



HB 0897

2003

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A bill to be entitled

An act relating to the Homosassa Special Water District in Citrus County; codifying, reenacting, amending, and repealing special acts related to the District; creating a District charter; creating an independent special district; providing a District boundary; providing powers, functions, and duties of the District; providing for amendment of the charter; providing for the District purpose; providing for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing District powers, functions, and duties; providing for a District governing board; providing for a chair and secretary-treasurer; providing for general obligation bonds; providing for revenue bonds; providing for refunding bonds; providing for levy of ad valorem taxes; providing for payment of bonds; providing for authority to levy and collect tax on real and personal property for administrative costs, expenditure generally; providing for construction costs; providing for special assessments for construction, reconstruction, repair, or maintenance of improvements; providing for exemption from taxes and assessments; providing for liberal construction; providing for severability; providing for effect of conflicting laws; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Homosassa Special Water District, ("District").



HB 0897

2003

31 It is the intent of the Legislature in enacting this law to  
 32 provide a single, comprehensive special act charter for the  
 33 District, including all current legislative authority granted to  
 34 the District by its several legislative enactments and any  
 35 additional authority granted by this act and chapter 189,  
 36 Florida Statutes, as the same may be amended from time to time.

37 It is further the intent of this act to preserve all District  
 38 authority.

39 Section 2. Chapters 24429 (1947), 25726 (1949), 59-1177,  
 40 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528, 79-440, 80-475,  
 41 80-476, 81-360, 82-279, 83-386, 84-410, 85-399, 86-456, 88-463,  
 42 88-484, 88-533, 89-436, 89-464, 89-499, 90-418, 90-419, 92-241,  
 43 92-337, and 96-525, Laws of Florida, relating to the Homosassa  
 44 Special Water District, are codified, reenacted, and repealed as  
 45 provided in this act.

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

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

49 (1) The District is hereby created and incorporated as an  
 50 independent special district, pursuant to chapter 189, Florida  
 51 Statutes, to be known as the Homosassa Special Water District,  
 52 in Citrus County, which special district shall be a public body  
 53 corporate and politic.

54 (2) District boundaries shall embrace and include the  
 55 territory consisting of the following:

56 All of Sections 25, 26, 27, 28, 33, 34, 35 and 36 in  
 57 Township 19 South, Range 16 East; all of Sections 15, 20,  
 58 21, 22, 27, 28, 29, 30, 31, 32 and 33 in Township 19  
 59 South, Range 17 East; all of Sections 2, 3, 4 and 11 in  
 60 Township 20 South, Range 16 East; and all of Sections 4,



HB 0897

2003

61 5, 6, 7, 8 and 9 in Township 20 South, Range 17 East;  
 62 LESS AND EXCEPT that certain subdivision known as Spring  
 63 Gardens as recorded in Plat Book 11, Page 98, Public  
 64 Records of Citrus County, Florida; AND Block 169, Unit  
 65 No. 4 of Homosassa, as recorded in Plat Book 1, Page 46,  
 66 Public Records of Citrus County, Florida; AND that part  
 67 of the NW 1/4 of the NW 1/4 of Section 29, Township 19  
 68 South, Range 18 East, that lies South of the Southerly  
 69 right-of-way line of Grover Cleveland Boulevard, LESS AND  
 70 EXCEPT those portions described in the following deeds:  
 71 Warranty Deed dated August 29th, 1977, filed August 30,  
 72 1977, and recorded in O.R. Book 474, page 285, public  
 73 records of Citrus County, Florida; Warranty Deed dated  
 74 April 27, 1979, filed May 1, 1979, and recorded in O.R.  
 75 Book 536, page 862, public records of Citrus County,  
 76 Florida; Warranty Deed dated June 16, 1980, filed  
 77 December 3, 1980, and recorded in O.R. Book 567, page  
 78 1144, public records of Citrus County, Florida; AND all  
 79 that part of Unit No. 2, of Homosassa, Florida, according  
 80 to the map or plat thereof recorded in Plat Book 1, Page  
 81 44, public records of Citrus County, Florida, lying North  
 82 and West of State Road 490 and South of the County Road  
 83 known as Spring Cove Road, LESS AND EXCEPT the tract of  
 84 land as described in Deed from River Gulf Co., Inc., to  
 85 A.R. Walker and Martha L. Walker, his wife, dated July 3,  
 86 1967, and recorded in O.R. Book 217, Page 367, public  
 87 records of Citrus County, Florida; AND a parcel of land  
 88 described as: Begin at the S.W. corner of Unit No. 2 of  
 89 Homosassa, as recorded in Plat Book 1, Page 44, public  
 90 records of Citrus County, Florida, thence N 0°22'53" W



HB 0897

2003

91 along the West line of Unit No. 2 of Homosassa a distance  
 92 of 599.89 ft. to the South right-of-way line of a County  
 93 Road known as Spring Cove Road, thence N 88°08'19" E  
 94 along the South right-of-way line of Spring Cove Road a  
 95 distance of 626.83 ft. to the N.W. corner of lands  
 96 described in O.R. Book 217, Page 367, public records of  
 97 Citrus County, Florida, thence S 30°08'46" W along the  
 98 West boundary of lands described in O.R. Book 217, Page  
 99 367, and a Southerly projection thereof a distance of  
 100 350 feet, thence N 88°08'46" E, a distance 200 feet to  
 101 the Northwesterly right-of-way line of State Road 490,  
 102 thence S 30°08'46" W along the Northwesterly right-of-way  
 103 line of State Road 490 a distance of 488.90 feet to the  
 104 South line of said Unit No. 2 of Homosassa, thence N  
 105 76°10'29" W along the South line of said Unit No. 2 of  
 106 Homosassa a distance of 413.05 feet to the Point of  
 107 Beginning; AND a parcel of land described as: Commence at  
 108 the NW corner of the SW 1/4 of Section 27, Township 19  
 109 South, Range 17 East, thence S 0°20'05" W along the West  
 110 line of said SW 1/4 a distance of 2.86 feet, thence N  
 111 89°09'10" E 207.66 feet, thence N 80°30'50" E 327.26  
 112 feet, thence N 54°04'10" E 351.97 feet, thence N 63°15' E  
 113 330.22 feet, thence N 88°37'10" E 896.99 feet to the  
 114 Northwesterly right-of-way line of State Road 490, thence  
 115 S 30°37'20" W along said right-of-way line a distance of  
 116 29.48 feet to the POINT OF BEGINNING, said point also  
 117 being on the South right-of-way line of a proposed County  
 118 Road, thence continue S 30°37'20" W along aforementioned  
 119 Northwesterly right-of-way line of State Road 490, a  
 120 distance of 200 feet, thence S 88°37'10" W parallel to



