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1 A bill to be entitled

2 An act relating to the West Villages Improvement
3 District, City of North Port, Sarasota County;
4 providing a short title; providing a district charter;
5 creating an independent special district; providing a
6 district boundary; providing for amendment only by
7 special act; providing powers, functions, and duties;
8 providing for a governing board, elections,
9 qualifications, terms of office, staggering terms of
10 office, removal from office, and filling vacancies;
11 providing for election of a chair, vice chair, and
12 secretary-treasurer; providing a quorum; providing
13 requirements for meetings and notice; providing
14 requirements for reports, budgets, and audits;
15 providing for liberal construction; authorizing the
16 levy of non-ad valorem assessments; specifying method
17 of collection and enforcement of non-ad valorem
18 assessments; authorizing property appraiser's and tax
19 collector's fees or commissions; providing for
20 collection and enforcement of fees, costs, and
21 expenses; providing for issuance of revenue bonds,
22 assessment bonds, bond anticipation notes, and general
23 obligation bonds; providing for the applicability of
24 provisions of chapters 189 and 298, Florida Statutes,
25 and other general laws; providing for severability;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the state:
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30 Section 1. Popular name.--This act may be cited as the
 31 "West Villages Improvement District Act."

32 Section 2. District; creation, jurisdiction, and
 33 purpose.-- (1) The West Villages Improvement District,
 34 herein referred to as the "district," is hereby created and
 35 incorporated as an independent special district, pursuant to
 36 chapter 189, Florida Statutes, to be known as the West Villages
 37 Improvement District, in the City of North Port, Sarasota
 38 County, which independent special district shall be a public
 39 body corporate and politic.

40 (2) The district's territorial boundary shall embrace and
 41 include that real property described in following section 17.

42 (3) The district is created for all purposes as shall be
 43 liberally construed from and set forth in this act, under
 44 sections 189.401-189.432, Florida Statutes, provided that
 45 section 189.4045(2), Florida Statutes, is specifically excluded
 46 and not applicable to the district or the City of North Port,
 47 and chapter 298, Florida Statutes, as the same may be amended
 48 from time to time, and may perform such acts as shall be
 49 necessary, convenient, incidental, or proper for the provision,
 50 acquisition, development, operation, and maintenance of those
 51 public infrastructure works and services authorized herein,
 52 including all facilities necessary and incidental thereto.

53 (4) The district charter created by this act may be
 54 amended only by special act of the Legislature. Any expansion of
 55 the powers or the boundaries of the district within the City of
 56 North Port shall require prior approval of the City of North
 57 Port Commission or its designee.

58 (5) The definition of terms and phrases shall be as set

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59 forth in chapters 189 and 298, Florida Statutes, unless
 60 otherwise herein defined.

61 Section 3. District powers, functions, and duties.--

62 (1) In addition to any powers, functions, and duties set
 63 forth in this act, the district shall have the authority to
 64 exercise such powers, functions, and duties as may be set forth
 65 in chapter 298, Florida Statutes, as the same may be amended
 66 from time to time to the extent same are not in conflict with
 67 the provisions of this act.

68 (2) The district is hereby authorized and empowered as
 69 follows:

70 (a) To adopt by resolution bylaws for the regulation of
 71 its affairs and the conduct of its business.

72 (b) To adopt by resolution rules as necessary for
 73 implementation, regulation, and enforcement as are consistent
 74 with the purposes of the district and this act.

75 (c) To adopt an official seal reflecting the name and
 76 nature of the district.

77 (d) To acquire by grant, loan, purchase, gift, transfer,
 78 exchange, dedication, lease, devise, or, when reasonably
 79 necessary for the implementation of district-authorized public
 80 infrastructure works, facilities, or services by means of the
 81 exercise of the right of eminent domain pursuant to the laws of
 82 the state and in accordance with section 12 of this act, all
 83 property, real or personal, or any easement, license, estate, or
 84 interest therein necessary, desirable, or convenient for the
 85 purposes of this act, and to sell, convey, transfer, gift,
 86 lease, rent, dedicate, forfeit, abandon, exchange, or assign all
 87 or any part thereof to or with other entities, including

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88 governmental entities and agencies, and to exercise all of its
 89 powers and authority with respect thereto. Notwithstanding
 90 anything contained herein, the district shall not obtain fee
 91 simple title to any real property within the district except by
 92 dedication on an approved plat, with the approval of the City of
 93 North Port Commission or its designee, or if otherwise required
 94 by another governmental entity or agency. Any property interests
 95 owned by the district which are used for nonpublic or private
 96 commercial purposes shall be subject to all ad valorem taxes,
 97 intangible personal property taxes, or non-ad valorem
 98 assessments, as would be applicable if said property were
 99 privately owned.

100 (e) To finance, plan (consistent with City of North Port
 101 Comprehensive Plan and implementing ordinances, studies, and
 102 plans), design, acquire, construct, install, operate, equip,
 103 upgrade, reclaim, replace, extend, renovate, mitigate, and
 104 maintain canals, swales, outfalls, dams, control structures,
 105 pumps and pumping systems, aerators, seawalls, berms, ditches,
 106 telemetry and monitoring equipment, retention areas, holding
 107 basins, marshes, wetlands, uplands, drains, levees, lakes,
 108 ponds, and other works or elements for modern comprehensive
 109 water management drainage, environmental, mitigation
 110 preservation, erosion, quality, and control purposes, and further
 111 that the district shall agree, at the request of the City of North
 112 Port Commission or its designee, subject to a developer's
 113 agreement with the City of North Port (neither party's consent to
 114 said developer's agreement shall be unreasonably withheld), to
 115 donate and turn over operation of all or any portion of said water
 116 management system to the City of North Port.

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117 (f) To regulate, modify, control, and redirect the supply
 118 and level of water within the district if consistent with City
 119 of North Port and Southwest Florida Water Management District
 120 rules and regulations, including the division of waters from one
 121 area, lake, pond, river, stream, basin, or water control
 122 facility to another; to control and restrict the development and
 123 use of natural or artificial streams or bodies of water, lakes,
 124 or ponds; and to take of measures determined by the board to be
 125 necessary or desirable to prevent or alleviate land erosion,
 126 flooding, or water quality problems or issues, provided all such
 127 activity shall be carried out in accordance with applicable
 128 federal, state, and local government rules and regulations.

129 (g) To finance the implementation of appropriate studies,
 130 whether by the district or in conjunction with other agencies or
 131 entities, to assist in implementing the district's powers,
 132 authorities, and purposes as set forth herein and to facilitate
 133 the orderly management of the district and its works and
 134 facilities.

135 (h) To finance, plan (consistent with City of North Port
 136 Comprehensive Plan and implementing ordinances, studies, and
 137 plans), design, acquire, construct, install, operate, equip,
 138 upgrade, replace, extend, renovate, and maintain irrigation
 139 works, machinery, plants, and appurtenances.

140 (i) To finance, plan (consistent with City of North Port
 141 Comprehensive Plan and implementing ordinances, studies, and
 142 plans), design, acquire, construct, install, operate, equip,
 143 upgrade, replace, extend, renovate, and maintain roadways; and
 144 to include either as a component of such roads or independently
 145 by themselves, parkways, bridges, landscaping, irrigation,

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146 bicycle and jogging paths, street lighting, entry features,
 147 traffic signals, road striping, and all other customary elements
 148 or appurtenances of a modern road system for the exclusive use
 149 and benefit of the district, a unit of development, and/or its
 150 landowners, residents, and invitees in order to control ingress
 151 and egress; to finance and maintain said roads and their
 152 associated elements and components as a part of a plan of
 153 improvements; to construct and maintain security structures to
 154 control the use of said roads; to make provision for access by
 155 fire, police, and emergency vehicles and personnel for the
 156 protection of life and property; to include, in the annual
 157 assessment of non-ad valorem assessments as authorized,
 158 sufficient funds to finance and maintain said roads as a part of
 159 a plan of improvements, and to adopt, by resolution of the
 160 board, rules and regulations for the control of traffic, noise
 161 levels, crime, and the use of the roads by those authorized.
 162 Provided that in the event the district should construct all or
 163 any portion of a major thoroughfare or transportation route as
 164 identified in section 163.3177(6)(b), Florida Statutes, the
 165 district will not be permitted to limit said thoroughfare or
 166 transportation route for the exclusive use and benefit of the
 167 district, a unit of development, and/or its residents without
 168 the written consent of the applicable local general government.
 169 Notwithstanding anything to the contrary herein, construction of
 170 roads by the district shall not be in conflict with City of
 171 North Port rules, master plans, plans, specifications, or
 172 regulations. The district shall agree, at the request of the City
 173 of North Port Commission or its designee, subject to applicable
 174 impact fee ordinances and a developer's agreement with the City of

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175 North Port (neither party's consent to said developer's agreement
 176 shall be unreasonably withheld), to donate and turn over operation
 177 of all or any portion of any public roadway system to the City of
 178 North Port.

179 (j) To finance, plan (consistent with City of North Port
 180 Comprehensive Plan and implementing ordinances, studies, and
 181 plans), design, acquire, construct, install, operate, equip,
 182 upgrade, replace, extend, renovate, and maintain entry features,
 183 garages, parking facilities, district offices, buildings,
 184 facilities, and structures.

