

By Senator Alexander

17-836-04

See HB 817

1 A bill to be entitled
2 An act relating to Spring Lake Improvement
3 District, Highlands County; providing for
4 codification of special laws relating to the
5 Spring Lake Improvement District, a special tax
6 district; providing legislative intent;
7 codifying, reenacting, and amending chapters
8 71-669, 77-563, 88-461, and 90-434, Laws of
9 Florida; providing for minimum charter
10 requirements; providing for provisions of other
11 laws made applicable; providing for
12 ratification of prior actions; repealing
13 chapters 71-669, 77-563, 88-461, and 90-434,
14 Laws of Florida; providing for severability;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Pursuant to chapters 97-255 and 98-320,
20 Laws of Florida, this act constitutes the codification of all
21 special acts relating to the Spring Lake Improvement District,
22 an independent special district and political subdivision of
23 the State of Florida. It is the intent of the Legislature in
24 enacting this law to provide a single, comprehensive special
25 act charter for the district, including all current
26 legislative authority granted to the district by its several
27 legislative enactments and any additional authority granted by
28 this act. It is further the intent of this act to preserve all
29 district authority, including the authority to annually assess
30 and levy against the taxable property in the district.

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1 Section 2. Chapters 71-669, 77-563, 88-461, and
2 90-434, Laws of Florida, are codified, reenacted, amended, and
3 repealed as herein provided.

4 Section 3. The Spring Lake Improvement District is
5 re-created, and the charter for the district is re-created and
6 reenacted to read:

7 Section 1. Minimum charter requirements.--In
8 accordance with section 189.404(3), Florida Statutes, the
9 following are the minimum requirements for the charter of the
10 Spring Lake Improvement District:

11 (1) The district is organized and exists for all
12 purposes set forth in this act and chapter 298, Florida
13 Statutes, as they may be amended from time to time, except as
14 herein otherwise provided.

15 (2) The powers, functions, and duties of the district
16 regarding non-ad valorem assessments, bond issuance, other
17 revenue-raising capabilities, budget preparation and approval,
18 liens and foreclosure of liens, use of tax deeds and tax
19 certificates as appropriate for non-ad valorem assessments,
20 and contractual agreements shall be as set forth in chapters
21 189, 197, and 298, Florida Statutes, this act, or any other
22 applicable general or special law, as they may be amended from
23 time to time.

24 (3) The district was created by the process contained
25 in chapter 298, Florida Statutes.

26 (4) The district's charter may be amended only by
27 special act of the Legislature.

28 (5) In accordance with chapter 298, Florida Statutes,
29 the district is governed by a board of supervisors. The
30 membership and organization of the board shall be as set forth
31

1 in this act and chapter 298, Florida Statutes, as they may be
2 amended from time to time.

3 (6) The compensation of board members shall be
4 governed by this act and chapter 298, Florida Statutes, as
5 they may be amended from time to time.

6 (7) The administrative duties of the board shall be as
7 set forth in this act and chapter 298, Florida Statutes, as
8 they may be amended from time to time.

9 (8) Requirements for financial disclosure, meeting
10 notices, reporting, public records maintenance, and per diem
11 expenses for officers and employees shall be as set forth in
12 this act and chapters 112, 189, 286, and 298, Florida
13 Statutes, as they may be amended from time to time.

14 (9) The procedures and requirements governing the
15 issuance of bonds, notes, and other evidence of indebtedness
16 by the district shall be as set forth in this act and chapters
17 189 and 298, Florida Statutes, and applicable general laws, as
18 they may be amended from time to time.

19 (10) The procedures for conducting district elections
20 and for qualification of electors shall be pursuant to this
21 act and chapters 189 and 298, Florida Statutes, and applicable
22 general laws as they may be amended from time to time.

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

27 (12) In accordance with this act and chapter 298,
28 Florida Statutes, the district may continue to levy upon all
29 of the real taxable property in the district a special tax
30 each year as maintenance tax.

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

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

8 Section 2. Creation of the district ratified and
9 approved; change of name of district to Spring Lake
10 Improvement District.--The decree of the circuit court of the
11 of the Tenth Judicial Circuit in and for Highlands County,
12 Florida, entered in Case Number 1841, creating and
13 incorporating the Spring Lake Drainage District as a public
14 corporation of this state, and all subsequent proceedings
15 taken in the circuit court concerning that district, are
16 hereby ratified, confirmed, and approved, except that the
17 boundaries of said district shall be as hereinafter described.
18 The drainage district shall henceforth be known by the name of
19 Spring Lake Improvement District, and shall continue to be a
20 public corporation of this state and have perpetual existence.
21 All lawful debts, bonds, obligations, contracts, franchises,
22 promissory notes, audits, minutes, resolutions, and other
23 undertakings of the Spring Lake Drainage District are hereby
24 validated and shall continue to be valid and binding on the
25 Spring Lake Improvement District in accordance with their
26 respective terms, conditions, covenants, and tenor. Any
27 proceeding heretofore begun under chapter 298, Florida
28 Statutes, or any other law, for the construction of any
29 improvements, works, or facilities, for the assessment of
30 benefits and damages or for the borrowing of money shall not

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1 be impaired or avoided by this act, but may be continued and
2 completed in the name of the Spring Lake Improvement District.

3 Section 3. Boundaries.--The boundaries of the district
4 shall be:

5 Spring Lake Improvement District, lying in
6 Township 35, South, Range 30 East, in Highlands
7 County, Florida.

8 All that part of Section 18 lying North of the
9 present right of way of U.S. Highway No. 98
10 (Formerly State Road No. 700) and East of the
11 right of way of the Access Road to Hendricks
12 Field, less and except that parcel thereof
13 conveyed to Roland Droit and Lois Droit, his
14 wife, by deed dated November 1, 1951, and
15 recorded in Deed Book 127, Page 517, Public
16 Records of Highlands County, Florida.

17 All that part of Sections 16 and 17 lying North
18 of the present right of way of said U.S.
19 Highway No. 98;

20 The East half of Section 9;

21 All of Section 10;

22 All that portion of Section 15 lying North of
23 the present right of way of said U.S. Highway
24 No. 98;

25 The South 1/2 of Section 11 less the North 5/8
26 of the East half of the Southeast 1/4 of said
27 Section 11, and less the East 210 feet of the
28 West 552 feet of the North 210 feet of the
29 South 495 feet of the Southeast 1/4 of said
30 Section 11, and less the present right of way
31 of said U.S. Highway No. 98 and less a tract of

1 land in Lot 5, Section 11, recorded in Deed
2 Book 129, Page 553, Public Records of Highlands
3 County, Florida; lying South and West of the
4 Arbuckle Creek, containing one acre, and less a
5 tract of land conveyed by A. J. Duncan and
6 Hattie M. Duncan, his wife, to John C. Thomas
7 and Dorothy Mayer Thomas, his wife, and
8 recorded in Deed Book 128, Page 304, Public
9 Records of Highlands County, Florida,
10 containing one acre;
11 All Government Lots 12 and 13 of Section 12;
12 with the reservation for an outfall ditch
13 easement from Louis H. Alsmeyer and wife,
14 Lottie H. Alsmeyer, to the State of Florida,
15 dated October 30, 1947, recorded in Deed Book
16 108, Page 517, and conveying a 30 foot strip of
17 land over a portion of said Government Lot 12
18 in Section 12;
19 All of fractional Section 13;
20 All of fractional Section 14, less present
21 right of way of said U.S. Highway No. 98; and
22 less all that portion of the Subdivision of
23 Spring Lake Section One as recorded in Plat
24 Book 9, Page 23, Public Records of Highlands
25 County, Florida;
26 All those portions of Section 15 lying South
27 and East of said right of way of said U.S.
28 Highway No. 98 and East of the East line of
29 Spring Lake Section One Subdivision, Plat Book
30 9, Page 23, Public Records of Highlands County,
31 Florida;

1 All that part of fractional Section 22 lying
2 East of the Southerly extension of the West
3 line of Spring Lake Section One Subdivision,
4 Plat Book 9, Page 23, Public Records of
5 Highlands County, Florida;
6 All that part of fractional Section 23 lying
7 Southerly of the Subdivision of Spring Lake
8 Section One, as recorded in Plat Book 9, Page
9 23, of the Public Records of Highlands County,
10 Florida;
11 All containing 3,359 acres, more or less.
12 which said lands are included within the
13 following described boundaries:
14 Beginning at the Northwest corner of the East
15 Half (E 1/2) of Section 9, Township 35 South,
16 Range 30 East; thence South 89°38'30" East
17 along the North line of said Section 9, (said
18 North line of Section 9 is assumed to bear
19 South 89°38'30" East and all other bearings
20 shown herein are relative thereto) a distance
21 of 2,713.31 feet to the Northwest corner of
22 Section 10; thence South 89°59'14" East along
23 the North line of said Section 10, a distance
24 of 4,869.06 feet to the Northeast corner of
25 said Section 10; thence South 00°00'16" West
26 along the East line of Section 10, a distance
27 of 2978.76 feet to the North line of the South
28 Half (S 1/2) of Section 11; thence South
29 89°53'44" East along said North line of the
30 South half (S 1/2) of said Section 11, a
31 distance of 4,216.90 feet; thence South

1 00°12'18" West, a distance of 2,152.51 feet;
2 thence North 89°58'44" East, a distance of
3 340.51 feet; thence South 01°20'00" East, a
4 distance of 210 feet; thence North 89°58'44"
5 East, a distance of 210 feet; thence North
6 01°20'00" West, a distance of 210 feet; thence
7 North 89°58'44" East, a distance of 770 feet to
8 the East line of said Section 11; thence South
9 00°12'18" West along said East line of Section
10 11, a distance of 495 feet to the Southwest
11 corner of Fractional Section 12; thence North
12 36°12'54" East along the Northwesterly line of
13 Government Lot 12 of said Fractional Section
14 12, a distance of 1,405.21 feet; thence North
15 70°08'05" East along the Government Meander
16 Line of Government Lots 12 and 13, of said
17 Fractional Section 12, a distance of 793.48
18 feet; thence North 36°18'51" East, a distance
19 of 992.76 feet; thence North 52°43'14" East, a
20 distance of 641.15 feet, more or less, to the
21 Northeast corner of said Government Lot 13;
22 thence South 00°24'59" West, a distance of
23 1,947.37 feet, more or less, to the shoreline
24 of Lake Istokpoga; thence Southwesterly along
25 the shoreline of Lake Istokpoga through
26 Fractional Sections 12, 13, 14, 23 and part of
27 Fractional Section 22 to the intersection of
28 the shoreline and the Southerly extension of
29 the West line of Spring Lake Section One a
30 Subdivision recorded in Plat Book 9, Page 23,
31 Public Records of Highlands County, Florida;

1 thence North along said Southerly extension a
2 distance of 1434.17 feet more or less to the
3 Southwest corner of said Spring Lake Section
4 One Subdivision; thence East along the South
5 line of said Subdivision, a distance of 731.91
6 feet; thence North 62°08'00" East, a distance
7 of 2463.74 feet to the Southeast corner of said
8 Subdivision; thence North 27°52'00" West, along
9 the East line of said Subdivision and its
10 Northerly extension to the center line of U.S.
11 Highway No. 98 as now laid out and in use and
12 recorded in Plat Book 4, Page 14 of said Public
13 Records; thence South 62°08'00" West along said
14 center line, a distance of 3,105.57 feet to the
15 beginning of a curve concave to the right
16 having a radius of 1,432.39 feet and a central
17 angle of 28°58'45"; thence Westerly along the
18 arc of said curve and said center line, a
19 distance of 724.48 feet; thence North 88°53'15"
20 West along the tangent to said curve and along
21 said center line, a distance of 824.99 feet to
22 the East line of said Section 16; thence North
23 00°26'13" East along said East line, a distance
24 of 50.02 feet to the North right of way line of
25 said U.S. Highway No. 98; thence North
26 88°53'15" West along said right of way line, a
27 distance of 131.25 feet; thence North 01°06'45"
28 East along said right of way line, a distance
29 of 30 feet to the North right of way line;
30 thence North 88°53'15" West along said North
31 right of way line, a distance of 4,596.83 feet;

1 thence South 01°06'45" West, a distance of 30
2 feet; thence North 88°53'15" West along said
3 North right of way line, a distance of 553.20
4 feet to the East line of Section 17; thence
5 North 88°52'15" West along said North right of
6 way line, a distance of 2,047.78 feet; thence
7 North 88°43'15" West along said North right of
8 way line, a distance of 3,222.59 feet to the
9 East line of Section 18; thence continue North
10 88°43'15" West along said North right of way
11 line, a distance of 3,315.44 feet; thence North
12 04°26'45" West, a distance of 364.50 feet;
13 thence South 85°33'15" West, a distance of
14 223.77 feet to the East right of way line of
15 the Access Road to Hendricks Field as now laid
16 out and in use; thence Northerly along the arc
17 of a curve concave to the left, having a radius
18 of 1,008.20 feet and a central angle of
19 41°13'42", a distance of 725.46 feet; thence
20 North 01°52'15" West along the tangent to said
21 curve and said East right of way line, a
22 distance of 1,741.82 feet to the beginning of a
23 curve concave to the right having a radius of
24 2,814.79 feet and a central angle of 03°39'30";
25 thence Northerly along the arc of said curve
26 and said East right of way line, a distance of
27 179.72 feet to the North line of Section 18;
28 thence North 89°02'39" East along said North
29 line of said Section 18, a distance of 3,390.48
30 feet to the Northeast corner of Section 18;
31 thence North 88°18'45" East along the North

1 line of Section 17, a distance of 5,285.76 feet
2 to the Northeast corner of said Section 17;
3 thence South 89°46'15" East along the North
4 line of Section 16, a distance of 2,648.72 feet
5 to the West line of the East Half (E 1/2) of
6 said Section 9, thence North 03°29'15" East
7 along said West line, a distance of 5,126.74
8 feet to the Northwest corner of the East Half
9 (E 1/2) of Section 9 and the Point of
10 Beginning.
11 Less the existing right of way of U.S. Highway
12 No. 98.
13 Also less a tract of land in Government Lot 5,
14 Section 11, Township 35 South, Range 30 East,
15 recorded in Deed Book 129, Page 553, Public
16 Records of Highlands County, Florida, lying
17 South and West of Arbuckle Creek, containing
18 one acre.
19 Also less a tract of land recorded in Deed Book
20 128, Page 304, Public Records of Highlands
21 County, Florida, containing one acre.
22 Containing 3,359 acres, more or less.
23
24 Section 4. Applicability of certain provisions of
25 chapter 298, Florida Statutes, to the Spring Lake Improvement
26 District; inconsistent laws inapplicable.--The provisions of
27 chapter 298, Florida Statutes, and all amendments thereto, now
28 existing or hereafter enacted, are declared to be applicable
29 to the Spring Lake Improvement District insofar as not
30 inconsistent with the provisions of this act or any subsequent
31 special acts relating to the Spring Lake Improvement District.