HB 0897

2003

121 the aforementioned South right-of-way line of a proposed  
122 County Road, a distance of 200 feet, thence N 30°37'20" E  
123 200 feet to said South right-of-way line of a proposed  
124 County Road, thence N 88°37'10" E along said South right-  
125 of-way line a distance of 200 feet to the point of  
126 beginning; AND the South 60 feet of Sections 23 and 24 of  
127 Township 19 South, Range 17 East; AND the North 60 feet  
128 of Sections 25 and 26, Township 19 South, Range 17 East;  
129 AND the South 60 feet of Sections 19, 20 and 21, Township  
130 19 South, Range 18 East, LESS AND EXCEPT that portion  
131 lying easterly of the East right-of-way line of State  
132 Road 491; AND the North 60 feet of Sections 28, 29 and  
133 30, Township 19 South, Range 18 East, LESS AND EXCEPT  
134 that portion lying easterly of the East right-of-way line  
135 of State Road 491; AND Lots 1, 2 and 3 of Block E, of  
136 GROVER CLEVELAND ESTATES, according to a plat thereof as  
137 recorded in Plat Book 12, Page 2 of the Public Records of  
138 Citrus County, Florida; AND Lots 1, 2, 3, together with  
139 Lots 6 through 23, according to the subdivision of HALLS  
140 RIVER ESTATES, as recorded in Plat Book 3, Page 11,  
141 Public Records of Citrus County, Florida; AND Lot 1,  
142 Block A, HAZELTON HILLS, legally described as: Commence  
143 at the SW corner of NW 1/4 of Section 25, Township 19  
144 South, Range 17 East, thence S 89°44'45" East along the  
145 South line of said NW 1/4 of the NW 1/4 a distance of  
146 320.59 feet, thence N 0°11'55" East 996.92 feet to the  
147 Point of Beginning, thence continue North 00°00'55" East  
148 83.08 feet, thence S 89°44'45" East parallel to said  
149 South line a distance of 150 feet, thence S 00°00'55"  
150 West 83.08 feet, thence N 89°44'45" West parallel to



HB 0897

2003

151 South line a distance of 150 feet to the Point of  
 152 Beginning; AND commence at the NW corner of Section 29,  
 153 Township 19 South, Range 18 East, thence S 00°46'57" West  
 154 along the West line of said Section 29, a distance of  
 155 31.68 feet to the South right-of-way line of a paved  
 156 County Road, thence S 88°59'06" East along said South  
 157 right-of-way line a distance of 521.49 feet to the Point  
 158 of Beginning, thence continue S 88°59'06" East along said  
 159 right-of-way line a distance of 487.14 feet, thence  
 160 leaving said South right-of-way line S 04°43'30" West  
 161 537.91 feet, thence N 89°13'50" West 437.26 feet, thence  
 162 N 00°35'20" West 538.87 feet to the Point of Beginning;  
 163 AND commence at the NW corner of Section 29, Township 19  
 164 South, Range 18 East, thence S 00°46'57" West along the  
 165 West line of said Section 29, a distance of 31.68 feet to  
 166 the South right-of-way line of a County Road, thence  
 167 along said right-of-way line South 88°59'06" East a  
 168 distance of 521.49 feet, thence leaving said right-of-way  
 169 line South 00°35'20" East 538.87 feet to the Point of  
 170 Beginning, thence S 89°15'50" East 295.00 feet, thence S  
 171 00°46'57" West 731.95 feet to the South line of said NW  
 172 1/4 of the NW 1/4 of Section 29, thence S 89°26'13" West  
 173 295.00 feet, thence N 00°46'57" East 738.82 feet to the  
 174 Point of Beginning; AND begin at the SW corner of the SE  
 175 1/4 of the SE 1/4 of Section 24, Township 19 South, Range  
 176 17 East, thence North along the West line of SE 1/4 of SE  
 177 1/4 500 feet to the Point of Beginning, thence continue  
 178 North along the West line for 209 feet, thence East 209  
 179 feet, thence South 209 feet, thence West 209 feet to the  
 180 Point of Beginning, together with an easement 20 feet