185 (k) To finance, plan (consistent with City of North Port
 186 Comprehensive Plan and implementing ordinances, studies, and
 187 plans), design, acquire, construct, install, operate, equip,
 188 upgrade, replace, extend, renovate, reclaim, mitigate, protect,
 189 remove exotics, and maintain improvements, works, landscaping,
 190 systems, structures, buildings, and facilities for community or
 191 public preserves, uplands, wetlands, playgrounds, parks,
 192 gymnasiums, stadiums, ballfields, greenways, waterways, and
 193 facilities for indoor and outdoor recreational, sport, cultural,
 194 and educational uses.

195 (l) To finance, plan (consistent with City of North Port
 196 Comprehensive Plan and implementing ordinances, studies, and
 197 plans), design, acquire, construct, install, operate, set, and
 198 charge by resolution access, user, or connection fees and
 199 charges, equip, upgrade, replace, store, extend, renovate, and
 200 maintain water plants and systems, plus appurtenances, to
 201 produce, desalinate, purify, sell, and distribute water for
 202 consumption, irrigation, or other purposes; provided that the
 203 exercise of such construction, operation, fee establishment, and

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204 production powers by the district shall require the prior approval
 205 of the City of North Port Commission or its designee, and further
 206 that the district shall agree, at the request of the City of North
 207 Port Commission or its designee, subject to a utility developer's
 208 agreement with the City of North Port (neither party's consent to
 209 said developer's agreement shall be unreasonably withheld), to
 210 donate and turn over operation of all or any portion of said water
 211 system to the City of North Port.

212 (m) To finance, plan (consistent with City of North Port
 213 Comprehensive Plan and implementing ordinances, studies, and
 214 plans), design, acquire, construct, install, operate, set, and
 215 charge by resolution access, user, or connection fees and
 216 charges, equip, upgrade, replace, extend, renovate, and maintain
 217 sewer systems, plus appurtenances, for the collection, disposal,
 218 and reuse of effluent, waste, residue, or other byproducts of
 219 such system, prevent pollution, and improve water quality;
 220 provided that the exercise of such construction, operation, and
 221 fee establishment powers by the district shall require the prior
 222 approval of the City of North Port Commission or its designee, and
 223 further that the district shall agree, at the request of the City
 224 of North Port Commission or its designee, subject to a utility
 225 developer's agreement with the City of North Port (neither party's
 226 consent to said developer's agreement shall be unreasonably
 227 withheld), to donate and turn over operation of all or any portion
 228 of said wastewater system to the City of North Port.

229 (n) To finance, plan (if not inconsistent with other
 230 responsible agencies or authorities), design, acquire,
 231 construct, install, operate, equip, upgrade, replace, extend,
 232 renovate, and maintain improvements and facilities for and take

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233 measures to control mosquitoes or other insects and arthropods
 234 of public health importance.

235 (o) To finance, plan (consistent with City of North Port
 236 Comprehensive Plan and implementing ordinances, studies, and
 237 plans), design, acquire, construct, install, operate, equip,
 238 upgrade, replace, extend, renovate, and maintain lands, works,
 239 systems, landscaping, and facilities for preservation areas,
 240 conservation areas, environmental areas, mitigation areas, and
 241 wildlife habitat or sanctuaries, including the maintenance of
 242 any plant or animal species, and any related interest in real or
 243 personal property. The district shall allow the City of North
 244 Port access to all such improvements and shall allow access by
 245 the public when appropriate.

246 (p) To finance, plan (consistent with City of North Port
 247 Comprehensive Plan and implementing ordinances, studies, and
 248 plans), design, acquire, construct, install, operate, equip,
 249 upgrade, replace, extend, renovate, and maintain additional
 250 systems and facilities for school buildings and related
 251 structures which may be donated to a public school district,
 252 subject to a developer's agreement (neither party's consent to
 253 said developer's agreement shall be unreasonably withheld), for
 254 use in the educational system; provided that donation of any
 255 land and the exercise of such construction powers by the
 256 district shall require the prior approval of the School Board of
 257 Sarasota County and the City of North Port City Commission or
 258 its designee.

259 (q) To levy non-ad valorem assessments; prescribe, fix,
 260 establish, and collect rates, fees, rentals, fares, or other
 261 charges, and to revise the same from time to time, for property,

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262 facilities, and services made available, furnished, or to be
 263 furnished by the district; and to recover the cost of making or
 264 authorizing the connection to any district facility or system or
 265 installing works or improvements on or within district property
 266 interests. However, no rates, fares, charges, or fees shall be
 267 established until after a public hearing of the board at the
 268 district at which all affected persons shall be given an
 269 opportunity to be heard.

270 (r) To provide for the discontinuance of service and
 271 reasonable penalties, including reasonable attorney's fees,
 272 against any user or property for any such rates, fees, rentals,
 273 fares, or other charges that become delinquent and require
 274 collection.

275 (s) To enter into agreements with any person, firm,
 276 entity, partnership, or corporation (public, private, or
 277 governmental) for the furnishing by such person, firm, entity,
 278 partnership, or corporation of any facilities and services of
 279 the type provided for, authorized, or necessarily implied as
 280 being authorized in this act.

281 (t) To borrow money and issue negotiable or other bonds of
 282 said district as hereinafter provided; and to borrow money, from
 283 time to time, and issue negotiable or other notes of said
 284 district therefore, bearing interest at not exceeding the
 285 maximum interest allowable by law, in anticipation of the
 286 collection of levies, fees, penalties, charges, fares, and
 287 assessments or revenues of said district, and to pledge or
 288 hypothecate such non-ad valorem assessments, levies,
 289 assessments, and revenues to secure such bonds, notes, or
 290 obligations, and to sell, discount, negotiate, and dispose of

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291 the same.

292 (u) To provide for safety enhancements, including, but not
 293 limited to, security, guardhouses, fences, and gates, and
 294 electronic intrusion detection systems; except that the district
 295 shall not be authorized or empowered to exercise any police
 296 power, but may contract with the appropriate local general
 297 purpose government agencies for an increased level of such
 298 service. Notwithstanding anything to the contrary, nothing
 299 herein shall allow the district to limit the level of law
 300 enforcement provided by federal, state, or local governmental
 301 agencies.

302 (v) To provide, at the request of local general purpose
 303 governments consistent with the plans of the local general
 304 purpose government, systems and facilities for fire prevention
 305 and control and emergency medical services, including the
 306 construction or purchase of fire stations, water mains and
 307 plugs, fire trucks, and other vehicles and equipment consistent
 308 with any adopted local general purpose government ordinances,
 309 rules, or regulations and, further, that the district shall
 310 agree, at the request of the local general purpose government,
 311 subject to a developer's agreement with the City of North Port
 312 (neither party's consent to said developer's agreement shall be
 313 unreasonably withheld), to donate and turn over operation of all
 314 or any portion of said facilities to the local general purpose
 315 government.

316 (w) To submit for and obtain permits, plus make and enter
 317 into contracts and agreements as are necessary or incidental to
 318 the performance of the duties imposed and the execution of the
 319 powers granted under this act, and to employ such consulting and

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320 other engineers, superintendents, managers, administrators,
 321 construction and financial experts, attorneys, and such
 322 employees and agents as may, in the judgment of the district, be
 323 necessary, and to fix their compensation.

324 (x) To require any individual or entity desiring to
 325 construct any structure in, over, under, upon, or occupying
 326 district property or right-of-way or connecting to or utilizing
 327 the works of the district to first obtain written authorization
 328 from the district and comply with all City of North Port and
 329 district plans, rules, regulations, policies, and
 330 specifications, provided that said written authorization shall
 331 be issued upon compliance with such applicable City of North
 332 Port and district plans, rules, regulations, policies, and
 333 specifications. The board of supervisors shall be permitted the
 334 discretion to deny or revoke any written authorization or
 335 application for same if they find that the matter for which the
 336 authorization is sought or granted does not comply with the City
 337 of North Port and district plans, rules, regulations, or
 338 policies. All fees and costs, including construction, review,
 339 inspection, copying, engineering, legal, and administrative
 340 expenses of the district, shall be paid by the applicant seeking
 341 the authorization. Any such district written authorization shall
 342 not be deemed or construed as being an alternative to or in
 343 place of the applicant's obligation to also obtain all other
 344 governmental building and construction permits and approvals.
 345 Any conflict between City of North Port and district plans,
 346 rules, regulations, policies, and specifications shall be
 347 resolved in favor of the City of North Port.

348 (y) To include in a plan of improvements, the engineer's

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349 report, or the authorizing and implementing documents under
 350 chapter 170, Florida Statutes, which shall include, but are not
 351 limited to, all applicable resolutions, assessment maps, and/or
 352 assessment rolls (the "chapter 170 authorizing documents"), all
 353 or one or more of the various powers and functions, including
 354 individual parts or components thereof, of the district or any
 355 combination of same and to construct and finance said individual
 356 or combination of such powers and functions, including
 357 individual parts or components thereof. It is the intent of this
 358 section that a plan of improvements, the engineer's report, or
 359 chapter 170 authorizing documents may provide for a single
 360 benefit to the land authorized by the laws pertaining to the
 361 district or one or more of all of said benefits or combination
 362 thereof as long as there are benefits accruing to the land.