1 Notwithstanding the foregoing, the provisions of sections
2 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.19,
3 298.20, 298.23, 298.24, 298.25, 298.365, 298.366, 298.401,
4 298.41, 298.465, 298.48, 298.52, 298.54, 298.56, 298.57,
5 298.61, 298.70, 298.71, 298.72, 298.73, and 298.74, Florida
6 Statutes, and amendments thereto, shall not be applicable to
7 the Spring Lake Improvement District.

8 Section 5. Definitions.--Unless the context shall
9 indicate otherwise, the following words as used in this act
10 shall have the following meanings:

11 (1) "Assessable improvements" includes, without
12 limitation, any and all drainage and land reclamation works
13 and facilities, sewer systems, storm sewers and drains, water
14 systems, streets, roads, or other projects of the district, or
15 that portion or portions thereof, local in nature and of
16 special benefit to the premises or lands served thereby, and
17 any and all modifications, improvements, and enlargements
18 thereof.

19 (2) "Bond" includes certificate, and provisions
20 applicable to bonds shall be equally applicable to
21 certificates. "Bond" includes general obligations bonds,
22 assessment bonds, refunding bonds, revenue bonds, and such
23 other obligations in the nature of bonds as are provided for
24 in this act, as the case may be.

25 (3) "Board" means the Board of Supervisors of the
26 Spring Lake Improvement District, or if such board shall be
27 abolished, the board, body, or commission succeeding to the
28 principal functions thereof or to whom the powers given by
29 this act to the board shall be given by law.

30 (4) "Cost," when used with reference to any project,
31 includes, but is not limited to, the expenses of determining

1 the feasibility or practicability of acquisition,
2 construction, or reconstruction; the cost of surveys,
3 estimates, plans, and specifications; the cost of acquisition,
4 construction, or reconstruction; the cost of improvements,
5 engineering, and fiscal and legal expenses and charges; the
6 cost of all labor, materials, machinery, and equipment; the
7 cost of all lands, properties, rights, easements, and
8 franchises acquired; federal, state, and local taxes and
9 assessments; financing charges; the creation of initial
10 reserve and debt service funds; working capital; interest
11 charges incurred or estimated to be incurred on money borrowed
12 prior to and during construction and acquisition and for such
13 period of time after completion of construction or acquisition
14 as the board may determine; the cost of issuance of bonds
15 pursuant to this act, including advertisements and printing;
16 the cost of any election held pursuant to this act and all
17 other expenses of issuance of bonds; discount, if any, on the
18 sale or exchange of bonds; administrative expenses; such other
19 expenses as may be necessary or incidental to the acquisition,
20 construction, or reconstruction of any project or to the
21 financing thereof, or the development of any lands within the
22 district; and reimbursement of any public or private body,
23 person, firm, or corporation for any moneys advanced in
24 connection with any of the foregoing items of cost. Any
25 obligation or expense incurred prior to the issuance of bonds
26 in connection with the acquisition, construction, or
27 reconstruction of any project or improvements thereon, or in
28 connection with any other development of land that the board
29 of the district shall determine to be necessary or desirable
30 in carrying out the purposes of this act, may be treated as a
31 party of such cost.

1 (5) "District" means the Spring Lake Improvement
2 District and "district manager" means the manager of the
3 district.

4 (6) "Landowner" means the owner of the freehold
5 estate, as appears by the deed record, including trustees,
6 private corporations, and owners of cooperative and
7 condominium units; it does not include reversioners,
8 remaindermen, or mortgagees, who shall not be counted and need
9 not be notified of proceedings under this act.

10 (7) "Project" means any development, improvement,
11 property, utility, facility, works, road, enterprise, service,
12 or convenience, now existing or hereafter undertaken or
13 established, under the provisions of this act or under chapter
14 298, Florida Statutes.

15 (8) "Sewer system" means any plant, system, facility,
16 or property and additions, extensions, and improvements
17 thereto at any future time constructed or acquired as part
18 thereof useful or necessary or having the present capacity for
19 future use in connection with the collection, treatment,
20 purification, or disposal of sewage, including, without
21 limitation, industrial wastes resulting from any process of
22 industry, manufacture, trade, or business or from the
23 development of any natural resources; and, without limiting
24 the generality of the foregoing, shall include treatment
25 plants, pumping stations, lift stations, valves, force mains,
26 intercepting sewers, laterals, pressure lines, mains, and all
27 necessary appurtenances and equipment, all sewer mains,
28 laterals and other devices for the reception and collection of
29 sewage from premises connected therewith, and all real and
30 personal property and any interest therein, rights, easements,
31

1 and franchises of any nature whatsoever relating to any such
2 system and necessary or convenient for operation thereof.

3 (9) "Water and flood control facilities" means any
4 canals, ditches, or other drainage facilities, reservoirs,
5 dams, levees, sluiceways, dredging holding basins, floodways,
6 pumping stations, or any other works, structures, or
7 facilities for the conservation, control, development,
8 utilization, and disposal of water, and any purposes
9 appurtenant, necessary, or incidental thereto, and includes
10 all real and personal property and any interest therein,
11 rights, easements, and franchises of any nature relating to
12 any such water and flood control facilities or necessary or
13 convenient for the acquisition, construction, reconstruction,
14 operation, or maintenance thereof.

15 (10) "Water system" means any plant, system, facility,
16 or property and additions, extensions, and improvements
17 thereto at any future time constructed or acquired as part
18 thereof, useful or necessary or having the present capacity
19 for future use in connection with the development of sources,
20 treatment, or purification and distribution of water and,
21 without limiting the generality of the foregoing, includes
22 dams, reservoirs, storage tanks, mains, lines, valves, pumping
23 stations, laterals, and pipes for the purpose of carrying
24 water to the premises connected with such system, and all
25 rights, easements, and franchises of any nature whatsoever
26 relating to any such system and necessary or convenient for
27 the operation thereof.

28 Section 6. Board; election; organization, terms of
29 office, quorum; report and minutes.--

30 (1) The board of the district shall exercise the
31 powers granted to the district under this act and under

1 chapter 298, Florida Statutes. The board shall consist of five
2 members and each member shall hold office for a term of 3 or 4
3 years and until his or her successor shall be chosen and shall
4 qualify. All members of the board shall be landowners within
5 the district.

6 (2) In the month of November of each year commencing
7 November of 1992, there shall be held a meeting of the
8 landowners of the district at a location within the district
9 in Highlands County for the purpose of electing one supervisor
10 for a term of 3 years. The president of the board at the time
11 of the November 1992 election shall have his or her term
12 extended until the November 1994 election. The secretary of
13 the board at the time of the November 1992 election shall have
14 his or her term extended until the November 1993 election. The
15 remaining position of supervisor shall stand for election at
16 the November 1992 meeting of landowners. Notice of said
17 landowners meeting shall be published once a week for 2
18 consecutive weeks in a newspaper in Highlands County which is
19 in general circulation within the district, the last said
20 publication to be not less than 14 days nor more than 28 days
21 before the date of the election. The landowners when assembled
22 at such meeting shall organize by electing a chair who shall
23 conduct the meeting. At such meeting each landowner shall be
24 entitled to cast one vote per acre of land owned by him or her
25 and located within the district, for each person to be
26 elected. A landowner may vote in person or by proxy in
27 writing. Fractions of an acre shall be treated as 1 acre,
28 entitling the landowner to one vote with respect thereto. The
29 person receiving the highest number of votes for the office of
30 supervisor shall be declared elected as such supervisor. The
31 owners and proxy holders of district acreage who are present

1 at a duly noticed landowners meeting shall constitute a quorum
2 for the purpose of holding such election or any election
3 thereafter. The provisions of this section do not exempt the
4 district from the election provisions of section 189.4051,
5 Florida Statutes.

6 (3) Each supervisor before entering upon his or her
7 official duties shall take and subscribe to an oath of office
8 as prescribed in section 298.13, Florida Statutes.

9 (4) All supervisors shall hold office for the terms
10 for which they are elected or appointed and until their
11 successors shall be chosen and qualify. In case of a vacancy
12 in the office of any supervisor the remaining supervisor or
13 supervisors (even though less than a quorum) may fill such
14 vacancy by appointment of a new supervisor or supervisors for
15 the unexpired term of the supervisor who vacated his or her
16 office.

17 (5) As soon as practicable after each election, the
18 board shall organize by choosing one of their number as
19 president of the board and by electing a secretary, who need
20 not be a member of the board.

21 (6) A majority of the members of the board shall
22 constitute a quorum.

23 (7) The board shall keep a permanent record book
24 entitled "Record of Proceedings of Spring Lake Improvement
25 District," in which the minutes of all meetings, resolutions,
26 proceedings, certificates, bonds given by all employees, and
27 any and all corporate acts, shall be recorded. Such record
28 book shall at reasonable times be open to the inspection of
29 any landowner, taxpayer, resident, or bondholder of the
30 district, and such other persons as the board may determine to
31 have a proper interest in the proceedings of the board. Such

1 record book shall be kept at any office or other regular place
2 of business maintained by the board in Highlands County.

3 (8) Whenever any election shall be authorized or
4 required by this act to be held by the landowners at any
5 particular or stated time or day, and if for any reason such
6 election is not held at such time or on such day, then in such
7 event the power or duty to hold such election shall not cease
8 or lapse, but such election shall be held thereafter when
9 practicable, and in accordance with the procedures provided by
10 this act.

11 Section 7. Appointment and duties of district
12 manager.--For the purpose of preserving and maintaining any
13 facility constructed or erected under the provisions of this
14 act or under the provisions of chapter 298, Florida Statutes,
15 and for maintaining and operating the equipment owned by the
16 district and such other duties as may be prescribed by the
17 board, the board may employ and fix the compensation of a
18 district manager who shall have charge and supervision of the
19 works of the district.

20 Section 8. Treasurer; depositories; fiscal agent.--

21 (1) The board shall designate a person who is a
22 resident of Florida, or a bank or trust company organized
23 under the laws of Florida or under the National Banking Act,
24 as treasurer of the district, who shall have charge of the
25 funds of the district. Such funds shall be disbursed only upon
26 the order of or pursuant to the resolution of the board by
27 warrant or check signed by the treasurer, or by such other
28 person as may be authorized by the board. The board may give
29 the treasurer such other or additional powers and duties as
30 the board may deem appropriate and fix his or her
31 compensation. The board may require the treasurer to give a

1 bond in such amount, on such terms, and with such sureties as
2 may be deemed satisfactory to the board to secure the
3 performance by the treasurer of his or her powers and duties.
4 The board shall audit or have audited the books of the
5 treasurer at least once a year.

6 (2) The board is authorized to select as depositories
7 in which the bonds of the board and of the district shall be
8 deposited any banking corporation organized under the laws of
9 the state or under the National Banking Act, doing business in
10 the state, upon such terms and conditions as to the payment of
11 interest by such depository upon the funds so deposited as the
12 board may deems just and reasonable.

13 (3) The board may employ a fiscal agent to perform
14 such duties and services at such rate of compensation as the
15 board may determine.

16 Section 9. Compensation of board.--Each supervisor
17 shall be entitled to receive for his or her services an amount
18 not to exceed \$100 per month. In addition, each supervisor
19 shall receive reasonable traveling expenses for attending the
20 place of meeting from his or her residence. Unless the board
21 by resolution otherwise provides, such traveling expenses
22 shall not be in excess of the amounts provided by law for
23 state and county officials.

24 Section 10. Powers of the district.--The district
25 shall have, and the board may exercise, any or all of the
26 following powers:

27 (1) To contract and be contracted with; to sue and be
28 sued in the name of the district; to adopt and use a seal; to
29 acquire by purchase, gift, devise, eminent domain, (except as
30 limited herein), or otherwise, property, real or personal, or
31

1 any estate therein, within the district, to be used for any of
2 the purposes of this act.

3 (2) To adopt a water control plan; and to establish,
4 construct, operate, and maintain a system of main and lateral
5 canals, drains, ditches, levees, dikes, dams, sluices, locks,
6 revetments, reservoirs, holding basins, floodways, pumping
7 stations, syphons, culverts, and storm sewers to drain and
8 reclaim the lands within the district and to connect some or
9 any of them with roads and bridges as in the judgment of the
10 board is deemed advisable to provide access to such
11 facilities.

12 (3) To acquire and maintain appropriate sites for
13 storage and maintenance of the equipment of the district and
14 to acquire, maintain, and construct a suitable building to
15 house the office and records of the district.

16 (4) To clean out, straighten, widen, open up, or
17 change the courses and flow, alter, or deepen any canal,
18 ditch, drain, river, water course, or natural stream as within
19 the judgment of the board is deemed advisable to drain and
20 reclaim lands within the district; to acquire, purchase,
21 operate, and maintain pumps, plants, and pumping systems for
22 drainage purposes; and to construct, operate, and maintain
23 irrigation works and machinery in connection with the purposes
24 herein set forth.

25 (5) To regulate and set forth by appropriate
26 resolution the drainage requirements and conditions to be met
27 for plats to be entitled to record on any land within the
28 district, including authority to require as a condition
29 precedent for any platting that good and sufficient bond be
30 posted to ensure proper drainage for the area to be platted.

31

1 (6) To borrow money and issue bonds, certificates,
2 warrants, notes, or other evidences of indebtedness of the
3 district as hereinafter provided.

4 (7) To build and construct any other works and
5 improvements deemed necessary to preserve and maintain the
6 works in or out of the district; to acquire, construct,
7 operate, maintain, use, sell convey, transfer, or otherwise
8 provide for machines and equipment for any purpose authorized
9 by this act or chapter 298, Florida Statutes; and to contract
10 for the purchase, construction, operation, maintenance, use,
11 sale, conveyance, and transfer of said machinery and
12 equipment.

13 (8) To construct or enlarge, or cause to be
14 constructed or enlarged, any and all bridges or culverts that
15 may be needed in or out of the district, across any drain,
16 ditch, canal, floodway, holding basin, excavation, public
17 highway, tract, grade, fill, or cut; to construct roadways
18 over levees and embankments; to construct any and all of said
19 works and improvements across, through, or over any public
20 right-of-way, highway, grade, fill, or cut in or out of the
21 district.

22 (9) To hold, control, and acquire by donation,
23 purchase, or condemnation, any easement, reservation, or
24 dedication in the district, for any of the purposes herein
25 provided. To condemn as provided by chapters 73 and 74,
26 Florida Statutes, or acquire, by purchase or grant for use in
27 the district, any land or property within the district
28 necessary for the purposes of this act.

29 (10) To access and impose upon all of the lands in the
30 district an ad valorem tax, an annual drainage tax, and a
31 maintenance tax as hereinafter provided.

