

By Senator Fasano

11-452-03

See HB 897

1 A bill to be entitled
2 An act relating to the Homosassa Special Water
3 District in Citrus County; codifying,
4 reenacting, amending, and repealing special
5 acts related to the District; creating a
6 District charter; creating an independent
7 special district; providing a District
8 boundary; providing powers, functions, and
9 duties of the District; providing for amendment
10 of the charter; providing for the District
11 purpose; providing for financial disclosure,
12 meeting notices, reporting, public records
13 maintenance, and per diem expenses; providing
14 District powers, functions, and duties;
15 providing for a District governing board;
16 providing for a chair and secretary-treasurer;
17 providing for general obligation bonds;
18 providing for revenue bonds; providing for
19 refunding bonds; providing for levy of ad
20 valorem taxes; providing for payment of bonds;
21 providing for authority to levy and collect tax
22 on real and personal property for
23 administrative costs, expenditure generally;
24 providing for construction costs; providing for
25 special assessments for construction,
26 reconstruction, repair, or maintenance of
27 improvements; providing for exemption from
28 taxes and assessments; providing for liberal
29 construction; providing for severability;
30 providing for effect of conflicting laws;
31 providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2
3 Section 1. Pursuant to section 189.429, Florida
4 Statutes, this act constitutes the codification of all special
5 acts relating to the Homosassa Special Water District,
6 ("District"). It is the intent of the Legislature in enacting
7 this law to provide a single, comprehensive special act
8 charter for the District, including all current legislative
9 authority granted to the District by its several legislative
10 enactments and any additional authority granted by this act
11 and chapter 189, Florida Statutes, as the same may be amended
12 from time to time. It is further the intent of this act to
13 preserve all District authority.

14 Section 2. Chapters 24429 (1947), 25726 (1949),
15 59-1177, 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528,
16 79-440, 80-475, 80-476, 81-360, 82-279, 83-386, 84-410,
17 85-399, 86-456, 88-463, 88-484, 88-533, 89-436, 89-464,
18 89-499, 90-418, 90-419, 92-241, 92-337, and 96-525, Laws of
19 Florida, relating to the Homosassa Special Water District, are
20 codified, reenacted, and repealed as provided in this act.

21 Section 3. The charter of the Homosassa Special Water
22 District is re-created and reenacted to read:

23 Section 1. Creation, jurisdiction, and purpose.--

24 (1) The District is hereby created and incorporated as
25 an independent special district, pursuant to chapter 189,
26 Florida Statutes, to be known as the Homosassa Special Water
27 District, in Citrus County, which special district shall be a
28 public body corporate and politic.

29 (2) District boundaries shall embrace and include the
30 territory consisting of the following:

31

1 All of Sections 25, 26, 27, 28, 33, 34, 35 and
2 36 in Township 19 South, Range 16 East; all of
3 Sections 15, 20, 21, 22, 27, 28, 29, 30, 31, 32
4 and 33 in Township 19 South, Range 17 East; all
5 of Sections 2, 3, 4 and 11 in Township 20
6 South, Range 16 East; and all of Sections 4, 5,
7 6, 7, 8 and 9 in Township 20 South, Range 17
8 East; LESS AND EXCEPT that certain subdivision
9 known as Spring Gardens as recorded in Plat
10 Book 11, Page 98, Public Records of Citrus
11 County, Florida; AND Block 169, Unit No. 4 of
12 Homosassa, as recorded in Plat Book 1, Page 46,
13 Public Records of Citrus County, Florida; AND
14 that part of the NW 1/4 of the NW 1/4 of
15 Section 29, Township 19 South, Range 18 East,
16 that lies South of the Southerly right-of-way
17 line of Grover Cleveland Boulevard, LESS AND
18 EXCEPT those portions described in the
19 following deeds: Warranty Deed dated August
20 29th, 1977, filed August 30, 1977, and recorded
21 in O.R. Book 474, page 285, public records of
22 Citrus County, Florida; Warranty Deed dated
23 April 27, 1979, filed May 1, 1979, and recorded
24 in O.R. Book 536, page 862, public records of
25 Citrus County, Florida; Warranty Deed dated
26 June 16, 1980, filed December 3, 1980, and
27 recorded in O.R. Book 567, page 1144, public
28 records of Citrus County, Florida; AND all that
29 part of Unit No. 2, of Homosassa, Florida,
30 according to the map or plat thereof recorded
31 in Plat Book 1, Page 44, public records of

1 Citrus County, Florida, lying North and West of
2 State Road 490 and South of the County Road
3 known as Spring Cove Road, LESS AND EXCEPT the
4 tract of land as described in Deed from River
5 Gulf Co., Inc., to A.R. Walker and Martha L.
6 Walker, his wife, dated July 3, 1967, and
7 recorded in O.R. Book 217, Page 367, public
8 records of Citrus County, Florida; AND a parcel
9 of land described as: Begin at the S.W. corner
10 of Unit No. 2 of Homosassa, as recorded in Plat
11 Book 1, Page 44, public records of Citrus
12 County, Florida, thence N 00°22'53" W along the
13 West line of Unit No. 2 of Homosassa a distance
14 of 599.89 ft. to the South right-of-way line of
15 a County Road known as Spring Cove Road, thence
16 N 88°08'19" E along the South right-of-way line
17 of Spring Cove Road a distance of 626.83 ft. to
18 the N.W. corner of lands described in O.R. Book
19 217, Page 367, public records of Citrus County,
20 Florida, thence S 30°08'46" W along the West
21 boundary of lands described in O.R. Book 217,
22 Page 367, and a Southerly projection thereof a
23 distance of 350 feet, thence N 88°08'46" E, a
24 distance 200 feet to the Northwesterly
25 right-of-way line of State Road 490, thence S
26 30°08'46" W along the Northwesterly
27 right-of-way line of State Road 490 a distance
28 of 488.90 feet to the South line of said Unit
29 No. 2 of Homosassa, thence N 76°10'29" W along
30 the South line of said Unit No. 2 of Homosassa
31 a distance of 413.05 feet to the Point of