363 (z) To provide in a plan of improvements, the engineer's
 364 report, or chapter 170 authorizing documents that in assessing
 365 the benefits and damages to be incurred by lands of the district
 366 from the implementation, provision, or construction of a plan of
 367 improvements or improvements or services pursuant to chapter 170
 368 authorizing documents, the varying types of existing or proposed
 369 land uses of the land within the unit or affected by such
 370 construction or implementation, as the case may be, may be
 371 considered and be entitled to so assess the benefits and
 372 damages. The district may levy non-ad valorem assessments based
 373 upon the benefits assessed in such manner, taking into account
 374 the varying existing or proposed land uses of the land affected
 375 by such construction as shall provide for the equitable
 376 apportionment of such assessments. Such assessments may be
 377 levied on the basis of lots, units, acreage, parcels, equivalent

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378 connection, or uses or as otherwise set forth in the engineer's
 379 report or in the chapter 170 authorizing documents.

380 (aa) To establish and create such departments, committees,
 381 boards, or other agencies, including a public relations
 382 committee, as from time to time the board of supervisors may
 383 deem necessary or desirable in the performance of the acts or
 384 other things necessary to the exercise of the powers provided in
 385 this act, and to delegate to such departments, committees,
 386 boards, or other agencies such administrative duties and other
 387 powers as the board of supervisors may deem necessary and to
 388 exercise all other powers necessary convenient or proper in
 389 connection with any of the powers or duties of said district
 390 stated in this act by and through the board of supervisors.

391 Notwithstanding anything contained herein, no such departments,
 392 committees, boards, or other agencies shall have the power or
 393 authority to supersede any powers or authorities of the City of
 394 North Port.

395 (bb) Notwithstanding any authority contained within this
 396 section, the development, operation, or maintenance of any
 397 district facilities or services shall comply with the adopted
 398 comprehensive plan, unified land development code, zoning code,
 399 and any other city codes of the City of North Port.

400 (cc) To establish, or otherwise make available, a plan for
 401 retirement, disability, dental, death, hospitalization, and
 402 other appropriate benefits for employees of the district.

403 (dd) To invest surplus funds of the district consistent
 404 with the Investment of Local Government Surplus Funds Act, part
 405 IV, chapter 218, Florida Statutes.

406 (ee) To submit to the City of North Port the plan of

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407 improvement for major government infrastructure capital elements
 408 that may eventually be dedicated or donated to the City of North
 409 Port so that the city can rely on and incorporate said plan of
 410 improvement into the City's Capital Improvement Plan.

411 (ff) To apply for, obtain, and utilize any grants from
 412 other entities consistent with the powers of the district;
 413 provided, however, that district shall coordinate with and
 414 obtain timely authorization from the City of North Port
 415 Commission or its designee prior to the submittal of any grant
 416 application.

417 (3) To include in a plan of improvements, the engineer's
 418 report , chapter 170 authorizing documents, or otherwise
 419 provide, for the exercise of the district's powers, services,
 420 facilities, and improvements beyond the territorial boundaries
 421 of the district, when necessary and appropriate in order to
 422 provide a benefit on behalf of lands located within the district
 423 and pursuant to an approved plan of improvements or chapter 170
 424 authorizing documents. Any such construction must be in
 425 accordance with the city's master plans and requirements.

426 Section 4. Board of supervisors; election, organization,
 427 powers, duties, and terms of office.--

428 (1) There is hereby created a Board of Supervisors of the
 429 West Villages Improvement District, which shall be the governing
 430 body of said district.

431 (2) Said board of supervisors shall consist of five
 432 persons who, except as herein otherwise provided, shall each
 433 hold office for terms of 5 years each and until their successors
 434 shall be duly elected and qualified.

435 (3) The first board of supervisors of the district shall

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436 be composed of five persons, one of whom shall hold office for 6
 437 years, one of whom shall hold office for 5 years, one of whom
 438 shall hold office for 4 years, one of whom shall hold office for
 439 3 years, and one of whom shall hold office for 2 years, which
 440 terms shall terminate in June of their applicable final year.
 441 Within 120 days after this act becomes a law, a special meeting
 442 of landowners of the West Villages Improvement District shall be
 443 held for the purpose of electing the first board of supervisors
 444 for the West Villages Improvement District as herein provided.
 445 Notice of such special meeting of landowners shall be given by
 446 causing publication thereof to be made once a week for 2
 447 consecutive weeks prior to such meeting in the newspaper of
 448 general paid circulation that the City of North Port publishes
 449 notices of city meetings, and prior to the meeting, provision of
 450 2 weeks advance written notice to the City of North Port City
 451 Manager including the agenda and any backup material. Such
 452 special meeting of landowners shall be held in a public place in
 453 the City of North Port, and the place, date, and hour of holding
 454 such meeting and the purpose thereof shall be stated in the
 455 notice. The landowners when assembled shall organize by electing
 456 a chair who shall preside at the meeting and a vice chair,
 457 secretary, and treasurer. At such meeting, each and every acre,
 458 or any fraction thereof, of land in the district shall represent
 459 one vote and each owner shall be entitled to one vote in person
 460 or by written proxy for every acre of land, or any fraction
 461 thereof, owned by such owner in the district. Candidates must be
 462 citizens of the United States and shall be nominated prior to
 463 commencement of the initial election. The landowners shall first
 464 vote for the supervisor who is to hold office for that seat with

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465 an initial term of 6 years as herein provided, and the person
 466 receiving the highest number of votes for such supervisor office
 467 shall be declared and elected as the supervisor for said seat.
 468 The landowners shall next vote for the supervisor who is to hold
 469 office for that seat with a term of 5 years as provided herein,
 470 and the person receiving the highest number of votes for such
 471 supervisor shall be declared and elected as such supervisor for
 472 said seat. Said landowners shall continue to so vote for each
 473 remaining seat until the supervisor who is to hold office for
 474 the term of 2 years as herein provided is elected for said seat.
 475 The landowners present or voting by proxy at the meeting shall
 476 constitute a quorum.

477 (4) Each year during the month of June, beginning with
 478 June of the second year following the first election, a
 479 supervisor shall be elected, as hereinafter provided, by the
 480 landowners of said district to take the place of the retiring
 481 supervisor. All vacancies or expirations on said board shall be
 482 filled as provided by this act. All supervisors of the district
 483 shall be citizens of the United States. Following the initial
 484 election of supervisors in order to be eligible for election, a
 485 candidate for an office of supervisor shall be required to file
 486 a written notice of intention to be a candidate in said office
 487 of the district at least 30 calendar days but not earlier than
 488 90 calendar days before but not including the day of the annual
 489 meeting of the landowners. In case of a vacancy in the office of
 490 any supervisor, the remaining supervisors within 90 calendar
 491 days of the vacancy shall fill such vacancy until the expiration
 492 of that seat's outstanding term when a successor shall be
 493 elected by the landowners.

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494 (5) As soon as practicable after their election and the
 495 taking of oaths of office, the board of supervisors of the
 496 district shall organize by choosing a chair and vice chair of
 497 the board of supervisors and by electing some suitable persons
 498 secretary and treasurer, who may or may not be members of the
 499 board. The board of supervisors shall adopt a seal which shall
 500 be the seal of the district.

501 (6) Each supervisor shall hold office until his or her
 502 successor shall be elected and qualified. Whenever any election
 503 shall be authorized or required by this act to be held by the
 504 landowners at any particular or stated time or day, and if for
 505 any reason such election shall not or cannot be held at such
 506 time or on such day, then in such event and in all and every
 507 such event, the power or duty to hold such election shall not
 508 cease or lapse, but such election shall be held thereafter as
 509 soon as practicable and consistent with this act.

510 (7) The supervisors shall not receive any compensation for
 511 their services.

512 Section 5. Meetings of landowners.--

513 (1) Each year during the month of June, a meeting of the
 514 landowners of the district shall be held, when necessary, for
 515 the purpose of electing a supervisor and hearing reports of the
 516 board of supervisors and considering any matters upon which the
 517 board of supervisors may request the advice and views of the
 518 landowners. The board of supervisors shall have the power to
 519 call special meetings of the landowners at any time to consider
 520 and act upon any matter upon which the board of supervisors may
 521 request action, direction, or advice. Notice of all meetings of
 522 the landowners shall be given by the board of supervisors by

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523 causing publication thereof to be made for 2 consecutive weeks
 524 prior to such meeting in the newspaper of general paid
 525 circulation that the City of North Port publishes notices of
 526 city meetings, and prior to the meeting, provision of 2 weeks
 527 advance written notice to the City of North Port City Manager
 528 including the agenda and any backup material. The meetings of
 529 the landowners shall be held in a public place in the City of
 530 North Port, and the place, day, and hour of holding such
 531 meetings shall be stated in the notice. The landowners when
 532 assembled shall organize by electing a chair who shall preside
 533 at the meeting. The secretary of the board of supervisors shall
 534 be the secretary of such meeting. At all such meetings each and
 535 every acre, or any fraction thereof, of land in the district
 536 shall represent one vote, and each owner shall be entitled to
 537 one vote in person or by written proxy for every acre, or any
 538 fraction thereof, of land owned by such owner in the district.
 539 The person receiving the highest number of votes for a
 540 supervisor position shall be declared and elected as such
 541 supervisor. Those landowners present or voting by proxy at the
 542 meeting, including the initial meeting, shall constitute a
 543 quorum at any meeting of the landowners.

544 (2) Guardians may represent their wards, and personal
 545 representatives may represent the estates of deceased persons.
 546 Trustees may represent lands by them in trust, and private and
 547 municipal corporations may be represented by their officers or
 548 duly authorized agents. Guardians, personal representatives,
 549 trustees, and corporations may vote by proxy.