1 (11) To impose and foreclose special assessment liens
2 as hereinafter provided.

3 (12) To prohibit, regulate, and restrict by
4 appropriate resolution all structures, materials, and things,
5 whether solid, liquid, or gas, whether permanent or temporary
6 in nature, which come upon, come into, connect to, or be a
7 part of any facility owned or operated by the district.

8 (13) To administer and provide for the enforcement of
9 all of the provisions herein, including the making, adopting,
10 promulgating, amending, and repealing of all rules and
11 regulations necessary or convenient for the carrying out of
12 the duties, obligations, and powers conferred on the district
13 created hereby.

14 (14) To cooperate with or contract with other drainage
15 districts or other governmental agencies as may be necessary,
16 convenient, incidental, or proper in connection with any of
17 the powers, duties, or purposes of the district as stated in
18 this act.

19 (15) To employ engineers, attorneys, agents,
20 employees, and representatives as the board of supervisors may
21 from time to time determine necessary and to fix their
22 compensation and duties.

23 (16) To exercise all of the powers necessary,
24 convenient, incidental, or proper in connection with any of
25 the powers, duties, or purposes of said district as stated in
26 this act.

27 (17) To construct, improve, and maintain roadways and
28 roads necessary and convenient to provide access to and
29 efficient development of areas made suitable and available for
30 cultivation, settlement, urban subdivision, homesites, and
31

1 other beneficial developments as a result of the drainage
2 operations of the district.

3 (18) To make use of any public easements, dedications
4 to public use, platted reservations for public purposes, or
5 any reservations for drainage purposes within the boundaries
6 of the district.

7 (19) To lease as lessor or lessee to or from any
8 person, firm, corporation, association, or body, public or
9 private, any projects of the type that the district is
10 authorized to undertake and facilities or property of any
11 nature for the use of the district to carry out any of the
12 purposes of this act.

13 (20) To regulate the supply and level of water within
14 the district; to divert waters from one area, lake, pond,
15 river, stream, basin, or drainage or water flood control
16 facility to any other area, lake, pond, river, stream, basin,
17 or drainage and water flood control facility; to regulate
18 control and restrict the development and use of natural or
19 artificial streams or bodies of water, lakes, or ponds; and to
20 take all measures determined by the board to be necessary or
21 desirable to prevent or alleviate land erosion. The powers
22 granted to the district by this subsection shall be concurrent
23 within the boundaries of the district with other public
24 bodies, agencies, or authorities as may be authorized by law.
25 The district is eligible to receive moneys, disbursements, and
26 assistance from the state available to flood control or water
27 management districts and the navigation districts or agencies.

28 (21) To own, acquire, construct, reconstruct, equip,
29 operate, maintain, extend, and improve water systems and sewer
30 systems or combined water and sewer systems; to regulate the
31 use of sewers and the supply of water within the district and

1 to prohibit or regulate the use and maintenance of outhouses,
2 privies, septic tanks, or other sanitary structures or
3 appliances within the district; to prescribe methods of
4 pretreatment of wastes not amenable to treatment with domestic
5 sewage before accepting such wastes for treatment and to
6 refuse to accept such wastes when not sufficiently pretreated
7 as may be prescribed, and to prescribe penalties for the
8 refusal of any person or corporation to so pretreat such
9 wastes; to sell or otherwise dispose of the effluent, sludge,
10 or other byproducts as a result of sewage treatment; and to
11 construct and operate connecting, intercepting, or outlet
12 sewers and sewer mains and pipes and water mains, conduits, or
13 pipelines in, along, or under any street, alleys, highways, or
14 other public places or ways within or without the district,
15 when deemed necessary or desirable by the board. The plans for
16 any water or sewer system shall be subject to the approval of
17 the State Board of Health.

18 (22) To own, acquire, construct, operate, and maintain
19 parks and facilities for indoor and outdoor recreation,
20 cultural, and educational uses including buildings and
21 equipment for such uses, playgrounds, picnic grounds, camping
22 facilities, and water recreation facilities within or without
23 the district.

24 (23) To issue general obligation bonds, revenue bonds,
25 assessment bonds, or any other bonds or obligations authorized
26 by the provisions of this act or any other law, or any
27 combination of the foregoing, to pay all or part of the cost
28 of the acquisition, construction, reconstruction, extension,
29 repair, improvement, maintenance, or operation of any project
30 or combination of projects, to provide for any facility,
31 service, or other activity of the district and to provide for

1 the retirement or refunding of any bonds or obligations of the
2 district, or for any combination of the foregoing purposes.

3 (24) To build, install, maintain, and operate
4 streetlights.

5 (25) To require that all new and existing public and
6 private utilities and services used for local distribution
7 purposes, excluding primary feeders, be constructed
8 underground; to construct, alter, and maintain said
9 underground utilities; and, to the extent allowed by law, to
10 regulate and restrict by appropriate resolution the location,
11 type, construction, and maintenance by others of said
12 underground utilities.

13 (26) To require every landowner within the district to
14 maintain his or her respective property in a neat and
15 attractive condition, free of high grass, weeds, underbrush,
16 and refuse; to regulate and restrict by appropriate resolution
17 the maintenance thereof; to mow and maintain said property on
18 the landowner's failure to do so; and to impose, assess,
19 collect, and place a lien upon such property for the cost and
20 expense of mowing and maintenance by the district.

21 (27) To exercise any and all other powers conferred
22 upon drainage districts by chapter 298, Florida Statutes.

23 Section 11. Seal.--The official seal of the district
24 shall bear the legend Spring Lake Improvement District,
25 Highlands County, Florida, Seal, Established 1971.

26 Section 12. Fiscal year.--The board by resolution
27 shall establish the fiscal year for the district.

28 Section 13. Annual budget.--Prior to May 15th of each
29 year after the effective date of this act, the secretary of
30 the district shall prepare a proposed budget to be submitted
31 to the board for their approval. The proposed budget shall

1 include an estimate of all necessary expenditures of the
2 district for the next ensuing fiscal year and as estimate of
3 income to the district from the taxes and assessments provided
4 in this act. The board shall consider the proposed budget item
5 by item and may either approve the budget as proposed by the
6 district manager or modify the same in part or in whole. The
7 board shall indicate their approval of the budget by
8 resolution, which resolution shall provide for a hearing on
9 the budget as approved. Notice of the hearing on the budget
10 shall be published in a newspaper in general circulation
11 within the district in Highlands County once a week for 2
12 consecutive weeks; providing that the second publication shall
13 not be less than 7 days after the first publication. The
14 notice shall be directed to all landowners in the district and
15 shall state the purpose of the meeting. The notice shall
16 further contain a designation of the date, time, and place of
17 the public hearing, which shall be not less than 7 days after
18 the second publication. At the time and place designated in
19 the notice, the board shall hear all objections to the budget
20 as proposed, and make such changes as the board deems
21 necessary. At the conclusion of the budget hearing the board
22 shall, by resolution, adopt the budget as finally approved by
23 the board.

24 Section 14. Notice and call of meetings; landowners;
25 quorum; adjournments; representation at meetings; taking
26 action without meeting.--

27 (1) The board shall publish notice of all meetings of
28 landowners once a week for 2 consecutive weeks prior to such
29 meeting in a newspaper in Highlands County in general
30 circulation within the district. Meetings of landowners shall
31 be held in a public place, or any other place made available

1 for the purpose of such meeting in the Highlands County
2 Courthouse and the place, date, and hour of holding such
3 meeting and the purpose thereof shall be stated in the notice.
4 Landowners present in person or by proxy, shall constitute a
5 quorum at any meeting of the landowners; provided that,
6 irrespective of the number of acres represented, there shall
7 be a minimum of five landowners owning separate parcels of
8 land at each meeting.

9 (2) The board may call special meetings of the
10 landowners at any time to receive reports of the board or for
11 each other purpose as the board may determine. A special
12 meeting of the landowners may also be called at any time upon
13 notice as provided hereinabove at the written request of the
14 owners of not less than 25 percent in acreage of the land
15 within the district for the purpose of taking any lawful
16 action by the landowners of the district. Such special meeting
17 shall be called by any court of competent jurisdiction in the
18 event that the board fails to do so upon request as provided
19 in the preceding sentence. Except as otherwise provided in
20 section 6 of this act with respect to the election of
21 supervisors, action taken at a meeting of the landowners shall
22 be by affirmative vote of the owners of at least a majority in
23 acreage of the land within the district represented at such
24 meeting.

25 (3) At any meeting of the landowners, guardians may
26 represent their wards; executors and administrators may
27 represent the estate of deceased persons; trustees may
28 represent lands held by them in trust; and private
29 corporations may be represented by their duly authorized
30 proxy. All landowners, including guardians, executors,
31

1 administrators, trustees and corporations, may be represented
2 and vote by proxy.

3 Section 15. Water control plan; proceedings
4 thereof.--The board may proceed to adopt a water control plan
5 as provided in chapter 298, Florida Statutes, or as provided
6 in this section, in which case the following shall apply:

7 (1) The board shall cause to be made by the chief
8 engineer or such other engineer or engineers as the board may
9 employ for that purpose, a complete and comprehensive plan for
10 the drainage and reclamation of the lands located within the
11 district. The engineer or engineers designated by the board to
12 make said plan shall make all necessary surveys of the lands
13 within the boundary lines of said district and of all lands
14 adjacent thereto that will be improved or reclaimed in part or
15 in whole by any system of drainage that may be outlined and
16 adopted, and shall make a report in writing to the board with
17 maps and profiles of said surveys, which report shall contain
18 a full and complete plan for drainage and reclaiming the lands
19 located within the district from overflow or damage by water,
20 with the length, width, and depth of such canals, ditches,
21 dikes, or levees or other works as may be necessary in
22 conjunction with any canals, drains, ditches, dikes, levees,
23 or other works heretofore constructed by any other drainage or
24 reclamation district, or any other person or persons, or which
25 may hereafter be built by any or either of such agencies that
26 may be necessary or which can be advantageously used in such
27 plan and also an estimate of the cost of carrying out and
28 completing the plan of reclamation, including the cost of
29 superintending the same and all incidental expenses in
30 connection therewith.

31

1 (2) Upon the completion of such plan, the board shall
2 hold a hearing thereon to hear objections thereto and shall
3 give notice of the time and place fixed for such hearing by
4 publication once each week for 2 consecutive weeks in a
5 newspaper published in Highlands County of general circulation
6 in the district, and shall permit the inspection of said plan
7 at the office of the district by all persons interested. All
8 objections to said plan shall be filed at or before the time
9 fixed in said notice for the hearing and shall be in writing.

10 (3) After said hearing the board shall consider the
11 proposed plan and any objections thereto, and may modify,
12 reject, or adopt the plan, or may continue the hearing to a
13 day certain for further consideration of the proposed plan or
14 modifications thereof.

15 (4) When the board shall approve a plan, a resolution
16 shall be adopted and a certified copy thereof shall be filed
17 in the office of the secretary and incorporated into the
18 records of the district.

19 (5) The water control plan may be altered in detail
20 from time to time until the appraisal record herein provided
21 is filed, but not in such manner as materially to affect the
22 conditions of its adoption. After the appraisal record has
23 been filed, no alterations of the plan shall be made except as
24 provided by this act.

25 (6) Within 20 days after the final adoption of the
26 plan by the board, the secretary of the district shall prepare
27 and transmit a certified copy thereof to the clerk of the
28 circuit court and at the same time the board shall file with
29 said clerk a petition that the said court appoint three
30 commissioners to appraise the lands to be acquired for
31 right-of-way, holding basins, and other drainage works of the

1 district and to assess benefits and damages accruing to all
2 lands within the district by reason of the execution of the
3 plan. Immediately after the filing of such petition the judge
4 of said court in whose division the petition shall have been
5 assigned shall by an order appoint three commissioners, who
6 shall be freeholders residing within the state, and who shall
7 not be landowners in said district, nor of kin within the
8 fourth degree of consanguinity to any person owning land in
9 said district. A majority of said commissioners shall
10 constitute a quorum and shall control the action of the
11 commissioners on all questions.

12 (7) Immediately upon the filing of said order of
13 appointment, the secretary of the district shall notify each
14 of said commissioners of his or her appointment, and in the
15 said notice he or she shall state the time and place for the
16 first meeting of said commissioners. The secretary of the
17 district, or his or her deputy, shall attend such meeting and
18 shall furnish to said commissioners a complete list of lands
19 embraced in the district, or adjacent thereto, that will be
20 affected by the execution of the plan. The secretary shall
21 also furnish to the commissioners a copy of the plan and such
22 other papers, documents and information as the commissioners
23 require. The commissioners at the meeting shall each take and
24 subscribe to an oath that he or she will faithfully and
25 impartially discharge his or her duties as such commissioner
26 and make a true report of the work performed by such
27 commissioners, and shall elect one of their number as chair.
28 The secretary of the district, or his or her deputy, shall be
29 ex officio secretary to the commissioners, and the attorney
30 for the district, and other agents and employees thereof,
31 shall cooperate with the commissioners and furnish to them

1 such advice, assistance, and cooperation as they shall
2 require.
3 (8) Immediately after qualifying as provided in the
4 previous paragraph, the commissioners shall commence the
5 performance of their duties. The chief engineer, or one of his
6 or her assistants, shall accompany said commissioners when
7 engaged in the discharge of their duties and shall render his
8 or her opinion in writing when called for. Said commissioners
9 shall proceed to view the premises and determine the value of
10 the lands within or without the district to be acquired and
11 used for rights-of-way, holding basins, and other works
12 described in the plan and they shall appraise all benefits and
13 damages which will accrue to all lands by reason of the
14 execution of the plan. The commissioners in appraising
15 benefits to lands, public highways, railroads, and other
16 rights-of-way shall not consider what benefits will be derived
17 by such property after other ditches, improvements, or other
18 plans shall have been constructed, but they shall appraise
19 only such benefits as will be derived from the construction of
20 the works and improvements described in the plan or as the
21 same may afford an outlet for drainage or protection from
22 overflow of such property. The commissioners shall give due
23 consideration and credit to any other drainage works which
24 have already been constructed and which afford partial or
25 complete protection to any tract or parcel of land within the
26 district. The public highways, railroads, and other
27 rights-of-way shall be appraised according to the increased
28 physical efficiency and decreased maintenance cost of roadways
29 by reason of the improvements. The commissioners shall have no
30 power to change the plan. The commissioners shall prepare a
31 report of their findings, which shall be arranged in tabular

1 form, the columns of which shall be headed as follows: column
2 1 "Owner of Property Appraised"; column 2 "Description of
3 Property Appraised"; column 3 "Number of Acres Appraised";
4 column 4 "Amount of Benefits Appraised"; column 5 "Amount of
5 Damages Appraised"; column 6 "Number of Acres to be Taken for
6 Rights-of-way, Holding Basins, etc."; and column 7 "Value of
7 Property to be Taken." They shall also, by and with the advice
8 of the chief engineer, estimate the cost of the works
9 described in the plan of reclamation, which estimate shall
10 include the cost of property required for rights-of-way,
11 holding basins, and other works, the probable expense of
12 organization and administration as estimated by the board of
13 supervisors, and all of the expenses of the district during
14 the period of executing the plan. Before appraisals of
15 compensation and damages are made, the board may report to the
16 commissioners the parcels of land it may wish to purchase and
17 for which it may wish appraisals to be made, both for easement
18 and for purchase in fee simple, and the board may specify the
19 particular purpose for which, and the extent to which, an
20 easement in any property is desired, describing definitely
21 such purpose and extent. Wherever so instructed by the board,
22 the commissioners shall appraise lands which it may be
23 necessary or desirable for the district to own and when so
24 requested by the board they shall also appraise both the total
25 value of the land and also the damages due to any easement
26 required for the purposes of the district.