1 Beginning; AND a parcel of land described as:
2 Commence at the NW corner of the SW 1/4 of
3 Section 27, Township 19 South, Range 17 East,
4 thence S 0°20'05" W along the West line of said
5 SW 1/4 a distance of 2.86 feet, thence N
6 89°09'10" E 207.66 feet, thence N 80°30'50" E
7 327.26 feet, thence N 54°04'10" E 351.97 feet,
8 thence N 63°15'00" E 330.22 feet, thence N
9 88°37'10" E 896.99 feet to the Northwesterly
10 right-of-way line of State Road 490, thence S
11 30°37'20" W along said right-of-way line a
12 distance of 29.48 feet to the POINT OF
13 BEGINNING, said point also being on the South
14 right-of-way line of a proposed County Road,
15 thence continue S 30°37'20" W along
16 mentioned Northwesterly right-of-way line
17 of State Road 490, a distance of 200 feet,
18 thence S 88°37'10" W parallel to the
19 mentioned South right-of-way line of a
20 proposed County Road, a distance of 200 feet,
21 thence N 30°37'20" E 200 feet to said South
22 right-of-way line of a proposed County Road,
23 thence N 88°37'10" E along said South
24 right-of-way line a distance of 200 feet to the
25 point of beginning; AND the South 60 feet of
26 Sections 23 and 24 of Township 19 South, Range
27 17 East; AND the North 60 feet of Sections 25
28 and 26, Township 19 South, Range 17 East; AND
29 the South 60 feet of Sections 19, 20 and 21,
30 Township 19 South, Range 18 East, LESS AND
31 EXCEPT that portion lying easterly of the East

1 right-of-way line of State Road 491; AND the
2 North 60 feet of Sections 28, 29 and 30,
3 Township 19 South, Range 18 East, LESS AND
4 EXCEPT that portion lying easterly of the East
5 right-of-way line of State Road 491; AND Lots
6 1, 2 and 3 of Block E, of GROVER CLEVELAND
7 ESTATES, according to a plat thereof as
8 recorded in Plat Book 12, Page 2 of the Public
9 Records of Citrus County, Florida; AND Lots 1,
10 2, 3, together with Lots 6 through 23,
11 according to the subdivision of HALLS RIVER
12 ESTATES, as recorded in Plat Book 3, Page 11,
13 Public Records of Citrus County, Florida; AND
14 Lot 1, Block A, HAZELTON HILLS, legally
15 described as: Commence at the SW corner of NW
16 1/4 of Section 25, Township 19 South, Range 17
17 East, thence S 89°44'45" East along the South
18 line of said NW 1/4 of the NW 1/4 a distance of
19 320.59 feet, thence N 0°11'55" East 996.92 feet
20 to the Point of Beginning, thence continue
21 North 00°00'55" East 83.08 feet, thence S
22 89°44'45" East parallel to said South line a
23 distance of 150 feet, thence S 00°00'55" West
24 83.08 feet, thence N 89°44'45" West parallel to
25 South line a distance of 150 feet to the Point
26 of Beginning; AND commence at the NW corner of
27 Section 29, Township 19 South, Range 18 East,
28 thence S 00°46'57" West along the West line of
29 said Section 29, a distance of 31.68 feet to
30 the South right-of-way line of a paved County
31 Road, thence S 88°59'06" East along said South

1 right-of-way line a distance of 521.49 feet to
2 the Point of Beginning, thence continue S
3 88°59'06" East along said right-of-way line a
4 distance of 487.14 feet, thence leaving said
5 South right-of-way line S 04°43'30" West 537.91
6 feet, thence N 89°13'50" West 437.26 feet,
7 thence N 00°35'20" West 538.87 feet to the
8 Point of Beginning; AND commence at the NW
9 corner of Section 29, Township 19 South, Range
10 18 East, thence S 00°46'57" West along the West
11 line of said Section 29, a distance of 31.68
12 feet to the South right-of-way line of a County
13 Road, thence along said right-of-way line South
14 88°59'06" East a distance of 521.49 feet,
15 thence leaving said right-of-way line South
16 00°35'20" East 538.87 feet to the Point of
17 Beginning, thence S 89°15'50" East 295.00 feet,
18 thence S 00°46'57" West 731.95 feet to the
19 South line of said NW 1/4 of the NW 1/4 of
20 Section 29, thence S 89°26'13" West 295.00
21 feet, thence N 00°46'57" East 738.82 feet to
22 the Point of Beginning; AND begin at the SW
23 corner of the SE 1/4 of the SE 1/4 of Section
24 24, Township 19 South, Range 17 East, thence
25 North along the West line of SE 1/4 of SE 1/4
26 500 feet to the Point of Beginning, thence
27 continue North along the West line for 209
28 feet, thence East 209 feet, thence South 209
29 feet, thence West 209 feet to the Point of
30 Beginning, together with an easement 20 feet
31 wide extending from the above parcel along the