HB 0897

2003

181 wide extending from the above parcel along the West line  
 182 of SE 1/4 of SE 1/4 of the County Road known as Chicken  
 183 Farm Road; AND Tract 45, HOMOSASSA HIGHLANDS, as recorded  
 184 in Plat Book 7, Page 33, Public Records of Citrus County,  
 185 Florida; AND Lots 1 through 29, inclusive, Block 171, of  
 186 HOMOSASSA UNIT #4, as per the plat thereof recorded in  
 187 Plat Book 1, Page 46, of the public records of Citrus  
 188 County, Florida, lying in Section 23, Township 19 South,  
 189 Range 17 East; AND Lots 1 through 29, inclusive, Block  
 190 171, of HOMOSASSA UNIT #4, as per the plat thereof  
 191 recorded in Plat Book 1, Page 46, of the public records  
 192 of Citrus County, Florida, lying in Section 23, Township  
 193 19 South, Range 17 East; AND the SW 1/4 of the SW 1/4 of  
 194 Section 19, Township 19 South, Range 18 East, Citrus  
 195 County, Florida; AND the NW 1/4 of Section 26, Township  
 196 19 South, Range 17 East, Citrus County, Florida; AND  
 197 Tract 256 of GREEN ACRES ADDITION #6, UNIT 2, as the same  
 198 appears of record on the plat recorded in Plat Book 7, at  
 199 Pages 70 through 72, inclusive, of the Public Records of  
 200 Citrus County, Florida; AND Lot 3, HOMOSASSA HIGHLANDS  
 201 SUBDIVISION, as shown in Plat Book 7, at Page 33 of the  
 202 Public Records of Citrus County, Florida, LESS the  
 203 portion of said Lot described as follows: Begin at the SE  
 204 corner of Lot 3, thence N 89°35'48" W along the South  
 205 line a distance of 100 feet to the SW corner, thence N  
 206 00°28'33" E along the W line a distance of 27.13 feet to  
 207 a point that is 50 feet from, measured at right angles  
 208 to, the centerline of the existing pavement of a county  
 209 road known as GROVER CLEVELAND BOULEVARD, thence S  
 210 89°36'35" E parallel to said centerline a distance of 100



HB 0897

2003

211 feet to a point on the East line, thence S 00°28'33" W  
 212 along said East line a distance of 27.15 feet to the  
 213 Point of Beginning; AND Lot 5 in Block B of HAZELTON  
 214 HILLS, an unrecorded subdivision further described as  
 215 follows: Commence at the SW corner of the NW 1/4 of the  
 216 NW 1/4 of Section 25, Township 19 South, Range 17 East,  
 217 thence S 89°44'45" E along the South line of said NW 1/4  
 218 of NW 1/4 a distance of 520.59 feet, thence N 00°00'55" E  
 219 1080 feet, thence S 89°44'45" E parallel to said South  
 220 line a distance of 340 feet to the Point of Beginning,  
 221 thence continue S 89°44'45" E parallel to said South line  
 222 a distance of 80 feet, thence 00°00'55" W 120 feet,  
 223 thence N 89°44'45" W parallel to said South line a  
 224 distance of 80 feet, thence N 00°00'55" E 120 feet to the  
 225 Point of Beginning. All such property being located in  
 226 Citrus County, Florida.

227 (3) The powers, functions, and duties of the District  
 228 regarding ad valorem taxation, bond issuance, other revenue-  
 229 raising capabilities, budget preparation and approval, liens and  
 230 foreclosure of liens, use of tax deeds and tax certificates as  
 231 appropriate for non-ad valorem assessments, and contractual  
 232 agreements shall be as set forth in this act and in chapters 189  
 233 and 197, Florida Statutes, or any other applicable general or  
 234 special law, as they may be amended from time to time.

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

237 (5) The purpose of the District shall be to supply water  
 238 within the District for public, domestic, industrial, and fire  
 239 protection and to fix and collect rates and charges for the  
 240 services and facilities furnished by the water supply and





HB 0897

2003

241 distribution system and to fix and collect charges for making  
242 connections with the system.

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

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

249 (1) In addition to any powers, functions, and duties set  
250 forth in this act, the District shall likewise exercise such  
251 powers, functions, and duties as may be set forth in chapter  
252 189, Florida Statutes, as the same may be amended from time to  
253 time.

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

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

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

262 (c) To sue and be sued.

263 (d) To make and enter into contracts and agreements  
264 necessary or incidental to the performance of the duties imposed  
265 and the execution of the powers granted under this act.

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

267 (f) To acquire by grant, loan, purchase, gift, or devise  
268 or by the exercise of the right of eminent domain all property,  
269 real or personal, or any estate or interest therein necessary,  
270 desirable, or convenient for the purposes of this act and to



HB 0897

2003

271 sell, convey, lease, rent, or assign all or any part thereof and  
 272 to exercise all of its powers and authority with respect  
 273 thereto. The exercise of eminent domain shall be as provided for  
 274 by applicable general law.

275 (g) To appoint and employ a superintendent, an attorney,  
 276 and such other agents and employees as the District deems  
 277 advisable.

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

282 (i) To fix and collect rates and charges for the services  
 283 and facilities furnished by its water supply and distribution  
 284 system and to fix and collect charges for making connections to  
 285 its system.

286 (j) To issue revenue bonds, pursuant to section 189.4085,  
 287 Florida Statutes, as the same may be amended from time to time,  
 288 and otherwise by this act and general law, to pay the cost of  
 289 purchasing or otherwise acquiring, constructing, reconstructing,  
 290 improving, extending, enlarging, or equipping its water supply  
 291 and distribution system.

292 (k) To issue refunding bonds, pursuant to section  
 293 189.4085, Florida Statutes, as the same may be amended from time  
 294 to time, or otherwise by general law, to refund any bonds then  
 295 outstanding which shall have been issued under the provisions of  
 296 this act.

297 (l) To do all acts or things necessary or convenient to  
 298 carry out the powers expressly granted in this act.

299 Section 3. District governing board.--

300 (1) The governing body of the District shall be a board of



HB 0897

2003

301 five Commissioners elected pursuant to chapter 189, Florida  
302 Statutes, by the electors of the District in a nonpartisan  
303 election held at the time and in the manner prescribed for  
304 holding general elections. Each member of the board shall be  
305 elected for a term of 4 years and shall serve until his or her  
306 successor assumes office, except that the Commissioner who will  
307 be elected in December of the year 2003 and the three  
308 Commissioners who will be elected in December of the year 2005  
309 will be elected for terms of 3 years in order to make District  
310 elections consistent with the Florida General Elections.

311 (2) The office of each Commissioner is designated as a  
312 seat on the board, distinguished from each of the other seats by  
313 a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at  
314 the time he or she qualifies, the seat on the board for which he  
315 or she is qualifying. The name of each candidate who qualifies  
316 shall be included on the ballot in a way that clearly indicates  
317 the seat for which he or she is a candidate. The candidate for  
318 each seat who receives the most votes shall be elected to the  
319 board.