27 (9) The report of the commissioners shall be signed by
28 at least a majority of the commissioners and filed in the
29 office of the clerk of the circuit court of Highlands County.
30 Each commissioner shall be paid \$100 per day for his or her
31 services and necessary expenses in addition thereto.

1 (10) Upon the filing of the report of the
2 commissioners, the clerk shall give notice thereof by causing
3 publication to be made once a week for 2 consecutive weeks in
4 a newspaper published in Highlands County and of general
5 circulation in the district. It shall not be necessary for the
6 clerk to name the parties interested, nor to describe separate
7 lots or tracts of land giving said notice, but it shall be
8 sufficient to publish the said notice in the following form:

9 NOTICE OF FILING COMMISSIONERS' REPORT FOR SPRING LAKE
10 IMPROVEMENT DISTRICT.

11 Notice is hereby given that the Commissioners
12 heretofore appointed to appraise benefits and
13 damages to property and lands located within
14 Spring Lake Improvement District in the State
15 of Florida and to appraise the cash value of
16 the land necessary to be taken for
17 rights-of-way, holding basins, and other works
18 of said district did file their report in the
19 office of the undersigned Clerk of the Circuit
20 Court, upon the _____ day of _____,
21 _____, and you, and each of you, are hereby
22 notified that you may examine said report and
23 file exceptions to same on or before the _____
24 day of _____, ____ (which date
25 shall be not less than twenty-eight (28) days
26 nor more than thirty (30) days from the first
27 date of publication).

28 _____
29 Clerk of the Circuit Court of
30 Highlands County, Florida"_____
31

1 The drainage district or any owner of land or
2 other property to be affected by said report
3 may file exception to any part, or all, of the
4 report of said commissioners within the time
5 specified in the notice prescribed in the
6 preceding paragraph. All exceptions shall be
7 heard and determined by the court. If no
8 exceptions are filed, or if it is shown, upon
9 the hearing of all of said exceptions, that the
10 estimated cost of construction of improvements
11 contemplated in the plan is less than the
12 benefits assessed against the lands in said
13 district, the court shall approve and confirm
14 said commissioners report; but, if the court
15 upon hearing the objections filed, finds that
16 any or all such objections should be sustained,
17 it shall order the report changed to conform
18 with such findings, and when so changed the
19 court shall approve and conform such report and
20 enter its decree accordingly. The court shall
21 adjudge and apportion the costs incurred by the
22 exceptions filed, and shall condemn any land or
23 other property, that is shown by the report of
24 the commissioners to be needed for
25 rights-of-way, holding basins, or other works,
26 following the procedure provided in chapters 73
27 and 74, Florida Statutes; provided, however,
28 that any property owner may accept the
29 assessment of damages in his or her favor made
30 by the commissioners, or acquiesce in their
31 failure to assess damages in his or her favor,

1 and shall be construed to have done so, unless
2 he or she gives the supervisors of the
3 district, on or before the time shall have
4 expired for filing exceptions, as provided in
5 this act, notice in writing that he or she
6 demands an assessment of his or her damages by
7 a jury; in which event the supervisors of the
8 district shall institute in the circuit court
9 of Highlands County an action to condemn the
10 lands and other property that must be taken or
11 damaged in the making of such improvements,
12 with the right and privilege of paying into
13 court a sum to be fixed by the circuit court or
14 judge, and proceeding with the work, before the
15 assessment by the jury; provided, any person or
16 party interested may prosecute and appeal to
17 the appropriate district court of appeal in the
18 manner and within the time provided by the
19 Florida appellate rules.

20 (11) The Clerk of the Circuit Court of Highlands
21 County shall transmit a certified copy of the court decree and
22 copy of the commissioners' report, as confirmed or amended by
23 the court, to the secretary of the board, and such clerk shall
24 receive a fee of \$5 for receiving, filing, and preserving same
25 as a permanent record.

26 Section 16. Adoption, revision, and revocation of
27 water control plan.--In addition to and not in limitation of
28 its powers to provide for and adopt a water control plan
29 provided in section 15 herein and under section 298, Florida
30 Statutes, and amendments thereto, the board may at any time
31 and from time to time adopt, revoke, or modify in whole or in

1 part, any plan or any plan providing for the drainage of lands
2 within the district, and may provide for such new and
3 additional drainage facilities, canals, ditches, levees, and
4 other works as the board may determine. In connection with the
5 revision of any plan or the providing of any new or additional
6 drainage facilities, canals, ditches, levees, or other works,
7 or in the event the total taxes and assessments theretofore
8 levied or the funds derived from the sale of bonds are
9 insufficient to pay the cost of any drainage works, benefits
10 may be reassessed, additional assessments made, and taxes
11 levied in accordance with the procedures provided in this act
12 or in chapter 298, Florida Statutes. The board may at any time
13 approve and make effective technical changes or modifications
14 in any plan or drainage not affecting assessed benefits, levy
15 of taxes, or the security of bondholders.

16 Section 17. Assessing land for reclamation;
17 apportionment of tax; lands belonging to state assessed;
18 drainage tax record.--After the lists of lands, with the
19 assessed benefits and the decree and judgment of court, have
20 been filed in the office of the clerk of the circuit court as
21 provided in section 15, then the board shall, without any
22 unnecessary delay, levy a tax of such portion of said lands in
23 the district to which benefits have been assessed, as may be
24 found necessary by the board of supervisors to pay the costs
25 of the completion of the proposed works and improvements, as
26 shown in said plan and in carrying out the objects of said
27 district; and, in addition thereto, 10 percent of said total
28 amount for emergencies. The said tax shall be apportioned to,
29 and levied on, each tract of land in said district in
30 proportion to the benefits assessed, and not in excess
31 thereof; and in case bonds are issued, as provided in this

1 chapter, a tax shall be levied in a sum not less than an
2 amount 90 percent of which shall be equal to the principal of
3 said bonds. The amount of bonds to be issued for paying the
4 cost of the works as set forth in the plan shall be
5 ascertained and determined by the board, provided, however,
6 that the total amount of all bonds to be issued by the
7 district shall in no case exceed 90 percent of the benefits
8 assessed upon the lands of the district. The amount of the
9 interest (as estimated by said board), which will accrue on
10 such bonds, shall be included and added to the said tax, but
11 the interest to accrue on account of the issuing of said bonds
12 shall not be construed as a part of the costs of construction
13 in determining whether or not the expenses and costs of making
14 said improvements are equal to, or in excess of, the benefits
15 assessed. The secretary of the board of supervisors, as soon
16 as said total tax is levied, shall, at the expense of the
17 district, prepare a list of all taxes levied, in the form of a
18 well-bound book, which book shall be endorsed and named
19 "DRAINAGE TAX RECORD OF SPRING LAKE IMPROVEMENT DISTRICT,
20 HIGHLANDS COUNTY, FLORIDA," which endorsement shall be printed
21 or written at the top of each page in said book, and shall be
22 signed and certified by the president and secretary of the
23 board, attested by the seal of the district, and the same
24 shall thereafter become a permanent record in the office of
25 said secretary.

26 Section 18. Prepayment of taxes or assessments.--The
27 board may provide that any tax or assessment may be paid at
28 any time before due, together with the interest accrued
29 thereon to the date of prepayment and any prepayment premiums
30 or penalties, if such prior payment shall be permitted by the
31 proceedings authorizing any bonds or other obligations for the

1 payment of which special assessments have been pledged or
2 taxes levied.

3 Section 19. Tax liens.--All taxes of the district
4 provided for in this act or chapter 298, Florida Statutes,
5 together with all penalties for default in the payment of the
6 same and all costs in collecting the same including reasonable
7 attorney's fees fixed by the court and taxed as cost in the
8 action brought to enforce payment, shall from January 1 for
9 each year the property is liable to assessment and until paid
10 constitute a lien of equal dignity with the liens for state
11 and county taxes and other taxes of equal dignity with state
12 and county taxes upon all the lands against which such taxes
13 shall be levied. A sale of any of the real property within the
14 district for state and county or other taxes shall not operate
15 to relieve or release the property so sold from the lien for
16 subsequent district taxes or installments of district taxes
17 which lien may be enforced against such property as though no
18 such sale thereof had been made. The provisions of section
19 194.171, Florida Statutes, and amendments thereto shall be
20 applicable to district taxes with the same force and effect as
21 if said provisions were expressly set forth in this act.

22 Section 20. Issuance of bond anticipation notes.--In
23 addition to the other powers provided for in this act and not
24 in limitation thereof, the district shall have the power, at
25 any time and from time to time after the issuance of any bonds
26 of the district shall have been authorized, to borrow money
27 for the purposes for which such bonds are to be issued in
28 anticipation of the receipt of the proceeds of the sale of
29 such bonds and to issue bond anticipation notes in a principal
30 sum not in excess of the authorized maximum amount of such
31 bond issue. Such notes shall be in such denomination or

1 denominations, bear interest at such rate as the board may
2 determine not to exceed 10 percent per annum, mature at such
3 time or times not later than 5 years from the date of
4 issuance, and be in such form and executed in such manner as
5 the board shall prescribe. Such notes may be sold at either
6 public or private sale or, if such notes shall be renewal
7 notes, may be exchanged for notes then outstanding on such
8 terms as the board shall determine. Such notes shall be paid
9 from the proceeds of such bonds when issued. The board may in
10 its discretion, in lieu of retiring the notes by means of
11 bonds, retire them by means of current revenues or from any
12 taxes or assessments levied for the payment of such bonds, but
13 in such event a like amount of the bonds authorized shall not
14 be issued.

15 Section 21. Short-term borrowing.--The district at any
16 time may obtain loans, in such amount and on such terms and
17 conditions as the board may approve, for the purpose of paying
18 any of the expenses of the district or any costs incurred or
19 that may be incurred in connection with any of the projects of
20 the district, which loans shall have a term not exceeding 2
21 years from the date of issuance thereof, and may be renewable
22 for a like term or terms, shall bear such interest as the
23 board may determine, not to exceed 10 percent per annum, and
24 may be payable from and secured by a pledge of such funds,
25 revenues, taxes, and assessments as the board may determine.
26 For the purpose of defraying such costs and expenses, the
27 district may issue negotiable notes, warrants, or other
28 evidences of debt signed on behalf of the district by any one
29 of the board duly authorized by the board, such notes or other
30 evidences of indebtedness to be payable at such times, to bear
31 such interest as the board may determine not to exceed 10

1 percent per annum, and to be sold or discounted at such price
2 or prices and on such terms as the board may deem advisable.
3 The board shall have the right to provide for the payment
4 thereof by pledging the whole or any part of the funds,
5 revenues, taxes, and assessments of the district. The approval
6 of the qualified electors who are freeholders residing in the
7 district shall not be necessary except where required by the
8 Florida Constitution.

9 Section 22. Issuance of bonds.--In the discretion of
10 the board, any issue of bonds may be secured by a trust
11 agreement by and between the district and a corporate trustee
12 or trustees, which may be any trust company or bank having the
13 powers of a trust company within or without the state. The
14 resolution authorizing the issuance of the bonds or such trust
15 agreement may pledge the revenues to be received from any
16 projects of the district and may contain such provisions for
17 protecting and enforcing the rights and remedies of the
18 bondholders as the board may approve, including, without
19 limitation, covenants, setting forth the duties of the
20 district in relation to the acquisition, construction,
21 reconstructions, improvements, maintenance, repair, operation,
22 and insurance of any projects, the fixing and revising of the
23 rates, fees, and charges, and the custody, safeguarding, and
24 application of all moneys, and for the employment of
25 counseling engineers in connection with such acquisition,
26 construction, reconstruction, improvement, maintenance,
27 repair, or operation. It shall be lawful for any bank or trust
28 company incorporated under the laws of the state which may act
29 as a depository of the proceeds of bonds or of revenues to
30 furnish such indemnifying bonds or to pledge such securities
31 as may be required by the district. Such resolution or trust

1 agreement may set forth the rights and remedies of the
2 bondholders and of the trustee, if any, and may restrict the
3 individual right of action by bondholders. The board may
4 provide for the payment of the proceeds of the sale of the
5 bonds and the revenues of any project to such officer, board,
6 or depository as it may designate for the custody thereof, and
7 for the method of disbursement thereof with such safeguards
8 and restrictions as it may determine. All expenses incurred in
9 carrying out the provisions of such resolution or trust
10 agreement may be treated as party of the cost of operation of
11 the project to which such trust agreement pertains.

12 Section 23. Sale of bonds.--Bonds may be sold in
13 blocks or installments at different times, or an entire issue
14 or series may be sold at one time. Bonds may be sold at public
15 or private sale after such advertisement, if any, as the board
16 may deem advisable but not in any event at less than 90
17 percent of the par value thereof, together with accrued
18 interest thereon. Bonds may be sold or exchanged for refunding
19 bonds. Special assessment and revenue bonds may be delivered
20 as payment by the district of the purchase price or lease of
21 any project or part thereof, or a combination of projects or
22 parts thereof, or as the purchase price or exchanged for any
23 property, real, personal, or mixed, including franchises, or
24 services rendered by any contractor, engineer or other person,
25 all at one time or in blocks from time to time, in such manner
26 and upon such terms as the board in its discretion shall
27 determine. The price or prices for any bonds sold, exchanged,
28 or delivered may be:

29 (1) The money paid for the bonds.
30
31

1 (2) The principal amount, plus accrued interest to the
2 date of redemption or exchange, or outstanding obligations
3 exchanged for refunding bonds.

4 (3) In the case of special assessment or revenue
5 bonds, the amount of any indebtedness to contractors or other
6 person paid with such bonds, or the fair value of any
7 properties exchanged for the bonds, as determined by the
8 board.