550 Section 6. Installment assessments, levied and
 551 apportioned, and the collection thereof.--

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552 (1) The board of supervisors shall determine, order, and
 553 levy the amount of the annual installments of the non-ad valorem
 554 assessments levied under section 298.305, Florida Statutes,
 555 which shall become due and collected during each year at the
 556 same time that county taxes are due and collected, which levy
 557 shall be evidenced to and certified by the board to the Tax
 558 Collector of Sarasota County, pursuant to sections 197.3631,
 559 197.3632, and 197.3635, Florida Statutes. Said non-ad valorem
 560 assessments shall be extended by the county tax collector on the
 561 tax roll and shall be collected by the tax collector and the net
 562 proceeds thereof paid to said district. Said non-ad valorem
 563 assessments shall be a lien until paid on the property against
 564 which it is assessed, and enforceable in like manner as county
 565 taxes.

566 (2) As an alternative, in addition to, or in combination
 567 with the above levy and assessment procedure for non-ad valorem
 568 assessments, the district shall have, and the board of
 569 supervisors may exercise, the power to determine, order, levy,
 570 impose, collect, and enforce special assessments pursuant to
 571 chapter 170, Florida Statutes. Such special assessments may, in
 572 the discretion of the district, be collected and enforced
 573 pursuant to the provisions of sections 197.3631, 197.3632, and
 574 197.3635, Florida Statutes, chapter 170, Florida Statutes, or as
 575 otherwise determined by the board.

576 Section 7. Maintenance assessment.--

577 (1) In lieu of any maintenance assessment provision of
 578 chapter 298, Florida Statutes, when in order to operate,
 579 maintain, and preserve the improvements made, constructed,
 580 installed, acquired, or received pursuant to this act and to

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581 repair, upgrade, replace, extend, and restore the same, when
 582 needed, and for the purpose of defraying the expenses, including
 583 administration, of the district, the board of supervisors may
 584 levy annually an assessment on specified property in the
 585 district, to be known as a "maintenance assessment." Said
 586 maintenance assessment shall be evidenced to and certified by
 587 the board to the Tax Collector of Sarasota County, in the same
 588 fashion and manner of other district non-ad valorem assessments
 589 and shall be collected by the tax collector in the same manner
 590 and time as county taxes and the proceeds therefrom paid to said
 591 district. Said assessments shall be a lien until paid on the
 592 property against which assessed and enforceable in like manner
 593 as county taxes.

594 (2) Provisions may be made for the financing, acquisition,
 595 replacement, and maintenance of capital improvements necessary
 596 for the operation of the district as a part of the maintenance
 597 assessment.

598 Section 8. Compensation of property appraiser and tax
 599 collector.--The property appraiser and tax collector shall be
 600 entitled to compensation for services performed in connection
 601 with assessments of said district as provided by general law.

602 Section 9. Acreage assessment for payment of initial
 603 formation and organization expenses.--There is hereby authorized
 604 by the Legislature upon each and every acre of land within the
 605 territorial boundary of the district, the authority through its
 606 said board of supervisors and for the purpose of paying expenses
 607 incurred or to be incurred in organizing the district, the
 608 authority to levy such non-ad valorem assessments as may be
 609 determined by said board of supervisors, before said board of

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610 supervisors shall otherwise be able to obtain funds under the
 611 provisions of this act or the general laws of the state. Such
 612 organizing assessments shall become due and payable as
 613 determined by the board of supervisors and shall become
 614 delinquent 90 days thereafter. Said assessment shall be a lien
 615 upon the lands in said district from the date of the enactment
 616 of this act and may be collected in the same manner as the
 617 annual installment of non-ad valorem assessments or as otherwise
 618 determined by the board of supervisors. If it shall appear to
 619 the board of supervisors to be necessary to obtain funds to pay
 620 any expenses incurred or to be incurred in organizing said
 621 district, preparing a plan of improvements or chapter 170
 622 authorizing documents, or other expenses of the conduct and
 623 operation of the district before a sufficient sum can be
 624 obtained by the collection of the organization assessment
 625 authorized by this section of this act, said board of
 626 supervisors may also borrow a sufficient sum of money for any of
 627 said purposes at a statutory lawful rate of the interest and may
 628 issue negotiable notes or bonds therefor and may pledge any and
 629 all assessments of the formation assessment that may be levied
 630 under the provisions of this section for the repayment thereof.

631 Section 10. Bonds may be issued, sale and disposition of
 632 proceeds; interest; levy to pay bonds; bonds and duties of
 633 treasurer.--

634 (1) The provision of this section shall constitute full
 635 and complete authority for the issuance of bonds by the
 636 district.

637 (2) Provided that any and all loans or bonds of the
 638 district are non-recourse as to the City of North Port, the

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639 board of supervisors may issue bonds not to exceed 90 percent of
 640 the total amount of the non-ad valorem assessments levied under
 641 the provisions of section 298.305, Florida Statutes, or equal to
 642 the total amount levied under chapter 170, Florida Statutes,
 643 bearing interest from date at a rate not to exceed the statutory
 644 lawful maximum per annum, payable annually or semiannually, to
 645 mature at annual intervals within 40 years commencing after a
 646 period of not later than 10 years, to be determined by the board
 647 of supervisors, with both principal and interest payable at some
 648 convenient place designated by the board of supervisors to be
 649 named in said bonds, which bonds shall be signed by the chair of
 650 the board of supervisors, attested with the seal of the district
 651 and by the signature of the secretary of the board. All of said
 652 bonds shall be executed and delivered to the district or its
 653 agent, which shall sell the same in such quantities and at such
 654 dates as the board of supervisors may deem necessary to meet the
 655 payments for the works, services, and improvements in and of the
 656 district. A sufficient amount of the non-ad valorem assessment
 657 shall be appropriated by the board of supervisors for the
 658 purpose of paying the principal, premium, if any, and interest
 659 of said bonds, and the same shall, when collected, be preserved
 660 in a separate fund for that purpose and no other. All bonds not
 661 paid at maturity shall bear interest at a rate of not to exceed
 662 the statutory lawful maximum per annum from maturity until paid,
 663 or until sufficient funds have been deposited at the place of
 664 payment, and said interest shall be appropriated by the board of
 665 supervisors out of the penalties and interest collected on
 666 delinquent assessments or other available funds of the district.
 667 Provided, however, that it may, in the discretion of said board,

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668 be provided that at any time, after such date as shall be fixed
 669 by the said board, said bonds may be redeemed before maturity at
 670 the option of said board, or their successors in office, by
 671 being made callable prior to maturity at such times and upon
 672 such prices and terms and other conditions as said board shall
 673 determine. If any bond so issued subject to redemption before
 674 maturity shall not be presented when called for redemption, it
 675 shall cease to bear interest from and after the date so fixed
 676 for redemption.

677 (3) The board of supervisors of said district shall have
 678 authority to issue refunding bonds to take up any outstanding
 679 bonds and any interest accrued thereon when, in the judgment of
 680 said board, it shall be for the best interest of said district
 681 so to do. The said board is hereby authorized and empowered to
 682 issue refunding bonds to take up and refund all bonds of said
 683 district outstanding that are subject to call and prior
 684 redemption, and all interest accrued to the date of such call or
 685 prior redemption, and all bonds of said district that are not
 686 subject to call or redemption, together with all accrued
 687 interest thereon, where the surrender of said bonds can be
 688 procured from the holders thereof at prices satisfactory to the
 689 board or can be exchanged for such outstanding bonds with the
 690 consent of the holder thereof. Such refunding bonds may mature
 691 at any time or times in the discretion of said board, not later,
 692 however, than 40 years from the date of issuance of said
 693 refunding bonds. Said refunding bonds shall bear such date of
 694 issue and such other details as the board shall determine, and
 695 may, in the discretion of said board, be made callable prior to
 696 maturity at such times and upon such prices and terms and other

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697 conditions as said board shall determine. All the other
 698 applicable provisions of this act not inconsistent therewith
 699 shall apply fully to said refunding bonds and the holders
 700 thereof shall have all the rights, remedies, and security of the
 701 outstanding bonds refunded, except as may be provided otherwise
 702 in the resolution of the board authorizing the issuance of such
 703 refunding bonds. Any funds available in the sinking fund for the
 704 payment of the principal, premium, if any, and interest of
 705 outstanding bonds may be retained in the fund to be used for the
 706 payment of principal, premium, if any, and interest of the
 707 refunding bonds, in the discretion of the board of supervisors.
 708 Any expenses incurred in buying any or all bonds authorized
 709 under the provisions of this section and the interest thereon
 710 and a reasonable compensation for paying same, shall be paid out
 711 of the funds in the hands of the district, and collected for the
 712 purpose of meeting the expenses of administration. It shall be
 713 the duty of the said board of supervisors in making the annual
 714 non-ad valorem assessment levy as heretofore provided to take
 715 into account the maturing bonds and interest on all bonds and
 716 expenses and to make provisions in advance for the payment of
 717 same.

718 (4) In addition to the other powers provided the district,
 719 and not in limitation thereof, the district shall have the
 720 power, at any time, and from time to time after the issuance of
 721 any bonds of the district shall have been authorized, to borrow
 722 money for the purposes for which such bonds are to be issued in
 723 anticipation of the receipt of the proceeds of the sale of such
 724 bonds and to issue bond anticipation notes in a principal sum
 725 not in excess of the authorized maximum amount of such bond

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726 issue.