320 (3) Each member of the board must be a registered elector  
321 of and reside within the District boundaries at the time he or  
322 she qualifies for election and continually throughout his or her  
323 term.

324 (4) In the event of a vacancy, due to any cause, on the  
325 Board of Commissioners, the vacancy shall be filled for the  
326 remainder of the term by special election within 30 days after  
327 the occurrence of the vacancy unless the vacancy occurs within  
328 90 days after a regular election.

329 (5) The procedures for conducting District elections and  
330 for qualification of electors shall be pursuant to section



HB 0897

2003

331 189.405, Florida Statutes, and general law, as the same may be  
332 amended from time to time. Commissioners shall assume their  
333 respective duties on the 1st Tuesday after the 1st Monday in  
334 January after the date of such election.

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

339 (7) Commissioners shall receive compensation up to the  
340 amount of \$200 per month. The compensation to be received from  
341 District funds shall be set by resolution of the Commissioners  
342 for performance of their duties but may not be increased to more  
343 than \$200 per month per Commissioner without the prior approval  
344 of a majority of the qualified electors of the District voting  
345 in a referendum called for such purpose. Commissioners shall be  
346 reimbursed by the District for any expenses incurred in the  
347 performance of their duties pursuant to chapter 112, Florida  
348 Statutes, as the same may be amended from time to time.

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

352 (9) The board shall hold meetings pursuant to sections  
353 189.416 and 189.417, Florida Statutes, as the same may be  
354 amended from time to time.

355 (10) A majority of the members of the Board of  
356 Commissioners shall constitute a quorum for the transaction of  
357 the business of the District. The affirmative vote of a  
358 majority of the governing board members present and voting shall  
359 be necessary to transact business.

360 (11) The District shall prepare and submit reports,



HB 0897

2003

361 budgets, and audits as provided in sections 189.415 and 189.418,  
 362 Florida Statutes, as the same may be amended from time to time.

363 Section 4. Chair, Secretary-Treasurer.--At the first  
 364 meeting of the Commissioners, and annually thereafter, they  
 365 shall organize and designate one of the Commissioners to act as  
 366 Chair and appoint a resident of the District, who need not be a  
 367 Commissioner, to act as Secretary-Treasurer. The Secretary-  
 368 Treasurer shall be custodian of the official proceedings,  
 369 records, and funds of the District and upon order of the Board  
 370 of Commissioners shall furnish bond for the performance of the  
 371 Secretary-Treasurer's duties and accounting for the funds of the  
 372 District. Disbursement of funds of the District shall be made  
 373 only upon orders authorized by the Board, signed by the Chair  
 374 and countersigned by the Secretary-Treasurer.

375 Section 5. General obligation bonds.--

376 (1) The District is hereby authorized to issue by  
 377 resolution general obligation bonds with an aggregate principal  
 378 amount not exceeding \$450,000, payable from rates, rentals,  
 379 fees, and charges provided for hereunder and, to the extent  
 380 necessary, ad valorem taxes levied as hereinafter provided, for  
 381 the purpose of paying the cost of purchasing or otherwise  
 382 acquiring, constructing, reconstructing, improving, extending,  
 383 enlarging, or equipping its water supply and distribution  
 384 system, provided, however, that any such bonds shall have been  
 385 approved by the majority of the votes cast in an election in  
 386 which a majority of the freeholders who are qualified electors  
 387 residing in the District shall have participated. Any such  
 388 election shall be held and the result thereof determined and  
 389 declared in the manner provided by the election code of 1951 and  
 390 chapter 189, Florida Statutes, or as such may be amended from



HB 0897

2003

391 time to time.

392 (2) The bonds of each issue authorized pursuant to this  
393 act shall be dated, shall mature at such time not exceeding 50  
394 years after their date or dates, and shall bear interest at such  
395 rate or rates not exceeding 5 1/2 percent per annum. Such bonds  
396 may be made redeemable before maturity at the option of the  
397 District upon such terms and conditions as the District may fix  
398 prior to their issuance. The District shall determine the form  
399 of the bonds, including interest coupons to be attached thereto,  
400 and the manner of execution thereof and shall fix the  
401 denomination of the bonds and the place of payment of principal  
402 and interest. This payment place may be at any bank or trust  
403 company within or without the state. All bonds issued under the  
404 provisions of this act shall be general obligations of the  
405 District and shall have and are hereby declared to have all of  
406 the qualities and incidents of negotiable instruments under the  
407 negotiable instruments law of Florida. The District may sell  
408 such bonds in such manner, at such time or times, and for such  
409 price as it may determine to be in the best interests of the  
410 District and, in the resolution providing for the issuance of  
411 such bonds, provisions may be made for the custody and  
412 application of the proceeds therefrom as may be deemed necessary  
413 or advantageous for safeguarding such proceeds.

414 Section 6. Revenue bonds.--

415 (1) The District is hereby authorized to provide by  
416 resolution at one time, or from time to time, for the issuance  
417 of District revenue bonds for the purpose of paying all or a  
418 part of the cost of acquisition, construction, equipping,  
419 repairing, extending, maintaining, and reconstructing a water  
420 supply and distribution system. The revenue bonds of each issue



HB 0897

2003

421 shall be dated, shall bear interest at such rate or rates not  
422 exceeding 6 percent per annum, shall mature at such time or  
423 times, not exceeding 40 years after their date or dates, as may  
424 be determined by the District, and may be made redeemable before  
425 maturity, at the option of the District, at such price or prices  
426 and under such terms and conditions as may be fixed by the  
427 District prior to the issuance of the revenue bonds. The  
428 District shall determine the form of the revenue bonds,  
429 including any interest coupons to be attached thereto, and the  
430 manner of execution of the revenue bonds and coupons, and shall  
431 fix the denomination or denominations of the revenue bonds and  
432 the place or places of payment of principal and interest, which  
433 may be at any bank or trust company within or without the state.