9 Section 24. Authorization and form of bonds.--Bonds
10 may be authorized by resolution or resolutions of the board,
11 which shall be adopted by a majority of all the members
12 thereof then in office. Such resolution or resolutions may be
13 adopted at the same meeting at which they are introduced, and
14 need not be published or posted. The board may by resolution
15 authorize the issuance of bonds, fix the aggregate amount of
16 bonds to be issued, the purpose or purposes for which the
17 moneys derived therefrom shall be expended, the rate or rates
18 of interest, not to exceed 10 percent per annum, the
19 denomination of the bonds, whether or not the bonds are to be
20 issued in one or more series, the date or dates of maturity,
21 which shall not exceed 40 years from their respective dates of
22 issuance, the medium of payment, the place or places within or
23 without the state where payment shall be made, registration
24 privileges, redemption terms and privileges (whether with or
25 without premium), the manner of execution, the form of the
26 bonds including any interest coupons to be attached thereto,
27 the manner of execution of bonds and coupons, and any and all
28 other terms, covenants, and conditions thereof, and the
29 establishment of revenue or other funds. Such authorizing
30 resolution may further provide that such bonds may be executed
31 manually or by engraved, lithographed, or facsimile signature,

1 provided that where signatures are engraved, lithographed, or
2 facsimile no bond shall be valid unless countersigned by a
3 registrar or other officer designated by appropriate
4 resolution of the board. The seal of the district may be
5 affixed, lithographed, engraved, or otherwise reproduced in
6 facsimile on such bonds. In case any officer whose signature
7 shall appear on any bonds or coupons shall cease to be such
8 officer before the delivery of such bonds, such signature or
9 facsimile shall nevertheless be valid and sufficient for all
10 purposes the same as if he or she had remained in office until
11 such delivery.

12 Section 25. Interim certificates; replacement
13 certificates.--Pending the preparation of definitive bonds,
14 the board may issue interim certificates or receipts or
15 temporary bonds, in such form and with such provisions as the
16 board may determine, exchangeable for definitive bonds when
17 such bonds shall have been executed and are available for
18 delivery. The board may also provide for the replacement of
19 any bond which shall become mutilated or be lost or destroyed.

20 Section 26. Negotiability of bonds.--Any bond issued
21 under this act and any interim certificate or receipt or
22 temporary bond shall, in the absence of an express recital on
23 the face thereof that it is nonnegotiable, be fully negotiable
24 and shall be and constitute negotiable instruments within the
25 meaning and for all purposes of the law merchant and the laws
26 of Florida.

27 Section 27. Defeasance.--The board may make such
28 provision with respect to the defeasance of the right, title,
29 and interest of the holders of any of the bonds and
30 obligations of the district in any revenues, funds, or other
31 properties by which such bonds are secured as the board deems

1 appropriate and, without limitation on the foregoing, may
2 provide that when such bonds or obligations become due and
3 payable or shall have been called for redemption, and the
4 whole amount of the principal and interest and premium, if
5 any, due and payable upon the bonds or obligations then
6 outstanding shall be paid, or sufficient moneys or direct
7 obligations of the United States Government the principal of
8 and the interest on which when due will provide sufficient
9 moneys, shall be held or deposited in trust for such purpose,
10 and provision shall also be made for paying all other sums
11 payable in connection with such bonds or other obligations,
12 then and in such event the right, title, and interest of the
13 holders of the bonds in any revenues, funds, or other
14 properties by which such bonds are secured shall thereupon
15 cease, determine, and become void, and the board may apply any
16 surplus in any sinking fund established in connection with
17 such bonds or obligations and all balances remaining in all
18 other funds or accounts other than money held for the
19 redemption or payment of the bonds or other obligations to any
20 lawful purpose of the district as the board shall determine.

21 Section 28. Issuance of additional bonds.--If the
22 proceeds of any bonds shall be less than the cost of
23 completing the project in connection with which such bonds are
24 issued, the board may authorize the issuance of additional
25 bonds, upon such terms and conditions as the board may provide
26 in the resolution authorizing the issuance thereof, but only
27 in compliance with the resolution or other proceedings
28 authorizing the issuance of the original bonds.

29 Section 29. Refunding bonds.--The district shall have
30 the power to issue bonds to provide for the retirement or
31 refunding of any bonds or obligations of the district that at

1 the time of such issuance are or subsequently thereto become
2 due and payable, or that at the time of issuance have been
3 called or are or will be subject to call for redemption within
4 10 years thereafter, or the surrender of which can be procured
5 from the holders thereof at prices satisfactory to the board.
6 Refunding bonds may be issued at any time when in the judgment
7 of the board such issuance will be advantageous to the
8 district. No approval of the qualified electors who are
9 freeholders residing in the district shall be required for the
10 issuance of refunding bonds except in cases where such
11 approval is required by the Florida Constitution. The board
12 may by resolution confer upon the holders of such refunding
13 bonds all rights, powers, and remedies to which the holders
14 would be entitled if they continued to be the owners and had
15 possession of the bonds for the refinancing of which said
16 refunding bonds are issued, including, but not limited to, the
17 preservation of the lien of such bonds on the revenues of any
18 project or on pledged funds, without extinguishment,
19 impairment, or diminution thereof. The provisions of this act
20 pertaining to bonds of the district shall, unless the context
21 otherwise requires, govern the issuance of refunding bonds,
22 the form and other details thereof, the rights of the holders
23 thereof, and the duties of the board with respect to the same.

24 Section 30. Revenue bonds.--

25 (1) The district shall have the power to issue revenue
26 bonds from time to time without limitation as to amount. Such
27 revenue bonds may be secured by or payable from the gross or
28 net pledge of the revenues to be derived from any project or
29 combination of projects, from the rates, fees, or other
30 charges to be collected from the users of any project or
31 projects, from any revenue-producing undertaking or activity

1 of the district, or from any other source or pledged security.
2 Such bonds shall not constitute an indebtedness of the
3 district, and the approval neither of the qualified electors
4 nor of the qualified electors who are freeholders shall be
5 required unless such bonds are additionally secured by the
6 full faith and credit and taxing power of the district.

7 (2) Any two or more projects may be combined and
8 consolidated into a single project, and may thereafter be
9 operated and maintained as a single project. The revenue bonds
10 authorized herein may be issued to finance any one or more
11 such projects, regardless whether or not such projects have
12 been combined and consolidated into a single project. If the
13 board deems it advisable, the proceedings authorizing such
14 revenue bonds may provide that the district may thereafter
15 combine the projects then being financed or theretofore
16 financed with other projects to be subsequently financed by
17 the district, and that revenue bonds to be thereafter issued
18 by the district shall be on parity with the revenue bonds then
19 being issued, all on such terms, conditions, and limitations
20 as shall be provided, and may further provide that the
21 revenues to be derived from the subsequent projects shall at
22 the time of the issuance of such parity revenue bonds be also
23 pledged to the holders of any revenue bonds theretofore issued
24 to finance the revenue undertakings which are later combined
25 with such subsequent projects. The district may pledge for the
26 security of the revenue bonds a fixed amount, without regard
27 to any fixed proportion of the gross revenues of any project.

28 Section 31. General obligation bonds.--

29 (1) The district shall have the power from time to
30 time to issue general obligation bonds in an aggregate
31 principal amount of bonds outstanding at any one time not in

1 excess of 35 percent of the assessed value of the taxable
2 property within the district as shown on the pertinent tax
3 records at the time of the authorization of the general
4 obligation bonds for which the full faith and credit of the
5 district is pledged. Except for refunding bonds, no general
6 obligation bonds shall be issued unless the issuance thereof
7 shall have been approved at an election of freeholders held in
8 accordance with the requirements for such election as
9 prescribed by the Constitution of Florida. Such elections
10 shall be called to be held in the district by the Board of
11 County Commissioners of Highlands County upon the request of
12 the board of the district. The expenses of calling and holding
13 such referendum elections shall be borne by the district and
14 the district shall reimburse the county for any expenses
15 incurred in calling or holding such elections. In the
16 alternative, at the option of the board, the board may make
17 such other provision for the registration of such qualified
18 electors who are freeholders and the calling and holding of
19 such elections as the board may from time to time deem
20 appropriate.

21 (2) The district may pledge its full faith and credit
22 for the payment of the principal and interest on such general
23 obligation bonds, and for any reserve or other funds provided
24 therefor, and may unconditionally and irrevocably pledge
25 itself to levy ad valorem taxes on all taxable property in the
26 district, to the extent necessary for the payment thereof,
27 without limitations as to rate or amount.

28 (3) If the board shall determine to issue general
29 obligation bonds for more than one purpose, the approval of
30 the issuance of the bonds for each and all such purposes may
31 be submitted to the freeholders on one and the same ballot.

1 The failure of the freeholders to approve the issuance of
2 bonds for any one or more purposes shall not defeat the
3 approval of bonds for any purpose which shall be approved by
4 the freeholders.

5 Section 32. Bonds as legal investment or
6 security.--Notwithstanding any provisions of any other law to
7 the contrary, all bonds issued under the provisions of this
8 act shall constitute legal investments for savings banks,
9 banks, trust companies, insurance companies, executors,
10 administrators, trustees, guardians, and other fiduciaries,
11 and for any board, body, agency, instrumentality, county,
12 municipality, or other political subdivision of the state, and
13 shall be and constitute securities which may be deposited by
14 banks or trust companies as security for deposits of state,
15 county, municipal, or other public funds, or by insurance
16 companies as required or voluntary statutory deposits.

17 Section 33. Covenants.--Any resolution authorizing the
18 issuance of bonds may contain such covenants as the board may
19 deem advisable and all such covenants shall constitute valid
20 and legally binding and enforceable contracts between the
21 district and the bondholders, regardless of the time of
22 issuance thereof. Such covenants may include, without
23 limitation, covenants concerning the disposition of the bond
24 proceeds; the use and dispositions of project revenues; the
25 pledging of revenues, taxes, and assessments; the obligations
26 of the district with respect to the operation of the project
27 and the maintenance of adequate project revenues; the issuance
28 of additional bonds; the appointment, powers, and duties of
29 trustees and receivers; the acquisition of outstanding bonds
30 and obligations; restrictions on the establishing of competing
31 projects or facilities; restrictions on the sale or disposal

1 of the assets and property of the district; the priority of
2 assessment liens; the priority of claims by bondholders on the
3 taxing power of the district; the maintenance of deposits to
4 assure the payment of revenues by users of district facilities
5 and services; the discontinuance of district services by
6 reason of delinquent payments; acceleration upon default; the
7 execution of necessary instruments; the procedure for amending
8 or abrogating covenants with the bondholders; and such other
9 covenants as may be deemed necessary or desirable for the
10 security of the bondholders.

11 Section 34. Validity of bonds; validation
12 proceedings.--

13 (1) Any bonds issued by the district shall be
14 incontestable in the hands of bone fide purchasers or holders
15 for value and shall not be invalid because of any irregularity
16 or defects in the proceedings for the issue and sale thereof.
17 Prior to the issuance of any bonds, the district may, but is
18 not required to, publish a notice at least once in a newspaper
19 or newspapers published or of general circulation in Highlands
20 County and within the district stating the date of adoption of
21 the resolution authorizing such obligations the amount, the
22 maximum rate of interest and maturity of such obligations, and
23 the purpose in general terms for which such obligations are to
24 be issued, and further stating that any action or proceeding
25 questioning the validity of such obligations or of the
26 proceedings authorizing the issuance thereof, or of any of the
27 covenants made therein, must be instituted within 20 days
28 after the first publication of such notice, or the validity of
29 such obligations, proceedings and covenants shall not be
30 thereafter questioned in any county whatsoever. If no such
31 action or proceeding is so instituted within such 20-day

1 period, then the validity of such obligations, proceedings,
2 and covenants shall be conclusive, and all persons or parties
3 whatsoever shall be forever barred from questioning the
4 validity of such obligations, proceedings, or covenants in any
5 court whatsoever.

6 (2) The power of the district to issue bonds under the
7 provisions of this act may be determined and any of the bonds
8 of the district may be validated and confirmed by circuit
9 court decree, under the provisions of chapter 75, Florida
10 Statutes, and laws amendatory thereof or supplementary
11 thereto.

12 Section 35. Within act furnishes full authority for
13 issuance of bonds.--This act constitutes full and complete
14 authority for the issuance of bonds and the exercise of the
15 powers of the district provided herein. No procedures or
16 proceedings, publications, notices, consents, approvals,
17 orders, acts, or things by the board, or any board, officers,
18 commission, department, agency, or instrumentality of the
19 district, other than those required by this act, shall be
20 required to issue any bonds or to do any act or perform
21 anything under this act, and the issuance or sale of bonds
22 pursuant to the provisions of this act need not comply with
23 the requirements of any other law applicable to the issuance
24 or sale of bonds, except as otherwise provided in this act,
25 and shall not require the consent or approval of any other
26 board, officers, commission, department, agency, or
27 instrumentality of the state or any political subdivision
28 thereof. Except as otherwise provided herein, no proceedings
29 or procedures of any character whatever shall be necessary or
30 required for the issuance of bonds other than the adoption of
31 an appropriate resolution by the board as provided in this act

1 with respect to the issuance of the same. The powers conferred
2 by this act on the district with respect to the issuance and
3 sale of bonds shall be in addition and supplemental to the
4 powers conferred by any other law.

5 Section 36. Pledge by the state to the bondholders of
6 the district and to the federal government.--The state pledges
7 to the holders of any bonds issued under this act that it will
8 not limit or alter the rights of the district to own, acquire,
9 construct, reconstruct, improve, maintain, operate, or furnish
10 the projects or to levy and collect the taxes, assessments,
11 rentals, rates, fees, and other charges provided for herein,
12 and to fulfill the terms of any agreement made with the
13 holders of such bonds or other obligations, that it will not
14 in any way impair the rights or remedies of the holders.

15 Section 37. Ad valorem taxes.--The board shall have
16 the power to levy and assess an ad valorem tax on all the
17 taxable real and tangible personal property in the district to
18 pay the principal of and interest on any general obligation
19 bonds of the district, to provide for any sinking or other
20 funds established in connection with any such bonds, and to
21 pay the operation and maintenance costs of any district
22 projects. The ad valorem tax provided for herein shall be in
23 addition to county and all other ad valorem taxes provided for
24 by law. Such tax shall be assessed, levied, and collected in
25 the same manner and same time as county taxes.

26 Section 38. Annual installment taxes.--

27 (1) The board shall annually determine, order, and
28 levy the annual installment of the total taxes which are
29 levied under section 298.36, Florida Statutes, which shall be
30 due and be collected during each year that county taxes are
31 due and collected and said annual installment and levy shall

1 be evidenced to and certified by the board not later than
2 August 31 of each year to the Highlands County Property
3 Appraiser. Said tax shall be entered by the county property
4 appraiser on the county tax rolls and shall be collected by
5 the Highlands County Tax Collector in the same manner and same
6 time as county taxes and the proceeds thereof paid to the
7 district. The tax shall be a lien until paid on the property
8 against which assessed and enforceable in like manner as
9 county taxes.