727 (5) The district shall have the power to issue revenue
 728 bonds from time to time without limitation as to amount for the
 729 purpose of financing its systems and facilities. Such revenue
 730 bonds may be secured by, or payable from, the gross or net
 731 pledge of the revenues to be derived from any project or
 732 combination of projects; from the rates, fees, or other charges
 733 to be collected from the users of any project or projects; from
 734 any revenue-producing undertaking or activity of the district;
 735 from special assessments; or from any other source or pledged
 736 security. Such bonds shall not constitute an indebtedness of the
 737 district, and the approval of qualified electors shall not be
 738 required unless such bonds are additionally secured by the full
 739 faith and credit and assessing power of the district.

740 (6) Prior to the issuance of bonds under the provisions of
 741 this act, the board of supervisors may from time to time issue
 742 warrants or negotiable notes or other evidences of debt of the
 743 district, all of which shall be termed "floating indebtedness"
 744 in order to distinguish the same from the bonded debt provided
 745 for. The notes or other evidences of indebtedness shall be
 746 payable at such times and shall bear interest at a rate not
 747 exceeding the lawful statutory maximum per annum, and may be
 748 sold or discounted at such price or on such terms as the board
 749 may deem advisable. The board shall have the right, in order to
 750 provide for the payment thereof, to pledge the whole or any part
 751 of the assessments or revenues provided for in this act, whether
 752 the same shall be theretofore or thereafter levied, and said
 753 board shall have the right to provide that the floating debt
 754 shall be payable from the proceeds arising from the sale of

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755 bonds, or from the proceeds of any such assessment, or both.

756 After the issuance of any bonds of the district under the
 757 provisions of this act, the power to create such floating debt
 758 and pledge the assessments or revenue therefor shall continue.

759 (7)(a) Pursuant to this act, the district shall have the
 760 power from time to time to issue general obligation bonds to
 761 finance or refinance capital projects or to refund outstanding
 762 bonds in an aggregate principal amount of bonds outstanding at
 763 any one time not in excess of 35 percent of the assessed value
 764 of the taxable property within the district as shown on the
 765 pertinent property appraiser valuation records at the time of
 766 the authorization of the general obligation bonds for which the
 767 full faith and credit of the district is pledged. Except for
 768 refunding bonds, no general obligation bonds shall be issued
 769 unless the bonds are issued to finance or refinance a capital
 770 project and the issuance has been approved at an election held
 771 in accordance with the requirements for such election as
 772 prescribed by the State Constitution. Such elections shall be
 773 called to be held in the district with the expenses of calling
 774 and holding an election to be at the expense of the district.

775 (b) The district may pledge its full faith and credit for
 776 the payment of the principal and interest on such general
 777 obligation bonds and for any reserve funds provided therefor and
 778 met unconditionally and irrevocably pledge its assessments or
 779 revenues on all taxable property within the district, to the
 780 extent necessary for the payment thereof, without limitations as
 781 to greater amount.

782 (c) If the board determines to issue general obligation
 783 bonds for more than one capital project, the approval of the

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784 issuance of the bonds for each and all such projects may be
 785 submitted to the electorate on one and the same ballot. The
 786 failure of the electors to approve the issuance of bonds for any
 787 one or more of the capital projects shall not defeat the
 788 approval of bonds for any capital project which has been
 789 approved by the electors.

790 (d) In arriving at the amount of general obligation bonds
 791 permitted to be outstanding at any one time pursuant to
 792 paragraph (a), there shall not be included any general
 793 obligation bonds which are additionally secured by the pledge
 794 of:

795 1. Special assessments levied in the amount sufficient to
 796 pay the principal and interest on a general obligation bond so
 797 additionally secured, which assessments have been equalized and
 798 confirmed by resolution or ordinance of the board pursuant to
 799 section 170.08, Florida Statutes.

800 2. Water revenues, sewer revenues, or water and sewer
 801 revenues of the district to be derived from user fees that have
 802 been approved by the City of North Port Commission or its
 803 designee and in an amount sufficient to pay the principal and
 804 interest on the general obligation bond so additionally secured.

805 3. Any combination of assessments and revenues described
 806 in subparagraphs 1 and 2.

807 (8) In case the proceeds of the original assessment and
 808 levy made under the provisions of section 298.305, Florida
 809 Statutes, or chapter 170, Florida Statutes, is not sufficient to
 810 pay the principal, premium, if any, and interest of all bonds
 811 issued, then the board of supervisors shall make such additional
 812 levy or levies upon the benefits assessed as are necessary for

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813 this purpose, and under no circumstances shall any levies be
 814 made that will in any manner or to any extent impair the
 815 security of said bonds or the fund available for the payment of
 816 the principal and interest of the same.

817 (9) After the several bonds are paid and retired as herein
 818 provided, they shall be returned and canceled and an appropriate
 819 record thereof made in a book to be kept for that purpose, which
 820 record of paid and canceled bonds shall be kept at the office of
 821 the treasurer and shall be open for inspection by any bondholder
 822 at any time.

823 (10) Any issue of bonds may be secured by a trust
 824 agreement by and between the district and a corporate trustee or
 825 trustees, which may be any trust company or bank having the
 826 powers of a trust company within or without the state. The
 827 resolution authorizing the issuance of the bonds or such trust
 828 agreement may pledge the revenues to be received from any
 829 projects of the district and may contain such provisions for
 830 protecting and enforcing the rights and remedies of the
 831 bondholders as the board may approve, including, without
 832 limitation, covenants setting forth the duties of the district
 833 in relation to the acquisition, construction, reconstruction,
 834 improvement, maintenance, repair, operation, and insurance of
 835 any projects; the fixing and revising of the rates, fees, and
 836 charges; and the custody, safeguarding, and application of all
 837 moneys and for the employment of consulting engineers in
 838 connection with such acquisition, construction, reconstruction,
 839 improvement, maintenance, repair, or operation.

840 (11) Bonds of each issue shall be dated; shall bear
 841 interest at such rate or rates, including variable rates, which

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842 interest may be tax exempt or taxable for federal income tax
 843 purposes; shall mature at such time or times from their date or
 844 dates; and may be made redeemable before maturity at such price
 845 or prices and under such terms and conditions as may be
 846 determined by the board.

847 (12) No bonds issued by the district shall be required to
 848 be validated under chapter 75, Florida Statutes, or other
 849 provision of law.

850 Section 11. Unit development; powers of supervisors to
 851 designate units of development and adopt systems of progressive
 852 development by units; plan of improvements and financing
 853 assessments, for each unit.

854 (1) Upon written petition signed by the owners of 51
 855 percent of the acreage in any area, the board of supervisors of
 856 the district shall have the power and is hereby authorized in
 857 its discretion to exercise such powers authorized in this act,
 858 the lands in said designated area or part of the district to be
 859 called a "unit." The units into which said district may be so
 860 divided shall be given appropriate numbers or names by said
 861 board of supervisors, so that said units may be readily
 862 identified and distinguished. The board of supervisors shall
 863 have the power to fix and determine the location, area, and
 864 boundaries of and lands to be included in each and all such
 865 units with the consent of the owners of 51 percent of the
 866 acreage in any area, and the method of carrying on the work in
 867 each unit. If the board of supervisors shall determine that it
 868 is advisable to conduct the work of the district by units, as
 869 authorized by this section, said board shall, by resolution duly
 870 adopted and entered upon its minutes, declare its purpose to

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871 conduct such work accordingly and, upon petition of the owners
872 of 51 percent of the acreage in any area, shall at the same time
873 and manner fix the number, location, and boundaries of and
874 description of lands within such unit or units and give
875 appropriate numbers or names, which unit or units may overlay or
876 overlap one or more other units. As soon as practicable after
877 the adoption and recording of a resolution as to any unit, said
878 board of supervisors shall publish a notice once a week for 2
879 consecutive weeks in the newspaper of general paid circulation
880 that the City of North Port publishes notices of city meetings,
881 and by provision of 2 weeks advance written notice to the City
882 of North Port City Manager, briefly describing the unit or units
883 into which the district has been divided and the lands embraced
884 in each unit, giving the name, number, or other designation of
885 such units, requiring all owners of lands in the district to
886 show cause in writing before said board of supervisors at a time
887 and place to be stated in such notice why such division of said
888 district into such unit or units should not be approved, and why
889 the proceedings and powers authorized by this section of this
890 act should not be had, taken, and exercised. At the time and
891 place stated in said notice, said board of supervisors shall
892 hear all objections or causes of objection, all of which shall
893 be in writing, of any landowner in the district to the matters
894 mentioned and referred to in such notice, and if no objections
895 are made, or if said objections, if made, shall be overruled by
896 said board, then said board shall enter in its minutes its
897 finding and order confirming said resolution and may thereafter
898 proceed with the development of the district by unit or units
899 pursuant to such resolution and to the provisions of this act.