434 In case any officer whose signature or a facsimile of whose  
435 signature shall appear on any revenue bonds or coupons shall  
436 cease to be such officer before the delivery of such revenue  
437 bonds, such signature or such facsimile shall nevertheless be  
438 valid and sufficient for all purposes the same as if that  
439 officer had remained in office until such delivery. All revenue  
440 bonds issued under the provisions of this section shall have and  
441 are hereby declared to have all the qualities and incidents of  
442 negotiable instruments under the negotiable instruments laws of  
443 Florida. The revenue bonds may be issued in coupon or  
444 registered form, or both, as the District may determine, and  
445 provisions may be made for the registration of any coupon bonds  
446 as to principal alone and also as to both principal and interest  
447 and for the reconversion into coupon bonds of any bonds  
448 registered as to both principal and interest. The issuance of  
449 such revenue bonds shall not be subject to any limitations or  
450 conditions contained in any other law, and the District may sell



HB 0897

2003

451 such revenue bonds in such manner and for such price as it may  
452 determine to be in the best interest of the District, but no  
453 such sale shall be made at a net interest cost to the District  
454 in excess of 6 percent per annum, excluding, however, from such  
455 computations the amount of any premium to be paid on redemption  
456 of any revenue bonds prior to maturity. Prior to the  
457 preparation of definitive bonds, the District may, under like  
458 restrictions, issue interim receipts or temporary bonds with or  
459 without coupons, exchangeable for definitive bonds when such  
460 revenue bonds have been executed and are available for delivery.  
461 The District may also provide for the replacement of any bonds  
462 that are be mutilated, destroyed, or lost.

463 (2) Such revenue bonds may be payable from the revenues  
464 derived from the operation of the system or of any combination  
465 thereof and from any other funds legally available therefor,  
466 including the proceeds from any special assessments levied by  
467 the District. The revenue bonds shall be entitled to such  
468 priorities on such revenues as the District shall provide. The  
469 issuance of such revenue bonds shall not directly, indirectly,  
470 or contingently obligate the District to levy ad valorem taxes  
471 for their payment and the District shall not convey or mortgage  
472 such facilities or any part thereof as security for payment of  
473 the revenue bonds.

474 (3) At the discretion of the District, each or any issue  
475 of such revenue bonds may be secured by a trust agreement by and  
476 between the District and a corporate trustee, which may be any  
477 trust company or bank having the powers of a trust company  
478 within or outside of the state. Such trust agreement may pledge  
479 or assign the revenues to be received by the District. The  
480 resolution providing for the issuance of revenue bonds or such





HB 0897

2003

481 trust agreement may contain such provisions for protecting and  
482 enforcing the rights and remedies of the bondholders as may be  
483 reasonable, proper, and not in violation of law, including  
484 covenants setting forth District duties in relation to the  
485 acquisition, construction, improvement, maintenance, operation,  
486 repair, and insurance of the system and the custody,  
487 safeguarding, and application of all moneys. It shall be lawful  
488 for any bank or trust company incorporated under the laws of  
489 Florida to act as such depository and to furnish such  
490 indemnifying bonds or to pledge such securities as may be  
491 required by the District. Such resolution or such trust  
492 agreement may restrict the individual rights of action by  
493 bondholders as is customary in trust agreements securing bonds  
494 or debentures of corporations. In addition to the foregoing,  
495 such resolution or such trust agreement may contain such other  
496 provisions as the District may deem reasonable and proper for  
497 the security of the bondholders. Except as otherwise provided  
498 in this section, the District may provide, by resolution or by  
499 trust agreement, for the payment of the bond proceeds or  
500 revenues to such officer, board, or depository as determined by  
501 the District. The District may also provide the method of  
502 disbursement thereof, with such safeguards and restrictions as  
503 it may determine. All expenses incurred in carrying out such  
504 trust agreement may be treated as part of the cost of operation  
505 of the system affected by such trust agreement.

506 (4) A resolution or trust agreement providing for the  
507 issuance of the revenue bonds may also contain such limitations  
508 upon the issuance of additional revenue bonds as the District  
509 may deem proper, and such additional revenue bonds shall be  
510 issued under such restrictions or limitations as may be



HB 0897

2003

511 prescribed by such resolution or trust agreement.

512 (5) Revenue bonds may be issued under the provisions of  
513 this act without obtaining the consent of any commission, board,  
514 bureau, or agency of the state or county and without any other  
515 proceeding or the happening of any condition or thing other than  
516 those proceedings, conditions, or things which are specifically  
517 required by act.

518 (6) The proceeds of the revenue bonds shall be used solely  
519 for the payment of the cost of the project for which such  
520 revenue bonds were issued and shall be disbursed in the manner  
521 provided in the resolution or in the trust agreement authorizing  
522 the bond issuance. If the proceeds of the revenue bonds of any  
523 issue shall exceed the amount required for the purpose for which  
524 the same shall have been issued, the surplus shall be set aside  
525 and used only for paying the principal of and interest on such  
526 bonds.

527 (7) Any holder of revenue bonds issued under this act or  
528 any of the coupons appertaining thereto and the trustee under  
529 any trust agreement, except to the extent that the rights herein  
530 given may be restricted by such trust agreement, may, either at  
531 law or in equity, by suit, action, mandamus, or other  
532 proceedings, protect and enforce any and all rights under the  
533 laws of Florida or granted hereunder or under such trust  
534 agreement or the resolution authorizing the issuance of such  
535 bonds and may enforce and compel the performance of all duties  
536 required by this section or by such trust agreement or  
537 resolution to be performed by the District or by any officer  
538 thereof.