10 (2) In the alternative, the board may by resolution
11 determine the amount of taxes as provided by chapter 298.365,
12 Florida Statutes, and thereafter the annual installments shall
13 be levied, collected, and enforced as provided in chapter 298,
14 Florida Statutes.

15 Section 39. Maintenance tax.--To maintain and preserve
16 the drainage improvements of the district, and to provide,
17 construct, reconstruct, and maintain projects of the district,
18 a maintenance tax shall be evidenced to and certified by the
19 board of supervisors not later than August 31 of each year to
20 the property appraiser and shall be entered by the property
21 appraiser on the county tax rolls and shall be collected by
22 the tax collector in the same manner and time as county taxes
23 and the proceeds therefrom paid to the district. The tax shall
24 be a lien until paid on the property against which assessed
25 and enforceable in like manner as county taxes. If the
26 maintenance is for original construction based upon an
27 apportionment of benefits, the maintenance tax shall be
28 apportioned on the same basis of the net assessments of
29 benefits assessed or accruing for original construction and
30 shall not exceed 10 percent thereof in any one year. If the
31 maintenance is for other drainage improvements owned,

1 operated, or acquired by the district, or other projects of
2 the district, the amount of said maintenance tax shall be
3 determined by the board and assessed by the board upon such
4 lands which may be all of the lands within the district
5 benefited by the maintenance thereof, apportioned between the
6 benefited lands in proportion to the benefits received by each
7 tract of land.

8 Section 40. Enforcement of taxes.--

9 (1) The collection and enforcement of all taxes levied
10 by the district shall be at the same time and in like manner
11 as county taxes and the provisions of the Florida Statutes
12 relating to the sale of lands for unpaid and delinquent taxes;
13 the issuance, sale, and delivery of tax certificates for such
14 unpaid and delinquent county taxes; the redemption thereof;
15 and the issuance to individuals of tax deeds based thereon and
16 all other procedures in connection therewith shall be
17 applicable to the district to the same extent as if said
18 statutory provisions were expressly set forth herein. All
19 taxes shall be subject to the same discounts as county taxes.

20 Section 41. When unpaid tax is delinquent;
21 penalty.--All taxes provided for in this act shall become
22 delinquent and bear penalties on the amount of said taxes in
23 the same manner as county taxes.

24 Section 42. Tax exemption.--As the exercise of the
25 powers conferred by this act constitute the performance of
26 essential public functions, and as the projects of the
27 district will constitute public property used for public
28 purposes, all assets and properties of the district, and all
29 bonds issued hereunder and interest paid thereon, and all
30 fees, charges, and other revenues derived by the district from
31 the projects provided by this act shall be exempt from all

1 taxes by the state or by any political subdivision, agency, or
2 instrumentality thereof; provided, however, that nothing in
3 this act shall be deemed to exempt from taxation any property,
4 project, facility, business activity, or enterprise that
5 cannot validly be undertaken as a public function by special
6 taxing districts or other public bodies under the laws and
7 Constitution of Florida; and further, that nothing in this act
8 shall be deemed to exempt any property, project, facility,
9 business activity, or enterprise of the district, or revenues
10 derived therefrom, which would be subject to taxation under
11 the general laws of Florida if such property, project, or
12 facility were owned or undertaken by a municipal corporation.

13 Section 43. Special assessments.--The board may
14 provide for the construction or reconstruction of assessable
15 improvements as defined in this act, and for the levying of
16 special assessments upon benefited property for the payment
17 thereof, under the provisions of this section.

18 (1)(a) Such special assessments may be levied and
19 assessed in either of the alternate methods provided herein,
20 and except for such procedure, all the other provisions of
21 this section and this act shall apply to the levy of such
22 special assessments.

23 (b) The initial proceeding under this section shall be
24 the passage by the board of a resolution ordering the
25 construction or reconstruction of such assessable
26 improvements, indicating the location by terminal points and
27 routes and either giving a description of the improvements by
28 its material, nature, character, and size or giving two or
29 more descriptions with the directions that the material,
30 nature, character, and size shall be subsequently determined
31 in conformity with one of such descriptions. Drainage

1 improvements need not be continuous and may be in more than
2 one locality. The resolution ordering any such improvement may
3 give any short and convenient designation to each improvement
4 ordered thereby, and the property against which assessments
5 are to be made for the cost of such improvement may give any
6 short and convenient designation to each improvement ordered
7 thereby, and the property against which assessments are to be
8 made for the cost of such improvement may be designated as an
9 assessment district, followed by a letter or number or name to
10 distinguish it from other assessment districts, after which it
11 shall be sufficient to refer to such improvement and property
12 by such designation in all proceedings and assessments, except
13 in the notices required by this section.

14 (c) As soon as possible after the passage of such
15 resolution, the engineer for the district shall prepare, in
16 duplicate, plans and specifications for each improvement
17 ordered thereby and an estimate of the cost thereof. Such cost
18 shall include, in addition to the items of cost as defined in
19 this act, the following items of incidental expenses:

- 20 1. Printing and publishing notices and proceedings.
- 21 2. Costs of abstracts of title.
- 22 3. Any other expense necessary or proper in conducting
23 the proceedings and work provided for in this section,
24 including the estimated amount of discount, if any, financial
25 expenses upon the sale of assessment bonds or any other
26 obligations issued hereunder for which such special assessment
27 bonds or any other obligations issued hereunder for which such
28 special assessments are to be pledged, and interest prior to
29 and until not more than 2 years after the completion of said
30 assessable improvements. If the resolution shall provide
31 alternative descriptions of material, nature, character, and

1 size, such estimate shall include an estimate of the cost of
2 the improvement of each such description.

3 (d) The district engineer shall next prepare, in
4 duplicate, a tentative apportionment of the estimated total
5 cost of the improvement as between the district and each lot
6 or parcel of land subject to special assessment under the
7 resolution, such apportionment to be made in accordance with
8 the provisions of the resolution and in relation to
9 apportionment of cost provided herein for the preliminary
10 assessment roll. Such tentative apportionment of total
11 estimated cost shall not be held to limit or restrict the
12 duties of the engineer in the preparation of such preliminary
13 assessment roll under subsection (2). One of the duplicates of
14 such plans, specifications, and estimates and such tentative
15 apportionment shall be filed with the secretary of the board,
16 and the other duplicate shall be retained by the engineer in
17 his or her files, all thereof to remain open to public
18 inspection.

19 (2)(a) If the special assessments are to be levied
20 under this subsection, the secretary of the board, upon the
21 filing with him or her of such plans, specifications,
22 estimates, and tentative apportionment of cost, shall publish
23 once in a newspaper published in Highlands County and of
24 general circulation in the district, a notice stating that, at
25 a meeting of the board on a certain day and hour, not earlier
26 than 15 days from such publication, the board will hear
27 objections of all interested persons to the confirmation of
28 such resolution, which notice shall state in brief and general
29 terms a description of the proposed assessable improvements
30 with the location thereof, and shall also state that plans,
31 specifications, estimates, and tentative apportionment of cost

1 thereof are on file with the secretary of the board. A copy of
2 the notice shall be mailed to the landowners of the land to be
3 benefited by construction of the assessable improvement. The
4 landowners shall be determined by reference to the last
5 available tax roll of Highlands County. The secretary of the
6 board shall keep a record in which shall be inscribed, at the
7 request of any person, firm, or corporation having or claiming
8 to have any interest in any lot or parcel of land, the name
9 and post office address of such person, firm, or corporation,
10 together with a brief description or designation of such lot
11 or parcel, and it shall be the duty of the secretary of the
12 board to mail a copy of such notice to such person, firm, or
13 corporation at such address at least 10 days before the time
14 for the hearing as stated in such notice, but the failure of
15 the secretary of the board to keep such record or so to
16 inscribe any name or address or to mail any such notice shall
17 not constitute a valid objection to holding the hearing as
18 provided in this section or to any other action taken under
19 the authority of this section.

20 (b) At the time named in such notice, or to which an
21 adjournment may be taken by the board, the board shall receive
22 any objections of interested persons and may then or
23 thereafter repeal or confirm such resolution with such
24 amendments, if any, as may be desired by the board and which
25 do not cause any additional property to be specially assessed.

26 (c) All objections to any such resolution on the
27 ground that it contains items which cannot be properly
28 assessed against property, or that it is, for any default or
29 defect in the passage or character of the resolution or the
30 plans or specifications or estimate, void or voidable in whole
31 or in part, or that it exceeds the power of the board, shall

1 be made in writing in person or by attorney and filed with the
2 secretary of the board at or before the time or adjourned time
3 of such hearing. Any objections against the making of any
4 assessable improvements not so made shall be considered as
5 waived, and if any objection shall be made and overruled or
6 shall not be sustained, the confirmation of the resolution
7 shall be the final adjudication of the issue presented unless
8 proper steps shall be taken in a court of competent
9 jurisdiction to secure relief within 20 days.

10 (d) Whenever any resolution providing for the
11 construction or reconstruction of assessable improvements and
12 for the levying of special assessments upon benefited property
13 for the payment thereof shall have been confirmed, and said
14 special assessments are levied under this subsection as
15 hereinabove provided, or at any time thereafter, the board may
16 issue assessment bonds payable out of such assessments when
17 collected. Such bonds shall mature not later than 2 years
18 after the maturity of the last annual installment in which
19 said special assessments may be paid, as provided in
20 subsection (4), and shall bear such interest as the board may
21 determine not to exceed 10 percent per annum. Such assessment
22 bonds shall be executed, shall have such provisions for
23 redemption prior to maturity, and shall be sold in the manner
24 and be subject to all of the applicable provisions contained
25 in this act applicable to other bonds, except as the same are
26 inconsistent with the provisions of this section. The amount
27 of such assessment bonds for any assessable improvement, prior
28 to the confirmation of the preliminary assessment roll
29 provided for in this subsection shall not exceed the estimated
30 amount of the cost of such assessable improvements which are

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1 to be specially assessed against the lands and real estate of
2 the engineer referred to in this section.

3 (e) After the passage of the resolution authorizing
4 the construction or reconstruction of assessable improvements
5 has been confirmed as provided for above where special
6 assessments are levied under this subsection or after the
7 final confirmation of the assessment roll where such
8 assessments are levied under subsection (3), the board may
9 publish, at least once in a newspaper published in Highlands
10 County and of general circulation in the district, a notice
11 calling for sealed bids to be received by the board on a date
12 not earlier than 15 days from the first publication for the
13 construction of the work, unless in the initial resolution the
14 board shall have declared its intention to have the work done
15 by district forces without contract. The notice shall refer in
16 general terms to the extent and nature of the improvements and
17 may identify the same by the short designation indicated in
18 the initial resolution and by reference to the plans and
19 specifications on file. If the initial resolution shall have
20 given two or more alternative descriptions of the assessable
21 improvements as to its material, nature, character, and size,
22 and if the board shall not have theretofore determined upon a
23 definite description, the notice shall call for bids upon each
24 of such descriptions. Bids may be requested for the work as a
25 whole or for any part thereof separately, and bids may be for
26 any one or more of such assessable improvements authorized by
27 the same or different resolutions, but any bid covering work
28 upon more than one improvement shall be in such form as to
29 permit a separation of cost as to each improvement. The notice
30 shall require bidders to file with their bids either a
31 certified check drawn upon an incorporated bank or trust

1 company in such amount or percentage of their respective bids,
2 as the board shall deem advisable, or a bid bond in like
3 amount with corporate surety satisfactory to the board to
4 insure the execution of a contract to carry out the work in
5 accordance with such plans and specifications and insure the
6 filing, at the making of such contract, of a bond in the
7 amount of the contract price with corporate surety
8 satisfactory to the board conditioned for the performance of
9 the work in accordance with such contract. The board shall
10 have the right to reject any or all bids and, if all bids are
11 rejected, the board may readvertise or may determine to do the
12 work by the district forces without contract.

13 (f) Promptly after the completion of the work in the
14 case of special assessments levied under this subsection, the
15 engineer for the district, who is hereby designated as the
16 official of the district to make the preliminary assessment of
17 benefits from assessable improvements, shall prepare a
18 preliminary assessment roll and file the same with the
19 secretary of the board, which roll shall contain the
20 following:

21 1. A description of abutting lots and parcels of land
22 or lands which will benefit from such assessable improvements
23 and the amount of such benefits to each such lot or parcel of
24 land. Such lots and parcels shall include the property of
25 Highlands County and any school district or other political
26 subdivision. There shall also be given the name of the owner
27 of record of each lot or parcel where practicable, and in all
28 cases there shall be given a statement of the method of
29 assessment used by the engineer for determining the benefits.

30 2. The total cost of the improvements and the amount
31 of incidental expense.

1 (g) The preliminary roll shall be advisory only and
2 shall be subject to the action of the board as hereafter
3 provided. Upon the filing with the secretary of the board of
4 the preliminary assessment roll, the secretary of the board
5 shall publish, at least once in a newspaper published in
6 Highlands County and of general circulation in the district, a
7 notice stating that at a meeting of the board to be held on a
8 certain day and hour, not less than 15 days from the date of
9 such publication, which meeting may be a regular, adjourned,
10 or special meeting, all interested persons may appear and file
11 written objections to the confirmation of such roll. Such
12 notice shall state the class of the assessable improvements
13 and the location thereof by terminal points and route.

14 (h) At the time and place stated in such notice, the
15 board shall meet and receive the objections in writing of all
16 interested persons as stated in such notice. The board may
17 adjourn the hearing from time to time. After the completion
18 thereof, the board shall either annul or sustain or modify in
19 whole or in part the prima facie assessment as indicated on
20 such roll, either by confirming the prima facie assessment
21 against any or all lots or parcels described therein or by
22 canceling, increasing, or reducing the same, according to the
23 special benefits which the board decides each such lot or
24 parcel has received or will receive on account of such
25 improvements. If any property which may be chargeable under
26 this section shall have been omitted from the preliminary roll
27 or if the prima facie assessment shall not have been made
28 against it, the board may place on such roll an apportionment
29 to such property. The board shall not confirm any assessment
30 in excess of the special benefits to the property assessed,
31 and the assessments so confirmed shall be in proportion to the

1 special benefits. Forthwith after such confirmation, such
2 assessment roll shall be delivered to the secretary of the
3 board. The assessment so made shall be final and conclusive as
4 to each lot or parcel assessed unless proper steps be taken
5 within 30 days in a court of competent jurisdiction to secure
6 relief. If the assessment against any property shall be
7 sustained or reduced or abated by the court, the secretary of
8 the board shall note that fact on the assessment roll opposite
9 the description of the property affected thereby. The amount
10 of the special assessment against any lot or parcel which may
11 be abated by the court, unless the assessment upon all
12 benefited property be abated, or the amount by which such
13 assessment is so reduced, may by resolution of the board be
14 made chargeable against the district at large; or, at the
15 discretion of the board, a new assessment roll may be prepared
16 and confirmed in the manner hereinabove provided for the
17 preparation and confirmation of the original assessment roll.