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900 If, however, said board of supervisors shall find as a result of
 901 such objections, or any of them, or the hearing thereon, that
 902 the division of the district into such unit or units as
 903 aforesaid should not be approved, or that the proceedings and
 904 powers authorized by this section of this act should not be had,
 905 taken, or exercised, or that any other matter or thing embraced
 906 in said resolution would not be in the best interest of the
 907 landowners of said unit or units or would be unjust or unfair to
 908 any landowner therein or otherwise inconsistent with fair and
 909 equal protection and enforcement of the rights of every
 910 landowner in said unit or units, then the board of supervisors
 911 shall not proceed further under such resolution, but said board
 912 of supervisors may, as a result of such hearing, modify or amend
 913 said resolution so as to meet such objections so made, and
 914 thereupon said board may confirm said resolution as so modified
 915 or amended and may thereafter proceed accordingly. If said board
 916 of supervisors shall overrule or refuse to sustain any such
 917 objections in whole or in part made by any landowner in the
 918 district, or if any such landowner shall deem himself or herself
 919 aggrieved by any action of the board of supervisors in respect
 920 to any objections so filed, such landowner may, within 10 days
 921 after the ruling of said board, file his or her complaint in the
 922 Circuit Court for Sarasota County, against said district,
 923 praying an injunction or other appropriate relief against the
 924 action or any part of such action proposed by such resolution or
 925 resolutions of said board, and such suits shall be conducted
 926 like other suits, except that said suits shall have preference
 927 over all other pending actions except criminal actions and writs
 928 of habeas corpus. Upon the hearing of said cause, the circuit

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929 court shall have the power to hear the objections and receive
 930 the evidence thereon of all parties to such cause and approve or
 931 disapprove said resolutions and action of the board in whole or
 932 in part, and to render such decree in such cause as right and
 933 justice require.

934 (2) When said resolutions creating said unit or units
 935 shall be confirmed by the board of supervisors (or by the
 936 Circuit Court for Sarasota County, if such proposed action shall
 937 be challenged by a landowner by the judicial proceedings
 938 hereinabove authorized), the board of supervisors may adopt a
 939 plan of improvements or chapter 170 authorizing documents for
 940 and in respect to any or all such units, and to have the
 941 benefits and damages resulting therefrom assessed and
 942 apportioned as is provided by law in regard to a plan of
 943 improvements or chapter 170 authorizing documents for and
 944 assessments for benefits and damages of the entire district.
 945 With respect to the plan of improvements, notices, appointment
 946 of engineer to prepare a report assessing the benefits and
 947 damages, the engineer's report and notice and confirmation
 948 thereof, the levy of assessments, including maintenance
 949 assessments, the issuance of bonds, the exercise or use of
 950 chapter 170, Florida Statutes, proceedings and all other
 951 proceedings as to each and all of such units, said board shall
 952 follow and comply with the same procedure as is provided by law
 953 with respect to the entire district; and said board of
 954 supervisors shall have the same powers in respect to each and
 955 all of such units as is vested in them with respect to the
 956 entire district. All the provisions of this act shall apply to
 957 the improvement of each, any, and all of such units, and the

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958 enumeration of or reference to specific powers or duties of the
 959 supervisors or any other officers or other matters in this act
 960 as hereinabove set forth, shall not limit or restrict the
 961 application of any and all of the proceedings and powers herein
 962 for such units as fully and completely as if such unit or units
 963 were specifically and expressly named in every section and
 964 clause of this act where the entire district is mentioned or
 965 referred to. All assessments, levies, bonds, and other
 966 obligations made, levied, assessed, or issued for or in respect
 967 to any such unit or units shall be a lien and charge solely and
 968 only upon the lands in such unit or units, respectively, for the
 969 benefit of which the same shall be levied, made, or issued, and
 970 not upon the remaining units or lands in the district. The board
 971 of supervisors, upon an affirmative vote of a simple majority of
 972 qualified electors, as defined in chapter 189, Florida Statutes,
 973 within said unit voting in a referendum, or upon approval of the
 974 landowners of 51 percent of the acreage in said unit if there
 975 are no residents in said unit, may at any time amend its
 976 resolutions by changing the location and description of lands in
 977 any such unit or units and provided, further, that if the
 978 location or description of lands located in any such unit or
 979 units is so changed, notice of such change shall be published as
 980 hereinabove required in this section for notice of the formation
 981 or organization of such unit or units; provided, however, that
 982 no lands against which benefits shall have been assessed may be
 983 detached from any such unit after the final adoption of the
 984 engineer's report of benefits or chapter 170 authorizing
 985 document, in such unit or units or the issuance of bonds or
 986 other obligations which are payable from assessments for

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987 benefits levied upon the lands within such unit or units.
 988 (3) Provided, however, that if, after adoption of the
 989 engineer's report of benefits chapter 170, authorizing document,
 990 in such unit or units, or the issuance of bonds or other
 991 obligations which are payable from assessments for benefits
 992 levied upon lands within such unit or units, the board of
 993 supervisors finds the plan of improvements, the engineer's
 994 report , or chapter 170 authorizing documents for any such unit
 995 or units insufficient or inadequate for efficient development,
 996 same may be amended or changed as provided in this act, chapter
 997 170 or chapter 298, Florida Statutes, and the unit or units may
 998 be amended or changed as provided in this section, by changing
 999 the location and description of lands in any such unit or units,
 1000 by detaching lands therefrom or by adding land thereto, upon the
 1001 approval of at least 51 percent of the landowners according to
 1002 acreage, in any such unit, and provided that in such event all
 1003 assessments, levies, fees, bonds, and other obligations made,
 1004 levied, assessed, incurred, or issued for or in respect to any
 1005 such unit or units may be allocated and apportioned to the
 1006 amended unit or units in proportion to the benefits assessed by
 1007 the engineer's report, for the amended plan of improvements and
 1008 said report shall specifically provide for such allocation and
 1009 apportionment. The landowners shall file their approval of or
 1010 objections to such amended plan of improvements within the time
 1011 provided in section 298.301, Florida Statutes, or, when used
 1012 such applicable deadline provision, if any, of chapter 170,
 1013 Florida Statutes, and shall file their approval of or objections
 1014 to the amendment of such unit as provided in this section.
 1015 (4) No assessable lands shall be detached from any unit

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1016 after the issuance of bonds or other obligations for such unit
 1017 except upon the consent of a majority the holders, based on face
 1018 value of the outstanding bonds, of such bonds or other
 1019 obligations. In the event of the change of the boundaries of any
 1020 unit as provided herein and the allocation and apportionment to
 1021 the amended unit or units of assessments, levies, fees, bonds,
 1022 and other obligations in proportion to the benefits assessed,
 1023 the holder of the bonds or other obligations heretofore issued
 1024 for the original unit who consents to such allocation and
 1025 apportionment shall be entitled to all rights and remedies
 1026 against any lands added to the amended unit or units as fully
 1027 and to the same extent as if such added lands had formed and
 1028 constituted a part of the original unit or units at the time of
 1029 the original issuance of such bonds or other obligations, and
 1030 regardless of whether the holders of such bonds or other
 1031 obligations are the original holders thereof or the holders from
 1032 time to time hereafter, and the rights and remedies of such
 1033 holders against the lands in the amended unit or units,
 1034 including any lands added thereto, under such allocation and
 1035 apportionment, shall constitute vested and irrevocable rights
 1036 and remedies to the holders from time to time of such bonds or
 1037 other obligations as fully and to the same extent as if such
 1038 bonds or other obligations had been originally issued to finance
 1039 the improvements in such amended unit or units.

1040 (5) Upon the formation of a unit, the board is authorized
 1041 to levy a one-time organizational special assessment tax per
 1042 acre on the lands in a unit sufficient to prepare a plan of
 1043 improvements or chapter 170 authorizing documents and have the
 1044 benefits assessed as provided herein.

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1045 (6) The territorial limits of a unit may be expanded to
 1046 include additional land by agreement between the district and
 1047 all of the landowners of the land to be included in the unit,
 1048 provided that at the time of the execution of the agreement, the
 1049 additional land is contained within the jurisdictional
 1050 boundaries of the district. Land included in the unit by
 1051 agreement shall thereafter be subject to the payment of all
 1052 assessments or fees levied by the district in the unit and shall
 1053 be subject to the provisions of all laws under which the
 1054 district operates. The agreement shall be in recordable form and
 1055 filed in the official records.

1056 (7) Notwithstanding anything to the contrary contained in
 1057 this act or in Florida Statutes, the district shall not amend
 1058 any plan of improvement for any unit in which any real property
 1059 has been sold to the general public at large for residential and
 1060 non-commercial purposes, in such a way that said amendment
 1061 results in any increase in the principal amount of debt then
 1062 authorized for that unit, without an affirmative vote of a
 1063 simple majority of qualified electors, as so defined in chapter
 1064 189, Florida Statutes, within said unit voting in a referendum.

1065 Section 12. Eminent domain.--The said board of supervisors
 1066 is hereby authorized and empowered when reasonably necessary for
 1067 the implementation of district authorized public infrastructure
 1068 works, facilities or service, to exercise within the district or
 1069 beyond the district with prior approval by resolution of the
 1070 governing body of the municipality, the right and power of
 1071 eminent domain, pursuant to the provisions of chapters 73 and
 1072 74, Florida Statutes, over any property within the state, except
 1073 municipal, county, state, and federal property, for the uses and

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1074 purposes of the district relating solely to water, sewer,
 1075 district roads, and water management, specifically including,
 1076 without limitation, the power for the taking of easements for
 1077 the drainage of the land of one person over and through the land
 1078 of another.