1 West line of SE 1/4 of SE 1/4 of the County
2 Road known as Chicken Farm Road; AND Tract 45,
3 HOMOSASSA HIGHLANDS, as recorded in Plat Book
4 7, Page 33, Public Records of Citrus County,
5 Florida; AND Lots 1 through 29, inclusive,
6 Block 171, of HOMOSASSA UNIT #4, as per the
7 plat thereof recorded in Plat Book 1, Page 46,
8 of the public records of Citrus County,
9 Florida, lying in Section 23, Township 19
10 South, Range 17 East; AND Lots 1 through 29,
11 inclusive, Block 171, of HOMOSASSA UNIT #4, as
12 per the plat thereof recorded in Plat Book 1,
13 Page 46, of the public records of Citrus
14 County, Florida, lying in Section 23, Township
15 19 South, Range 17 East; AND the SW 1/4 of the
16 SW 1/4 of Section 19, Township 19 South, Range
17 18 East, Citrus County, Florida; AND the NW 1/4
18 of Section 26, Township 19 South, Range 17
19 East, Citrus County, Florida; AND Tract 256 of
20 GREEN ACRES ADDITION #6, UNIT 2, as the same
21 appears of record on the plat recorded in Plat
22 Book 7, at Pages 70 through 72, inclusive, of
23 the Public Records of Citrus County, Florida;
24 AND Lot 3, HOMOSASSA HIGHLANDS SUBDIVISION, as
25 shown in Plat Book 7, at Page 33 of the Public
26 Records of Citrus County, Florida, LESS the
27 portion of said Lot described as follows: Begin
28 at the SE corner of Lot 3, thence N 89°35'48" W
29 along the South line a distance of 100 feet to
30 the SW corner, thence N 00°28'33" E along the W
31 line a distance of 27.13 feet to a point that

1 is 50 feet from, measured at right angles to,
2 the centerline of the existing pavement of a
3 county road known as GROVER CLEVELAND
4 BOULEVARD, thence S 89°36'35" E parallel to
5 said centerline a distance of 100 feet to a
6 point on the East line, thence S 00°28'33" W
7 along said East line a distance of 27.15 feet
8 to the Point of Beginning; AND Lot 5 in Block B
9 of HAZELTON HILLS, an unrecorded subdivision
10 further described as follows: Commence at the
11 SW corner of the NW 1/4 of the NW 1/4 of
12 Section 25, Township 19 South, Range 17 East,
13 thence S 89°44'45" E along the South line of
14 said NW 1/4 of NW 1/4 a distance of 520.59
15 feet, thence N 00°00'55" E 1080 feet, thence S
16 89°44'45" E parallel to said South line a
17 distance of 340 feet to the Point of Beginning,
18 thence continue S 89°44'45" E parallel to said
19 South line a distance of 80 feet, thence 00°00'
20 55" W 120 feet, thence N 89°44'45" W parallel
21 to said South line a distance of 80 feet,
22 thence N 00°00'55" E 120 feet to the Point of
23 Beginning. All such property being located in
24 Citrus County, Florida.

25 (3) The powers, functions, and duties of the District
26 regarding ad valorem taxation, bond issuance, other
27 revenue-raising capabilities, budget preparation and approval,
28 liens and foreclosure of liens, use of tax deeds and tax
29 certificates as appropriate for non-ad valorem assessments,
30 and contractual agreements shall be as set forth in this act
31 and in chapters 189 and 197, Florida Statutes, or any other

1 applicable general or special law, as they may be amended from
2 time to time.

3 (4) The District charter created by this act may be
4 amended only by special act of the Legislature.

5 (5) The purpose of the District shall be to supply
6 water within the District for public, domestic, industrial,
7 and fire protection and to fix and collect rates and charges
8 for the services and facilities furnished by the water supply
9 and distribution system and to fix and collect charges for
10 making connections with the system.

11 (6) District requirements for financial disclosure,
12 meeting notices, reporting, public records maintenance, and
13 per diem expenses for District Commissioners and employees
14 shall be as set forth in chapters 112, 189, and 286, Florida
15 Statutes, as they may be amended from time to time.

16 Section 2. District powers, functions, and duties.--

17 (1) In addition to any powers, functions, and duties
18 set forth in this act, the District shall likewise exercise
19 such powers, functions, and duties as may be set forth in
20 chapter 189, Florida Statutes, as the same may be amended from
21 time to time.

22 (2) The District is hereby authorized and empowered:

23 (a) To levy ad valorem taxes and non-ad valorem
24 assessments, as provided by this act and chapter 197, Florida
25 Statutes, on all taxable property within the territorial
26 boundaries of the District.

27 (b) To utilize the method provided in chapter 197,
28 Florida Statutes, as the same may be amended from time to
29 time, for collecting non-ad valorem assessments, fees, or
30 service charges.

31 (c) To sue and be sued.

1 (d) To make and enter into contracts and agreements
2 necessary or incidental to the performance of the duties
3 imposed and the execution of the powers granted under this
4 act.

5 (e) To adopt and use a common seal and to alter same.

6 (f) To acquire by grant, loan, purchase, gift, or
7 devise or by the exercise of the right of eminent domain all
8 property, real or personal, or any estate or interest therein
9 necessary, desirable, or convenient for the purposes of this
10 act and to sell, convey, lease, rent, or assign all or any
11 part thereof and to exercise all of its powers and authority
12 with respect thereto. The exercise of eminent domain shall be
13 as provided for by applicable general law.

14 (g) To appoint and employ a superintendent, an
15 attorney, and such other agents and employees as the District
16 deems advisable.

17 (h) To plan, develop, purchase or otherwise acquire,
18 construct, reconstruct, improve, extend, enlarge, equip,
19 repair, maintain, and operate a water supply and distribution
20 system within the territorial limits of the District.

21 (i) To fix and collect rates and charges for the
22 services and facilities furnished by its water supply and
23 distribution system and to fix and collect charges for making
24 connections to its system.

25 (j) To issue revenue bonds, pursuant to section
26 189.4085, Florida Statutes, as the same may be amended from
27 time to time, and otherwise by this act and general law, to
28 pay the cost of purchasing or otherwise acquiring,
29 constructing, reconstructing, improving, extending, enlarging,
30 or equipping its water supply and distribution system.

31

1 (k) To issue refunding bonds, pursuant to section
2 189.4085, Florida Statutes, as the same may be amended from
3 time to time, or otherwise by general law, to refund any bonds
4 then outstanding which shall have been issued under the
5 provisions of this act.

