled to such
17 bonds or the proceeds thereof until he or she has complied
18 with all of the foregoing provisions applicable to his or her
19 predecessor in office. The aforesaid bond of the treasurer
20 may, if the board so directs, be furnished by a surety or
21 bonding company, which may be approved by the board of
22 supervisors, provided that, if it is deemed more expedient to
23 the board of supervisors as to money derived from the sale of
24 bonds issued, the board may by resolution select some suitable
25 bank or banks or other depository as temporary treasurer or
26 treasurers to hold and disburse such moneys upon the order of
27 the board as the work progresses, until such fund is exhausted
28 or transferred to the treasurer by order of the board of
29 supervisors. The funds derived from the sale of the bonds or
30 any of them shall be used for the purpose of paying the cost
31 of the drainage works and improvements, and such costs, fees,

1 expenses, and salaries as may be authorized by law, and used
2 for no other purpose.

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

5 (1) This act shall, without reference to any other act
6 of the Legislature, be full authority for the issuance and
7 sale of the bonds authorized in this act, which bonds shall
8 have all the qualities of negotiable paper under the law
9 merchant and shall not be invalid for any irregularity or
10 defect in the proceedings for the issuance and sale thereof
11 and shall be incontestable in the hands of bona fide
12 purchasers or holders thereof. No proceedings in respect to
13 the issuance of any such bonds shall be necessary, except such
14 as are required by this act. The provisions of this act shall
15 constitute an irrepealable contract among the board of
16 supervisors and the Indian Trail Improvement District and the
17 holders of any bonds and the coupons thereof issued pursuant
18 to the provisions hereof. Any holder of any of such bonds or
19 coupons may either in law or in equity by suit, action, or
20 mandamus enforce and compel the performance of the duties
21 required by this act of any of the officers or persons
22 mentioned in this act in relation to the bonds, or to the
23 correct enforcement and application of the taxes for the
24 payment thereof.

25 (2) After the several bonds and coupons are paid and
26 retired as provided in this act, they shall be returned to the
27 treasurer, and they shall be canceled and an appropriate
28 record thereof made in a book to be kept for that purpose,
29 which record of paid and canceled bonds shall be kept at the
30 office of the treasurer and shall be open for inspection of
31 any bondholder at any time.

1 Section 15. Eminent domain.--The board of supervisors
2 is authorized and empowered to exercise the right of eminent
3 domain and may condemn for the use of the district any and all
4 lands, easements, rights of way, riparian rights, and property
5 rights of every description, in or out of the district,
6 required for the public purposes and powers of the board as
7 granted in this act, and may enter upon, take, and use such
8 lands as it may deem necessary for such purposes.

9 Section 16. Unit development; powers of supervisors to
10 designate units of district and adopt system of progressive
11 drainage by units; water control plans and financing
12 assessments, etc., for each unit.--

13 (1) The Board of Supervisors of Indian Trail
14 Improvement District may drain and reclaim or more completely
15 and intensively drain and reclaim the lands in the district by
16 designated areas or parts of the district to be called
17 "units." The units into which the district may be so divided
18 shall be given appropriate numbers or names by the board of
19 supervisors, so that such units may be readily identified and
20 distinguished. The board of supervisors shall have the power
21 to fix and determine the location, area, and boundaries of and
22 lands to be included in each and all such units, the order of
23 development thereof, and the method of carrying on the work in
24 each unit. The unit system of drainage provided by this
25 section may be conducted and all of the proceedings by this
26 section and this act authorized in respect to such unit or
27 units may be carried on and conducted at the same time as or
28 after the work of draining and reclaiming of the entire
29 district has been, is being, or shall be instituted or carried
30 on under the provisions of this act. If the board of
31 supervisors determines that it is advisable to conduct the