1079 Section 13. Definition of 51 percent of acreage in any
 1080 area.--When the consent of 51 percent of the acreage is required
 1081 in any described geographical area for any purpose, in
 1082 determining the acreage in the area, the lands and rights-of-way
 1083 of the district and all lands which are or will be exempt or
 1084 excluded from payment of the district assessments shall not be
 1085 included in the acreage to determine the 51 percent consent
 1086 requirements.

1087 Section 14. Amending plan of improvements, engineer's
 1088 report, or chapter 170 authorizing documents.--In addition and
 1089 as an alternative to the provisions of chapters 298 and 170,
 1090 Florida Statutes, a plan of improvements, the engineer's report
 1091 , or chapter 170 authorizing document may be amended, modified,
 1092 corrected and changed from time to time in the following manner:

1093 (1) The intent of this section, in part, is to give the
 1094 board of supervisors power with broad latitude to make
 1095 additional and such other improvements to the plan of
 1096 improvements or chapter 170 authorizing documents which the
 1097 board of supervisors considers appropriate to implement the
 1098 purpose and intent of the plan of improvements or chapter 170
 1099 authorizing documents and which, in the opinion of the board,
 1100 results in a benefit to the land and will not increase the cost
 1101 in excess of the total benefits assessed as provided herein. The
 1102 district may accept for operation maintenance additional

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1103 facilities which are within or outside its boundaries and
 1104 supplement a plan of improvements or chapter 170 authorizing
 1105 documents.

1106 (2) As an alternate procedure, the board of supervisors
 1107 shall have the power to change, alter, or amend a previously
 1108 approved or adopted plan of improvements, engineer's report, or
 1109 chapter 170 authorizing documents by duly adopted resolution;
 1110 provided the district engineer certifies that all land subject
 1111 to the previously approved or adopted plan of improvements or
 1112 chapter 170 authorizing documents will receive the same or
 1113 greater benefits as previously assessed and that the estimated
 1114 cost of constructing the plan of improvements, including the
 1115 changes or amendments to it, the engineer's report, or chapter
 1116 170 authorizing documents do not exceed the total benefits
 1117 assessed. Said resolution shall be filed with the secretary of
 1118 the district and shall be binding upon the owners of lands
 1119 subject to the plan of improvements, the engineer's report, or
 1120 chapter 170 authorizing documents, as applicable, including
 1121 their successors and assigns.

1122 (3) Regardless of any language to the contrary contained
 1123 in chapter 298, Florida Statutes, chapter 170 authorizing
 1124 documents or this act, when a plan of improvements, engineer's
 1125 report, or chapter 170 authorizing document is amended,
 1126 modified, or changed by any authorized procedure, the approval
 1127 or consent of the holders of the bonds issued in respect to such
 1128 plan, engineer's report, or chapter 170 authorizing document
 1129 shall not be required and amendments, modifications, and changes
 1130 may be made to the plan of improvements, engineer's report, or
 1131 chapter 170 authorizing document without bondholders' approval

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1132 or consent.

1133 (4) Notwithstanding anything to the contrary contained in
 1134 this act or in Florida Statutes, the district shall not amend
 1135 any plan of improvement for any unit in which any real property
 1136 has been sold to the general public at large for residential and
 1137 non-commercial purposes, in such a way that said amendment
 1138 results in any increase in the principal amount of debt then
 1139 authorized for that unit, without an affirmative vote of a
 1140 simple majority of qualified electors, as so defined in chapter
 1141 189, Florida Statutes, within said unit voting in a referendum.

1142 Section 15. Meetings and notices.--Except as otherwise
 1143 specifically set forth in the act, the board of supervisors
 1144 shall hold their meetings pursuant to sections 189.416 and
 1145 189.417, Florida Statutes.

1146 Section 16. Reports, budgets, audits.--The district shall
 1147 prepare and submit reports, budgets, and audits as provided in
 1148 sections 189.415 and 189.418, Florida Statutes.

1149 Section 17. Territorial boundaries.--The territorial
 1150 boundaries of the district shall be as follows, to wit:

1151 LANDS LOCATED IN TOWNSHIP 39 SOUTH, RANGE 20 EAST,
 1152 SARASOTA COUNTY,
 1153 FLORIDA:

1154
 1155 That part of Section 21, lying Southwesterly of County
 1156 Road No. 777 (West River Road). All that part of
 1157 Section 28, lying West of County Road No. 777 (West
 1158 River Road). All of Section 29, less and except the
 1159 following: Right-of-way for U. S. Highway No. 41
 1160 (State Road No. 45). All of Section 30, less and

1161 except the following: Right-of-way for U. S. Highway
 1162 No. 41 (State Road No. 45); That portion conveyed to
 1163 Florida Power and Light Company consisting of
 1164 approximately 4.66 acres in the SW1/4 as described in
 1165 Official Record Book 1036, Page 802, Public Records of
 1166 Sarasota County, Florida; That portion lying West of
 1167 lands described in Official Record Book 1036, Page
 1168 802, South of the westerly extension of the North line
 1169 of said lands described in Official Records Book 1036,
 1170 Page 802, and North of the northerly Right of Way line
 1171 of U.S. Highway No.41. All of Section 31, less and
 1172 except the following: Right-of-way of U. S. Highway
 1173 No. 41 (State Road No. 45). All of Section 32, less
 1174 and except the following: Right-of-way of U. S.
 1175 Highway No. 41 (State Road No. 45); That portion
 1176 conveyed in Official Record Book 2785, Page 634 of the
 1177 Public Records of Sarasota County, Florida, (Sarasota
 1178 County Hospital Board); That portion conveyed in
 1179 Official Record Book 1571, Page 2172 of the Public
 1180 Records of Sarasota County, Florida, (Manatee
 1181 Community College); Right-of-way for Pine Street
 1182 Extension as recorded in Official Record Book 2536,
 1183 pages 811-974 of The Public Records of Sarasota
 1184 County, Florida; That portion conveyed in Official
 1185 Record Book 2785, Page 641 of the Public Records of
 1186 Sarasota County, Florida, (120' wide perpetual Non-
 1187 Exclusive easement); That portion lying South of lands
 1188 conveyed in Official Record Book 1571, Page 2172 and
 1189 East of lands described in Official Record Book 2785,

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1190 Page 641, Public Records of Sarasota County, Florida.
 1191 That portion of Section 33, lying North of U.S.
 1192 Highway No. 41 (State Road No.45) and West of County
 1193 Road #777 (West River Road); also that portion of
 1194 Section 33, lying South of U.S. Highway No. 41 (State
 1195 Road No. 45), West of a 200 ft. wide access easement
 1196 described in Official Records Book 2389, Page 528,
 1197 Public Records of Sarasota County, Florida, and North
 1198 of lands conveyed in Official Records Book 1571, Page
 1199 2172, Public Records of Sarasota County, Florida;
 1200 also that portion of Section 33, lying South of U.S.
 1201 Highway No. 41 (State Road No. 45), described as
 1202 follows: COMMENCE at the East Quarter Corner of
 1203 Section 33, Township 39 South, Range 20 East, Sarasota
 1204 County Florida; thence S.00°16'02"W., along the East
 1205 line of said Section 33, a distance of 289.08 feet to
 1206 a point on the Southerly Right of Way Line of U.S.
 1207 Highway No.41, (State Road No. 45) per Florida
 1208 Department of Transportation Right of Way Map Section
 1209 17010-2508, same being a point on a curve to the right
 1210 having a radius of 3011.73 feet, a central angle of
 1211 24°58'49", a chord bearing of N.66°51'56"W., and a
 1212 chord length of 1032.71 feet; thence along the arc of
 1213 said curve and said Southerly Right of Way of U.S. No.
 1214 41, an arc length of 1313.08 feet to the point of
 1215 tangency of said curve; thence N.54°22'31"W., along
 1216 said southerly Right of Way, a distance of 66.57 feet
 1217 to the POINT OF BEGINNING, same being the Northwest
 1218 corner of Lands described in Official Records

1219 Instrument No.1998166153, per Public Records of
 1220 Sarasota County, Florida; thence along the Westerly
 1221 line of said Lands described in Official Records
 1222 Instrument No.1998166153 the following three (3)
 1223 courses and distances; (1) S.35°37'26"W., a distance
 1224 of 161.93 feet to the point of curvature of a curve to
 1225 the right having a radius of 559.97 feet, a central
 1226 angle of 29°49'56", a chord bearing of S.50°32'24"W.,
 1227 and a chord length of 288.28 feet; (2) thence along
 1228 the arc of said curve an arc length of 291.56 feet to
 1229 the end of said curve; (3) thence S.00°01'27"W., a
 1230 distance of 1074.23 feet; thence N.48°24'50"W.,
 1231 leaving said Westerly Line, a distance of 2914.38 feet
 1232 to the Northeast corner of Lands described as Manatee
 1233 Community College per Official Records Book 1571, Page
 1234 2172, same being the point of curvature of a curve to
 1235 the left having a radius of 4577.37 feet, a central
 1236 angle of 06°20'23", a chord bearing of N.60°40'02"W.,
 1237 and a chord length of 506.22 feet; thence along the
 1238 arc of said curve and Northerly Line of Lands
 1239 described as Manatee Community College, an arc length
 1240 of 506.48 feet to the end of said curve, same being
 1241 the Southeast corner of lands described in Official
 1242 Records Book 2389, Page 529, Public Records of
 1243 Sarasota County, Florida; thence N.65°18'18"E., along
 1244 the Easterly Line of said lands, a distance of 188.09
 1245 feet; thence continue N.00°00'19"W., along said
 1246 Easterly Line, a distance of 144.96 feet to the
 1247 Northeast corner of said Lands; thence N.65°21'46"W