18 (i) Pending the final confirmation of such special
19 assessments in the manner provided in this subsection, the
20 district shall have a lien on all such lands and real estate
21 after the confirmation of the initial resolution, in the
22 manner provided in this subsection.

23 (3)(a) The district engineer, under the procedure
24 provided for in this subsection shall next, after the passage
25 of the initial resolution and filing of the plans and
26 estimates of cost by the district engineer, prepare an
27 assessment roll for the district in duplicate, which
28 assessment roll shall contain an apportionment of the
29 estimated total cost of the improvement as between the
30 district and each lot or parcel of land subject to the special
31 assessment under the initial resolution, such apportionment to

1 be made in accordance with the provisions of the initial
2 resolution. One of the duplicates of said assessment roll
3 shall be filed with the secretary of the board, and the other
4 duplicate shall be retained by the district engineer in his
5 files, all thereof to remain open to public inspection.

6 (b) Upon the completion and filing of said assessment
7 roll, the secretary of the board shall cause a copy thereof to
8 be published once in a newspaper published in Highlands County
9 and of general circulation in the district, together with a
10 notice directed to all property owners interested in said
11 special assessments stating that at a meeting of the board on
12 a certain day and hour, not earlier than 15 days from such
13 publication, the board, sitting as an equalizing board, will
14 hear objections of all interested persons to the final
15 confirmation of such assessment roll, and will finally confirm
16 such assessment roll or take such action relative thereto as
17 it deems necessary and advisable. A copy of the notice shall
18 be mailed to the landowners of the lands to be benefited by
19 construction of the assessable improvement. The landowners
20 shall be determined by reference to the last available tax
21 roll of Highlands County. The secretary of the board shall
22 keep a record in which shall be inscribed, at the request of
23 any person, firm, or corporation having or claiming to have
24 any interest in any lot or parcel of land, the name and post
25 office address of such person, firm, or corporation, together
26 with a brief description or designation of such lot or parcel,
27 and it shall be the duty of the secretary of the board to mail
28 a copy of such notice to such person, firm, or corporation at
29 such address at least 10 days before the time for the hearing
30 as stated in such notice, but the failure of the secretary of
31 the board to keep such record or so to inscribe any name or

1 address or to mail any such notice shall not constitute a
2 valid objection to holding the hearing as provided in this
3 section or to any other action taken under the authority of
4 this section.

5 (c) At the time and place named in the notice provided
6 for in paragraph (b), the board shall meet as an equalizing
7 board to hear and consider any and all complaints as to said
8 special assessments, and shall adjust and equalize the said
9 special assessments on a basis of justice and right, and when
10 so equalized and approved such special assessments shall stand
11 confirmed and remain legal, valid, and binding liens upon the
12 properties upon which such special assessments are made, until
13 paid in accordance with the provisions of this act; provided,
14 however, that upon the completion of such improvements, if the
15 actual cost of such assessable improvements is less than the
16 amount of such special assessments levied, the district shall
17 rebate to the owners of any properties which shall have been
18 specially assessed for such assessable improvements the
19 difference in the special assessments as originally made,
20 levied, and confirmed, and the proportionate part of the
21 actual cost of said assessable improvements as finally
22 determined upon the completion of said assessable
23 improvements; and in the event that the actual cost of said
24 assessable improvements shall be more than the amount of such
25 special assessments confirmed and levied, finally determined
26 upon the completion of said assessable improvements, the
27 proportionate part of such excess cost of such assessable
28 improvements may be levied against all of the land and
29 properties against which such special assessments were
30 originally levied, or, in the alternative, the board may, in

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1 its discretion, pay such excess cost from any legally
2 available funds.

3 (d) All objections to any such assessment roll on the
4 ground that it contains items which cannot be properly
5 assessed against property, or that it is, for any default or
6 defect in the passage or character of the assessment roll or
7 the plans or specifications or estimate, void or voidable in
8 whole or in part, or that it exceeds the power of the board,
9 shall be made in writing in person or by attorney, and filed
10 with the secretary of the board at or before the time or
11 adjourned time of the such hearing on the assessment roll. Any
12 objections against the making of any assessable improvements
13 not so made shall be considered as waived, and if any
14 objections shall be made and overruled or shall not be
15 sustained, the confirmation of the assessment roll shall be
16 the final adjudication of the issue presented unless proper
17 steps shall be taken in a court of competent jurisdiction to
18 secure relief within 20 days.

19 (e) All the provisions of subsection (2) not
20 inconsistent with this subsection shall apply to the levy of
21 special assessments under this subsection.

22 (4)(a) Any assessment may be paid at the office of the
23 secretary of the board within 60 days after the confirmation
24 thereof, without interest. Thereafter, all assessments shall
25 be payable in equal installments, with interest as determined
26 by the board, not to exceed 10 percent per annum, from the
27 expiration of said 60 days in each of the succeeding number of
28 years which the board shall determine by resolution, not
29 exceeding 20 percent; provided, however, that the board may
30 provide that any assessment may be paid at any time before
31 due, together with interest accrued thereon to the date of

1 payment, if such prior payment shall be permitted by the
2 proceedings authorizing any assessment bonds or other
3 obligations for the payment of which such special assessments
4 have been pledged.

5 (b) All such special assessments levied pursuant to
6 this act may, in the discretion of the board, be collected by
7 the tax collector of the county at the same time as the
8 general county taxes are collected by the tax collector of the
9 county, and the board shall in such event certify to the
10 county tax collector in each year a list of all such special
11 assessments and a description of and names of the owners of
12 the properties against which such special assessments have
13 been levied and the amounts due thereof in such year, and
14 interest thereon for any deficiencies for prior years. The
15 amount to be collected in such year may include, in the
16 discretion of the board, the principal installment of such
17 special assessments which will become due at any time in the
18 next succeeding fiscal year, and all or any part of the
19 interest which will become due on such special assessments
20 during such next fiscal year, together with any deficiencies
21 for prior years.

22 (c) The board may, in lieu of providing for the
23 collection of said special assessments by the tax collector of
24 the county, provide for the collection of said special
25 assessments by the district under such terms and conditions as
26 the board shall determine. In such event, the bills or
27 statements for the amounts due in any fiscal year shall be
28 mailed to the owners of all properties affected by such
29 special assessments at such time or times as the board shall
30 determine, and such bills or statements may include all or any
31 part of the principal and interest which will mature and

1 become due on the annual installments of such special
2 assessments during the fiscal year in which installments of
3 such special assessments are payable.

4 (d) All charges of the county tax collector or of the
5 district, and the fees, costs, and expenses of any paying
6 agents, trustees, or other fiduciaries for assessment bonds
7 issued under this act shall be deemed to be costs of the
8 operation and maintenance of any drainage improvements in
9 connection with which such special assessments were levied;
10 and the board shall be authorized and directed to provide for
11 the payment each year of such costs of collection, fees, and
12 other expenses from the maintenance tax as provided in this
13 act as shall be mutually agreed upon between the board and the
14 county tax collector as additional compensation for his or her
15 services for each such assessment district in which the
16 special assessments are collected by him or her.

17 (e) All assessments shall constitute a lien upon the
18 property so assessed from the date of final confirmation
19 thereof, of the same nature to the same extent as the lien for
20 general county taxes falling due in the same year or years in
21 which such assessments or installments thereof fall due, and
22 any assessment or installment not paid when due shall be
23 collectable with such interest and with a reasonable
24 attorney's fee and costs, but without penalties, by the
25 district by proceedings in a court of equity to foreclose the
26 lien of assessments as a lien for mortgages is or may be
27 foreclosed under the laws of the state; provided that any such
28 proceedings to foreclose shall embrace all installments of
29 principal remaining unpaid with accrued interest thereon,
30 which installments shall, by virtue of the institution of such
31 proceedings, immediately become due and payable. Nevertheless,

1 if, prior to any sale of the property under decree of
2 foreclosure in such proceedings, payment be made of the
3 installment or installments which are shown to be due under
4 the provisions of subsection (2) or subsection (3) of this
5 section, and by this subsection and all costs, including
6 interest and reasonable attorney's fees, such payment shall
7 have the effect of restoring the remaining installments to
8 their original maturities as provided by the resolution passed
9 pursuant to this subsection and the proceedings shall be
10 dismissed. It shall be the duty of the board to enforce the
11 prompt collection of assessments by the means herein provided,
12 and such duty may be enforced at the suit of any holder of
13 bonds issued under this act in a court of competent
14 jurisdiction by mandamus or other appropriate proceedings or
15 action. Not later than 30 days after the annual installments
16 are due and payable, it shall be the duty of the board to
17 direct the attorney for the district to institute actions
18 within 2 months after such direction to enforce the collection
19 of all special assessments for assessable improvements made
20 under this section and remaining due and unpaid at the time of
21 such direction. Such action shall be prosecuted in the manner
22 and under the conditions in and under which mortgages are
23 foreclosed under the laws of the state. It shall be lawful to
24 join in one action the collection of assessments against any
25 or all property assessed by virtue of the same assessment roll
26 unless the court shall deem such joinder prejudicial to the
27 interest of any defendant. The court shall allow a reasonable
28 attorney's fee for the attorney for the district, and the same
29 shall be collectable as a part of or in addition to the costs
30 of the action. At the sale pursuant to decree in any such
31 action, the district may be a purchaser to the same extent as

1 an individual person or corporation, except that the part of
2 the purchase price represented by the assessments sued upon
3 and the interest thereon need not be paid in cash. Property so
4 acquired by the district may be sold or otherwise disposed of.

5 (f) All assessments and charges made under the
6 provisions of this section for payment of all or any part of
7 the cost of any assessable improvements for which assessment
8 bonds shall have been issued under the provisions of this act,
9 or which have been pledged as additional security for any
10 other bonds or obligations issued under this act, shall be
11 maintained in a special fund or funds and be used only for the
12 payment of principal or interest on such assessment bonds or
13 other bonds or obligations.

14 (g) Highlands County and each school district and
15 other political subdivision wholly or partly within the
16 district shall possess the same power and be subject to the
17 same duties and liabilities in respect of assessments under
18 this section affecting the real estate of such county, school
19 district, or other political subdivision which private owners
20 of real estate possess or are subject to hereunder, and such
21 real estate of any such county, school district, and political
22 subdivision shall be subject to liens for said assessments in
23 all cases where the same property would be subject to such
24 liens had it at the time the lien attached been owned by a
25 private owner.

26 (5)(a) The provisions of this subsection are
27 supplemental, additional, and alternative to the other
28 provisions of this section, it being intended to provide an
29 alternate method of procedure for the benefit of the district;
30 and such provisions will, at the election of the board by
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1 resolution, apply notwithstanding any other provisions of this
2 act.

3 (b) If assessment bonds are to be issued, at the
4 discretion of the board, the amount of the interest (as
5 estimated by the board) which will accrue on such bonds and
6 the estimated amount of any administrative fees payable to the
7 tax collector or property appraiser, or both, with respect to
8 the collection of such special assessments must be included in
9 and added to, and may be payable from, the special assessments
10 levied pursuant to subsection (2) or subsection (3); but such
11 interest may not be considered in determining whether the
12 assessment exceeds the benefits to the assessed property.
13 Annual installments of special assessments levied pursuant to
14 this subsection will become due and be collected during such
15 years and in such amounts as are determined by the board;
16 provided, however, that no such installments may become due
17 and payable more than 30 years from the date of initial
18 confirmation thereof. The board, in determining the amount of
19 the annual installments of special assessments, shall take
20 into account the amount of principal, premium, if any, and
21 interest coming due on any special assessment bonds and any
22 moneys available for the payment thereof, and a sufficient
23 amount of special assessments must be appropriated by the
24 board for the purpose of paying the principal, premium, if
25 any, and interest of the bonds when due. The special
26 assessments, when collected, must be preserved in a separate
27 fund for the payment of such bonds and, after such payment,
28 may be used by the district for any lawful purpose.

29 (c) If so provided by resolution of the board, the
30 provisions of sections 298.365, 298.366, 298.401, 298.41, and
31 298.465, Florida Statutes, will apply to the collection and

1 enforcement of special assessments levied pursuant to this
2 section as if such assessments constituted taxes levied
3 pursuant to section 298.36, Florida Statutes.

4 (d) If so provided by resolution of the board, in
5 levying and assessing special assessments pursuant to this
6 section based upon the acreage of land being assessed, each
7 tract or parcel of land which is less than 1 acre in area may
8 be assessed as a full acre, and each tract or parcel of land
9 which is 1 acre or more in area may be assessed at the nearest
10 whole number of acres.

11 Section 44. Issuance of certificates of indebtedness
12 based on assessments for assessable improvements; assessment
13 bonds.--

14 (1) The board may, after any assessments for
15 assessable improvements are made, determined, and confirmed as
16 provided in section 43, issue certificates of indebtedness for
17 the amount so assessed against the abutting property or
18 property otherwise benefited, as the case may be, and separate
19 certificates shall be issued against each part or parcel of
20 land or property assessed, which certificates shall state the
21 general nature of the improvements for which the said
22 assessment is made. Said certificates shall be payable in
23 annual installments in accordance with the installments of the
24 special assessment for which they are issued. The board may
25 determine the interest to be borne by such certificates, not
26 to exceed 10 percent per annum, and may sell such certificates
27 at either private or public sale and determine the form,
28 manner of execution, and other details of such certificates.
29 Such certificates shall recite that they are payable only from
30 the special assessments levied and collected from the part or
31 parcel of land or property against which they are issued. The

1 proceeds of such certificates may be pledged for the payment
2 of principal of and interest on any revenue bonds or general
3 obligation bonds issued to finance in whole or in part such
4 assessable improvement, or, if not so pledged, may be used to
5 pay the cost or part of the cost of such assessable
6 improvements.

7 (2) The district may also issue assessment bonds or
8 other obligations payable from a special fund into which such
9 certificates of indebtedness referred to in the subsection (1)
10 may be deposited; or, if such certificates of indebtedness
11 have not been issued, the district may assign to such special
12 fund for the benefit of the holders of such assessment bonds
13 or other obligations, or to a trustee for such bondholders,
14 the assessment liens provided for in this act unless the
15 certificates of indebtedness or assessment liens have been
16 theretofore pledged for any bonds or other obligations
17 authorized hereunder. In the event of the creation of such
18 special fund and the issuance of such assessment bonds or
19 other obligations, the proceeds of such certificates of
20 indebtedness of assessment liens deposited therein shall be
21 used only for the payment of the assessment bonds or other
22 obligations issued as provided in this section. The district
23 is hereby authorized to covenant with the holders of such
24 assessment bonds or other obligations that it will diligently
25 and faithfully enforce and collect all the special assessments
26 and interest and penalties thereon for which such certificates
27 of indebtedness or assessment liens have been deposited in or
28 assigned to such fund, and to foreclose such assessment liens
29 so assigned to such special fund or represented by the
30 certificates of indebtedness deposited in said special fund,
31 after such assessment liens have become delinquent, and

1 deposit the proceeds derived from such foreclosure, including
2 interest and penalties, in such special fund, and to make any
3 other covenants deemed necessary or advisable in order to
4 properly secure the holders of such assessment bonds or other
5 obligations.