6 (1) To do all acts or things necessary or convenient
7 to carry out the powers expressly granted in this act.

8 Section 3. District governing board.--

9 (1) The governing body of the District shall be a
10 board of five Commissioners elected pursuant to chapter 189,
11 Florida Statutes, by the electors of the District in a
12 nonpartisan election held at the time and in the manner
13 prescribed for holding general elections. Each member of the
14 board shall be elected for a term of 4 years and shall serve
15 until his or her successor assumes office, except that the
16 Commissioner who will be elected in December of the year 2003
17 and the three Commissioners who will be elected in December of
18 the year 2005 will be elected for terms of 3 years in order to
19 make District elections consistent with the Florida General
20 Elections.

21 (2) The office of each Commissioner is designated as a
22 seat on the board, distinguished from each of the other seats
23 by a numeral: 1, 2, 3, 4, or 5. Each candidate must
24 designate, at the time he or she qualifies, the seat on the
25 board for which he or she is qualifying. The name of each
26 candidate who qualifies shall be included on the ballot in a
27 way that clearly indicates the seat for which he or she is a
28 candidate. The candidate for each seat who receives the most
29 votes shall be elected to the board.

30 (3) Each member of the board must be a registered
31 elector of and reside within the District boundaries at the

1 time he or she qualifies for election and continually
2 throughout his or her term.

3 (4) In the event of a vacancy, due to any cause, on
4 the Board of Commissioners, the vacancy shall be filled for
5 the remainder of the term by special election within 30 days
6 after the occurrence of the vacancy unless the vacancy occurs
7 within 90 days after a regular election.

8 (5) The procedures for conducting District elections
9 and for qualification of electors shall be pursuant to section
10 189.405, Florida Statutes, and general law, as the same may be
11 amended from time to time. Commissioners shall assume their
12 respective duties on the 1st Tuesday after the 1st Monday in
13 January after the date of such election.

14 (6) Special elections may be held under the call of
15 the Chair at any time as directed by the Commissioners. Once
16 called by the Chair, the election will occur in all respects
17 pursuant to the provisions of the Florida Election Code.

18 (7) Commissioners shall receive compensation up to the
19 amount of \$200 per month. The compensation to be received
20 from District funds shall be set by resolution of the
21 Commissioners for performance of their duties but may not be
22 increased to more than \$200 per month per Commissioner without
23 the prior approval of a majority of the qualified electors of
24 the District voting in a referendum called for such
25 purpose. Commissioners shall be reimbursed by the District
26 for any expenses incurred in the performance of their duties
27 pursuant to chapter 112, Florida Statutes, as the same may be
28 amended from time to time.

29 (8) Any Commissioner may resign voluntarily and also
30 shall be deemed to have resigned by ceasing to be a resident
31 and qualified elector within the District.

1 (9) The board shall hold meetings pursuant to sections
2 189.416 and 189.417, Florida Statutes, as the same may be
3 amended from time to time.

4 (10) A majority of the members of the Board of
5 Commissioners shall constitute a quorum for the transaction of
6 the business of the District. The affirmative vote of a
7 majority of the governing board members present and voting
8 shall be necessary to transact business.

9 (11) The District shall prepare and submit reports,
10 budgets, and audits as provided in sections 189.415 and
11 189.418, Florida Statutes, as the same may be amended from
12 time to time.

13 Section 4. Chair, Secretary-Treasurer.--At the first
14 meeting of the Commissioners, and annually thereafter, they
15 shall organize and designate one of the Commissioners to act
16 as Chair and appoint a resident of the District, who need not
17 be a Commissioner, to act as Secretary-Treasurer. The
18 Secretary-Treasurer shall be custodian of the official
19 proceedings, records, and funds of the District and upon order
20 of the Board of Commissioners shall furnish bond for the
21 performance of the Secretary-Treasurer's duties and accounting
22 for the funds of the District. Disbursement of funds of the
23 District shall be made only upon orders authorized by the
24 Board, signed by the Chair and countersigned by the
25 Secretary-Treasurer.

26 Section 5. General obligation bonds.--

27 (1) The District is hereby authorized to issue by
28 resolution general obligation bonds with an aggregate
29 principal amount not exceeding \$450,000, payable from rates,
30 rentals, fees, and charges provided for hereunder and, to the
31 extent necessary, ad valorem taxes levied as hereinafter

1 provided, for the purpose of paying the cost of purchasing or
2 otherwise acquiring, constructing, reconstructing, improving,
3 extending, enlarging, or equipping its water supply and
4 distribution system, provided, however, that any such bonds
5 shall have been approved by the majority of the votes cast in
6 an election in which a majority of the freeholders who are
7 qualified electors residing in the District shall have
8 participated. Any such election shall be held and the result
9 thereof determined and declared in the manner provided by the
10 election code of 1951 and chapter 189, Florida Statutes, or as
11 such may be amended from time to time.

12 (2) The bonds of each issue authorized pursuant to
13 this act shall be dated, shall mature at such time not
14 exceeding 50 years after their date or dates, and shall bear
15 interest at such rate or rates not exceeding 5 1/2 percent per
16 annum. Such bonds may be made redeemable before maturity at
17 the option of the District upon such terms and conditions as
18 the District may fix prior to their issuance. The District
19 shall determine the form of the bonds, including interest
20 coupons to be attached thereto, and the manner of execution
21 thereof and shall fix the denomination of the bonds and the
22 place of payment of principal and interest. This payment
23 place may be at any bank or trust company within or without
24 the state. All bonds issued under the provisions of this act
25 shall be general obligations of the District and shall have
26 and are hereby declared to have all of the qualities and
27 incidents of negotiable instruments under the negotiable
28 instruments law of Florida. The District may sell such bonds
29 in such manner, at such time or times, and for such price as
30 it may determine to be in the best interests of the District
31 and, in the resolution providing for the issuance of such

1 bonds, provisions may be made for the custody and application
2 of the proceeds therefrom as may be deemed necessary or
3 advantageous for safeguarding such proceeds.