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1248 along the Northerly Line of said Lands, a distance of
 1249 400.68 feet to the Northwest corner of said Lands,
 1250 same being a point on the Easterly Line of a 200 foot
 1251 wide access Easement per Official Records Book 1571,
 1252 Pages 2172 through 2175 and Official Records Book
 1253 2389, Pages 528 through 530, Public Records of
 1254 Sarasota County, Florida; thence N.00°30'25"E., along
 1255 the Easterly Line of said 200 foot wide access
 1256 Easement, a distance of 786.89 feet to the Southerly
 1257 Right of Way of U.S. No. 41, same being a point on a
 1258 curve to the right having a radius of 5597.58 feet, a
 1259 central angle of 03°08'33", a chord bearing of
 1260 S.69°13'16"E., and a chord length of 306.97 feet;
 1261 thence along the arc of said curve an arc length of
 1262 307.01 feet to the end of said curve; thence continue
 1263 along said Southerly Right of Way Line the following
 1264 fourteen (14) courses and distances; (1)
 1265 S.22°19'13"W., a distance of 10.00 feet to the point
 1266 of curvature of a curve to the right having a radius
 1267 of 5587.58 feet, a central angle of 00°45'15", a chord
 1268 bearing of S.67°16'21"E., and a chord length of 73.55
 1269 feet; (2) thence along the arc of said curve an arc
 1270 length of 73.55 feet;(3) thence N.23°06'16"E., a
 1271 distance of 10.00 feet to the point of curvature of a
 1272 curve to the right having a radius of 5597.58 feet, a
 1273 central angle of 08°17'44", a chord bearing of
 1274 S.62°44'52"E., and a chord length of 809.74 feet;(4)
 1275 thence along the arc of said curve an arc length of
 1276 810.45 feet;(5) thence S.31°08'57"W., a distance of

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1277 10.00 feet to the point of curvature of a curve to the
 1278 right having a radius of 5587.58 feet, a central angle
 1279 of 00°45'12", a chord bearing of S.58°13'22"E., and a
 1280 chord length of 73.47 feet;(6) thence along the arc of
 1281 said curve an arc length of 73.47 feet; (7) thence
 1282 N.32°24'25"E., a distance of 10.00 feet to the point
 1283 of curvature of a curve to the right having a radius
 1284 of 5597.58 feet, a central angle of 03°28'13", a chord
 1285 bearing of S.56°06'38"E., and a chord length of 338.98
 1286 feet; (8) thence along the arc of said curve an arc
 1287 length of 339.03 feet to the end of said curve; thence
 1288 (9) S.56°35'34"E.; a distance of 155.08 feet;(10)
 1289 thence S.54°22'31"E., a distance of 1102.52 feet;
 1290 (11) thence S.51°00'40"E., a distance of 101.66 feet;
 1291 (12) thence S.54°20'43"E., a distance of 199.02 feet;
 1292 (13) thence S.48°43'03"E., a distance of 100.71 feet;
 1293 (14) thence S.54°22'31"E., a distance of 447.75 feet
 1294 to the POINT OF BEGINNING. That portion of the North
 1295 Half of the Southwest Quarter of the Northwest Quarter
 1296 of Section 34, lying West of River Road (County Road
 1297 No.777); also that portion of the Southeast Quarter of
 1298 Section 34, lying West of the Myakka River, South of
 1299 the South line of lands described in Official Record
 1300 Instrument No. 2000002794, Public Records of Sarasota
 1301 County, Florida (River Road Office Park, Inc.), and
 1302 easterly of the maintained right of way line of a
 1303 paved road running from River Road to the South line
 1304 of the Northeast Quarter of said Section 34, (Old
 1305 River Road), less and except the following: That

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1306 portion described in Official Record Instrument No.
 1307 1999111833, Public Records of Sarasota County,
 1308 Florida, (Right of Way for County Road No.777). All of
 1309 Section 35 lying West of the Myakka River.

1310
 1311 LANDS LOCATED IN TOWNSHIP 40 SOUTH, RANGE 20 EAST,
 1312 SARASOTA COUNTY, FLORIDA:

1313
 1314 All of Section 3, less and except the following: That
 1315 portion conveyed in Order of Taking recorded in
 1316 Official Record Book 2679, Page 2750-2754, of the
 1317 Public Records of Sarasota County, Florida (County
 1318 Road No 777); That portion conveyed in Official Record
 1319 Instrument No. 2000002794 of the Public Records of
 1320 Sarasota County, Florida, (River Road Office Park,
 1321 Inc.); The maintained right-of-way of County Road
 1322 No.777 (South River Road). All of Section 4, Less and
 1323 except the following: That portion described in
 1324 Official Record Instrument No. 2000002794, of the
 1325 Public Records of Sarasota County, Florida, (River
 1326 Road Office Park, Inc.). All of Section 5, less and
 1327 except the following: Right-of-way conveyed for Pine
 1328 Street Extension recorded in Official Record Book
 1329 2536, Page 811-974, of the Public Records of Sarasota
 1330 County, Florida. All of Section 6, less and except the
 1331 following: Right-of-way conveyed for Pine Street
 1332 Extension recorded in Official Record Book 2536, Page
 1333 811-974, of the Public Records of Sarasota County,
 1334 Florida. All of Section 7, less and except the

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1335 following: Right-of-way conveyed for Pine Street
 1336 Extension recorded in Official Record Book 2536, Page
 1337 811-974, of the Public Records of Sarasota County,
 1338 Florida. All of Section 8. All of Section 9. All of
 1339 Section 10, less and except the following: The
 1340 maintained right-of-way for County Road No. 777 (South
 1341 River Road) ALL OF THE ABOVE ARE SUBJECT TO EASEMENTS
 1342 OF RECORD, OR OTHERWISE, USED FOR DRAINAGE, UTILITIES
 1343 AND/OR INGRESS AND EGRESS.

1344
 1345 The above described property contains a total of
 1346 7853.3497 Acres more or less.

1347
 1348 Section 18. Severability.--In case any one or more of the
 1349 sections or provisions of this act or the application of such
 1350 sections or provisions to any situation, circumstance, or person
 1351 shall for any reason be held to be unconstitutional, such
 1352 unconstitutionality shall not affect any other sections or
 1353 provisions of this act or the application of such sections or
 1354 provisions to any other situation, circumstance, or person, and
 1355 it is intended that this law shall be construed and applied as
 1356 if such section or provision had not been included herein for
 1357 any unconstitutional application.

1358 Section 19. Limitations of powers.--All governmental
 1359 planning, environmental, and land development laws, regulations,
 1360 and ordinances apply to all development of the land within the
 1361 district. The district does not have the power of a local
 1362 government to adopt a comprehensive plan, building code, zoning
 1363 code, or land development code, as those terms are defined in

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1364 the Local Government Comprehensive Planning and Land Development
 1365 Regulation Act. The district shall take no action which is
 1366 inconsistent with applicable comprehensive plans, ordinances, or
 1367 regulations of the applicable local general-purpose government.
 1368 Nothing in this act shall create any delegation of any
 1369 responsibilities or authorities from the City of North Port to
 1370 the district. Notwithstanding anything to the contrary, the
 1371 district shall be required to obtain any and all permits for
 1372 infrastructure planning and construction from the City of North
 1373 Port that would otherwise be required of a private entity
 1374 performing the same work. The district shall not have the power
 1375 to supercede, contravene, or overrule any development or
 1376 annexation agreements entered into by landowners within or
 1377 outside of the district or any City of North Port joint planning
 1378 agreements or interlocal agreements with Sarasota County or any
 1379 other governmental entities.

1380 Section 20. Public disclosures.--

1381 (1) The district shall be required to comply with all
 1382 current or future requirements, if any, to provide disclosure to
 1383 the public and/or current or potential property owners
 1384 concerning the district and its assessments.

1385 (2) Any contract for sale of real property within the
 1386 district whereby a land developer or builder is selling property
 1387 to the general public at large for residential and noncommercial
 1388 purposes, contain a disclosure to the potential purchaser
 1389 disclosing the existence and nature of the district, as well as
 1390 actual amounts of bonded indebtedness applicable to that
 1391 property and projected assessments for principal debt repayment
 1392 that the district is then obligated to assess and collect

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1393 annually upon the subject real property. Said disclosure must be
 1394 presented prominently and specifically acknowledged in writing
 1395 by the buyer in the sales document.

1396 (3) Any property owner's association created within the
 1397 district by a land developer or builder shall contain language
 1398 in its charter or declaration of covenants disclosing the
 1399 existence and purpose of the district.

1400 (4) The district shall cause to be recorded in the public
 1401 records of Sarasota County the formation of any unit created
 1402 pursuant to section 11 of this act and, upon of the sale of any
 1403 debt, the principal amount of bonded indebtedness incurred for
 1404 that unit.

1405 (5) Any land developer or builder who maintains a sales
 1406 office for the purpose of the initial sale of homes or lots
 1407 within the district to the general public at large shall post a
 1408 readily visible sign of not less than 24 inches by 36 inches in
 1409 the sales office which advises potential buyers of the existence
 1410 and purpose of the district.

1411 Section 21. This act shall take effect upon becoming a
 1412 law.