6 (3) The assessment bonds or other obligations issued
7 pursuant to this section shall have such dates of issue and
8 maturity as shall be deemed advisable by the board, provided,
9 however, that the maturities of such assessment bonds or other
10 obligations shall not be more than 2 years after the due date
11 of the last installment which will be payable on any of the
12 special assessments for which such assessment liens, or the
13 certificates of indebtedness representing such assessment
14 liens, are assigned to or deposited in such special fund.

15 (4) Such assessment bonds or other obligations issued
16 under this section shall bear such interest as the board may
17 determine not to exceed 10 percent per annum, shall be
18 executed, shall have such provisions for redemption prior to
19 maturity, and shall be sold in the manner and be subject to
20 all of the applicable provisions contained in this act for
21 revenue bonds, except as the same may be inconsistent with the
22 provisions of this section.

23 (5) All assessment bonds or other obligations issued
24 under the provisions of this act, except certificates of
25 indebtedness issued against separate lots or parcels of land
26 or property as provided in this section, shall be and
27 constitute and have all the qualities and incidents of
28 negotiable instruments under the law merchant and the laws of
29 the state.

30 Section 45. Foreclosure of liens.--Any lien in favor
31 of the district arising under chapter 298, Florida Statutes,

1 or under this act may be foreclosed by the district by
2 foreclosure proceedings in the name of the district in the
3 circuit court in like manner as is provided in chapter 173,
4 Florida Statutes, and amendments thereto, and the provisions
5 of said chapter shall be applicable to such proceedings with
6 the same force and effect as if said provisions were expressly
7 set forth in this act. Any act required or authorized to be
8 done by or on behalf of a city or town in foreclosure
9 proceedings under chapter 173, Florida Statutes, may be
10 performed by such officer or agent of the district as the
11 board of supervisors may designate. Such foreclosure
12 proceedings may be brought at any time after the expiration of
13 1 year from the date any tax, or installment thereof, becomes
14 delinquent.

15 Section 46. Payment of taxes and redemption of tax
16 liens by the district; sharing in proceeds of tax sale under
17 section 197.542, Florida Statutes.--

18 (1) The district has the right to:

19 (a) Pay any delinquent state, county, district,
20 municipality or other tax or assessment upon lands located
21 wholly or partially within the boundaries of the district.

22 (b) Redeem or purchase any tax sales certificate
23 issued or sold on account of any state, county, district,
24 municipality, or other taxes or assessments upon lands located
25 wholly or partially within the boundaries of the district.

26 (2) Delinquent taxes paid, or tax sales certificates
27 redeemed or purchased by the district, together with all
28 penalties for the default in payment of the same and all costs
29 in collecting the same and a reasonable attorney's fee, shall
30 constitute a lien in favor of the district of equal dignity
31 with the liens of state and county taxes and other taxes of

1 equal dignity with state and county taxes, upon all the real
2 property against which said taxes were levied. The lien of the
3 district may be foreclosed in the manner provided in this act.

4 (3) In any sale of land pursuant to section 197.542,
5 Florida Statutes, and amendments thereto, the district may
6 certify to the clerk of the circuit court of the county
7 holding such sale, the amount of taxes due to the district
8 upon the lands sought to be sold, and the district shall share
9 in the disbursement of the sales proceeds in accordance with
10 the provisions of this act and under law.

11 Section 47. Mandatory use of certain district
12 facilities and services.--The district may require all lands,
13 buildings, and premises, and all persons, firms, and
14 corporations within the district to use the drainage,
15 reclamation, and water and sewer facilities of the district.
16 Subject to such exceptions as may be provided by the
17 resolutions, rules, or bylaws of the board, and subject to the
18 terms and provisions of any resolution authorizing any bonds
19 and agreements with bondholders, no drainage and reclamation
20 or water and sewer facilities shall be constructed or operated
21 within the district unless the board gives its consent thereto
22 and approves the plans and specifications therefor.

23 Section 48. Bids required.--No contract shall be let
24 by the board for the construction or maintenance of any
25 project authorized by this act, nor shall any goods, supplies,
26 or materials be purchased when the amount thereof to be paid
27 by said district shall exceed the amount provided in section
28 287.017, Florida Statutes, for category four, unless notice of
29 bids shall be advertised once a week for 2 consecutive weeks
30 in a newspaper published in Highlands County and in general
31 circulation in the district, and in each case the bid of the

1 lowest responsible bidder shall be accepted, unless all bids
2 are rejected because the bids are too high. The board may
3 require the bidders to furnish bond with responsible surety to
4 be approved by the board. Nothing in this section shall
5 prevent the board from undertaking and performing the
6 construction, operation, and maintenance of any project or
7 facility authorized by this act by the employment of labor,
8 material and machinery.

9 Section 49. Maintenance of projects across
10 rights-of-way.--The district shall have the power to construct
11 and operate its projects in, along, or under any dedications
12 to the public, platted rights-of-ways, platted reservations,
13 streets, alleys, highways, or other public places or ways, and
14 across any drain, ditch, canal, floodway, holding basin,
15 excavation, grade, fill, or cut, within or without the
16 district.

17 Section 50. Agreements with state commissions and
18 others.--The board shall have the power to retain and enter
19 into agreements with fiscal agents, financial advisors, state
20 commission, engineers, and other consultants or advisors with
21 respect to the issuance and sale of any bonds, and the cost
22 and expense thereof may be treated as part of the cost and
23 expense of such project. Upon request of the board any state
24 commission may provide such technical assistance or other
25 services relating to bond issues as may be necessary or
26 desirable under the circumstances.

27 Section 51. Agreements with other political bodies for
28 the joint discharge of common functions.--The board and any
29 other political bodies, whether now in existence or hereafter
30 created, are authorized to enter into and carry into effect
31 contracts and agreements relating to the common powers,

1 duties, and functions of the board and any other powers,
2 duties, and functions of the board and any other political
3 bodies, to the end that there may be effective cooperation and
4 coordination in discharging their common functions, powers and
5 duties.

6 Section 52. Fees, rentals, and charges; procedure for
7 adoption and modifications, minimum revenue requirements.--

8 (1) The district is authorized to prescribe, fix,
9 establish, and collect rates, fees, rentals, or other charges
10 (hereinafter sometimes referred to as "revenues"), and to
11 revise the same from time to time, for the facilities and
12 services furnished by the district, within or without the
13 limits of the district; including, but not limited to,
14 drainage facilities, recreation facilities, and water and
15 sewer systems, to recover the costs of making connection with
16 any district facility or system; and to provide for reasonable
17 penalties against any user or property for any such rates,
18 fees, rentals, or other charges that are delinquent.

19 (2) No such rates, fees, rentals, or other charges for
20 any of the facilities or services of the district shall be
21 fixed until after a public hearing at which all the users of
22 the proposed facility or services or owners, tenants, or
23 occupants served or to be served thereby and all other
24 interested persons shall have an opportunity to be heard
25 concerning the proposed rates, fees, rentals, or other
26 charges. Notice of such public hearing setting forth the
27 proposed schedule or schedules of rates, fees, rentals, and
28 other charges shall have been published in a newspaper in
29 Highlands County and of general circulation in the district at
30 least once at least 10 days prior to such public hearing,
31 which may be adjourned from time to time. After such hearing

1 such schedule or schedules, either as initially proposed or as
2 modified or amended, may be finally adopted. A copy of the
3 schedule or schedules of such rates, fees, rentals, or charges
4 as finally adopted shall be kept on file in an office
5 designated by the board and shall be open at all reasonable
6 times to public inspection. The rates, fees, rentals, or
7 charges so fixed for any class of users or property served
8 shall be extended to cover any additional users or properties
9 thereafter served which shall fall in the same class, without
10 the necessity of any notice or hearing. Any change or revision
11 of rates, fees, rentals, or charges may be made in the same
12 manner as the same were originally established as hereinabove
13 provided, except that if such changes or revisions are made
14 substantially pro rata as to all classes of the type of
15 service involved, no notice or hearing shall be required.

16 (3) Such rates, fees, rentals, and charges shall be
17 just and equitable and uniform for users of the same class
18 and, where appropriate, may be based or computed either upon
19 the amount of service furnished or upon the number or average
20 number of persons residing or working in or otherwise
21 occupying the premises serviced, or upon any other factor
22 affecting the use of the facilities furnished, or upon any
23 combination of the foregoing factors, as may be determined by
24 the board on an equitable basis.

25 (4) The rates, fees, rentals, or other charges
26 prescribed shall be such as will produce revenues, together
27 with any other assessments, taxes, revenues, or fund available
28 or pledged for such purpose, at least sufficient to provide
29 for the items hereinafter listed, but not necessarily in the
30 order stated:

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1 (a) To provide for all expenses of operation and
2 maintenance of such facility or service.

3 (b) To pay when due all bonds and interest thereon for
4 the payment of which such revenues are, or shall have been,
5 pledged or encumbered, including reserves for such purpose.

6 (c) To provide for any other funds which may be
7 required under the resolution or resolutions authorizing the
8 issuance of bonds pursuant to this act.

9 (5) The board shall have the power to enter into
10 contracts for the use of the projects of the district and with
11 respect to the services and facilities furnished or to be
12 furnished by the district, including, but not limited to,
13 service agreements with landowners and others within or
14 without the district providing for the drainage of land by the
15 district or the furnishing of any of the other services and
16 facilities of the district, for such consideration and on such
17 other terms and conditions as the board may approve. No
18 hearing or notice thereof shall be required prior to the
19 authorization or execution by the board of any such contract
20 or agreement, and the same shall not be subject to revision
21 except in accordance with their terms. Such contracts or
22 agreements, and revenues or service charges received or to be
23 received by the district thereunder, may be pledged as
24 security for any of the lands of the district.

25 Section 53. Recovery of delinquent charges.--In the
26 event that any of the rates, fees, rentals, charges, or
27 delinquent penalties shall not be paid as and when due and
28 shall be in default for 30 days or more, the unpaid balance
29 thereof and all interest accrued thereon, together with
30 reasonable attorney's fees and costs, may be recovered by the
31 district in a civil action.

1 Section 54. Discontinuance of service.--In the event
2 that the fees, rentals, or other charges for the services and
3 facilities of any project are not paid when due, the board
4 shall have the power to discontinue and shut off the same
5 until such fees, rentals, or other charges, including
6 interest, penalties, and charges for the shutting off and
7 discontinuance and the restoration of such services and
8 facilities, are fully paid, and for such purposes may enter on
9 any lands, waters, and premises of any person, firm,
10 corporation, or body, public or private, within or without the
11 district limits. Such delinquent fees, rentals, or other
12 charges, together with interest, penalties, and charges for
13 the shutting off and discontinuance and the restoration of
14 such services and facilities, and reasonable attorney's fees
15 and other expenses, may be recovered by the district may also
16 enforce payment of such delinquent fees, rentals, or other
17 charges by any other lawful method of enforcement.

18 Section 55. Action taken on consent of
19 landowners.--Any action required under this act or under
20 chapter 298, Florida Statutes, to be taken on public hearing
21 for the purpose of receiving and passing on such objections by
22 landowners may be taken without such notice or hearing upon
23 the written consent of all of the landowners affected by such
24 action.

25 Section 56. Enforcement and penalties.--The board or
26 any aggrieved person may have recourse to such remedies in law
27 and equity as may be necessary to ensure compliance with the
28 provisions of this act, including injunctive relief to enjoin
29 or restrain any person violating the provisions of this act,
30 and any bylaws, resolutions, regulations, rules, codes, and
31 orders adopted under this act. In case any building or

1 structure is erected, constructed, reconstructed, altered,
2 repaired, converted, or maintained, or any building,
3 structure, land, or water is used, in violation of this act,
4 or of any code, order, resolution or other regulation made
5 under authority conferred by this act or under law, the board
6 and any citizen residing in the district may institute any
7 appropriate action or proceeding to prevent such unlawful
8 erection, construction, reconstruction, alteration, repair,
9 conversion, maintenance, or use, to restrain, correct or avoid
10 such violation, to prevent the occupancy of such building,
11 structure, land or water, and to prevent any illegal act,
12 conduct, business, or use in or about such premises, land, or
13 water.

14 Section 57. Suits against the district.--No suit or
15 action shall be brought or maintained against the district for
16 damages arising out of tort or breach of contract, including
17 without limitation any claim arising upon account of an act
18 causing a wrongful death, unless written notice of such claim
19 is, within 180 days after receiving the alleged injury, given
20 to the secretary of the board, with detailed specifications as
21 to the time, place, and manner of injury. No such suit or
22 action shall be brought or maintained unless brought within 24
23 months from the time of the injury or damages.

24 Section 58. Exemption of district property from
25 execution.--All district property shall be exempt from levy
26 and sale by virtue of an execution and no execution or other
27 judicial process shall issue against such property, nor shall
28 any judgment against the district be a charge or lien on its
29 property or revenues, provided that nothing herein contained
30 shall apply to or limit the rights of bondholders to pursue
31 any remedy for the enforcement of any lien or pledge given by

1 the district in connection with any of the bonds or
2 obligations of the district.

3 Section 59. All acts and proceedings of the circuit
4 court taken by, for, and on behalf of the district since the
5 creation thereof, and all of the acts and proceedings of the
6 board of supervisors, the commissioners, and all other
7 officers and agents of the district and of the county, acting
8 for and on behalf of the district, and any and all tax levies
9 and assessments which have been made by the board of
10 supervisors for and on behalf of the district, are each and
11 every one of them, and each and every part thereof, hereby
12 ratified, validated, and confirmed.

13 Section 4. Chapters 71-669, 77-563, 88-461, and
14 90-434, Laws of Florida, are repealed.

15 Section 5. In case any one or more of the sections or
16 provisions of this act or the application of such sections or
17 provisions to any situation, circumstances, or person shall
18 for any reason be held to be unconstitutional, such
19 unconstitutionality shall not affect any other sections or
20 provisions of this act or the application of such sections or
21 provisions to any other situation, circumstances, or person,
22 and it is intended that this act shall be construed and
23 applied as if such section or provision had not been included
24 in this act for any unconstitutional application.

25 Section 6. This act shall take effect upon becoming a
26 law.

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