4 Section 6. Revenue bonds.--

5 (1) The District is hereby authorized to provide by
6 resolution at one time, or from time to time, for the issuance
7 of District revenue bonds for the purpose of paying all or a
8 part of the cost of acquisition, construction, equipping,
9 repairing, extending, maintaining, and reconstructing a water
10 supply and distribution system. The revenue bonds of each
11 issue shall be dated, shall bear interest at such rate or
12 rates not exceeding 6 percent per annum, shall mature at such
13 time or times, not exceeding 40 years after their date or
14 dates, as may be determined by the District, and may be made
15 redeemable before maturity, at the option of the District, at
16 such price or prices and under such terms and conditions as
17 may be fixed by the District prior to the issuance of the
18 revenue bonds. The District shall determine the form of the
19 revenue bonds, including any interest coupons to be attached
20 thereto, and the manner of execution of the revenue bonds and
21 coupons, and shall fix the denomination or denominations of
22 the revenue bonds and the place or places of payment of
23 principal and interest, which may be at any bank or trust
24 company within or without the state. In case any officer
25 whose signature or a facsimile of whose signature shall appear
26 on any revenue bonds or coupons shall cease to be such officer
27 before the delivery of such revenue bonds, such signature or
28 such facsimile shall nevertheless be valid and sufficient for
29 all purposes the same as if that officer had remained in
30 office until such delivery. All revenue bonds issued under
31 the provisions of this section shall have and are hereby

1 declared to have all the qualities and incidents of negotiable
2 instruments under the negotiable instruments laws of
3 Florida. The revenue bonds may be issued in coupon or
4 registered form, or both, as the District may determine, and
5 provisions may be made for the registration of any coupon
6 bonds as to principal alone and also as to both principal and
7 interest and for the reconversion into coupon bonds of any
8 bonds registered as to both principal and interest. The
9 issuance of such revenue bonds shall not be subject to any
10 limitations or conditions contained in any other law, and the
11 District may sell such revenue bonds in such manner and for
12 such price as it may determine to be in the best interest of
13 the District, but no such sale shall be made at a net interest
14 cost to the District in excess of 6 percent per annum,
15 excluding, however, from such computations the amount of any
16 premium to be paid on redemption of any revenue bonds prior to
17 maturity. Prior to the preparation of definitive bonds, the
18 District may, under like restrictions, issue interim receipts
19 or temporary bonds with or without coupons, exchangeable for
20 definitive bonds when such revenue bonds have been executed
21 and are available for delivery. The District may also provide
22 for the replacement of any bonds that are be mutilated,
23 destroyed, or lost.

24 (2) Such revenue bonds may be payable from the
25 revenues derived from the operation of the system or of any
26 combination thereof and from any other funds legally available
27 therefor, including the proceeds from any special assessments
28 levied by the District. The revenue bonds shall be entitled
29 to such priorities on such revenues as the District shall
30 provide. The issuance of such revenue bonds shall not
31 directly, indirectly, or contingently obligate the District to

1 levy ad valorem taxes for their payment and the District shall
2 not convey or mortgage such facilities or any part thereof as
3 security for payment of the revenue bonds.
4 (3) At the discretion of the District, each or any
5 issue of such revenue bonds may be secured by a trust
6 agreement by and between the District and a corporate trustee,
7 which may be any trust company or bank having the powers of a
8 trust company within or outside of the state. Such trust
9 agreement may pledge or assign the revenues to be received by
10 the District. The resolution providing for the issuance of
11 revenue bonds or such trust agreement may contain such
12 provisions for protecting and enforcing the rights and
13 remedies of the bondholders as may be reasonable, proper, and
14 not in violation of law, including covenants setting forth
15 District duties in relation to the acquisition, construction,
16 improvement, maintenance, operation, repair, and insurance of
17 the system and the custody, safeguarding, and application of
18 all moneys. It shall be lawful for any bank or trust company
19 incorporated under the laws of Florida to act as such
20 depository and to furnish such indemnifying bonds or to pledge
21 such securities as may be required by the District. Such
22 resolution or such trust agreement may restrict the individual
23 rights of action by bondholders as is customary in trust
24 agreements securing bonds or debentures of corporations. In
25 addition to the foregoing, such resolution or such trust
26 agreement may contain such other provisions as the District
27 may deem reasonable and proper for the security of the
28 bondholders. Except as otherwise provided in this section,
29 the District may provide, by resolution or by trust agreement,
30 for the payment of the bond proceeds or revenues to such
31 officer, board, or depository as determined by the District.

1 The District may also provide the method of disbursement
2 thereof, with such safeguards and restrictions as it may
3 determine. All expenses incurred in carrying out such trust
4 agreement may be treated as part of the cost of operation of
5 the system affected by such trust agreement.

6 (4) A resolution or trust agreement providing for the
7 issuance of the revenue bonds may also contain such
8 limitations upon the issuance of additional revenue bonds as
9 the District may deem proper, and such additional revenue
10 bonds shall be issued under such restrictions or limitations
11 as may be prescribed by such resolution or trust agreement.

12 (5) Revenue bonds may be issued under the provisions
13 of this act without obtaining the consent of any commission,
14 board, bureau, or agency of the state or county and without
15 any other proceeding or the happening of any condition or
16 thing other than those proceedings, conditions, or things
17 which are specifically required by act.

18 (6) The proceeds of the revenue bonds shall be used
19 solely for the payment of the cost of the project for which
20 such revenue bonds were issued and shall be disbursed in the
21 manner provided in the resolution or in the trust agreement
22 authorizing the bond issuance. If the proceeds of the revenue
23 bonds of any issue shall exceed the amount required for the
24 purpose for which the same shall have been issued, the surplus
25 shall be set aside and used only for paying the principal of
26 and interest on such bonds.