539 Section 7. Refunding bonds.--The District is hereby  
540 authorized to provide by resolution for the issuance of



HB 0897

2003

541 refunding revenue bonds for the purpose of refunding any revenue  
 542 bonds then outstanding and issued under the provisions of this  
 543 act. The District is further authorized to provide by  
 544 resolution for the issuance of bonds for the combined purpose of  
 545 paying the cost of any acquisition, construction, repair,  
 546 extensions, additions, equipping, and reconstruction of any  
 547 system facilities and refunding revenue bonds of the District  
 548 which were previously issued under the provisions of this act  
 549 and which remain outstanding. The issuance of such obligations,  
 550 the maturities and other details thereof, the rights and  
 551 remedies of the holders thereof, and the rights, powers,  
 552 privileges, duties, and obligations of the District with respect  
 553 to the same shall be governed by the foregoing provisions of  
 554 this act.

555 Section 8. Levy of ad valorem taxes, payment of  
 556 bonds.--The District is hereby authorized and required to levy  
 557 annually a tax upon all taxable property within the District  
 558 sufficient to pay the principal of and interest on all bonds  
 559 issued under this act as the same shall respectively become due  
 560 and payable and to create a sinking fund to pay the principal  
 561 thereof at or before maturity; however, any yearly revenues  
 562 received in excess of the amount required to pay the current  
 563 expenses of administration, operation, maintenance, renewals,  
 564 and replacements of said water supply and distribution system  
 565 shall be applied to pay such interest and principal and only  
 566 such portion or amount of the annual tax as would otherwise be  
 567 required shall be actually so levied and collected. A certified  
 568 copy of the resolution or resolutions making provisions for the  
 569 levy of taxes as aforesaid shall be filed with both the Board of  
 570 County Commissioners of Citrus County and the State Comptroller.



HB 0897

2003

571 Section 9. Authority to levy and collect tax on real and  
572 personal property for administrative costs, expenditure  
573 generally.--As provided in this act, the District is hereby  
574 authorized each year to levy and collect an annual tax on all  
575 taxable real and personal property in the District at a rate not  
576 exceeding 3 mills per annum, the proceeds of which shall be used  
577 and applied to the payment of the cost of administration of the  
578 District or may be expended for preliminary expenses in  
579 connection with the acquisition of such water supply and  
580 distribution system and placing the same in operation and may  
581 further be expended for the maintenance, improvement,  
582 enhancement, repair, extension, enlargement, reconstruction,  
583 ownership, operation, management, and control of said water  
584 supply and distribution system.

585 Section 10. Construction contracts.--All work done by the  
586 District in the construction, reconstruction, repair,  
587 maintenance, improvement, or enlargement of such water supply  
588 and distribution system involving the expenditure of more than  
589 \$5,000 shall be done by contract entered into following  
590 advertisement for bids received on a stated date pursuant to  
591 notice for sealed bids published at least once each week for 2  
592 consecutive weeks in a newspaper or journal of general  
593 circulation among contractors in the State of Florida, and all  
594 such contracts shall be secured by performance bonds in an  
595 amount not less than 80 percent of the contract price, furnished  
596 by a surety company or companies authorized to do business in  
597 the State of Florida.

598 Section 11. Special assessments for construction,  
599 reconstruction, repair, or maintenance of improvements.--

600 (1) The District may provide for the construction,



HB 0897

2003

601 reconstruction, repair, and/or maintenance of improvements to  
 602 the system of a local nature and of special benefit to the  
 603 properties served thereby. Such special assessments shall be  
 604 levied upon the property to be benefited by such improvements at  
 605 a rate of assessment based on the special benefit accruing to  
 606 such property.

607 (2) Special assessments against property deemed to be  
 608 benefited by improvements as provided for herein shall be  
 609 assessed upon the property specially benefited by the  
 610 improvement and proportioned by the benefits to be derived  
 611 therefrom, said special benefits to be determined and prorated  
 612 according to the front footage of the respective property  
 613 specially benefited by said improvement or by such other method  
 614 as the board may prescribe.

615 (3) When the District may determine to make any  
 616 improvement authorized herein, and to defray the whole or any  
 617 part of the expense thereof by special assessments, the District  
 618 shall so declare by resolution, stating the nature of the  
 619 proposed improvement, designating the areas to be so improved,  
 620 the location of the improvements, and the part or portion of the  
 621 expense thereof to be paid by special assessments, the manner in  
 622 which said assessments shall be made, when said assessments are  
 623 to be paid, what part, if any, shall be apportioned to be paid  
 624 from other funds designated by the District; and said resolution  
 625 shall designate the lands upon which the special assessment  
 626 shall be levied and in describing said lands, it shall be  
 627 sufficient to describe them as "all lots and lands adjoining and  
 628 contiguous to or bounding and abutting upon such improvements or  
 629 specially benefited thereby and further designated by the  
 630 assessment plan hereinafter provided for." Such resolution



HB 0897

2003

631 shall also state the total estimated cost of the improvement.  
 632 Such estimated cost may include the cost of construction or  
 633 reconstruction, repair, and maintenance, the cost of all labor  
 634 and materials, the cost of all lands, property, rights,  
 635 easements, and franchises acquired, financing charges, interest  
 636 prior to and during construction and for 1 year after completion  
 637 of construction, cost of plans and specifications, surveys of  
 638 estimates of costs and of revenues, cost of engineering and  
 639 legal services, and all other expenses necessary or incident to  
 640 determining the feasibility or practicability of such  
 641 construction or reconstruction, repair, and maintenance,  
 642 administrative expense, and such other expense as may be  
 643 necessary or incident to the financing herein authorized.

644 (4) Upon adoption of the resolution provided for herein,  
 645 the District shall cause the resolution to be published once a  
 646 week for 2 consecutive weeks in a newspaper of general  
 647 circulation published in Citrus County.

648 (5) Upon adoption of the resolution, the District shall  
 649 cause to be made a preliminary assessment roll in accordance  
 650 with the method of assessment provided for in the resolution.  
 651 The assessment roll shall be completed as promptly as possible  
 652 and shall show the lots and lands assessed and the amount of the  
 653 benefit to and the assessment against each lot or parcel of land  
 654 and, if said assessment is to be paid in installments, the  
 655 number of annual installments in which the assessment is  
 656 divided.