1 work of draining and reclaiming the lands in the district by
2 units, as authorized by this section, it shall, by resolution
3 duly adopted and entered upon its minutes, declare its purpose
4 to conduct such work accordingly, and shall at the same time
5 and manner fix the number, location, and boundaries of and
6 description of lands within such unit or units and give them
7 appropriate numbers or names. As soon as practicable after the
8 adoption and recording of such resolution, the board of
9 supervisors shall publish notice once a week for 2 consecutive
10 weeks in a newspaper published in Palm Beach County, briefly
11 describing the units into which the district has been divided
12 and the lands embraced in each unit, giving the name, number,
13 or other designation of such units, requiring all owners of
14 lands in such district to show cause in writing before the
15 board of supervisors at a time and place to be stated in such
16 notice why such division of the district into such units
17 should not be approved, and the system of development by units
18 should not be adopted and given effect by the board, and why
19 the proceedings and powers authorized by this section should
20 not be had, taken, and exercised. At the time and place stated
21 in the notice, the board of supervisors shall hear all
22 objections or causes of objection, all of which shall be in
23 writing, of any landowner in the district to the matters
24 mentioned and referred to in such notice, and if no objections
25 are made, or if such objections, if made, are overruled by
26 such board, then the board shall enter in its minutes its
27 finding and order confirming said resolution, and may
28 thereafter proceed with the development, drainage, and
29 reclamation of the district by units pursuant to such
30 resolution and to the provisions of this act. If, however, the
31 board of supervisors finds as a result of such objections, or

1 any of them, or the hearing thereon, that the division of the
2 district into such units as aforesaid should not be approved,
3 that such system of development by units should not be adopted
4 and given effect, that the proceedings and powers authorized
5 by this section should not be had, taken, or exercised, or
6 that any other matter or thing embraced in such resolution
7 would not be in the best interest of the landowners of the
8 district or would be unjust or unfair to any landowner therein
9 or otherwise inconsistent with fair and equal protection and
10 enforcement of the rights of every landowner in the district,
11 then such board of supervisors shall not proceed further under
12 such resolution, but such board of supervisors may, as a
13 result of such hearing, modify or amend such resolution so as
14 to meet such objections so made, and thereupon the board may
15 confirm such resolution as so modified or amended and may
16 thereafter proceed accordingly. The sustaining of such
17 objections and the rescinding of such resolutions shall not
18 exhaust the power of the board under this section; but, at any
19 time not less than 1 year after the date of the hearing upon
20 any such resolution, the board of supervisors may adopt other
21 resolutions under this section and thereupon proceed on due
22 notice in like manner as above. If the board of supervisors
23 overrules or refuses to sustain any such objections in whole
24 or in part made by any landowner in the district, or if any
25 such landowner deems himself or herself aggrieved by any
26 action of the board of supervisors in respect to any
27 objections so filed, such landowner may, within 10 days after
28 the ruling of the board, file a bill of complaint in a court
29 of competent jurisdiction against the district praying an
30 injunction or other appropriate relief against the action or
31 any part of such action proposed by such resolution or

1 resolutions of such board, and such suits shall be conducted
2 like other suits, except that such suits shall have preference
3 over all other pending actions except criminal actions and
4 writs of habeas corpus. Upon the hearing of such cause the
5 court may hear the objections and receive the evidence thereon
6 of all parties to such cause and approve or disapprove such
7 resolutions and action of the board in whole or in part, and
8 render such decree in such cause as right and justice require.
9 When such resolutions creating such unit system are confirmed
10 by the board of supervisors or by the court if such proposed
11 action is challenged by a landowner by the judicial
12 proceedings hereinabove authorized, the board of supervisors
13 may adopt a plan or plans of water control for and in respect
14 to any or all such units, and to have the benefits and damages
15 resulting therefrom assessed and apportioned by the district
16 engineer and the engineer's report considered and confirmed,
17 all in like manner as is provided by law in regard to water
18 control plans for and assessments for benefits and damages of
19 the entire district. With respect to the water control plan,
20 notices, engineer's report, and notice and confirmation
21 thereof, the levy of assessments and taxes, including
22 maintenance taxes, and the issuance of bonds and all other
23 proceedings as to each and all of such units, such board shall
24 follow and comply with the same procedure as is provided by
25 law with respect to the entire district; and such board of
26 supervisors has the same powers in respect to each and all of
27 such units as is vested in it with respect to the entire
28 district. All the provisions of this act apply to the
29 drainage, reclamation, and improvement of each, any, and all
30 of such units, and the enumeration of or reference to specific
31 powers or duties of the supervisors or any other officers or