27 (7) Any holder of revenue bonds issued under this act
28 or any of the coupons appertaining thereto and the trustee
29 under any trust agreement, except to the extent that the
30 rights herein given may be restricted by such trust agreement,
31 may, either at law or in equity, by suit, action, mandamus, or

1 other proceedings, protect and enforce any and all rights
2 under the laws of Florida or granted hereunder or under such
3 trust agreement or the resolution authorizing the issuance of
4 such bonds and may enforce and compel the performance of all
5 duties required by this section or by such trust agreement or
6 resolution to be performed by the District or by any officer
7 thereof.

8 Section 7. Refunding bonds.--The District is hereby
9 authorized to provide by resolution for the issuance of
10 refunding revenue bonds for the purpose of refunding any
11 revenue bonds then outstanding and issued under the provisions
12 of this act. The District is further authorized to provide by
13 resolution for the issuance of bonds for the combined purpose
14 of paying the cost of any acquisition, construction, repair,
15 extensions, additions, equipping, and reconstruction of any
16 system facilities and refunding revenue bonds of the District
17 which were previously issued under the provisions of this act
18 and which remain outstanding. The issuance of such
19 obligations, the maturities and other details thereof, the
20 rights and remedies of the holders thereof, and the rights,
21 powers, privileges, duties, and obligations of the District
22 with respect to the same shall be governed by the foregoing
23 provisions of this act.

24 Section 8. Levy of ad valorem taxes, payment of
25 bonds.--The District is hereby authorized and required to levy
26 annually a tax upon all taxable property within the District
27 sufficient to pay the principal of and interest on all bonds
28 issued under this act as the same shall respectively become
29 due and payable and to create a sinking fund to pay the
30 principal thereof at or before maturity; however, any yearly
31 revenues received in excess of the amount required to pay the

1 current expenses of administration, operation, maintenance,
2 renewals, and replacements of said water supply and
3 distribution system shall be applied to pay such interest and
4 principal and only such portion or amount of the annual tax as
5 would otherwise be required shall be actually so levied and
6 collected. A certified copy of the resolution or resolutions
7 making provisions for the levy of taxes as aforesaid shall be
8 filed with both the Board of County Commissioners of Citrus
9 County and the State Comptroller.

10 Section 9. Authority to levy and collect tax on real
11 and personal property for administrative costs, expenditure
12 generally.--As provided in this act, the District is hereby
13 authorized each year to levy and collect an annual tax on all
14 taxable real and personal property in the District at a rate
15 not exceeding 3 mills per annum, the proceeds of which shall
16 be used and applied to the payment of the cost of
17 administration of the District or may be expended for
18 preliminary expenses in connection with the acquisition of
19 such water supply and distribution system and placing the same
20 in operation and may further be expended for the maintenance,
21 improvement, enhancement, repair, extension, enlargement,
22 reconstruction, ownership, operation, management, and control
23 of said water supply and distribution system.

24 Section 10. Construction contracts.--All work done by
25 the District in the construction, reconstruction, repair,
26 maintenance, improvement, or enlargement of such water supply
27 and distribution system involving the expenditure of more than
28 \$5,000 shall be done by contract entered into following
29 advertisement for bids received on a stated date pursuant to
30 notice for sealed bids published at least once each week for 2
31 consecutive weeks in a newspaper or journal of general

1 circulation among contractors in the State of Florida, and all
2 such contracts shall be secured by performance bonds in an
3 amount not less than 80 percent of the contract price,
4 furnished by a surety company or companies authorized to do
5 business in the State of Florida.

6 Section 11. Special assessments for construction,
7 reconstruction, repair, or maintenance of improvements.--

8 (1) The District may provide for the construction,
9 reconstruction, repair, and/or maintenance of improvements to
10 the system of a local nature and of special benefit to the
11 properties served thereby. Such special assessments shall be
12 levied upon the property to be benefited by such improvements
13 at a rate of assessment based on the special benefit accruing
14 to such property.

15 (2) Special assessments against property deemed to be
16 benefited by improvements as provided for herein shall be
17 assessed upon the property specially benefited by the
18 improvement and proportioned by the benefits to be derived
19 therefrom, said special benefits to be determined and prorated
20 according to the front footage of the respective property
21 specially benefited by said improvement or by such other
22 method as the board may prescribe.

23 (3) When the District may determine to make any
24 improvement authorized herein, and to defray the whole or any
25 part of the expense thereof by special assessments, the
26 District shall so declare by resolution, stating the nature of
27 the proposed improvement, designating the areas to be so
28 improved, the location of the improvements, and the part or
29 portion of the expense thereof to be paid by special
30 assessments, the manner in which said assessments shall be
31 made, when said assessments are to be paid, what part, if any,

1 shall be apportioned to be paid from other funds designated by
2 the District; and said resolution shall designate the lands
3 upon which the special assessment shall be levied and in
4 describing said lands, it shall be sufficient to describe them
5 as "all lots and lands adjoining and contiguous to or bounding
6 and abutting upon such improvements or specially benefited
7 thereby and further designated by the assessment plan
8 hereinafter provided for. Such resolution shall also state the
9 total estimated cost of the improvement. Such estimated cost
10 may include the cost of construction or reconstruction,
11 repair, and maintenance, the cost of all labor and materials,
12 the cost of all lands, property, rights, easements, and
13 franchises acquired, financing charges, interest prior to and
14 during construction and for 1 year after completion of
15 construction, cost of plans and specifications, surveys of
16 estimates of costs and of revenues, cost of engineering and
17 legal services, and all other expenses necessary or incident
18 to determining the feasibility or practicability of such
19 construction or reconstruction, repair, and maintenance,
20 administrative expense, and such other expense as may be
21 necessary or incident to the financing herein authorized.