657 (6) Upon completion of the preliminary assessment roll,  
 658 the District shall by resolution fix a time and place at which  
 659 the owners of the property to be assessed, or any other persons  
 660 interested therein, may appear before the District and be heard



HB 0897

2003

661 as to the propriety and advisability of making such  
662 improvements, as to the costs thereof, as to the manner of  
663 payment therefor, and as to the amount thereof to be assessed  
664 against each property so improved. A written notice of such  
665 public hearing shall be given to such property owners 10 days  
666 prior to such hearing identifying the date, time, and place of  
667 such hearing. The notice shall include the amount of the  
668 assessment and shall be served by mail to each such property  
669 owner at the owner's last known address. The District shall  
670 ascertain the names and addresses of such property owners from  
671 the Property Appraiser or from such other source as the District  
672 deems reliable, proof of such mailing to be made by a District  
673 affidavit, and such proof shall be filed with the Secretary-  
674 Treasurer of the board, provided that failure to mail said  
675 notice or notices shall not invalidate any of the proceedings  
676 hereunder. The District shall also provide notice of the time  
677 and place of such hearing by publications placed in a newspaper  
678 of general circulation in Citrus County at least two times, at  
679 least 1 week apart, provided that the last publication shall be  
680 at least 1 week prior to the date of the hearing. The notice  
681 shall describe the areas to be improved and shall advise all  
682 persons interested that the description of each property to be  
683 assessed and the amount to be assessed to each piece or parcel  
684 of property may be ascertained at the District offices and are  
685 open to public inspection. Such service of publication shall be  
686 verified by proof of publication and filed with the Secretary-  
687 Treasurer of the District.

688 (7) At the time and place named in the notice provided for  
689 above, the Board of Commissioners shall meet and hear testimony  
690 from affected property owners as to the propriety and



HB 0897

2003

691 advisability of making the improvements and funding them with  
 692 special assessments on property. Following the testimony, the  
 693 board shall make a final decision on whether to levy the special  
 694 assessments. Thereafter, the board shall meet as an equalizing  
 695 board to hear and consider any and all complaints as to the  
 696 special assessments and shall adjust and equalize the  
 697 assessments based on equity and fairness. When so equalized and  
 698 approved by resolution of the board, a final assessment roll  
 699 shall be filed with the office of the Clerk of the Circuit Court  
 700 of Citrus County, and such assessment shall stand confirmed and  
 701 remain legal, valid, and binding first liens upon the property  
 702 against which such assessments are made until paid. However,  
 703 upon completion of the improvement, the District shall credit to  
 704 each of the assessments the difference in the assessment as  
 705 originally made, approved, and confirmed and the proportionate  
 706 part of the actual cost of the improvement to be paid by special  
 707 assessments as finally determined upon the completion of the  
 708 improvement, but in no event shall the final assessments exceed  
 709 the amount of benefits originally assessed. Promptly after such  
 710 confirmation, the assessment shall be recorded by the Clerk of  
 711 the Circuit Court in Citrus County. From the date of such  
 712 recording, the assessments shall constitute liens upon the  
 713 properties assessed, coequal with the lien of general county and  
 714 district taxes, including ad valorem taxes, and shall be  
 715 superior in rank and priority to all of the liens, titles, and  
 716 claims. The assessment shall be collectible and shall be  
 717 entitled to sale and forfeiture in the same manner and with the  
 718 same attorney's fee, interest, and penalties for default in  
 719 payments as general county taxes. Collection may also be  
 720 effected by foreclosure in a court of equity, according to the





HB 0897

2003

721 laws then existing for the foreclosure of mortgages, and it  
722 shall be lawful to join in any such bill or complaint for  
723 foreclosure on any one or more lots or parcels of land, by  
724 whomsoever owned, if assessed for the same improvement made  
725 under the provisions of this section. Failure to pay any  
726 installment of principal or interest of any assessment when due  
727 shall, without notice of other proceedings, cause all  
728 installments of principal remaining unpaid to be forthwith due  
729 and payable with interest due thereon at date of default.

730 (8) Citrus County, the District, and each school district,  
731 municipality, or other political subdivision owning property  
732 abutting upon the improvement for which special assessments are  
733 made shall possess the same power and be subject to the same  
734 duties and liabilities with respect to the assessments under  
735 this section affecting the real estate of such county, district,  
736 municipality, or political subdivision which private owners of  
737 real estate possess or are subject to hereunder. Such real  
738 estate shall be subject to the liens of assessments in all cases  
739 to the same extent as if it had, at the time the lien attached,  
740 been owned by a private owner.

741 (9) All such assessment liens shall be due and payable at  
742 the office of the Tax Collector of Citrus County 30 days after  
743 the date of the recording of the assessment roll. All  
744 assessment liens not paid within said period shall become  
745 payable in not more than 10 equal annual installments, the  
746 number to be determined by the District at the time of the  
747 confirmation and approval of the assessment roll with interest  
748 at not more than 10 percent per annum from the date due; but any  
749 assessment lien becoming so payable in installments may be paid  
750 in full at any time, together with interest accrued thereon to



HB 0897

2003

751 the last day of the calendar quarter in which such payment is  
752 made.

753 (10) After the equalization, approval, and confirmation of  
754 the special assessments levied for the proposed improvements,  
755 the District may utilize any method allowable by law for the  
756 funding of the special assessments. These methods may include  
757 third-party financing with any reputable lender, the issuance of  
758 special assessment bonds of the District for the payment of such  
759 portion of the cost assessed against the properties specifically  
760 benefited thereby and for the reimbursement of any fund of the  
761 District from which any part of such cost has previously been  
762 paid. The amount of such bonds authorized to be issued  
763 hereunder shall not exceed in the aggregate the total amount of  
764 the assessment liens pledged for their payment and shall mature  
765 at such time or times not later than 6 months after the last  
766 installment of the special assessment liens pledged to the  
767 payment thereof, as may be determined by the District.