1 other matters in this act as hereinabove set forth shall not
2 limit or restrict the application of any and all of the
3 proceedings and powers herein to the drainage and reclamation
4 of such units as fully and completely as if such unit or units
5 were specifically and expressly named in every section and
6 clause of this act where the entire district is mentioned or
7 referred to. All assessments, levies, taxes, bonds, and other
8 obligations made, levied, assessed, or issued for or in
9 respect to any such unit or units shall be a lien and charge
10 solely and only upon the lands in such unit or units,
11 respectively, for the benefit of which the same shall be
12 levied, made, or issued, and not upon the remaining units or
13 lands in the district. The board of supervisors may at any
14 time amend its resolutions by changing the location and
15 description of lands in any such unit or units; and provided,
16 further, that if the location of or description of lands
17 located in any such unit or units is so changed, notice of
18 such change shall be published as required in this section for
19 notice of the formation or organization of such unit or units,
20 and all proceedings shall be had and done in that regard as
21 are provided in this section for the original creation of such
22 unit or units. However, no lands against which benefits have
23 been assessed may be detached from any such unit after the
24 confirmation of the engineer's report of benefits in such unit
25 or units or the issuance of bonds or other obligations which
26 are payable from taxes or assessments for benefits levied upon
27 the lands within such unit or units.

28 (2) If, after the confirmation of the engineer's
29 report of benefits in such unit or units, or the issuance of
30 bonds or other obligations which are payable from taxes or
31 assessments for benefits levied upon lands within such unit or

1 units, the board of supervisors finds the water control plan
2 for any such unit or units insufficient or inadequate for
3 efficient development, the water control plan may be amended
4 or changed as provided in chapter 298, Florida Statutes, and
5 the unit or units may be amended or changed as provided in
6 this section, by changing the location and description of
7 lands in any such unit or units, by detaching lands therefrom,
8 or by adding lands thereto. In such event all assessments,
9 levies, taxes, bonds, and other obligations made, levied,
10 assessed, incurred, or issued for or in respect to any such
11 unit or units may be allocated and apportioned to the amended
12 unit or units in proportion to the benefits assessed by the
13 engineer's report for the amended water control plan and such
14 report shall specifically provide for such allocation and
15 apportionment. However, a change or amendment to a designated
16 unit is not authorized if it has the effect of impairing a
17 debt or other obligation of the unit or district.

18 Section 17. Amendment of water control plan.--

19 (1) The Board of Supervisors of Indian Trail
20 Improvement District may amend a previously approved water
21 control plan by resolution, provided that the district
22 engineer certifies that all land benefited by the improvements
23 provided for in the original plan receives the same or greater
24 benefits as previously assessed and that the estimated cost of
25 implementing the plan, as amended, does not exceed the total
26 benefits assessed in the manner provided by law, until such
27 time as chapter 298, Florida Statutes, is amended to provide a
28 process for implementing section 298.225(8), Florida Statutes.

29 (2) Indian Trail Improvement District may accept for
30 maintenance additional facilities which are within its
31 boundaries and which are donated to the district at no cost

1 and may supplement a previously adopted water control plan to
2 include such facilities.

3 Section 18. Ratification of prior acts.--All acts and
4 proceedings of the circuit court taken by, for, and on behalf
5 of the district since the creation thereof; all of the acts
6 and proceedings of the board of supervisors, the
7 commissioners, and all other officers and agents of the
8 district, and of the county, acting for and on behalf of the
9 district; and any and all tax levies and assessments which
10 have been made by the board of supervisors for and on behalf
11 of the district, are each and every one of them, and each and
12 every part thereof, ratified, validated, and confirmed.

13 Section 4. Chapters 57-646, 67-692, 80-569, 82-352,
14 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473,
15 Laws of Florida, are repealed.