22 (4) Upon adoption of the resolution provided for
23 herein, the District shall cause the resolution to be
24 published once a week for 2 consecutive weeks in a newspaper
25 of general circulation published in Citrus County.

26 (5) Upon adoption of the resolution, the District
27 shall cause to be made a preliminary assessment roll in
28 accordance with the method of assessment provided for in the
29 resolution. The assessment roll shall be completed as
30 promptly as possible and shall show the lots and lands
31 assessed and the amount of the benefit to and the assessment

1 against each lot or parcel of land and, if said assessment is
2 to be paid in installments, the number of annual installments
3 in which the assessment is divided.
4 (6) Upon completion of the preliminary assessment
5 roll, the District shall by resolution fix a time and place at
6 which the owners of the property to be assessed, or any other
7 persons interested therein, may appear before the District and
8 be heard as to the propriety and advisability of making such
9 improvements, as to the costs thereof, as to the manner of
10 payment therefor, and as to the amount thereof to be assessed
11 against each property so improved. A written notice of such
12 public hearing shall be given to such property owners 10 days
13 prior to such hearing identifying the date, time, and place of
14 such hearing. The notice shall include the amount of the
15 assessment and shall be served by mail to each such property
16 owner at the owner's last known address. The District shall
17 ascertain the names and addresses of such property owners from
18 the Property Appraiser or from such other source as the
19 District deems reliable, proof of such mailing to be made by a
20 District affidavit, and such proof shall be filed with the
21 Secretary-Treasurer of the board, provided that failure to
22 mail said notice or notices shall not invalidate any of the
23 proceedings hereunder. The District shall also provide notice
24 of the time and place of such hearing by publications placed
25 in a newspaper of general circulation in Citrus County at
26 least two times, at least 1 week apart, provided that the last
27 publication shall be at least 1 week prior to the date of the
28 hearing. The notice shall describe the areas to be improved
29 and shall advise all persons interested that the description
30 of each property to be assessed and the amount to be assessed
31 to each piece or parcel of property may be ascertained at the

1 District offices and are open to public inspection. Such
2 service of publication shall be verified by proof of
3 publication and filed with the Secretary-Treasurer of the
4 District.

5 (7) At the time and place named in the notice provided
6 for above, the Board of Commissioners shall meet and hear
7 testimony from affected property owners as to the propriety
8 and advisability of making the improvements and funding them
9 with special assessments on property. Following the
10 testimony, the board shall make a final decision on whether to
11 levy the special assessments. Thereafter, the board shall
12 meet as an equalizing board to hear and consider any and all
13 complaints as to the special assessments and shall adjust and
14 equalize the assessments based on equity and fairness. When
15 so equalized and approved by resolution of the board, a final
16 assessment roll shall be filed with the office of the Clerk of
17 the Circuit Court of Citrus County, and such assessment shall
18 stand confirmed and remain legal, valid, and binding first
19 liens upon the property against which such assessments are
20 made until paid. However, upon completion of the improvement,
21 the District shall credit to each of the assessments the
22 difference in the assessment as originally made, approved, and
23 confirmed and the proportionate part of the actual cost of the
24 improvement to be paid by special assessments as finally
25 determined upon the completion of the improvement, but in no
26 event shall the final assessments exceed the amount of
27 benefits originally assessed. Promptly after such
28 confirmation, the assessment shall be recorded by the Clerk of
29 the Circuit Court in Citrus County. From the date of such
30 recording, the assessments shall constitute liens upon the
31 properties assessed, coequal with the lien of general county

1 and district taxes, including ad valorem taxes, and shall be
2 superior in rank and priority to all of the liens, titles, and
3 claims. The assessment shall be collectible and shall be
4 entitled to sale and forfeiture in the same manner and with
5 the same attorney's fee, interest, and penalties for default
6 in payments as general county taxes. Collection may also be
7 effected by foreclosure in a court of equity, according to the
8 laws then existing for the foreclosure of mortgages, and it
9 shall be lawful to join in any such bill or complaint for
10 foreclosure on any one or more lots or parcels of land, by
11 whomsoever owned, if assessed for the same improvement made
12 under the provisions of this section. Failure to pay any
13 installment of principal or interest of any assessment when
14 due shall, without notice of other proceedings, cause all
15 installments of principal remaining unpaid to be forthwith due
16 and payable with interest due thereon at date of default.

17 (8) Citrus County, the District, and each school
18 district, municipality, or other political subdivision owning
19 property abutting upon the improvement for which special
20 assessments are made shall possess the same power and be
21 subject to the same duties and liabilities with respect to the
22 assessments under this section affecting the real estate of
23 such county, district, municipality, or political subdivision
24 which private owners of real estate possess or are subject to
25 hereunder. Such real estate shall be subject to the liens of
26 assessments in all cases to the same extent as if it had, at
27 the time the lien attached, been owned by a private owner.

28 (9) All such assessment liens shall be due and payable
29 at the office of the Tax Collector of Citrus County 30 days
30 after the date of the recording of the assessment roll. All
31 assessment liens not paid within said period shall become

1 payable in not more than 10 equal annual installments, the
2 number to be determined by the District at the time of the
3 confirmation and approval of the assessment roll with interest
4 at not more than 10 percent per annum from the date due; but
5 any assessment lien becoming so payable in installments may be
6 paid in full at any time, together with interest accrued
7 thereon to the last day of the calendar quarter in which such
8 payment is made.

9 (10) After the equalization, approval, and
10 confirmation of the special assessments levied for the
11 proposed improvements, the District may utilize any method
12 allowable by law for the funding of the special
13 assessments. These methods may include third-party financing
14 with any reputable lender, the issuance of special assessment
15 bonds of the District for the payment of such portion of the
16 cost assessed against the properties specifically benefited
17 thereby and for the reimbursement of any fund of the District
18 from which any part of such cost has previously been
19 paid. The amount of such bonds authorized to be issued
20 hereunder shall not exceed in the aggregate the total amount
21 of the assessment liens pledged for their payment and shall
22 mature at such time or times not later than 6 months after the
23 last installment of the special assessment liens pledged to
24 the payment thereof, as may be determined by the District.