768 (11) The bonds issued under this section shall be payable  
769 solely from the special assessments, the installments thereof,  
770 and interest and penalties thereof which have been pledged to  
771 their payment and shall not be deemed to constitute a general  
772 obligation of the District for the payment of which the full  
773 faith, credit, and taxing powers thereof are pledged. The  
774 issuance of such bonds shall not directly, indirectly, or  
775 contingently obligate the District to levy or pledge any form of  
776 ad valorem taxation.

777 (12) All collections of assessments contained in any one  
778 assessment roll and the interest and penalties thereon shall be  
779 deposited in a separate fund properly designated, and such fund  
780 shall be pledged to, and used solely for, the payment of the



HB 0897

2003

781 cost of the improvements or for the payment of the principal of  
782 and interest on any revenue bonds or special assessment bonds  
783 issued under this section for the construction of the  
784 improvements for which said assessments were made until all of  
785 said bonds and the interest thereon shall have been fully paid.  
786 If bonds are issued for more than one improvement, all  
787 assessments collected for all such improvements may by District  
788 resolution be placed in one fund, which shall be maintained,  
789 pledged, and applied for the payment of the principal of and  
790 interest on said bonds.

791 (13) If any special assessment made under the provisions  
792 of this act shall be either in whole or in part annulled,  
793 vacated, or set aside by the judgment of any court, or if the  
794 District shall be satisfied that any such assessment is so  
795 irregular or defective that the same cannot be enforced or  
796 collected, or if the District shall have omitted to make such  
797 assessment when it might have done so, the District shall take  
798 necessary steps to cause a new assessment to be made for the  
799 whole or any part of any improvement or against any property  
800 benefited by any improvement, following the provisions of this  
801 act. In the event such second assessment shall be annulled, the  
802 board may obtain and make additional assessments until a valid  
803 assessment shall be levied.

804 (14) All assessments and charges made pursuant to this act  
805 may be pledged to the payment of the principal of and interest  
806 on any revenue bonds or special assessment bonds issued by the  
807 District.

808 (15) The District may make allowances and grant credit to  
809 property owners for improvements previously made by such  
810 property owners to the extent the District determines such



HB 0897

2003

811 existing improvements to be of value and utility as a part of  
812 the improvements for which such assessment is made and may  
813 prescribe a plan for fixing and determining such allowances and  
814 credits.

815 (16) In fixing and enforcing the assessments provided for  
816 herein, where any land has been surveyed, subdivided, or platted  
817 into small tracts designated as lots or blocks or otherwise, and  
818 the owner of the surveyed, subdivided, or platted land  
819 recognizes such survey, subdivision, or plat, the land embraced  
820 in such may be described by reference to such whether or not any  
821 plat thereof has been recorded.

822 (17) If the owner or owners of any lot or parcel of land  
823 assessed under the provisions of this section and all those  
824 having any interest therein by way of mortgage or other lien or  
825 leasehold rights or otherwise shall in writing request that such  
826 assessment be divided so that a part of the same shall be the  
827 assessment on and constitute a lien on one portion of such lot  
828 or parcel and the remainder shall be the assessment on and  
829 constitute a lien or liens against the remainder of such parcel  
830 or separate parts thereof, the District, in its discretion,  
831 shall have the power to divide such assessment in accordance  
832 with such request, and thereafter the separate parts of such  
833 assessment shall be the assessments and constitute separate  
834 liens upon the parts of the lot or parcel, respectively, into  
835 which the same shall have been so divided. Any resolution making  
836 such division shall recite a finding of the District that such  
837 division is equitable and is based upon the benefits accruing to  
838 each portion as divided.

839 (18) No irregularity or illegality in connection with any  
840 of the proceedings herein authorized shall affect the validity



HB 0897

2003

841 of such proceedings, the special assessments levied thereunder,  
842 or any bonds or contracts issued or executed pursuant thereto  
843 unless such irregularity or illegality shall substantially  
844 affect the rights of the District, its inhabitants, or the  
845 owners of the properties assessed for such improvements.

846 (19) A copy of any assessment roll, certified as correct  
847 by the Tax Collector of Citrus County, shall be admitted as  
848 evidence and shall be prima facie proof of the amount of the  
849 assessment and the property upon which said assessment is  
850 levied.

851 (20) When any part of an improvement to be made hereunder  
852 lies in part within the limits of an incorporated city or town,  
853 the board shall nevertheless be authorized to make such  
854 improvement with respect to the part lying within such city or  
855 town and to provide for assessing the cost thereof as herein  
856 provided if the governing body of such city or town shall by  
857 resolution or ordinance consent to the adoption and confirmation  
858 of the resolution passed or to be passed by the board offering  
859 the improvement.

860 Section 12. Exemption from taxation and  
861 assessments.--Pursuant to sections 189.403 and 196.199, Florida  
862 Statutes, as the same may be amended from time to time, the  
863 District shall not be required to pay any taxes or assessments  
864 upon its assets or properties or upon the income therefrom.

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

868 Section 5. In the event any section or provision of this  
869 act is determined to be invalid or unenforceable, such  
870 determination shall not affect the validity or enforceability of



HB 0897

2003

871 each other section and provision of this act.

872 Section 6. In the event of a conflict of the provisions of  
 873 this act with the provisions of any other act, the provisions of  
 874 this act shall control to the extent of such conflict.

875 Section 7. Chapters 24429 (1947), 25726 (1949), 59-1177, 63-  
 876 1222, 70-630, 73-431, 76-346, 76-347, 77-528, 79-440, 80-475, 80-  
 877 476, 81-360, 82-279, 83-386, 84-410, 85-399, 86-456, 88-463, 88-  
 878 484, 88-533, 89-436, 89-464, 89-499, 90-418, 90-419, 92-241, 92-  
 879 337, and 96-525, Laws of Florida, are repealed.

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