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

19 Section 6. If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 invalidity does not affect other provisions or applications of
22 the act which can be given effect without the invalid
23 provision or application, and to this end the provisions of
24 this act are declared severable.

25 Section 7. Except as otherwise provided in this act,
26 in the event of a conflict of the provisions of this act with
27 the provisions of any other act, the provisions of this act
28 shall control to the extent of such conflict.

29 Section 8. A landowner referendum shall be called by
30 the board of supervisors within 60 days after the effective
31 date of this act on the question of whether the board of

1 supervisors will be elected by qualified electors, as provided
2 by section 6 of the charter contained in section 3 of this
3 act. Notwithstanding section 298.12, Florida Statutes, all
4 district landowners whose lands are not exempt from district
5 assessments and may be assessed for benefits are entitled to
6 vote in the referendum held pursuant to this section. The
7 referendum shall be held on a one-acre/one-vote basis. If the
8 landowners approve the election procedure described in section
9 6 of the charter contained in section 3 of this act by a
10 majority vote of the acreage cast, then such section shall
11 take effect immediately. A landowners referendum shall also be
12 called at the same time on the question of whether the
13 governing board shall be a 5-member or 7-member board.
14 Provided the election procedures of section 6 of the charter
15 contained in section 3 of this act are approved and the
16 landowners approve a 7-member board by a majority vote of the
17 acreage cast, then section 6 of the charter contained in
18 section 3 of this act shall be amended to provide a 7-member
19 board with member 6 first term of office 4 years and member 7
20 first term of office 2 years. If the landowners do not
21 approve the election procedure described in section 6 of the
22 charter contained in section 3 of this act by a majority vote
23 of the acreage cast, then such section shall be replaced by
24 the following:

25 Section 6. Board of supervisors; election;
26 organization; meetings; powers; duties; terms of office.--
27 (1) The governing body of the Indian Trail Improvement
28 District shall be the board of supervisors. The board shall
29 have seven members who shall hold office for terms of 3 years
30 each and shall serve until their successors shall be duly

31

1 elected and qualified. Current members of the board shall
2 continue to serve until successors are elected.

3 (2) Every 3rd year during the month of September,
4 beginning September 2003, all supervisors shall be elected, as
5 provided in this section, by the landowners of the
6 subdistricts identified in subsection (4). All vacancies or
7 expirations on such board shall be filled as required by this
8 act. The Supervisors of the Indian Trail Improvement District
9 shall be residents of the subdistrict from which elected and
10 owners of lands or property within such subdistrict. In case
11 of a vacancy in the office of any supervisor, the remaining
12 supervisors may fill such vacancy until the next election,
13 when his or her successor shall be elected by the landowners
14 of the subdistrict which elected the supervisor.

15 (3) As soon as practicable after their election, the
16 board of supervisors of the district shall organize by
17 choosing one of their members as president of such board of
18 supervisors and by electing some suitable person secretary,
19 who may or may not be a member of the board. The secretary
20 shall be required to execute a bond for the faithful
21 performance of his or her duties in such penal amount as the
22 board may determine. The board of supervisors shall adopt a
23 seal which shall be the seal of the district. At each annual
24 meeting of the landowners of the district, the board of
25 supervisors shall report all work undertaken or completed
26 during the preceding year and the status of the finances of
27 the district.

28 (4) With the assistance of the district engineer and
29 attorney, the board shall designate seven subdistricts as
30 nearly equal in population as practicable, no later than June
31

1 30, 2002. Redistricting of the seven subdistricts shall occur
2 every 10 years thereafter by the end of June.

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

8 (6) All candidates shall qualify with the Secretary of
9 Indian Trail Improvement District by July 30 of the year in
10 which they run and must declare the subdistrict number for
11 which they qualify.

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

21 (8) The board shall adopt official qualifications,
22 proxy and ballot forms, and such other policy as required to
23 conduct elections. The board shall also appoint an independent
24 certified public accountant who shall count all ballots and
25 certify results of each election.

26 Section 9. Except as otherwise specifically provided
27 in this act, this act shall take effect upon becoming a law.
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