25 (11) The bonds issued under this section shall be
26 payable solely from the special assessments, the installments
27 thereof, and interest and penalties thereof which have been
28 pledged to their payment and shall not be deemed to constitute
29 a general obligation of the District for the payment of which
30 the full faith, credit, and taxing powers thereof are
31 pledged. The issuance of such bonds shall not directly,

1 indirectly, or contingently obligate the District to levy or
2 pledge any form of ad valorem taxation.

3 (12) All collections of assessments contained in any
4 one assessment roll and the interest and penalties thereon
5 shall be deposited in a separate fund properly designated, and
6 such fund shall be pledged to, and used solely for, the
7 payment of the cost of the improvements or for the payment of
8 the principal of and interest on any revenue bonds or special
9 assessment bonds issued under this section for the
10 construction of the improvements for which said assessments
11 were made until all of said bonds and the interest thereon
12 shall have been fully paid. If bonds are issued for more than
13 one improvement, all assessments collected for all such
14 improvements may by District resolution be placed in one fund,
15 which shall be maintained, pledged, and applied for the
16 payment of the principal of and interest on said bonds.

17 (13) If any special assessment made under the
18 provisions of this act shall be either in whole or in part
19 annulled, vacated, or set aside by the judgment of any court,
20 or if the District shall be satisfied that any such assessment
21 is so irregular or defective that the same cannot be enforced
22 or collected, or if the District shall have omitted to make
23 such assessment when it might have done so, the District shall
24 take necessary steps to cause a new assessment to be made for
25 the whole or any part of any improvement or against any
26 property benefited by any improvement, following the
27 provisions of this act. In the event such second assessment
28 shall be annulled, the board may obtain and make additional
29 assessments until a valid assessment shall be levied.

30 (14) All assessments and charges made pursuant to this
31 act may be pledged to the payment of the principal of and

1 interest on any revenue bonds or special assessment bonds
2 issued by the District.

3 (15) The District may make allowances and grant credit
4 to property owners for improvements previously made by such
5 property owners to the extent the District determines such
6 existing improvements to be of value and utility as a part of
7 the improvements for which such assessment is made and may
8 prescribe a plan for fixing and determining such allowances
9 and credits.

10 (16) In fixing and enforcing the assessments provided
11 for herein, where any land has been surveyed, subdivided, or
12 platted into small tracts designated as lots or blocks or
13 otherwise, and the owner of the surveyed, subdivided, or
14 platted land recognizes such survey, subdivision, or plat, the
15 land embraced in such may be described by reference to such
16 whether or not any plat thereof has been recorded.

17 (17) If the owner or owners of any lot or parcel of
18 land assessed under the provisions of this section and all
19 those having any interest therein by way of mortgage or other
20 lien or leasehold rights or otherwise shall in writing request
21 that such assessment be divided so that a part of the same
22 shall be the assessment on and constitute a lien on one
23 portion of such lot or parcel and the remainder shall be the
24 assessment on and constitute a lien or liens against the
25 remainder of such parcel or separate parts thereof, the
26 District, in its discretion, shall have the power to divide
27 such assessment in accordance with such request, and
28 thereafter the separate parts of such assessment shall be the
29 assessments and constitute separate liens upon the parts of
30 the lot or parcel, respectively, into which the same shall
31 have been so divided. Any resolution making such division

1 shall recite a finding of the District that such division is
2 equitable and is based upon the benefits accruing to each
3 portion as divided.

4 (18) No irregularity or illegality in connection with
5 any of the proceedings herein authorized shall affect the
6 validity of such proceedings, the special assessments levied
7 thereunder, or any bonds or contracts issued or executed
8 pursuant thereto unless such irregularity or illegality shall
9 substantially affect the rights of the District, its
10 inhabitants, or the owners of the properties assessed for such
11 improvements.

12 (19) A copy of any assessment roll, certified as
13 correct by the Tax Collector of Citrus County, shall be
14 admitted as evidence and shall be prima facie proof of the
15 amount of the assessment and the property upon which said
16 assessment is levied.

17 (20) When any part of an improvement to be made
18 hereunder lies in part within the limits of an incorporated
19 city or town, the board shall nevertheless be authorized to
20 make such improvement with respect to the part lying within
21 such city or town and to provide for assessing the cost
22 thereof as herein provided if the governing body of such city
23 or town shall by resolution or ordinance consent to the
24 adoption and confirmation of the resolution passed or to be
25 passed by the board offering the improvement.

26 Section 12. Exemption from taxation and
27 assessments.--Pursuant to sections 189.403 and 196.199,
28 Florida Statutes, as the same may be amended from time to
29 time, the District shall not be required to pay any taxes or
30 assessments upon its assets or properties or upon the income
31 therefrom.

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

4 Section 5. In the event any section or provision of
5 this act is determined to be invalid or unenforceable, such
6 determination shall not affect the validity or enforceability
7 of each other section and provision of this act.

8 Section 6. In the event of a conflict of the
9 provisions of this act with the provisions of any other act,
10 the provisions of this act shall control to the extent of such
11 conflict.

12 Section 7. Chapters 24429 (1947), 25726 (1949),
13 59-1177, 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528,
14 79-440, 80-475, 80-476, 81-360, 82-279, 83-386, 84-410,
15 85-399, 86-456, 88-463, 88-484, 88-533, 89-436, 89-464,
16 89-499, 90-418, 90-419, 92-241, 92-337, and 96-525, Laws of
17 Florida, are repealed.

18 Section 8. This act shall take effect upon becoming a
19 law.

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